

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Dr Pervinder Kaur Sanghera

Arthur House Dental Care
21 Mere Green Road
Sutton Coldfield
West Midlands
B75 5BL

I, Dr Pervinder Sanghera, of Arthur House Dental Care, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Dr Pervinder Sanghera 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 her 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 sent a memory stick discovered in a public place in July 2011. The memory stick was unencrypted and upon examination was found to store personal and limited sensitive personal data pertaining to patients and employees of Arthur House Dental Care. A number of spreadsheets containing patient personal data stored on the device were password protected.
3. The Commissioner contacted the data controller about this security breach and ascertained that the memory stick had been utilised as a temporary back-up solution when the existing electronic back-up system at the practice failed. As a result of the back-up failure the memory stick was moved from the dental practice to the data controller's home for safekeeping on a number of occasions. Although it has not been possible to pinpoint exactly when the device went missing; it is likely that the memory stick was lost in transit.
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. Portable and mobile devices including memory sticks 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. Staff shall only take personal data off site where absolutely necessary, and shall only use approved mobile devices to store and transport personal data;
3. Staff are aware of the data controller's policy for the storage and use of personal data and are appropriately trained how to follow that policy;
4. The data controller shall implement appropriate secure back-up solutions for electronic personal data;
5. The data controller shall implement such other security measures as are appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.

ICO Ref: **ENF0405992**



Dated.....

Signed.....

Dr Pervinder Sanghera
Arthur House Dental Care

Signed.....

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