



11/7/10

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Buckinghamshire County Council

County Hall
Walton Street
Aylesbury
HP20 1UA

I, Chris Williams, Chief Executive of Buckinghamshire County 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. Buckinghamshire County 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 of the loss of documents containing sensitive personal data relating to two children. The documents were in a plastic wallet together with information relating to flight and accommodation for one of the data controller's social work employees, who was travelling to another UK city in connection with the children's social care case. The wallet was stored in a hand luggage case. The relevant carers and guardians were informed of the loss.
3. The wallet was lost at Heathrow Airport prior to the flight and has not been recovered, despite strenuous attempts to trace it. Insufficient thought had been given to the security implications of including the case documents containing sensitive personal data with the travel documents during the journey. Enquiries also revealed that some of the data controller's policies, together with staff training in data protection matters, were in need of revision.
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. 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:

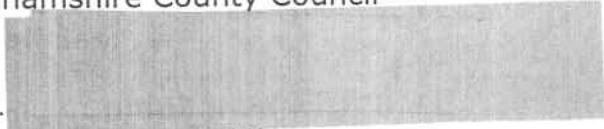
The data controller shall, as from the date of this Undertaking and for so long as similar standards are required by the Act or other successor legislation, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

- (1) Procedures are implemented to ensure that a proper risk assessment is carried out prior to the removal from the office environment of documents containing sensitive personal data, and appropriate security measures are adopted to protect such data in transit;**
- (2) All staff are made aware of the data controller's policies for the transportation, storage and use of personal data and are appropriately trained how to follow these policies;**
- (3) Compliance with the data controller's policies on data protection issues is appropriately and regularly monitored;**
- (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

1/7/10.

Signed 
Chris Williams
Chief Executive
Buckinghamshire County Council

Signed 
~~Mick Gordon~~ *ward Smith*
~~Head of Enforcement~~ *Deputy Commissioner*
For and on behalf of the Information Commissioner