



Bollington

TOWN COUNCIL

Bollington Town Hall
Wellington Road, Bollington, Cheshire SK10 5JR
Email: clerk@bollington-tc.gov.uk
www.bollington-tc.gov.uk
Tel: 01625 572985

Personal Data Breach Notification Policy

This Policy was adopted by the Council at its meeting held on 3rd October 2023.

This version of the Personal Data Breach Notification Policy supersedes any previous versions.

Contents

1. Aim.....	3
2. Personal data breach.....	3
3. Breach detection measures	3
4. Investigation into suspected breach.....	3
5. When a breach will be notified to the Information Commissioner	3
6. When a breach will be notified to the individual	4
7. Record of breaches	4

Table 1 Document Version Control

Version	Date	Initials	Comment
00.01_2023	16/05/2023	HW	Reviewed former version of policy
01.00_2023	03/10/2023	HW	Reviewed by Personnel, Policy & Governance Committee on 13/09/23. Adopted by Full Council 03/10/23.

Date of next review – Quarter 2 2025

1. Aim

We are aware of the obligations placed on us by the Data Protection Act 2018 in relation to processing data lawfully and to ensure it is kept securely.

One such obligation is to report a breach of personal data in certain circumstances and this policy sets out our position on reporting data breaches.

2. Personal data breach

A personal data breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or processed.

The following are examples of data breaches:

- a) access by an unauthorised third party,
- b) deliberate or accidental action (or inaction) by a data controller or data processor,
- c) sending personal data to an incorrect recipient,
- d) computing devices containing personal data being lost or stolen,
- e) alteration of personal data without permission,
- f) loss of availability of personal data.

3. Breach detection measures

We have implemented the following measures to assist us in detecting a personal data breach:

- Keeping an up-to-date data audit.
- IT Security and Advice provided by a professional IT support provider who will ensure our systems are up to date and can monitor any potential threats.
- Staff & Councillor Training to increase and maintain awareness.

4. Investigation into suspected breach

In the event that we become aware of a breach, or a potential breach, an investigation will be carried out. This investigation will be carried out by the Council's Data Protection Officer who will provide guidance to enable the council to make a decision as to whether the breach is required to be notified to the Information Commissioner. A decision will also be made over whether the breach is such that the individual(s) must also be notified.

5. When a breach will be notified to the Information Commissioner

In accordance with the Data Protection Act 2018, we will undertake to notify the Information Commissioner of a breach which is likely to pose a risk to people's rights

and freedoms. A risk to people's freedoms can include physical, material or non-material damage such as discrimination, identity theft or fraud, financial loss and damage to reputation.

Notification to the Information Commissioner will be done without undue delay and at the latest within 72 hours of discovery. If we are unable to report in full within this timescale, we will make an initial report to the Information Commissioner, and then provide a full report in more than one instalment if so required.

The following information will be provided when a breach is notified:

- a) a description of the nature of the personal data breach including, where possible,
 - i) the categories and approximate number of individuals concerned; and
 - ii) the categories and approximate number of personal data records concerned
- b) the name and contact details of the Council's Data Protection Officer where more information can be obtained,
- c) a description of the likely consequences of the personal data breach; and
- d) a description of the measures taken, or proposed to be taken, to deal with the personal data breach, including, where appropriate, the measures taken to mitigate any possible adverse effects.

6. When a breach will be notified to the individual

In accordance with the Data Protection Act 2018, we will undertake to notify the individual whose data is the subject of a breach if there is a *high* risk to people's rights and freedoms. A high risk may be, for example, where there is an immediate threat of identity theft, or if special categories of data are disclosed online.

This notification will be made without undue delay and maybe dependent on the circumstances, be made before the supervisory authority is notified.

The following information will be provided when a breach is notified to the affected individuals:

- a) a description of the nature of the breach,
- b) the name and contact details of the Data Protection Officer where more information can be obtained,
- c) a description of the likely consequences of the personal data breach and
- d) a description of the measures taken, or proposed to be taken, to deal with the personal data breach, including, where appropriate, the measures taken to mitigate any possible adverse effects.

7. Record of breaches

The Town Council records all personal data breaches regardless of whether they are notifiable or not as part of its general accountability requirement under the Data Protection Act 2018. It records the facts relating to the breach, its effects and the remedial action taken.