

# DATA PROTECTION ACT 1998

29/4/10

## UNDERTAKING

Data Controller: Eastbourne Borough Council  
  
Town Hall  
Grove Road  
Eastbourne  
East Sussex  
BN21 4UG

I, Robert Cottrill, Chief Executive of Eastbourne Borough 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. Eastbourne Borough 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 detailing the theft of three laptop computers from the general office at the Towner Gallery in Eastbourne on 31 January 2010. The office had an electronic lock which was known by staff to be faulty, but the laptops had not been physically secured to the desks or locked away.
3. None of the laptops was encrypted, although one of them contained personal data relating to owners or previous owners of artwork at the Gallery. The data controller had recently relocated the Gallery and its contents to a new building where staff did not have access to its central network for some time, resulting in the use of the laptop to store and update the database.
4. The Commissioner has considered the data controller's compliance with the provisions of the Act in 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.
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 using encryption software which meets the current standard or equivalent;
- (2) Physical security measures are adequate to prevent unauthorised access to personal data;
- (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

*29 June 2010*

Signed

  
Robert Cottrell  
Chief Executive  
Eastbourne Borough Council

Signed

  
Mick Gorrill *DAVID SMITH*  
Head of Enforcement *DEPUTY COMMISSIONER*  
For and on behalf of the Information Commissioner