

STAPLEHURST PARISH COUNCIL

General Data Protection Regulation (GDPR)

BREACH NOTIFICATION POLICY

First adopted by Staplehurst Parish Council on: 15 October 2018

Last reviewed and updated by Staplehurst Parish Council on: 04 November 2019 (Min1799)

Next review date: October 2020

Office Opening Times: Monday - Thursday 9am – 1pm

www.staplehurst-pc.uk

Email: clerk@staplehurst-pc.uk

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1. SCOPE

- 1.1. This procedure applies in the event of a personal data breach under Article 33 Notification of a personal data breach to the supervisory authority, and Article 34 Communication of a personal data breach to the data subject of the GDPR.
- 1.2. The GDPR draws a distinction between a 'data controller' and a 'data processor' in order to recognise that not all organisations involved in the processing of personal data have the same degree of responsibility. Therefore, each party should establish whether it is data controller or a data processor for the same data processing activity; it must be one or the other.

2. RESPONSIBILITY

- 2.1. All users (whether Employees/Staff, contractors or temporary Employees/Staff and third-party users) and Councillors of Staplehurst Parish Council are required to be aware of and to follow this procedure in the event of a personal data breach.

3. PROCEDURE – BREACH NOTIFICATION DATA PROCESSOR TO DATA CONTROLLER

- 3.1. Users and Councillors of Staplehurst Parish Council shall without undue delay report any personal data breach to the Parish Clerk who shall pass details to the Data Protection Officer (GDPR-info Ltd).
- 3.2. GDPR-info Ltd shall confirm receipt of details to its contact within the Parish Office and instruct the contact to record the breach in the Internal Breach Register.
- 3.3. Notifications may be made by email or phone call.
- 3.4. Confirmations of this information shall be sent by email

4. PROCEDURE – BREACH NOTIFICATION DATA CONTROLLER TO SUPERVISORY AUTHORITY

- 4.1. GDPR-info Ltd shall notify the supervisory authority [ICO], without undue delay, of a personal data breach.
- 4.2. GDPR-info Ltd shall assess whether the personal data breach is likely to result in a risk to the rights and freedoms of the data subjects affected by the personal data breach.
- 4.3. If a risk to the aforementioned is likely, GDPR-info Ltd shall report any personal data breach to the supervisory authority without undue delay, and where feasible within 72 hours. Where data breach notification to the supervisory authority is not made within 72 hours, it shall be accompanied by the reasons for the delay.

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- 4.4. Staplehurst Parish Council shall provide the following information to the supervisory authority on a Breach Notification Form:
- A description of the nature of the breach
 - The categories of personal data affected
 - Approximate number of data subjects affected
 - Approximate number of personal data records affected
 - Name and contact details of GDPR-info Ltd
 - Likely consequences of the breach
 - The information relating to the data breach, which may be provided in phases.
- 4.5. GDPR-info Ltd shall notify its contact within the supervisory authority, which is recorded in the Internal Breach Register
- 4.6. Notification may be made by email, phone call, etc.
- 4.7. Confirmation of receipt of this information shall be made by email.

5. PROCEDURE – BREACH NOTIFICATION DATA CONTROLLER TO DATA SUBJECT

- 5.1. Where the personal data breach is likely to result in high risk to the rights and freedoms of the data subject, Staplehurst Parish Council shall notify the affected data subjects without undue delay, using the Breach Notification Form or in accordance with GDPR-info Ltd.'s recommendations.
- 5.2. The notification to the data subject shall describe in clear and plain language the nature of the breach including the information specified in 4.4 above.
- 5.3. Staplehurst Parish Council shall take appropriate measures to render the personal data unusable to any person who is not authorised to access it, such as encryption.
- 5.4. Staplehurst Parish Council shall take subsequent measures to ensure as far as possible that the threats to the rights and freedoms of the data subjects are no longer likely to materialise.
- 5.5. If the above measures would require a disproportionate amount of effort, there shall be a public communication or similar measure whereby the data subject is informed in an equally effective manner.
- 5.6. Where the supervisory authority considers the likelihood of a personal data breach would result in high risk. It may require Staplehurst Parish Council to communicate the personal data breach to the data subject.