

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Fairbridge

18 Park Square East
London
NW1 4LH

I, Martina Milburn, Chief Executive, of Fairbridge, for and on behalf of Fairbridge hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Fairbridge 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 Fairbridge 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 by the data controller of two separate incidents involving the loss of unencrypted laptops. In the first instance, a password protected laptop was left on a bus. This contained personal data relating to approximately 325 employees of the data controller which comprised of name, address, date of birth and salary.
3. In an unrelated incident, a second laptop which was again password protected, was reported missing by an employee when boarding a plane in a Spanish airport. This laptop contained personal data relating to approximately 16 employees, including details of appraisals and supervision notes.
4. Whilst neither laptop has been recovered to date, both of the laptops did not contain any sensitive personal data as defined under section 2 of the DPA. Since the incident occurred, the data controller has ensured the encryption of mobile devices that contain personal data and provided all employees with data protection training.

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. Portable and mobile devices including laptops and other portable media used to store and transmit personal data, the loss of which could cause damage or distress to individuals, are encrypted using encryption software which meets the current standard or equivalent;
2. Staff are aware of the data controller's policy for the retention, storage and use of personal data and are appropriately and regularly trained on how to follow that policy;
3. 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.....

Martina Milburn
Chief Executive
Fairbridge

Signed.....

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