



DATA PROTECTION ACT 1998

15/4/10

UNDERTAKING

Data Controller: St James Primary School
Hillside Avenue
Farnworth
Bolton
BL4 9QB

I, Paula Green, Headteacher of St James Primary School, for and on behalf of St James Primary School, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. St James Primary School 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 St James Primary School 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 the data controller regarding the theft of a teacher's bag containing a memory stick.
3. The unencrypted memory stick was the teacher's personal property. It contained 26 pupil reports and 1 Common Assessment Form featuring sensitive service details for one pupil, including their medical history and special needs.
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 as to the physical or mental health or condition of a data subjects. Personal data containing such information is defined as "sensitive personal data" under section 2(e) 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) Memory sticks are not to be used in conjunction with "Report Assist" software to store or transmit personal data;**
- (2) 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;**
- (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) All staff are to be mindful of their responsibilities under the Data Protection Act 1998;**
- (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...*15th April 2010*.....

Signed

Paula Green
Headteacher
St James Primary School

Signed....

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