# Corfe Mullen Town Council

# Data Breach Policy



Version: 1
Date of Approval: 9 May 2023
Minute No. TC 23/16

## 1. Introduction

1.1. The General Data Protection Regulations (GDPR) 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

1.2. Corfe Mullen 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

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. Corfe Mullen Town Council's duty to report a breach

3.1. 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. This will be normally done by the Clerk.

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

3.3. If the ICO is not informed within 72 hours, the Clerk, on behalf of the Town Council, must give reasons for the delay when the breach is eventually reported.

3.4. 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 Town Council (normally the Clerk);
iii. Describe the likely consequences of the breach
iv. Describe the measures taken or proposed to be taken to address the personal data breach include measures to mitigate its possible adverse effects.

3.5. When notifying the individual affected by the breach, the Town Council must provide the individual with the details ii – iv above.

3.6. The Town Council does 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 measure 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

3.7. However, the ICO must still be informed even if the above measures are in place.

## 4. Data processor's duty to inform the Town Council

4.1. If a data processor (e.g., 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 he ICO.

## 5. Records of data breaches

5.1. All data breaches must be recorded whether they are reported to individuals or not. This record will help to identify system failures and should be used to improve the security of personal data.

**Record of data breach**

| Date of Breach | Type of breach | Number of individuals affected | Date reported to ICO/individual | Actions to prevent breach recurring |
|---|---|---|---|---|
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## 6. Policy Review

6.1. This Data Breach Policy was presented to the Annual Town Council meeting, for approval and adoption on 9 May 2023, minute no. TC 23/16.

6.2. Future reviews will be carried out annually or when any changes are made to current legislation, whichever is sooner.

## 7. References

7.1. Data Protection Act 2018 – https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted/data.htm

7.2. UK General Data Protection Regulation (GDPR) - https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/

7.3. Information Commissioner's Office - https://ico.org.uk/

7.4. Society of Local Council Clerks (SLCC).