

## **DATA PROTECTION ACT 1998**

### **UNDERTAKING**

Data Controller: Janet Thomas

72 Wentwood Road  
Doncaster  
DN2 5DD

I, Janet Thomas, for and on behalf of Janet Page hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Janet Thomas 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 Janet Page 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 11 April 2012 that approximately 7,435 CV documents were being stored unprotected on the website [www.janetpage.com](http://www.janetpage.com). The documents were freely accessible and available to download, by any member of the public.
3. The files in question were stored in an area of the website that was intended to be a secure portal for prospective employers, granting access to applicant's CVs via a designated password and username.
4. The data controller was not aware of this breach until an affected data subject made a complaint to the organisation in writing. The data controller was unable to ascertain how this breach occurred. At the time of the incident, the data controller believed that the section of the website, in which the CVs were stored, had been hacked by an individual seeking work. However, the data controller has been unable to provide any technical evidence to support this assumption.
5. The data controller failed to ensure appropriate technical security measures were in place to provide an adequate level of protection. In the Commissioner's view, this demonstrates a lack of data protection awareness with regards to technical

security matters. Furthermore, the Commissioner's investigation revealed that the data controller did not have sufficient data protection training, and that its information security policy and procedures were lacking.

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. The Commissioner has also considered the fact that some of the data lost in this incident consisted of information relating to the ethnicity, religion and sexuality of the data subjects. Personal data containing such information is defined as 'sensitive personal data' under section 2(d) of 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 reviews its current practices to ensure compliance with the requirements of the Act and in particular:**
- (2) the data controller shall implement technical security measures as are appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage. Such measures should be appropriately and regularly monitored;**
- (3) personal data should only be collected when necessary. Consideration should be made as to the type of data collected and all information should be securely disposed of when it is no longer required, and;**
- (4) the data controller ensures that all staff receive data protection training, and that this training is refreshed**

**at suitable intervals.**

Signed: .....

Janet Thomas  
Janet Page

Dated: 5 July 2013

Signed: .....

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

Dated: 16 July 2013