

16/4/10

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Ysgol Bro Famau

Eryrys Road
Llanarmon-yn-Lal
Denbighshire
CH7 5TB


I, Rebecca Turner, Head Teacher of Ysgol Bro Famau (the "School"), for and on behalf of the School, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:


1. Ysgol Bro Famau 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 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 that a computer containing sensitive personal data relating to the data controller's pupils had been stolen from the administration office.
3. The computer was located on a desk in view of an insecure window. It was protected by a password, but not encrypted, and contained a significant amount of biographical data about the pupils. Investigations also revealed that staff required further training in data protection and that physical security was inadequate.
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 involved in this incident consisted of information as to the physical or mental health or condition of the data subjects, their ethnicity and religion. Personal data containing such information is defined as "sensitive personal data" under section 2 of the Act.
5. Following consideration of the remedial action that has been taken and proposed 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) The data controller's administration computers (including any 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 by no later than 31 July 2010;
- (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... 16/4/10.....

Signed 
Rebecca Turner
Head Teacher
Ysgol Bro Famau

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