

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: The Association of Teachers and Lecturers
7 Northumberland Street
London
WC2N 5RD


I, Mary Bousted, General Secretary of the Association of Teachers and Lecturers (ATL), 7 Northumberland Street, London, WC2N 5RD, for and on behalf of ATL hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:


1. ATL 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 ATL 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 ATL regarding a laptop computer and a memory stick which were lost or stolen from the roadside as an ATL staff member was packing his car.
3. The laptop, which was not encrypted but was password protected, was the property of ATL and contained sensitive personal data relating to some 6,282 union members. The memory stick in question was personally owned by the ATL member of staff, and contained 3,366 of the laptop records. The memory stick was not password protected or encrypted.
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 lost in this incident consisted of "sensitive personal data" as defined 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) 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 by no later than 28 February 2010 using encryption software which meets the current standard or equivalent;
- (2) The policy covering the transfer, storage and use of personal data is reviewed to ensure compliance with the Act, particularly in respect of the security of the means of transfer and relevance of the data transferred;
- (3) Staff are aware of the data controller's policy for the storage, use and transfer of personal data and are appropriately trained how to follow that policy;
- (4) Staff will be prohibited from storing data on personal memory sticks;
- (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 process, accidental loss, destruction, and/or damage.

Dated..... 11th January 2010

Signed... 
Mary Bousted
General Secretary
Association of Teachers and Lecturers

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