

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Hertfordshire County Council

County Hall  
Pegs Lane  
Hertford  
Hertfordshire  
SG13 8DE

I, Caroline Tapster, Chief Executive of Hertfordshire County Council, for and on behalf of Hertfordshire County Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Hertfordshire County 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 Hertfordshire County 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 notified of a security incident involving Hertfordshire County Council. The incident involved the loss of an Attendance and Pupil Support consultation folder in January 2011. The bag contained hard copy records of primary school consultation visits. The documents in the folder included pupil name and information relating to attendance issues.
3. The Information Commissioner's enquiries determined that despite the incident occurring in January 2011, the relevant department within the Council did not share the outcome of their investigation with the Data Protection team until August 2011.
4. The Commissioner's investigation also revealed that the officer was transporting excessive information, as the lost folder contained personal data which was not relevant to the

scheduled visits. It is noted that the data controller had put in place some policies and procedures and the officer concerned had received relevant training.

5. 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.
6. 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. Where appropriate, portable and mobile devices including laptops and other portable media are to be used to store and transmit personal data, the loss of which could cause damage or distress to individuals and those devices are encrypted using encryption software which meets the current standard or equivalent;
2. Physical security measures are adequate to prevent unauthorised access to personal data;
3. The data controller continues to make staff aware of their revised Data Protection Policy and staff are appropriately trained how to follow that policy;
4. Hard copy documentation is only removed from Council premises when absolutely necessary. It will contain the minimum amount of personal data required for its purpose. Compliance with these procedures are regularly monitored

through routine management supervision;

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.....

Caroline Tapster  
Chief Executive  
Hertfordshire County Council

Signed.....

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