

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Wigan Council
Town Hall
Library Street
Wigan WN1 1YN

I, Joyce Redfearn, Chief Executive, of Wigan Council, for and on behalf of Wigan Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:


1. Wigan 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 [name of data controller] 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 Wigan Council about the theft of an unencrypted laptop computer holding personal data on most children and young people in Wigan schools.
3. The password protected laptop computer containing personal data relating to approximately 43000 individuals was stolen from a locked office. The personal data was downloaded onto the laptop computer in breach of Council policy by an employee instead of accessing the data on the Council computer network.
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 I to the Act. The Commissioner has also considered the fact that some of the data stolen in this incident consisted of information defined as "sensitive personal data" under section 2 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, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

Delete or amend as appropriate:

- (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) The policy covering the storage and use of personal data is followed by staff;
- (3) Staff are aware of the data controller's policy for the storage and use of personal data and are appropriately trained how to follow that policy;
- (4) The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.

Dated.....

Signed.. 
[name of person signing Undertaking on behalf of data controller]
[position held]
[name of data controller]

Signed.....18.8.09.....
Mick Gorrill
Assistant Commissioner, Regulatory Action Division
For and on behalf of the Information Commissioner