

DATA PROTECTION ACT 1998

UNDERTAKING

19/3/10

Data Controller: Warwickshire County Council
Shire Hall
Warwick
CV34 4RR

I, Jim Graham, Chief Executive of Warwickshire County Council (the "Council"), for and on behalf of the Council, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Warwickshire County 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 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 of the theft of two unencrypted laptop computers containing personal data relating to pupils and staff at a particular school in August 2009. The data controller also reported a separate incident involving the loss or theft of an unencrypted USB stick from the administrative office of an education centre in September 2009.
3. The laptops recorded data relating to two schools which were merging and had not been encrypted as they were only being used as a temporary measure in the office environment. Enquiries also revealed that there were insufficient physical security measures in place, and that the data controller was carrying out, but had not completed, a programme of encryption of portable devices.
4. The USB stick held minimal personal data relating to children attending the education centre and was normally left plugged into the hard drive of the administrator's computer. The internal investigation revealed a lack of awareness of data protection requirements among staff and recommended further training and use of encrypted media.
5. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of these reports. The relevant provision of the Act is the Seventh Data Protection Principle. This 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 the first incident consisted of information as to the physical or mental health or condition

of the data subjects. Personal data containing such information is defined as "sensitive personal data" under section 2(e) of the Act.

6. 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 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) **Physical security measures are adequate to prevent unauthorised access to personal data;**
- (3) **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;**
- (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..... 19/3/2010

Signed.....
Jim Granam
Chief Executive
Warwickshire County Council

Signed.....
Mick Gorrill
Head of Enforcement
For and on behalf of the Information Commissioner