

Data Breach Policy

1. Introduction

1.1. 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

Springthorpe Parish Meeting takes the security of personal data seriously, computers are password protected and hard copy files are kept in locked cabinets.

2. Consequences of a personal data breach

2.1. 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.

3. Springthorpe Parish Meeting's duty to report a breach

3.1. 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 Vice Chair must be informed immediately so they are able to report the breach to the ICO in the 72 hour timeframe.

3.2. If the ICO is not informed within 72 hours, Springthorpe Parish Meeting via the Vice Chair must give reasons for the delay when they report the breach.

3.3. When notifying the ICO of a breach, Springthorpe Parish Meeting 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 Vice Chair
- 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 affects.

3.4. When notifying the individual affected by the breach, Springthorpe Parish Meeting must provide the individual with (ii)-(iv) above.

3.5. Springthorpe Parish Meeting would not need to communicate with an individual if the following applies (however, the ICO must still be informed even if the above measures are in place):

- 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

4. Data processors duty to inform Springthorpe Parish Meeting

4.1. It is not foreseen that Springthorpe Parish Meeting would normally make use of third party data processors, however If a data processor becomes aware of a personal data breach, it must notify Springthorpe Parish Meeting without undue delay. It is then Springthorpe Parish Meeting's responsibility to inform the ICO, it is not the data processors responsibility to notify the ICO.

5. Records of data breaches

5.1. 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 as a way to improve the security of personal data.

5.2. Record of Data Breaches will include the following information:

5.3. To report a data breach use the ICO online system:

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

<i>Date of breach</i>	<i>Type of breach</i>	<i>Numbers of individuals affected</i>	<i>Date reported to ICO/individual</i>	<i>Actions to prevent breach recurring</i>