

# DATA PROTECTION ACT 1998

5/5/10

## UNDERTAKING

Data Controller: King's College London  
Strand  
London  
WC2R 2LS

I, Professor Robert Lechler, Vice-Principal (Health) of King's College London ("KCL"), for and on behalf of KCL, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. King's College London 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 KCL 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 told of the theft in November 2009 of a mini-Mac computer and several laptops from an academic office of the data controller in a teaching hospital. These contained personal data relating to fertility treatments for approximately 45 women, and some personal data relating to employees of the data controller. In February 2010, another incident was reported by the data controller, involving the theft of two laptops from its academic offices at another teaching hospital, which contained personal data of 150 dental patients and some of their relatives.
3. All the computers belonged to the data controller, and the academic offices were designated for sole use of the data controller at each hospital. None of the machines was encrypted, and it was discovered that the laptops were not normally locked away or physically secured when not in use. Enquiries further revealed that staff training and awareness in relation to data protection responsibilities was inadequate. The Commissioner also noted that a similar incident (though involving less significant personal data) had occurred in June 2009, but the data controller did not appear to have incorporated lessons learnt from that incident sufficiently into its wider policies and procedures.
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.

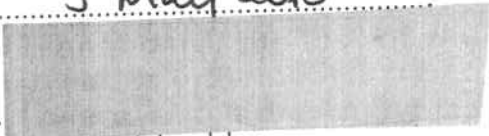
The Commissioner has also considered the fact that some of the data involved in these incidents consisted of information as to the physical or mental health or condition of the data subjects. Personal data containing such information is defined as "sensitive personal data" under section 2(e) of the Act.


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 mini-computers, 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 and relevant teaching hospital's policies for the storage and use of personal data and are appropriately trained how to follow those policies;**
- (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..... 5 May 2010

Signed.   
Professor Robert Lechler  
Vice-Principal (Health)  
King's College London

Signed.  5 May 2010  
~~Mick Gorm~~ David Silva  
~~Head of Enforcement~~ **DEPUTY COMMISSIONER**  
For and on behalf of the Information Commissioner