

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Hampshire Partnership NHS Trust
Tatchbury Mount
Calmore
Southampton
SO40 2RZ

I, Nick Yeo , Chief Executive of Hampshire Partnership NHS Trust, Tatchbury Mount, Calmore, Southampton SO40 2RZ for and on behalf of Hampshire Partnership NHS Trust hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:

1. Hampshire Partnership NHS 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 Hampshire Partnership NHS 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 informed by the Acting Information Governance Manager of a security breach relating to the theft of an unencrypted laptop computer. The laptop held the personal data of 349 patients and 258 staff. The laptop was stolen from an employee attending a health related conference at a hotel in London. The Commissioner notes that the data controller has produced two reports into the incident and that various recommendations have been made.
3. The Commissioner has considered the data controller's reports, noted the recommendations in full and considered the data controller's compliance with the provisions of the Act in light of these matters. 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.
4. In view of the circumstances of this incident and the remedial action that has been taken by the data controller, as set out in the reports, 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, ensure that personal data is processed in accordance with the Seventh Data Protection Principle in Schedule 1 Part 1 of the Act, and in particular that,

- The data controller shall ensure that data security procedures incorporate mechanisms to determine and verify that the personal data held on all employee laptop computers or other removable media is suitably encrypted.
- Ensure that information relating to the data controller's data protection security policy requirements and procedures, including those relating to encryption, is disseminated effectively by the data controller to all appropriate employees.
- Where such data security information has been disseminated to employees, appropriate follow up measures are put in place by the data controller to ensure employee compliance with such policy and procedures.
- Ensure that, on an ongoing basis, adequate and relevant data protection security training is provided to all appropriate employees and shall include training on encryption and the Seventh Data Protection Principle.
- The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised or unlawful processing, accidental loss, destruction and/or damage.

Dated... 26th June 2009

Signed... 

For and on behalf of Hampshire Partnership NHS Trust

Signed..... 

Mick Gorrill

Assistant Commissioner Regulatory Action Division

For and on behalf of the Information Commissioner