

# Briefing Note

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## GDPR Personal Data Breaches Policy

### **1.0 Background**

1.1 As part of the council's plan to become GDPR compliant, it has accepted a schedule of policies and documents that need to be endorsed. These policies are sourced from the NALC GDPR Toolkit (National Association for Local Councils) issued in February 2018, and may be updated after advice from CALC.

### **2.0 Outline Proposals**

2.1 The parish council has a duty to record all breaches of the GDPR, and in certain cases report them to the ICO (Information Commissioners Office). A data breach occurs when an incident takes place that affects the confidentiality, integrity or availability of personal data. This may happen through accidental or deliberate loss or disclosure.

### **3.0 What must the parish council do?**

3.1 Identify if a breach has occurred. This would be done by reference to the classes of data which are defined as being 'personal' or 'sensitive' and the manner in which the breach may have occurred.

### **4.0 How must we do it?**

4.1 The DPO must establish the likelihood and severity of the resulting risk to people's rights and freedoms. If this is the case, then the affected individuals must be informed without delay. Could the breach have an adverse effect on individuals, which include emotional distress, and physical and material damage? If it is likely, then the ICO must be informed. If not, there is no need to report the breach, but the council will need to justify the decision.

### **5.0 Summary**

Under the GDPR, councils will be required to report a personal data breach, which meets the reporting criteria, within 72 hours to the Information Commissioner. In line with the accountability requirements, all data breaches must be recorded along with details of actions taken. Councils should ensure that there is a person, or a group of people, who are responsible for dealing with any data breaches which may occur, outline a response plan and set out a procedure detailing how, when and to whom data subjects should report data breaches.

### **6.0 Sources**

6.1 The policy has been extracted from the NALC GDPR Toolkit February 2018.

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Date: 30 July 2018