

## **DATA PROTECTION ACT 1998**

### **UNDERTAKING**

Data Controller:            Brunel University London  
   London  
   Kingston Lane  
   UXBRIDGE  
   UB8 3PH

I, Professor Julia Buckingham, Vice-Chancellor and President, of Brunel University London, for and on behalf of Brunel University London hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Brunel University London 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 Brunel University London 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 3 February 2015 that a number of boxes containing personal data have been lost. The ten boxes lost contained seven personnel files and 61 TUPE transfer files.
3. The investigation into this incident has shown that the incident occurred following an office renovation to remove asbestos. Brunel University London staff members working in the Human Resources department had set aside 17 boxes of files to be transferred to their Archive and Records Centre. The boxes were locked in a room during the renovation, but on return to the office staff members found that ten boxes were missing.
4. It is noted that Brunel University London had a number of policies and procedures in place at the time of the breach. These include a written procedure instructing staff how to transfer files between departments, data retention schedules and a Data Protection Policy.
5. However, the Commissioner considers that further steps are necessary to ensure appropriate data protection training is

given to staff members. This is because the take up of training at the time of the incident was found to be extremely low, with a completion rate of less than 10%.

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 Seventh Data Protection Principle. This Principle is set out in Schedule 1 Part I to 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 Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:**

- (1) The data controller shall ensure that staff members routinely processing personal data shall receive training in the requirements of the Data Protection Act upon induction;**
- (2) Regular mandatory refresher training in the requirements of the Act shall be provided to all staff members whose role involves the routine processing of personal data; uptake of this training shall be monitored to ensure all staff members receive regular refresher training annually;**
- (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: .....

Professor Julia Buckingham  
Vice Chancellor and President  
Brunel University London

Dated: .....

Signed: .....

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

Dated: .....