

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Central Lancashire Primary Care Trust.
Jubilee House, Lancashire Enterprise Business
Park, Centurion Way, Leyland, Lancashire
PR26 6TR

I, Joe Rafferty, Chief Executive of the Central Lancashire PCT hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:

1. Central Lancashire PCT 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 the 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 Information Commissioner (the "Commissioner") was provided with a report from Mr Ian Mitchell acting on behalf of the data controller, regarding the loss of an encrypted computer memory stick which contained the personal data of some 6,360 inmates/patients (or ex-inmates and patients) of HMP Preston. The memory stick, which had a 'Post it' sticker adhered to it containing the applicable password for the use of the stick, contained data relating to medical treatment ("sensitive personal data" as defined by the Act). It is understood that the memory stick was lost by a member of staff when returning it from the prison clinic to the administration offices.
3. The data controller did not ensure sufficient security measures were in place to prevent the loss of the data in question. In particular the Trust failed to ensure that the stick was protected by the use of a lanyard, secure container or other physical security measure to convey the device back to the administration office.
4. The Commissioner has taken into account the fact that the personal data in question related to medical treatment and could therefore potentially result in significant distress being caused to the individuals concerned. It is also noted that data had been retained for longer than necessary, there being no business need for the data to relate to records emanating from the year 2000.
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 1 of 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 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) The data controller shall take all reasonable measures to ensure the physical security of personal data being processed in furtherance of the duties of the Trust;
- (2) Portable and mobile devices including laptops and other portable 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 and applicable passwords will not be written down;
- (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. In particular data will not be kept for longer than necessary;
- (4) Staff are aware of the data controller's policy for the storage and use of personal data and are appropriately trained on how to follow that policy.

Dated... 08.04.09

Signed. 

Mr J Rafferty
Chief Executive
The Central Lancashire PCT.

Signed 

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