

Policy

Data Breach

DOCUMENT NO:	PCD0039		
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Approved by:	Quality Improvement & Safety Committee		
Adopted by	Full Member Council		
Approval date:	18/06/2018		
Review date:	17/06/2021		
Version no:	1		
Version Control And Revisions:			
1	First published	June 2018	
Version	Page/Para No.	Description of change	Date

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1. DOCUMENT CONTROL SHEET

Purpose of document:	The purpose of this policy is to remind and inform all staff and council members within Billingham Parish Council of their duties where there is a breach of data.
Dissemination:	This policy will be disseminated to all staff and council members and be made available on the parish website
Implementation:	This document will be accessible via the parish council website and is applicable to all staff and council members.
Review:	This document will be reviewed in 2021 unless there are significant changes in legislation or practice in which case it will be reviewed earlier.
Documents replaced or superseded by this document:	New document
This document supports (enter Standards and Legislation):	<ul style="list-style-type: none"> • General Data Protection Regulation (GDPR) • Data Protection Act 1998 • The Freedom of Information Act 2000
Key related documents:	<ul style="list-style-type: none"> • Records Retention Policy PCD0040 • Subject Access Request Procedure PCD0041
Equality & Diversity:	<ul style="list-style-type: none"> • An Equality and Diversity Impact Assessment has been carried out.
Financial Implications:	<ul style="list-style-type: none"> • This document has potential implications for the Billingham Parish Council where a data breach occurs

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3. POLICY STATEMENT

This Policy is a formal, strategic level document and provides a 'statement of intent' about how the Parish Council will comply with the legislation and directives of its subject matter.

This is a **mandatory document** and does not allow for variation of practice. It is relevant to all staff and council members including volunteers and third party contractors. Non-compliance with this Policy may result in disciplinary action.

It provides a corporate framework and is supported by a number of Parish Council procedures and guidelines. It will be reviewed every 3 years unless there are changes in legislation, directive or agreed variation by full council.

A Rapid Equality and Diversity Impact Assessment has been carried out on this document

4. INTRODUCTION

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

Billingham Parish Council, hereafter referred to as ‘The Parish Council’ takes the security of personal data seriously, computers are password protected and hard copy files are kept in locked cabinets.

5. OBJECTIVES

This document will act as a source of information for all staff and councillors to raise their awareness of:

- Breach of security
- Consequences of security breach
- The Councils duty in reporting a security breach

6. DUTIES

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, The Parish Council via the DPO must give reasons for the delay when they report the breach.

When notifying the ICO of a breach, The 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 DPO
- 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, The Parish Council must provide the individual with (ii)-(iv) above.

The Parish Council would 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.

7. DATA PROCESSORS DUTY TO INFORM BILLINGHAY PARISH COUNCIL

If a data processor (i.e. payroll provider) becomes aware of a personal data breach, it must notify The Parish Council without undue delay. It is then The Parish Council's responsibility to inform the ICO, it is not the data processors responsibility to notify the ICO.

8. RECORD 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 as a way to improve the security of personal data. Data breach form is available in Appendix 1.

To report a data breach use the ICO online system:

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

9. EQUALITY & DIVERSITY STATEMENT

Billingham Parish Council will ensure that this document is applied in a fair and reasonable manner that does not discriminate on such grounds as race, gender, disability, sexual orientation, age religion or belief.

10. RAPID EQUALITY AND DIVERSITY IMPACT ASSESSMENT

In which areas are there concerns that the POLICY could have a different impact (either positive or negative) on different groups?	
Minority ethnic including Gypsy/travellers, refugees and asylum seekers	No impact
Women and men	No impact
People in religious/faith groups	No impact
Disabled people	No impact
Older people	No impact
Children and young people	No impact
Lesbian, gay, bisexual and transgender people	No impact
Marriage and Civil Partnership status	No impact
Maternity status	No impact
People of low income	No impact
People with learning disabilities	No impact
People with mental health problems	No impact
Homeless people	No impact
People involved in criminal justice system	No impact
Staff	No impact
Any other groups	No impact
Will the POLICY have any impact on the social environment? things that might be affected include:	
Social status	No impact
Employment (paid or unpaid)	No impact
Social family support	No impact
Stress	No impact
Income	No impact
Any other areas	No impact
Will the POLICY have any impact on:	
Discrimination	No impact
Equality of opportunity	No impact
Relations between groups	No impact
Any other areas	No impact
Will the POLICY have an impact on the physical environment? for example, will there be impacts on:	
Living conditions	No impact
Working conditions	No impact
Pollution or climate change	No impact
Accidental injuries or public safety	Positive
Transmission of infectious disease	No impact
Any other areas	No impact
Will the POLICY affect access to and experience of services?	
Health care	No impact
Transport	No impact

Social services	No impact
Housing services	No impact
Education	No impact
Any other areas	No impact

Rapid Impact Assessment: Summary sheet

Negative impacts: groups affected	No impact		
Action Plan:	Not required		
Will there be any negative impacts remaining after implementation of action plan?	No		
Summarize impact:	No impact		
What is the likelihood of this occurring? (enter score from table)	0	What is the consequence of this occurring? (enter score from table)	0

Risk likelihood consequence
Score: 0 X 0 = 0

For the full EDIA please refer to the Human Resources Department and the Single Equality Scheme document.

See Risk Assessment Policy for definitions	LIKELIHOOD					
CONSEQUENCES	Impossible 0	Rare 1	Unlikely 2	Moderate 3	Likely 4	Certain 5
Negligible - 0	0	0	0	0	0	0
Minor - 1	0	1	2	3	4	5
Moderate - 2	0	2	4	6	8	10
Serious - 3	0	3	6	9	12	15
Major - 4	0	4	8	12	16	20
Critical - 5	0	5	10	15	20	25

11. APPENDIX 1 – DATA BREACH FORM

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