GAINSBOROUGH TOWN COUNCIL

Data Breach Policy

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Document History

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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

1.2 Gainsborough Town 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

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. The Town 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 ICO without undue delay and, where feasible, not later than 72 hours after having become aware of the breach.

If the ICO is not informed within 72 hours, the Town Council must give reasons for the delay when they report the breach.

When notifying the ICO of a breach, the Town 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 key contact

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 Town Council must provide the individual with (ii)-(iv) above.

The Town 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.

4. Data processors duty to inform the Town Council

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

5. 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.

6. Record of Data Breaches

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

To report a data breach use the ICO online system: https://ico.org.uk/for-organisations/report-a-breach/