

GRETTON PARISH COUNCIL

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DATA BREACH POLICY

GDPR defines a personal data breach as “a breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed”. Examples include:

- Access by an unauthorised third party
- Deliberate or accidental action (or inaction) by a controller or processor
- Sending personal data to an incorrect recipient
- Computing devices containing personal data being lost or stolen
- Alteration of personal data without permission
- Loss of availability of personal data

Gretton Parish Council takes the security of personal data seriously, computers are password protected and hard copy files are stored securely.

CONSEQUENCES OF A PERSONAL DATA BREACH

A breach of personal data may result in a loss of control of personal data, discrimination, identity theft or fraud, financial loss, damage to reputation, loss of confidentiality of personal data, damage to property or social disadvantage. Therefore, a breach, depending on the circumstances of the breach, can have a range of effects on individuals.

GRETTON PARISH COUNCIL’S DUTY TO REPORT A BREACH

Advice from the ICO is that not every breach is reportable to the ICO, but every breach is recordable internally. The flowchart, Appendix 1, to this document is taken from the guidelines and all data controllers should use this flowchart to determine the severity of the breach which will then determine if the breach is reportable to the ICO.

If the data breach is likely to result in a risk to the rights and freedoms of the individual, the breach must be reported to the individual and ICO without undue delay and, where feasible, not later than 72 hours after having become aware of the breach. The Data Protection Officer must be informed immediately so they are able to report the breach to the ICO in the 72-hour timeframe.

If the ICO is not informed within 72 hours, Gretton Parish Council via the DPO must give reasons for the delay when they report the breach.

When notifying the ICO of a breach, Gretton Parish Council must:

- i. Describe the nature of the breach including the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned
- ii. Communicate the name and contact details of the Data Protection Officer
- iii. Describe the likely consequences of the breach
- iv. Describe the measures taken or proposed to be taken to address the personal data breach including, measures to mitigate its possible adverse effects.

When notifying the individual affected by the breach, Gretton Parish Council must provide the individual with (ii)-(iv) above.

Gretton Parish Council will not need to communicate with an individual if the following applies:

- It has implemented appropriate technical and organisational measures (i.e., encryption) so those measures have rendered the personal data unintelligible to any person not authorised to access it.
- It has taken subsequent measures to ensure that the high risk to rights and freedoms of individuals is no longer likely to materialise, or
- It would involve a disproportionate effort

However, the ICO must still be informed even if the above measures are in place.

RECORDS OF DATA BREACHES

All data breaches must be recorded whether or not they are reported to individuals. This record will help to identify system failures and should be used to improve the security of personal data.

Record of Data Breaches

Date of Breach	Type of Breach	Number of individuals affected	Date reported to ICO/individual	Actions to prevent breach recurring

To report a data breach, use the ICO online system:

<https://ico.org.uk/for-organisations/report-a-breach/>

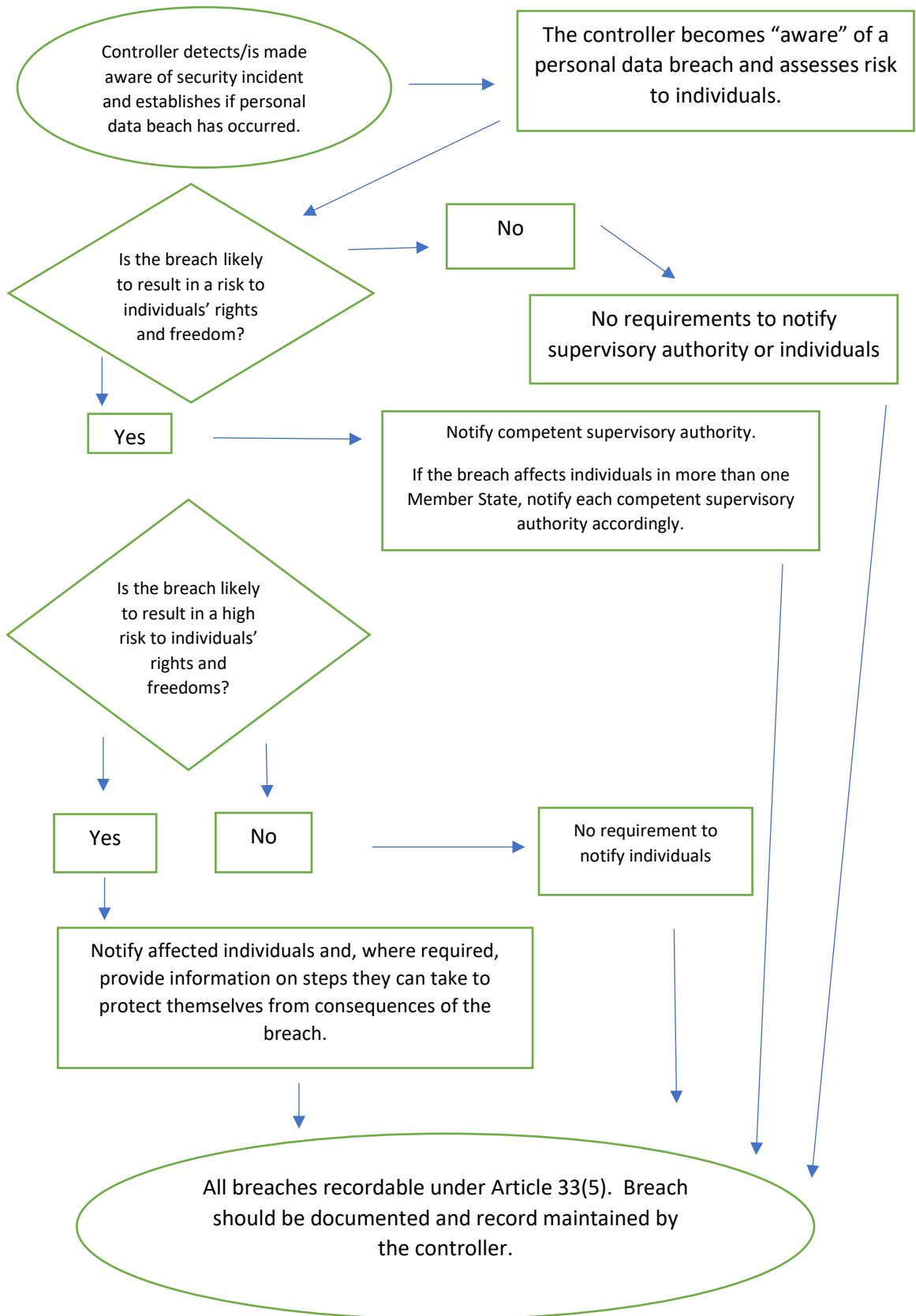
Signed:

Jacki Lilley, Chair

Date: 12th July 2021

Date for next review: July 2022

APPENDIX A: Flowchart showing notification requirements



APPENDIX 2 – DATA SECURITY BREACH REPORT FORM

Please act promptly to report any data security breaches. If you discover a data security breach, please notify the Chair of the Parish Council and Clerk.

<u>Notification of Data Security Breach</u>	To be completed by person report incident
Date incident was discovered:	
Date(s) of incident:	
Place of incident:	
Name of person reporting incident:	
Contact details of person reporting incident (email address, telephone number):	
Brief description of incident or details of the information lost:	
Number of Data Subjects affected, if known:	
Has any personal data been placed at risk: If so, please provide details:	
Brief description of any action taken at the time of discovery:	
For Gretton Parish Council use	
Received by:	
On (date):	
Forwarded for action to:	
On (date):	

