

GDPR BREACH NOTIFICATION PROCEDURE

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 organisation should establish whether it is a 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 Therfield 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 Therfield Parish Council shall report any personal data breach to the data controller (Clerk) without undue delay.

4 Procedure – Breach Notification Data Controller to Supervisory Authority

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

4.2 The Clerk assesses 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, The Clerk shall report any personal data breach to the ICO without undue delay, and where feasible, within no more than seventy-two hours. Where data breach notification to the ICO is not made within seventy-two hours, it shall be accompanied by the reasons for the delay.

4.4 The data controller (Clerk) shall provide the following information to the ICO:

- 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 Therfield Parish Council
- Likely consequences of the breach
- Any measures that have been or will be taken to address the breach, including mitigation
- The information relating to the data breach, which may be provided in phases
- The Clerk notifies the contact within the ICO
- Notification is made by email
- Confirmation of receipt of this information is 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, Therfield Parish Council notify the affected data subjects without undue delay
- 5.2 The notification to the data subject shall describe in clear and plain language the nature of the breach including the information specified 4.4 above.
- 5.3 Appropriate measures shall be taken to render the personal data unusable to any person who is not authorised to access it, such as encryption.
- 5.4 The controller shall take subsequent measures to ensure that the rights and freedoms of the data subjects are no longer likely to be compromised.
- 5.5 If it would require a disproportionate amount of effort to carry out the above, there shall be a public communication or similar measure whereby the data subject is informed in an equally effective manner.
- 5.6 The ICO may where it considers the likelihood of a personal data breach to result in high risk, require the data controller to communicate the personal data breach to the data subject.

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