

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: **Pharmacyrepublic Limited**

**104 Edward Street
Nuneaton
Warwickshire
CV11 5RE**

I, Mr Shazlee Ahsan, Managing Director, of Pharmacyrepublic Limited, for and on behalf of Pharmacyrepublic Limited hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Pharmacyrepublic Limited 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 Pharmacyrepublic Limited 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 data controller in September 2011 that a patient medication record (PMR) system was stolen from one of their pharmacies. The pharmacy was undergoing a transfer of ownership when the theft is believed to have occurred. The data controller had been paying a wholesale company a monthly retainer for the software and hardware of the PMR system. The data controller failed to ensure that the PMR system had been secured and returned to the wholesaler prior to any transfer of ownership.
3. The Commissioner's enquiries revealed that approximately 2000 pharmacy records were held on a tower computer system which was password protected. The information was of relatively limited sensitivity and would have been unlikely to cause significant detriment to the individuals concerned. The purpose of the records was to facilitate in the dispensing process

and help identify drug to drug interactions that may arise from subsequent prescriptions. The data controller had not taken adequate steps to safely retrieve the PMR system and return it to the wholesale company prior to the transfer of ownership process.

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 stolen 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. Adequate procedures are put in place to ensure that PMR pharmacy data is securely handled prior to any future transfer of pharmacy ownership. This also includes the physical security of keys to premises and an effective retrieval of any PMR system;
2. All staff are made aware of the data controller's procedures for the safe storage and retrieval of personal data and are appropriately trained how to follow these procedures;
3. 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: ENF0416267

Dated.....

Signed.....

Mr Shazlee Ahsan
Managing Director
Pharmacyrepublic Limited

Signed.....

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