

14/6/10

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Chief Constable of Kent Police
Police Headquarters
Sutton Road
Maidstone
Kent
ME15 9BZ

I, Adrian Leppard, temporary Chief Constable of Kent Police, for and on behalf of Kent Police, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. The Chief Constable of Kent Police 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 Kent Police, 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 of the theft of documents containing confidential information, including personal data. The documents had been left in the boot of a police officer's car and were stolen while it was parked overnight at a residential address. They were found in a nearby street the following day by a member of the public, who handed them in to the data controller's local station.
3. Enquiries revealed that the officer had not used his secure briefcase to transport the papers, nor had he been provided with a secure storage facility at his home, in breach of the data controller's policies. The Commissioner's enquiries further revealed that some of the data controller's policies and procedures required review.
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.
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 policies covering the transportation, storage and use of personal data and protectively marked information are clarified and all staff are made aware of their requirements;**
- (2) Staff whose roles require them to have access to confidential data and/or protectively marked information outside the office are provided with secure transportation and storage facilities;**
- (3) 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..... 14/6/10

Signed.....
Adrian Leppard //
Temporary Chief Constable
Kent Police

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