

# DATA PROTECTION ACT 1998

## UNDERTAKING

Data Controller: Virgin Media Limited

160 Great Portland Street  
London  
W1W 5QA

I, Mark Schweitzer, Chief Commercial Officer of Virgin Media Limited ("Virgin Media"), 160 Great Portland Street, London W1W 5QA for and on behalf of Virgin Media hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:


1. Virgin Media ("Virgin Media"), 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 Virgin Media 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 from Ian Woodham, Group Data Protection and Compliance Manager acting on behalf of the data controller, regarding the loss of a compact disc that was passed to them by Carphone Warehouse (the "data processor"). The data processor had been engaged to collect the personal data of individuals interested in opening a Virgin Media account within its Carphone Warehouse stores. The compact disc contained the personal data of 3,383 customers and was not encrypted.
3. 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 1 of the Act.
4. Following consideration of the remedial action that has been taken by the data controller and the fact that the data controller recognises the seriousness of the matter, 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 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:

- (1) Portable and mobile devices including magnetic media used to store and transmit personal data, the loss of which could cause damage or distress to individuals, are encrypted using encryption software which meets the current standard or equivalent;
- (2) Any contract between the data controller and a data processor shall specifically require that portable and mobile devices including magnetic media used to store and transmit personal data, the loss of which could cause damage or distress to individuals, are encrypted using encryption software which meets the current standard or equivalent;
- (3) The data controller shall implement such other security measures it deems appropriate to ensure that personal data is protected against unauthorised and unlawful process, accidental loss, destruction, and/or damage.

Dated..... *September 17, 2008*

Signed   
Mark Schweitzer  
Chief Commercial Officer  
For and on behalf of Virgin Media Limited

Signed.....   
Mick Gorrill  
Assistant Commissioner Regulatory Action Division  
For and on behalf of the Information Commissioner