

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Dacorum Borough Council  
Hemel Hempstead Civic Centre,  
Marlowes,  
Hemel Hempstead,  
Hertfordshire  
HP1 1HH

I, Daniel Zammit, Chief Executive, of Dacorum Borough Council, for and on behalf of Dacorum Borough Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Dacorum Borough 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 Dacorum Borough 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 notified that between 12 August 2011 and 14 August 2011 a computer hard drive containing sensitive personal data was stolen from an adventure playground following a burglary. The computer contained approximately 1000 registration documents of children who have attended the playground. The details included name, address, date of birth, school attended, and in some cases a 'tick-box' indication as to whether the data subject had any allergies or other conditions relevant to playground attendance
3. The Commissioner's enquiries revealed that the registration documents were stored on the desktop and were not password protected. The password that had protected the registration document was removed in 2008 when a member of staff left the Council and was not restored. The Council was unable to fully investigate the circumstances of this breach due to insufficient record keeping between the relevant

departments.

4. The Commissioner's investigations also revealed that no annual review of the database had been performed, resulting in a number of registration documents not being securely deleted in line with the Council's retention policy.
5. The data controller acted swiftly to confirm that no other sensitive personal information was exposed to similar vulnerabilities. No complaints or reports of adverse consequences from the data loss have been reported.
6. 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 Fifth and Seventh Data Protection Principle. These Principles are set out in Schedule 1 Part I to the Act. The Commissioner has also considered the fact that some of the data stolen 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.
7. 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 Fifth and Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:**

- 1. All staff are made aware of the data controller's policy for the storage, use, transmission and disposal of personal data and are appropriately trained how to follow that policy;**
- 2. Personal data shall not be retained when no longer relevant or required for its original purpose;**
- 3. Any personal data which is no longer needed shall be disposed of in a secure manner, the procedures for which shall be covered in the data controller's data**

**protection policies and communicated to all relevant staff;**

**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.....

Signed.....

Daniel Zammit  
Chief Executive  
Dacorum Borough Council

Signed.....

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