

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Craven District Council

1 Belle Vue Square
Broughton Road
Skipton
North Yorkshire
BD23 1FJ

I, Paul Shevlin, Chief Executive of Craven District Council, for and on behalf of Craven District Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Craven District Council 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 Craven District Council 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 informed by the Council of the theft of an unencrypted laptop containing a database with child swimming lesson details for 2300 individuals. The information was not of a nature that would be defined as sensitive personal data in the Act.
3. The laptop was stolen from a ground level office at the Aireville Swimming Pool, Skipton. This office is protected by several security devices and the police attended the scene within minutes of the office being entered. However the intruder was able to immediately remove the laptop and escape just as the police arrived. This was because the laptop had been left unsecured on a desk in a position where it could be seen from outside the office.
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 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. Portable and mobile devices including laptops and other portable media used to store and transmit personal data are stored securely when not in use;
3. Physical security measures are adequate to prevent unauthorised access to personal data;
4. 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;
5. 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.....

Paul Shevlin
Chief Executive
Craven District Council

Signed.....

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