

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Student Loans Company Limited

21 St Thomas Street
Bristol
BS1 6JS

I, Mick Lavery, Chief Executive, of Student Loan Company Limited for and on behalf of Student Loans Company Limited hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Student Loans Company Limited 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 Student Loans Company Limited 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 provided with a report on the 29 August 2012 which stated that medical details of a customer, containing sensitive personal data, had been sent to an external organisation in error. The Commissioner received another report on the 04 October 2012 that a further two incidents had occurred, one in which a psychological assessment of a customer, containing sensitive personal data, was disclosed to a third party in error and a second in which two items of correspondence were sent to an incorrect address.
3. Following investigation it was established that in the first reported incident the medical evidence had been incorrectly scanned onto another customer's account. It was also found that whilst checking procedures were in place at the time of the incident, in the particular department processing the documents, items containing sensitive personal data were subject to fewer checks than those containing less sensitive data. Fewer checks were in place as the data controller wished to limit the number of individuals who could access sensitive personal data of this kind.

It was also established that several previous incidents of a similar nature had been reported to the Commissioner and that despite previous intervention incidents continue to occur.

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 compromised 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.
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) Appropriate procedures are in place to ensure that adequate checks are carried out on correspondence, particularly that containing sensitive personal data, prior to it being sent out;**
- (2) The policy covering the storage and use of personal data is to be made available to all relevant staff, and the location and contents of this policy are to be clearly communicated to those staff. Regular monitoring of staff awareness of this policy should be undertaken. The data controller should report on its progress in this area no later than September 2014;**

(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:

Mick Laverty
Chief Executive
Student Loans Company Limited

Dated:

Signed:

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

Dated: