DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: West Lancashire Borough Council

                        52 Derby Street
                        Ormskirk
                        Lancashire
                        L39 2DF

We, Gill Rowe and Kim Webber, joint Managing Directors, of West Lancashire Borough Council, for and on behalf of West Lancashire Borough Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. West Lancashire Borough Council 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 West Lancashire Borough Council 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. In the early hours of the morning on the 22 January 2012, a business continuity bag containing emergency response documents and personal data relating to employees of the data controller, which had been concealed under a seat within a locked vehicle, was stolen. The vehicle belonged to an officer responsible for out-of-hours duties and was parked on the driveway of the officer's home.

3. The data controller wrote to the Commissioner seeking advice on this incident in February 2012. The Commissioner also received a communication in relation to the same incident from a concerned member of parliament. The personal data stolen included 370 names and contact telephone numbers. However 79 employees also had their home address and vehicle details compromised. The data controller had some relevant guidance in place at the time of the incident, but could have provided clearer written instruction on the secure storage of hard copy personal data off site for emergency

purposes.

4. The Commissioner notes that the data controller took steps to alert employees to the theft and has updated its ICT and data security policy to help prevent a similar breach in future.

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 review its reporting mechanisms to ensure that data security incidents are escalated appropriately;

2. The data controller shall ensure that the minimum amount of personal data necessary to provide emergency business continuity is taken off site;

3. The data controller shall conduct an internal audit of its data protection compliance by December 2012;

4. Staff are aware of the data controller's policy for the retention, storage and use of personal data and are appropriately trained how to follow that policy;

5. 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………………………………………………

Gill Rowe
Managing Director (People and Places)
West Lancashire Borough Council

Signed………………………………………………

Kim Webber
Managing Director (Transformation)
West Lancashire Borough Council

Signed………………………………………………

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