

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Marston Properties

1 Mills Yard
Hugon Road
London
SW6 3AQ

I, Caroline Marston, Managing Director, of Marston Properties, for and on behalf of Marston Properties hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Marston Properties 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 Marston Properties 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 informed by the data controller that following a refurbishment and reorganisation of the archive and storage area of their premises, a locked filing cabinet was noticed missing. The cabinet contained personal data of 37 past and present employees including employee payroll information and bank details.
3. During the reorganisation process, a number of empty filing cabinets were sent to a recycling centre where they were immediately crushed. It was following this that the filing cabinet in question could not be located. After an extensive search it was presumed to have been crushed along with other cabinets. Investigations revealed that although the data controller had established procedures, the data controller did not have a specific written information handling policy in place and employees had not received formal data protection training.
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) Clear policies and procedures will be put in place to support staff who handle personal data and these will be communicated to all relevant staff;**
- (2) The data controller shall ensure that information governance training is provided to all relevant staff as necessary;**
- (3) 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:

Caroline Marston
Managing Director
Marston Properties

Dated:

Signed:

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

Dated: