

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: UPS Limited

UPS House
Forest Road
Feltham
Middlesex
TW13 7DY

I, Mr Carlos Felipe Cubias, Jr, Company Secretary of UPS Limited, UPS House, Forest Road, Feltham, Middlesex TW13 7DY for and on behalf of UPS Limited hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:


1. UPS Limited, 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 UPS Limited 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. Barlow Lyde & Gilbert LLP, acting on behalf of their client, the data controller, informed the Commissioner of a self reported breach of data security involving a stolen UPS laptop. The unencrypted laptop was stolen from an employee of the data controller whilst on business abroad. It contained the payroll data of approximately 9150 UK based employees of the data controller. The data included the names, addresses, dates of birth, National Insurance numbers, salary and bank details of those employees. The Commissioner understands that the laptop was not recovered.
3. The Commissioner notes the remedial action taken by the data controller, which included encryption for all UK and European UPS laptops and smartphone devices. Also noted is the process of updating the data controller's security policies to include explicit reference to encryption usage for removable media.
4. The Commissioner has considered the remedial action that has been and continues to be taken by the data controller and notes 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.


5. Following consideration of the various remedial action and the fact that the data controller recognises the seriousness of the matter, 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 is processed in accordance with the Seventh Data Protection Principle in Schedule 1 Part 1 of the Act, and in particular that:

- **appropriate data security programmes and procedures regarding removable media, including the use of encryption where appropriate, are put in place within six months of the date of this undertaking, for the purpose of avoiding a repeat of an incident of this nature; and**
- **steps are taken to ensure that all appropriate employees of the data controller are made fully aware of the updated security policies and that they adhere to them.**

Dated... August 7, 2009

Signed.. 
For and on behalf of UPS Limited

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