

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Prospect

New Prospect House
8 Leake Street
London
SE1 7NN

I, Mike Clancy, General Secretary of Prospect, for and on behalf of Prospect hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Prospect 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 Prospect 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 on 8 December 2011 that two files containing the names, home addresses, contact details, dates of birth and employer details of approximately 19,000 members of the union had been sent to an unknown third party email address in error. The files were encrypted, but the password was also sent separately to the same email address.
3. The files in questions were being sent as part of a tendering exercise for Prospect's electronic membership system. One of the companies bidding for the contract had requested samples of live data to demonstrate the functionality of the systems, even though that company was the current provider of the electronic membership system and had access to the data through other means.
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 lost in this incident consisted of

information as to the trade union membership of the data subjects. Personal data containing such information is defined as 'sensitive personal data' under section 2(d) 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) The data controller has in place adequate policies to cover the secure transfer of personal data to a third party, and that staff are made aware of these policies and are trained in how to follow them;**
- (2) where possible personal data is minimised and anonymised before being sent to third parties;**
- (3) the data controller ensures that all staff receive data protection training, and that this training is refreshed at suitable intervals, and;**
- (4) 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:

Mike Clancy
General Secretary
Prospect

Dated:

Signed:

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

Dated: