

## **DATA PROTECTION ACT 1998**

### **UNDERTAKING**

Data Controller: Thamesview Estate Agents Ltd

3 Park Road  
Teddington  
Middlesex  
TW11 0AP

I, Jeff Doble, Chief Executive Officer, of Thamesview Estate Agents Ltd, for and on behalf of Thamesview Estate Agents Ltd hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Thamesview Estate Agents Ltd 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 Thamesview Estate Agents Ltd 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') received an email from a Community Support Officer of the Metropolitan Police Service on 11 December 2013, which stated that an estate agent, Robertson, Smith & Kempson, which is one of the data controller's brands, was insecurely disposing of personal data in transparent refuse sacks left in the street. The complainant had brought the issue to the data controller's attention the previous week, however he had observed that data continued to be left in the street over a number of subsequent days. The Commissioner contacted the data controller on 24 December 2013 to instruct it not to dispose of personal data in this insecure manner. In spite of this, a further incident was observed by the complainant on 12 March. This too was reported to the Commissioner.
3. Photographs provided by the complainant showed that transparent refuse sacks were left unattended outside the front of the data controller's premises with documents containing personal data clearly visible inside them. Whilst relatively little of the personal data contained in the sacks was

sensitive personal data, as defined by section 2 of the Act, the sample of personal data provided by the complainant showed that personal data such as copies of passports and tax credit awards were contained within the sacks, which could have been used for the purposes of identity fraud.

4. By way of enquiries it was established that staff were insufficiently aware of the data controller's policies around the disposal of confidential waste. Confidential waste was stored within the data controller's premises in a way that allowed staff and contractors who had no legitimate reason to handle this personal data to access it. Additionally, whilst it was not of direct relevance to the circumstances of this incident, it was established that the data controller did not have a contract with the data processors they used to securely dispose of the data as required by the seventh Data Protection Principle. This is of concern to the Commissioner as whilst one of the data processors destroyed data on site, the other removed data from the premises to destroy off site. This data was therefore at risk once it had left the data controller's premises.
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.
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 introduce formal, mandatory refresher data protection training for all staff who handle personal data by 31 December 2014. This shall occur on a regular, preferably annual basis to ensure that all staff are aware of the data controller's policies around the handling of personal data.**

- (2) The data controller shall review its arrangements for storing confidential waste prior to collection by the disposal company and implement any remedial measures required by 31 December 2014 in order to reduce the risk of confidential waste being inappropriately accessed prior to being collected for disposal.**
- (3) The data controller shall keep a written record of the data processors it uses to process personal data on its behalf. The data controller shall enter into a written contract with any data processor it uses to securely dispose of or otherwise process its personal data as set out in paragraph 12 of Part II of Schedule 1 of the Act.**
- (4) The data controller shall continue to review its policies and procedures and implement any actions identified as being required to achieve compliance with the Act by 31 December 2014.**
- (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: .....

Jeff Doble  
Chief Executive Officer  
Thamesview Estate Agents Ltd

Dated: .....

Signed: .....

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

Dated: .....