

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Amicus Legal Ltd
The Old Exchange
64 West Stockwell Street
Colchester
CO1 1HE

I, Andy Tomkins, of Amicus Legal Limited hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:

1. Amicus Legal Limited 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 company 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 the Chief Executive Officer acting on behalf of the data controller, regarding the theft of a laptop computer which contained the personal data of some 100,000 customers of the data controller. The data concerned related to legal advice provided to the data subjects.
3. The laptop computer, which was privately owned by a contracted consultant, was unencrypted. It is understood that the computer was left unattended in a locked hotel room and was stolen by a member of the hotel staff.
4. The data controller did not ensure sufficient security measures were in place to prevent the transfer of the data in question on to a privately owned and unencrypted portable computer. The Commissioner has taken into account the fact that a proportion of the personal data in question related to legal advice and could therefore potentially result in significant distress being caused to the individuals concerned.
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 company;
- (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;
- (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;
- (4) Physical security measures are adequate to prevent unauthorised access to personal data;
- (5) All staff, including contracted consultants, 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... *28 May 2009*

Signed. 

Mr Andy Tomkins
Chief Executive Officer
Amicus Legal Limited.

Signed.. 

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