

28/4/10

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Bolton Youth Offending Team
Basement
Le Mans Crescent
Bolton
BL1 1SA

I, Mick Coleman, Manager of Bolton Youth Offending Team, for and on behalf of Bolton Youth Offending Team, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Bolton Youth Offending Team 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 Bolton Youth Offending Team 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 Bolton Council regarding the theft of a camcorder containing video footage of two young offenders apologising to their young victim. Both offenders were shown in the video and were addressed by their first names. The victim's first name was also mentioned, although they were not featured within the footage.
3. On 4/5 November 2009, the data controller's offices were broken into overnight and the camcorder was stolen from a locked office cabinet. The storage room in which the cabinet was located was not locked, and the windows used to gain entry did not provide an adequate level of security. The video footage should have been removed from the camcorder and either stored appropriately or destroyed. Two laptops, which did not contain personal data, were also stolen from the office.
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 relating to the

commission of an offence. Personal data containing such information is defined as "sensitive personal data" under section 2(g) 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) Physical security measures are adequate to prevent unauthorised access to personal data;**
- (2) 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, particularly with regard to retention procedures;**
- (3) Methods of storing and protecting personal data are proportionate to the nature and sensitivity of the data;**
- (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... 28.4.10

Signed..

Mick Coleman
Manager
Bolton Youth Offending Team

Signed..

~~Mick Gorrill~~ David Smith
~~Assistant Commissioner Regulatory Action Division~~ Deputy Commissioner
For and on behalf of the Information Commissioner