

# DATA PROTECTION ACT 1998

## UNDERTAKING

Data Controller: Leasowes Community College  
Kent Road  
Halesowen  
West Midlands  
B62 8PJ

I, Mr John Howells, Principal of Leasowes Community College (the College), for and on behalf of the College hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:

1. Leasowes Community College 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 College 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 L J Bourne acting on behalf of Dudley Metropolitan Borough Council, regarding the loss and subsequent recovery of a USB memory stick that held the personal data of pupils of the data controller.
3. The USB memory stick was found by a member of the public who after looking to see what was on it handed in to the police. The data had been corrupted but the police were able to determine that it contained personal data relating to 1500 pupils. This included names, contact details, school identifiers, free meal entitlement and English as a second language indicators and ethnicity. The poor quality unencrypted device had been used by the College Data Manager in breach of College Policy. The College does not appear to have missed the device or to have had adequate relevant policies and staff training in place.
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. The Commissioner has also considered the fact that some of the data involved in this incident consisted of information as to the ethnicity of the data subjects. Personal data containing such information is defined as "sensitive personal data" under Section 2(e) 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) 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;**
- (2) 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;**
- (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..... 20.04.09.....

Signed. 

John Howells  
Principal  
Leasowes Community College

Signed.. 

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