

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: First Response Finance Ltd

Company Reg. No.: 3560611

Registered Office: Chetwynd Business Park,
5 Regan Way
Chilwell,
Nottingham NG9 6RZ

First Response Finance Ltd 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 on by First Response Finance Ltd 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 he is a data controller.

The Information Commissioner (the "Commissioner") has received a complaint from a District Judge concerning a fax which had come to his attention that was misleading because it appeared that the data controller was dealing with a loan application by an individual. In fact the data controller was attempting to establish the current employment of an individual, for the purpose of an application to the Court for an Attachment of Earnings Order. The fax also contained questions asking for personal data which were irrelevant and excessive for the purpose.

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 First and Third Data Protection Principles.

The First Data Protection Principle provides, at Part 1 of Schedule 1 to the Act, that:

"Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless-

- (a) at least one of the conditions in Schedule 2 is met, and*
- (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met."*

The Third Data Protection Principle provides, at Part 1 of Schedule 1 to the Act, that:

"Personal Data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed"

On 29th April 2009, John Stewart Fellows, the Company Secretary of First Response Finance Ltd, made representations to the Commissioners' Officers, namely Mrs Sally Anne Poole and Mrs Hazel Diana Shields.

Following consideration of those representations, 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 from other data controllers in similar circumstances, ensure that personal data is processed in accordance with the Act and in particular the First and Third Data Protection Principles in Schedule 1 Part 1 of the Act.

I am the Company Secretary of First Response Finance Ltd. On behalf of the data controller I confirm that First Response Finance Ltd, will comply with the terms of the undertaking contained in this document. I understand that a breach of the undertaking may lead to supervisory action being taken against the data controller under the Act.

I confirm that I am authorised to sign this undertaking on behalf of the data controller.

Signed:



Name : John Stewart Fellows

Address: First Response Finance Ltd
Chetwynd Business Park,
5 Regan Way,
Chilwell,
Nottingham
NG9 6RZ

Dated: 11th MAY 2009.