

DATA PROTECTION ACT 1998 UNDERTAKING

Data Controller: The British Council
 10 Spring Gardens
 London
 SW1A 2BN

I, Mr Martin Davidson, Chief Executive of The British Council, 10 Spring Gardens London, SW1A 2BN for and on behalf of The British Council hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:

1. The British 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 the 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. The Information Commissioner (the "Commissioner") was provided with a report from [name removed] acting on behalf of the data controller, regarding the loss of an unencrypted computer data storage disc which contained the personal data of some 2,000 staff of the data controller. This data included data relating to trade union membership ("sensitive personal data" as defined by the Act). It is believed that the disc was lost in transit by a courier service [name removed] employed by The British Council. The disc was not in the possession of Council staff at the time of its loss.
3. The data controller did not take its own measures to safeguard the personal data it held on the disc, and in particular failed to ensure that the data was protected by the Government minimum standard of encryption. The Commissioner has taken into account the fact that the personal data in question related to trade union membership and bank account details, and could therefore potentially result in significant distress being caused to the individuals concerned.
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 1 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 or from other data controllers in similar circumstances, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Schedule 1 Part 1 of the Act, and in particular that:

- (1) The data controller shall take all reasonable measures to ensure the physical security of personal data being processed in furtherance of the duties of the British Council, whether that data is physically in the possession of the data controller or an authorised data processor acting on behalf of the data controller;**
- (2) 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) The data controller shall ensure that its policies on the transfer / sharing of personal data by means of a portable device are clear, comply with Government standards and that staff are adequately trained on how to fulfil their obligations under such policies;**
- (3) The data controller shall implement such other security measures it deems appropriate to ensure that personal data is protected against unauthorised and unlawful process, accidental loss, destruction, and/or damage.**

Dated.....

Signed.....

Martin Davidson
Chief Executive
The British Council

Signed.....

Mick Gorrill
Assistant Commissioner Regulatory Action Division
For and on behalf of the Information Commissioner.