

DATA PROTECTION ACT 1998

UNDERTAKING

**Data Controller: Sandwell Metropolitan Borough Council
Sandwell Council House
Oldbury
West Midlands
B69 3DE**

I, Alison Fraser, Chief Executive of Sandwell Metropolitan Borough Council, Sandwell Council House, Oldbury, ('The Council') on behalf of The Council, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Sandwell Metropolitan 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 on 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 Council regarding a lost memory stick containing information about children in the Council's care or subject to a Child Protection plan.
3. Sensitive data was transferred onto an unencrypted memory stick in breach of Council procedure. The information relating to four families was not password protected and included details of why the children were taken into care or subject to a Child Protection plan. The employee responsible downloaded the data in order to carry out work at home but lost the memory stick on the way home.
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 at Part I of Schedule 1 to the Act. The Commissioner has also considered the fact that some of the data involved is likely to be information defined as "sensitive personal data" under Section 2(e) of the Act.
5. In view of the circumstances of this incident and the remedial steps taken by the data controller as a result, 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, ensure that personal data is processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to 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.....

29th July 2005

Signed...

Alison Fraser
Chief Executive
Sandwell Metropolitan Borough Council

Signed

Mick Gorrill (Assistant Commissioner, Regulatory Action Division)
For the Information Commissioner