

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: The University of Manchester
 Oxford Road
 Manchester, M13 9PL

I, Professor Alan D Gilbert, President and Vice Chancellor of The University of Manchester, for and on behalf of The University of Manchester, hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:

1. The University of Manchester 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 Council 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 Ms Mary Clare acting on behalf of the data controller, regarding the accidental publication of a computerised spreadsheet which contained the personal data of some 1,755 students. This data included information relating to certain students 'disabilities' ("sensitive personal data" as defined by the Act). The information was published when a member of the University staff accidentally sent it as an attachment to an email, forwarded to some 469 students.
3. The information accidentally published was forwarded to the staff member by a colleague, when they had requested a list of the email addresses of certain students. An extract of the full student record was provided, despite the fact that the staff member had no business need to acquire the full information, which included "sensitive personal information". This was due to a fault in the relevant procedure, which has since been addressed.
4. The data controller did not on this occasion ensure that adequate measures were taken, including ensuring compliance with training and procedures, to prevent the inappropriate internal transfer of the information, and its subsequent publication via the email attachment. The Commissioner has taken into account the fact that the personal data in question related to details of disability, and could therefore potentially result in significant distress being caused to the individuals concerned.
5. 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.
6. Following consideration of the remedial action that has been taken by the data controller, it has been 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 University of Manchester;
- (2) The data controller shall ensure that its policies on the transfer, sharing and publication of personal data are clear and that staff are adequately trained on how to fulfil their obligations under such policies;
- (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... *15 April 2009*

Signed. 

Professor Alan D Gilbert, President and Vice Chancellor of The University of Manchester.

Signed. 

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