

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Lancashire Constabulary
 Saunders Lane
 Hutton
 Preston
 Lancashire
 PR4 5SB

I, Steve Finnigan, Chief Constable of Lancashire Constabulary (the "Constabulary"), for and on behalf of the Constabulary, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Lancashire Constabulary 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 the Constabulary 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 July 2011, the Information Commissioner (the "Commissioner") received notification from the data controller that a missing person's report had been found by a member of the public in the street. The report contained sensitive personal data relating to the missing youth and several other individuals.
3. The data controller's investigations revealed that the officer in question had printed the documents off the main database to assist with his enquiries into the case. The documents were then taken outside of the station. It is likely that the paperwork fell out of the officer's possession whilst he was travelling in a patrol car. The same car attended an unrelated scene several days later, at which time the documents are thought to have dropped out of the vehicle before being discovered by a passer-by the following morning.
4. It subsequently came to light that although some written policies were in place at the time of the incident, the data controller did not have a formal written procedure specifically covering the removal of documentation from the station, or the requirement to check police vehicles before and after use.
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. The Commissioner has also considered the fact that some of the data stolen in this incident consisted of "sensitive personal data" as defined under section 2 of 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. Hard copy documentation is only removed from the station when absolutely necessary. It will contain the minimum amount of personal data required for its purpose and will be anonymised where possible;
2. A written policy is in place detailing employees' specific responsibilities when removing personal data from the station, as well as its subsequent use, protection and return. Any such policy will also contain vehicle checking requirements;
3. Staff are aware of the data controller's policies for the retention, storage and use of personal data and are appropriately trained how to follow those policies, with refresher training provided as necessary;
4. 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.

Dated.....

Signed.....

Steve Finnigan
Chief Constable
Lancashire Constabulary

Signed.....

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