

## **DATA PROTECTION ACT 1998**

### **UNDERTAKING**

Data Controller: Durham University

University Office  
Old Elvet  
Durham  
DH1 3HP

I, Professor Christopher F Higgins, Vice-Chancellor and Warden of Durham University (the 'University') for and on behalf of the University, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Durham University 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 the University 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 training manuals posted on the data controller's website contained actual, rather than fictitious or anonymised, personal data. The breach was discovered in July 2011, but the manuals had been live on the website since February 2011.
3. During the course of the Commissioner's investigation further enquiries were made about the staff training in data protection issues offered by the data controller. The Commissioner was informed that only around 20% of the data controller's non-manual staff had accessed the online training materials available to them. It was also confirmed that some training was delivered centrally to 'nominated representatives' of departments, colleges and other divisions, who were then expected to disseminate this among their colleagues. The data controller undertook no monitoring to confirm this was done or, if it was, that the information was conveyed correctly.
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) No documents containing personal data, the loss or compromise of which could cause distress or damage to the data subjects, shall be placed on the data controller's website;**
- (2) All staff shall be made aware of the data controller's policies for the processing of personal data and appropriately trained how to follow those policies;**
- (3) Compliance with the data controller's policies on data protection and IT security issues shall be appropriately and regularly monitored;**
- (4) Compliance with the above training requirements shall be appropriately monitored and recorded and those staff whose work involves access to personal data and have not undertaken such training shall be required to do so as a matter of absolute priority and by no later than 30 September 2012;**
- (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 on publication

Signed .....  
Professor Christopher F Higgins  
Vice-Chancellor and Warden  
Durham University

Signed .....  
Steve Eckersley  
Head of Enforcement  
For and on behalf of the Information Commissioner