Kingston St Mary Parish Council

Data Breach Policy

December 2020

Data Breach Policy

This Data Breach Policy was adopted by the Kingston St Mary Parish Council in order to comply with the requirements of the General Data Protection Regulations (GDPR), which took effect from 25 May 2018.

Introduction

A personal data breach is 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.

Kingston St Mary Parish Council takes the security of personal data seriously and all computers, tablets and phones are password protected.

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.

Parish Council's duty to report a breach

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 The Information Commissioner's Office (ICO) without undue delay and, where feasible, not later than 72 hours after having become aware of the breach. The Parish Council Clerk 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, Kingston St Mary Parish Council via the Parish Clerk must give reasons for the delay when they report the breach.

When notifying the ICO of a breach, Kingston St Mary must:

a) 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;

b) Communicate the name and contact details of the Parish Council Clerk;

c) Describe the likely consequences of the breach;

d) 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, Kingston St Maty Parish Council must provide the individual with (a) – (d) above.

Kingston St Mary 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 be informed even if the above measures are in place.

Data processors duty to inform Parish Council

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

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 as a way 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 taken to Prevent Breach Recurring

Data breaches are reported using the ICO online system:

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