

3/11/09

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Great Yarmouth & Waveney Primary Care Trust
1 Common Lane North
Beccles
Suffolk
NR34 9BN

I, Dr Paul Zollinger-Read, Interim Chief Executive of Great Yarmouth & Waveney Primary Care Trust (the "Trust"), for and on behalf of the Trust, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

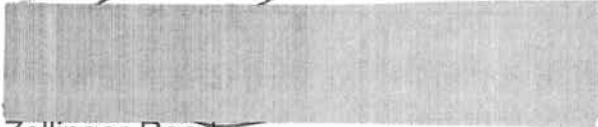
1. Great Yarmouth & Waveney Primary Care Trust is the data controller as defined in section 1(1) of the Data Protection Act 1998 (the "Act"), in respect of the processing of personal data carried out by the Trust and is referred to in this Undertaking as the "data controller". Section 4(4) of the Act 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 the data controller about the theft of two desktop computers containing sensitive personal data relating to over 1,000 occupational therapy patients and staff members. The data was held on these computers rather than on a network server, and was in easily accessible form without password protection.
3. The machines were stolen from premises occupied by the data controller's occupational therapy team but owned by Norfolk County Council, which also owned the computers. The premises had no intruder alarm, internal office doors had no security locks, and the single-glazed windows were not barred. The computers were not physically secured to desks within the offices, nor was any form of encryption in place to protect the data.
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 involved in this incident consisted of information as to the physical or mental health or trade union membership of the data subjects. Personal data containing such information is 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:

- (1) Any 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) Where personal data and sensitive personal data is stored on desktop computers, it is protected by the use of strong passwords;**
- (3) Physical security measures are adequate to prevent unauthorised access to personal data;**
- (4) All 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;**
- (5) 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..... 3 November 2009

Signed. 
Dr Paul Zollinger-Read
Chief Executive (Interim)
Great Yarmouth & Waveney Primary Care Trust

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