Shavington-cum-Gresty Parish Council
Main Rd, Shavington, Crewe, CW2 5DP

DATA BREACH NOTIFICATION POLICY

Approved 1 December 2021
Adopted by Shavington-cum-Gresty Parish Council on 17 May 2023
Reviewed 4 November 2026

Shavington-cum-Gresty Parish Council is committed to protecting personal data and complying with the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018.

This policy sets out the procedures for identifying, managing, recording and reporting personal data breaches. It applies to all councillors, employees, volunteers and anyone processing personal data on behalf of the Council.

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.

The following are examples of data breaches:

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

INVESTIGATION INTO SUSPECTED BREACH

All suspected or actual personal data breaches must be reported to the Clerk immediately.

The Clerk is responsible for investigating and managing breaches, seeking advice from the Council's appointed Data Protection Officer (DPO) where appropriate.

The following action will be taken:

- Establish the nature and extent of the breach.
- Take appropriate steps to contain the breach and prevent further disclosure or loss.
- Identify the personal data and individuals affected.
- Assess the potential risks to individuals.
- Determine whether notification to the Information Commissioner's Office (ICO) or affected individuals is required.
- Record the breach and any action taken.

The Clerk has delegated authority to report breaches to the ICO and notify affected individuals without seeking prior Council approval. Where the Clerk is unavailable, this authority rests with the Chair.

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The Council will be informed of any serious breach as soon as reasonably practicable.

WHEN A BREACH WILL BE NOTIFIED TO THE INFORMATION COMMISSIONER

We will undertake to notify the Information Commissioner of a breach which is likely to pose a risk to people's rights and freedoms. Risks 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, as a minimum, will be provided when a breach is notified:

- a description of the nature of the personal data breach including, where possible:
  - the categories and approximate number of individuals concerned; and
  - the categories and approximate number of personal data records concerned

- the name and contact details of the Data Protection Office is: JDH Business Services Ltd, Carreg Lwyd, Cefn Bychan Road, Pantymwyn, Flintshire. CH7 5EW where more information can be obtained;
- a description of the likely consequences of the personal data breach; and
- 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.
- A description of the Agencies informed of the breach

WHEN A BREACH WILL BE NOTIFIED TO THE INDIVIDUAL

We will undertake to notify the individual whose data is the subject of a breach if there is a high risk to their 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 description of the nature of the breach
- a description of the likely consequences of the personal data breach and
- 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.

RECORD OF BREACHES

The Council will maintain a Data Breach Register recording all confirmed personal data breaches, whether or not they require notification to the ICO.

The register will include:

- The date and nature of the breach.
- The date the Council became aware of it.

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- The personal data and individuals affected.
- An assessment of the risks.
- Action taken to contain and address the breach.
- Decisions regarding notification to the ICO and affected individuals, including reasons for those decisions.
- Any measures taken to prevent recurrence.

The Clerk is responsible for maintaining the register.