

15/10/10

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Lord Chief Justice's Office (Northern Ireland)

Royal Courts of Justice
Chichester Street
Belfast
BT1 3JF

I, Sir Declan Morgan, Lord Chief Justice of Northern Ireland, on behalf of the Lord Chief Justice's Office (Northern Ireland) (the "LCJO"), hereby acknowledge the details set out below and the LCJO undertakes to comply with the terms of the following Undertaking:

1. The Lord Chief Justice's Office (Northern Ireland) 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 LCJO 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 an official in the data controller's office had inadvertently attached the wrong document to an email which was distributed externally to over 300 individuals. The document included the name and address of an individual.
3. The recipients were quickly instructed to delete the email. The LCJO staff have received advice and training on data protection issues generally but there was no written guidance or instructions on how to deal with this type of work. Following the investigation, appropriate training and guidance for all communications staff in the data controller's office has now been provided.
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 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) All staff are aware of the data controller's procedures for distributing such emails and are appropriately trained how to follow these;
- (2) Adequate checks are carried out to confirm only the intended document(s) is/are released;
- (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

15 October 2010

Signed

Sir Declan Morgan
Lord Chief Justice of Northern Ireland

Signed

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