

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Oldham Council,
Civic Centre,
West Street,
Oldham,
OL1 1UG.

I, Charlie Parker, Chief Executive of Oldham Council hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:

1. Oldham 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 three reports in the first quarter of 2009 from the Council's Information Governance Co-ordinator, acting on behalf of the data controller, regarding the theft of a total of 13 unencrypted laptop computers, of which 3 computers contained personal data relating to a total of some 220 Oldham Council residents. A proportion of this data included information relating to medical conditions, but not to medical records, ("sensitive personal data" as defined by the Act). With the exception of one, the computers concerned were stolen from Council premises, eleven computers were stolen in the course of a burglary at secure Council offices, one computer was stolen from a staff member's car and one was stolen during the course of a youth activity evening.
3. The data controller did not take sufficient measures to safeguard the personal data it held on the laptops in question, and in particular failed to ensure that the data was protected by a minimum standard of encryption, although the data were password protected. Physical security measures in respect of the laptop stolen from the staff member's car and the youth activity evening appear to have been less than adequate. The Commissioner has taken into account the fact that a proportion of the personal data in question related to medical conditions and could 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 Council. In particular the Council will ensure that sensitive personal data is stored only on encryption protected portable devices as soon as practicable, and in any event not later than 31 March 2010;**
- (2) The data controller shall ensure that its policies in respect of the security of personal information, particularly "sensitive personal information" held on any Council owned portable device are adequate, 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..... 17/7/09.

Signed. 

Charlie Parker
Chief executive Officer
Oldham Council

Signed... 

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