

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Holroyd Howe Independent Ltd

The Waterfront
300 Thames Valley Park Drive
Reading
RG6 1PT

I, Ronan Harte, Managing Director of Holroyd Howe Independent Ltd ('the Company'), for and on behalf of the Company, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Holroyd Howe Independent Ltd 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 Company 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. A data processor (a member of the same group of companies as the data controller) reported to the Information Commissioner (the 'Commissioner') that it had received a request from one of the data controller's ex-employees for a copy of one of his payslips. In error, the data processor, which was acting on behalf of the data controller, had emailed him a PDF document showing the relevant month's payslips for all the data controller's employees.
3. In the course of investigation, it emerged that the data controller did not have a formal contract in place governing the processing of personal data by this data processor. It was noted that job-related training was given which included emphasis on confidentiality and sensitivity of data where appropriate, although some improvements were identified in relation to policies and procedures. It was further noted that remedial action taken in response to this incident had been prompt and thorough and that no adverse consequences had resulted.
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) All staff are made aware of the data controller's amended policy for the storage and use of personal data and are appropriately trained how to follow that policy;**
- (2) Appropriate security measures are taken to protect personal data sent by email; in particular, sensitive personal data shall not be transmitted by email across the internet unless encrypted to current standards;**
- (3) Compliance with the data controller's policies on data protection and IT security issues is appropriately and regularly monitored;**
- (4) The data controller shall enter into formal contracts or agreements with any data processor it selects to process personal data on its behalf, and shall ensure that those contracts or agreements comply with the requirements of Part II, paragraphs 11 and 12, of Schedule 1 to the Act;**
- (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

Ronan Harte
Managing Director
Holroyd Howe Independent Ltd

Signed

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