

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Foyle Women's Aid

24 Pump Street
Londonderry
BT48 6JG

I, Marie Brown, Director of Foyle Women's Aid, for and on behalf of Foyle Women's Aid hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Foyle Women's Aid 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 Foyle Women's Aid 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. In June 2012 the Information Commissioner (the "Commissioner") was made aware that a folder belonging to a Criminal Justice Support worker employed by Foyle Women's Aid, was left in a café. The folder contained confidential client information.
3. The Commissioner formed the view that an apparent lack of effective controls and procedures for taking information out of the office was a contributor to the loss of highly sensitive personal data.
4. The Commissioner's investigation also revealed that the support worker was transporting excessive information, as the lost folder contained personal data which was not relevant to the meetings the individual had scheduled that day. However, by having this information the Support Worker acted outside of the data controller's expectations and in particular the Support Worker failed to act in accordance with the data controller's previous instructions. It is also noted that the data controller had put in place some general policies and procedures and that the support worker concerned had received relevant training. The incident was contained

promptly as the information was returned immediately by the café owner and was not further disseminated.

5. 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 compromised in this incident consisted of information as to the commission or alleged commission of an offence. Personal data containing such information is defined as "sensitive personal data" under section 2(e) of the Act.
6. 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. The data controller shall draft and implement a formal policy covering the storage, physical security, transportation, use, and disposal of personal data outside of the office environment and staff should be appropriately trained on how to follow that policy;**
- 2. Compliance with the data controller's policies on data protection and the transportation of personal data shall be appropriately and regularly monitored;**
- 3. Portable and mobile devices including 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;**
- 4. Physical security measures are adequate to prevent unauthorised access to personal data;**

5. The data controller shall implement such other security measures as are appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.

Signed:

Marie Brown
Director
Foyle Women's Aid

Dated:

Signed:

Stephen Eckersley
Head of Enforcement
For and on behalf of the Information Commissioner

Dated: