Data Breach Reporting Procedure

The following procedure must be followed should a data breach occur.

What is a data breach?

A Data Breach is any event which has resulted in, or could result in:

- The disclosure of physical records or papers containing personal information
- The unauthorised removal of data in a physical form (i.e. printouts, letters, etc.)
- The unauthorised removal of data in a digital form (i.e. hacking or phishing, etc.)
- The sharing or distribution of personal data with unauthorised persons
- Loss or theft of data

Incident Reporting

Incidents **must** be reported to the Data Protection Officer (DPO) by telephone (01621 876224) or e-mail (dpo@maldon.gov.uk) as soon as you become aware of an incident. The DPO will record the incident and record what has happened, the nature and extent of the breach, the steps taken to mitigate against the breach, and any resolution activity. Having been informed, the DPO will initially qualify the incident – i.e.: determine whether the event is actually a Security Incident that needs to be managed.
If the impact and severity warrants it, the ICO will be notified. This will be decided on by the DPO who has ultimate responsibility to decide to report or not. The DPO has a legal requirement to inform the Information Commissioner's Office within 72 hours of becoming aware of a reportable breach.
If necessary, an Incident Response Team will be convened consisting of the DPO and others as required depending on the nature of the breach. They will assist the Parish in dealing with the incident.

Informing data subjects

The ICO has produced guidance on when a data subject(s) should be informed of a data breach. The DPO will establish the likelihood and severity of the resulting risk to people's rights and freedoms.
The GDPR guidance states: "A personal data breach may, if not addressed in an appropriate and timely manner, result in physical, material or non-material damage to natural persons such as loss of control over their personal data or limitation of their rights, discrimination, identity theft or fraud, financial loss, unauthorised reversal of pseudonymisation, damage to reputation, loss of confidentiality of personal data protected by professional secrecy or any other significant economic or social disadvantage to the natural person concerned."

The individual(s) concerned only need to be informed if there is a 'high risk' that they may be adversely affected, therefore the threshold for informing individuals is higher than that for informing the ICO of a breach. However, the decision and reasons not to inform an individual should be documented.

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