

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Alan M Casson & Associates  
  
14 Mount Parade  
Harrogate  
HG1 1BX

I, Alan Casson, Director, of Alan M Casson & Associates, for and on behalf of Alan M Casson & Associates hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Alan M Casson & Associates is the data controller as defined in section 1(1) of the Data Protection Act 1998 (the "Act"), in respect of the processing of personal data carried out by Alan M Casson & Associates and is referred to in this Undertaking as the "data controller". Section 4(4) of the Act provides that, subject to section 27(1) of the Act, it is the duty of a data controller to comply with the data protection principles in relation to all personal data in respect of which it is a data controller.
2. The Information Commissioner (the "Commissioner") was provided with a report by the data controller that two unencrypted laptops and back up media had been stolen during a burglary of their premises. The laptops contained personal data relating to 8000 current and past patients. Whilst the personal data did contain a note of treatment received, it did not contain any details concerning patients' medical history.
3. The laptops had been stored in a locked cupboard in a locked office. The back up media was stored in a safe which was also stolen during the incident. The data controller was in the process of upgrading their computer systems and software to include encryption. However, the theft occurred before the scheduled security upgrades took place. The Commissioner has noted substantial remedial measures that have been taken by the data controller in response to this incident.

4. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of this matter. The relevant provision of the Act is the Seventh Data Protection Principle. This Principle is set out in Schedule 1 Part I to the Act. The Commissioner has also considered the fact that some of the data stolen in this incident consisted of information as to the physical or mental health or condition of the data subjects. Personal data containing such information is defined as "sensitive personal data" under section 2(e) of the Act.
5. Following consideration of the remedial action that has been taken by the data controller, it is agreed that in consideration of the Commissioner not exercising his powers to serve an Enforcement Notice under section 40 of the Act, the data controller undertakes as follows:

The data controller shall, as from the date of this Undertaking and for so long as similar standards are required by the Act or other successor legislation, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

1. Portable and mobile devices including laptops and other portable media used to store and transmit personal data, the loss of which could cause damage or distress to individuals, are encrypted using encryption software which meets the current standard or equivalent;
2. Physical security measures are adequate to prevent unauthorised access to personal data;
3. Staff are aware of the data controller's policy for the retention, storage and use of personal data and are appropriately trained how to follow that policy;
4. The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.

Dated.....

Signed.....

**Alan Casson**  
**Director**  
**Alan M Casson & Associates**

Signed.....

Sally Anne Poole  
Head of Enforcement  
For and on behalf of the Information Commissioner