

# Upper Beeding Parish Council

## DATA BREACH NOTIFICATION POLICY

### SCOPE

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.

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.

### RESPONSIBILITY

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

### PROCEDURE – BREACH NOTIFICATION DATA PROCESSOR TO DATA CONTROLLER

All users whether Employees/Staff, Councillors or Volunteers (including contractors or temporary Employees/Staff and third-party users) shall without undue delay report any personal data breach to the Parish Clerk who is also the Data Protection Officer.

The Clerk shall confirm receipt of details and record the breach in the Internal Breach Register.

Notifications may be made by email or phone call.

Confirmations of this information shall be sent by email

### PROCEDURE – BREACH NOTIFICATION DATA CONTROLLER TO SUPERVISORY AUTHORITY

The Clerk shall notify the supervisory authority [ICO], without undue delay, of a personal data breach.

The Clerk 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.

If a risk to the aforementioned is likely, The Clerk 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.

Upper Beeding 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

Upper Beeding Parish Council Data Breach Notification Policy  
Adopted – xxx 2020

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- Approximate number of personal data records affected
- Name and contact details for Upper Beeding Parish Council
- Likely consequences of the breach
- The information relating to the data breach, which may be provided in phases.

Notification may be made by email, phone call, in writing or any other suitable means of communication.

### PROCEDURE – BREACH NOTIFICATION DATA CONTROLLER TO DATA SUBJECT

Where the personal data breach is likely to result in high risk to the rights and freedoms of the data subject Upper Beeding Parish Council shall notify the affected data subjects without undue delay, using the Breach Notification Form or in accordance with an appointed Advisor's recommendations.

The notification to the data subject shall describe in clear and plain language the nature of the breach including the information specified in the procedure above.

Upper Beeding 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.

Upper Beeding 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.

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.

Where the supervisory authority considers the likelihood of a personal data breach would result in high risk. It may require Upper Beeding Parish Council to communicate the personal data breach to the data subject.