

## **DATA PROTECTION ACT 1998**

### **UNDERTAKING**

Data Controller: Richard Dominic Preston  
  
Doughty Street Chambers  
53-54 Doughty Street  
London  
WC1N 2LS

I, Richard Dominic Preston, Barrister-at-law, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Richard Dominic Preston 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 him 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 that the data controller's laptop computer had been stolen during a burglary at his home address. The laptop contained documents relating to cases on which the data controller had been instructed, together with email correspondence. Much of the data in the documents would be in the public domain as a result of being produced or read out in open court; however, the email correspondence was not publicly available.
3. At the time of the incident, the laptop was unencrypted as the data controller was then unaware that personal laptops could be encrypted; instead, the data was protected only by a login password. The thieves broke in through an upstairs window, despite the security locks in place, and stole the laptop together with other valuables.
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.
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 is processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:**

- (1) All portable and mobile devices used by the data controller, 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) The data controller shall subscribe to and comply with any data protection policies and procedures adopted by his Chambers;**
  
- (3) The data controller shall implement such other security measures as he deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.**

Dated

Signed .....  
Richard Dominic Preston  
Barrister-at-law

Signed .....  
Sally-Anne Poole  
Acting Head of Enforcement  
For and on behalf of the Information Commissioner