

## DATA BREACH POLICY

REVIEWED May 2023

NEXT REVIEW DUE: May 2024

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### 1. DATA BREACH POLICY

1.1. The General Data Protection Regulations 2018 define 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.

Dedham Parish Council 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. DUTY TO REPORT A BREACH

3.1. Data breaches do not have to be routinely notified to the Information Commissioner’s Office (ICO) or others. GDPR makes informing the ICO and the individuals affected compulsory in certain circumstances.

- 3.2. If the data breach is likely to result in a high risk to the rights and freedoms of the individual (e.g. identity theft), the breach will be reported to the individual and to the ICO without undue delay and, where feasible, not later than 72 hours after having become aware of the breach.
- 3.3. If appointed, the Responsible Finance Officer (RFO), otherwise the Proper Officer, will be informed immediately. The RFO or Proper Officer will report the breach to the ICO. If the ICO is not informed within 72 hours, the RFO or Proper Officer will give reasons for the delay when they report the breach.

#### **4. WHEN NOTIFYING THE ICO OF A BREACH, THE PARISH COUNCIL WILL:**

- Describe the nature of the breach including the cause and scope (type of data, approximate number of data subjects and data records concerned);
- Communicate the name and contact details of the RFO, or Proper Officer;
- Describe the likely consequences of the breach;
- Describe the measures taken or proposed to be taken to address the personal data breach including mitigation measures and future preventative actions.

#### **5. WHEN NOTIFYING AN INDIVIDUAL OF A BREACH, THE PARISH COUNCIL WILL:**

- Communicate the name and contact details of the RFO, or Proper Officer;
- Describe the likely consequences of the breach;
- Describe the measures taken or proposed to be taken to address the personal data breach including mitigation measures and future preventative actions.

The Parish Council will not need to notify an individual if the following applies:

- It has previously implemented appropriate technical and organisational measures such that the personal data is unintelligible to any person not authorised to access it (e.g. encryption);
- 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.

## 6. DATA PROCESSOR'S DUTY TO INFORM DEDHAM PARISH COUNCIL

- 6.1. If a data processor (e.g. payroll provider) becomes aware of a personal data breach, it will notify the Parish Council without undue delay, so that the Parish Council can fulfil its responsibilities under this policy.

## 7. RECORDS OF DATA BREACHES

- 7.1. All data breaches will be recorded. This record should be used to identify system failures and to improve the security of personal data.

Date of breach	Type of breach	No. individuals affected	No. records affected	Reporting date to ICO / individual
Cause of breach		Likely consequences		Preventative actions taken

Data breaches should be reported to the ICO via:

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

Approved and adopted by Dedham Parish Council.

Signed:

Date: