

DATA PROTECTION ACT 1998

SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER

UNDERTAKING

Data Controller: Skipton Financial Services Limited

The Bailey
Harrogate Road
PO Box 101
Skipton
BD23 1XT

I Simon Holt, Managing Director of Skipton Financial Services Limited, The Bailey, Harrogate Road, PO Box 101, Skipton BD23 1XT on behalf of Skipton Financial Services Limited hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking;

1. Skipton Financial Services Limited, (SFS), 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 on by SFS 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 (ICO) was provided with a report from Andrew Dyson, a Solicitor acting on behalf of SFS regarding the theft of a laptop computer from Moore Stephens Consulting ("data processor"). The data processor had been engaged to provide professional consultancy services to SFS in relation to a software development project. The laptop computer contained the personal data of a large number of the company's customers and was not encrypted.
3. The ICO 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 at Part 1 of Schedule 1 to the Act. A copy of the Data Protection Principles is attached.
4. Following service of a Preliminary Enforcement Notice, representations were received from Mr Dyson on behalf of the Data controller, Following consideration of those representations it has been agreed that in consideration of the ICO 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 or from other data controllers in similar circumstances, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Schedule 1 Part 1 of the Act, and in particular that,

- Personal data which if disclosed could cause damage or distress, for which SFS is the data controller, are (if held on laptop computers either by SFS or a data processor carrying out work for SFS) suitably encrypted so as to provide effective protection against unauthorised access whether the personal data are held upon the computer's hard drive or in any other storage device;*
- Risk assessments shall be carried out to confirm the adequacy and effectiveness of technical and organisational security measures governing any processing by those acting on the data controller's behalf prior to engaging any third party being appointed as a data processor*
- The data controller shall implement such other security measures it deems appropriate to ensure personal data is protected against unauthorised and unlawful processing, accidental loss, destruction and/or damage*

Dated... 18.2.08

Signed

For Skipton Financial Services Limited

Signed.

Mick Gorrill (Assistant Commissioner Regulatory Action Division)
For the Information Commissioner