

# DATA PROTECTION ACT 1998

## UNDERTAKING

Data Controller: Hampshire Partnership NHS Trust  
Tatchbury Mount  
Calmore  
Southampton  
SO40 2RZ

I, Nick Yeo, Chief Executive of Hampshire Partnership NHS Trust, Tatchbury Mount, Calmore Southampton SO40 2RZ for and on behalf of Hampshire Partnership NHS Trust hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:

1. Hampshire Partnership NHS Trust, 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 Hampshire Partnership NHS Trust 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 Commissioner was informed by the Trust's self reported breach of data security that 1161 Trust payslips containing employee personal data had been lost. The Commissioner notes that the Trust has produced a report into the incident and that various recommendations have been made.
3. The Commissioner has considered the Trust's report, noted the recommendations in full and considered the data controller's compliance with the provisions of the Act in light of these matters. 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 and will be taken by the data controller as set out in the report 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 is processed in accordance with the Seventh Data Protection Principle in Schedule 1 Part 1 of the Act, and in particular that,

- The transporting of all types of personal data should be risk assessed and, where appropriate, the tracking of personal data by signed hand-over should be implemented each time custody of that data is transferred.
- A review of all internal post procedures, rooms, safe haven areas, containers and sacks should be conducted for security purposes.
- Data flow mapping of payslips should be reviewed at all stages to ensure adequate security is in place.
- Ensure that, on an ongoing basis, adequate and relevant data protection training is provided to all employees which shall include training on the Seventh Data Protection Principle.

Dated

19/12/08

Signed.....

For and on behalf of Hampshire Partnership NHS Trust

Signed.....

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