

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller:           Turning Point  
  
  Standon House  
  21 Mansell Street  
  London  
  E1 8AA

I, Lord Victor Adebawale, Chief Executive, of Turning Point, for and on behalf of Turning Point hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Turning Point 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 Turning Point 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. On 20 July 2011, Turning Point contacted the Information Commissioner (the "Commissioner") to report the loss of three service user's files following the relocation of premises. The contents of the files included assessment forms, confidential waivers, risk assessment and notes from key worker sessions and care plans. After the move all boxes were accounted for and all seals intact and as such it is believed that the files were unintentionally destroyed in the confidential waste.
3. The Commissioner's enquiries revealed that this was the second incident of the same nature within a year and despite implementing a number of safeguards during the latest office relocation, there was no formal written policy in place to cover the relocation of files containing of personal data at the time of 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 lost 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. Physical security measures are adequate to prevent unauthorised access to personal data;**
- 2. 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. Compliance with these policies should be monitored regularly;**
- 3. That any policies introduced in relation to the storage, movement and use of personal data implemented and communicated in all Turning Point offices;**
- 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.....

ICO Ref: ENF0405754

Lord Victor Adebawale  
Chief Executive  
Turning Point

Signed.....

Stephen Eckersley  
Head of Enforcement  
For and on behalf of the Information Commissioner