



# **PERSONAL DATA BREACH PROCEDURE**

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## Procedure for handling a Personal Data Breach

### Personal Data Breach Definition

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

### Procedure

Any actual or potential incidence of Data Breach whether noted by staff, Councillors or any third party must be immediately notified to the Clerk as the person responsible for the management of GDPR at the Council.

If there is any doubt as to whether an incident is a 'Personal Data Breach' under GDPR this must be referred to the Clerk for a determination.

Upon receipt the Clerk should open a Data Breach form.

The Clerk should review the incident and determine.

- Whether there are reasonable grounds to determine that a data breach occurred
- Whether the data breach concerned Personal Data and meets the Personal Data Breach definition.

If there is any uncertainty regarding the nature or content of the data breach the Clerk shall contact the person notifying the breach and seek clarification. The date and details of this request for clarification should be recorded.

When the Clerk has received all the relevant information, they should decide as to whether there are any reasonable grounds to believe a Personal Data Breach occurred.

The Council may use the ICO Self-Assessment tool for aiding this determination.

<https://ico.org.uk/for-organisations/report-a-breach/>

Kimpton Parish Council  
Personal Data Breach Procedure

When the Clerk has made an initial determination, they should consult with the Chairman to obtain agreement for the proposed course of action.

After agreeing the proposed course of action, the Clerk shall;

- i) In the event of a negative determination (that no Personal Data Breach occurred), record on the Data Breach form the reason for the determination and the date on which the determination was made.
- ii) In the event of a positive determination (that a Personal Data Breach did occur) the Council shall immediately contact the ICO Helpline and take appropriate advice from the ICO. The date / time of initial contact with the ICO must be recorded on the Data Breach Form.

The Council shall ensure that all actions are carried out within the statutory 72-hour time limit.

The Clerk shall report all notifications of Personal Data Breaches received to the next meeting of the relevant Council meeting and confirm the action that has been taken.