

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Neath Port Talbot County Borough Council
Civic Centre
Port Talbot
West Glamorgan
SA13 1PJ

I, Ken Sawyers, Chief Executive of Neath Port Talbot County Borough Council (the Council), for and on behalf of the Council hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:

1. Neath Port Talbot County Borough Council 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 the data controller, regarding the loss of an unencrypted USB memory stick that held the personal data of children looked after by the data controller.
3. The memory stick belonged to the employee responsible for its loss and contained information relating to 65 children that was not password protected.
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) 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 policy covering the storage and use of personal data is followed by staff;
- (4) 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..... 9/7/09

Signed...
Ken Sawyers
Chief Executive
Neath Port Talbot County Borough Council

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