Breach Reporting & Response Policy

Information Governance

Breach Reporting & Response Policy

Contents

1. Purpose

1.1 This Policy sets out **Llanybydder School** requirements for ensuring that personal data breaches are reported and responded to in a timely and effective manner.

1.2 Data Protection legislation places an obligation on the School to document all personal data breaches, in effect, to maintain an internal register of such incidents.

1.3 The School is also required report breaches which are likely to result in a risk to the *"rights and freedoms"* of individuals to the Information Commissioner's Office (ICO) and in certain cases, inform the individuals whose personal data has been affected.

2. Scope

2.1 This policy applies to all employees of the School, including:

- Temporary employees and agency workers
- Volunteers
- Contractors acting as data processors

2.2 The legal definition of the term breach, as used in this policy, is as follows:

"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."

This policy therefore covers incidents where the confidentiality, integrity or availability of personal data, in any format, is compromised.

2.3 Examples of breaches include, but are not limited to:

- Loss or theft of ICT equipment such as laptops, tablet devices, smartphones, USB drives containing personal data
- Loss or theft of paper records, such as files, individual documents, notebooks containing personal data
- Loss or theft of financial information such as payment card details
- Accidental disclosure of information such as emails or letters sent to the wrong recipients and containing personal data
- Accidental deletion of records, affecting service delivery and potentially impacting on individuals' wellbeing
- Unauthorised access to IT systems, cyber and ransomware attacks

3. Reporting breaches

3.1 Breaches are most likely to come to light as a result of:

- A complaint or representation by a member of the public or external organisation
- Staff becoming aware of an issue during the course of their duties
- A data processor informing the School of an incident

3.2 In order to ensure that breaches can be acted upon they should be reported by employees to the Headteacher or Deputy Head immediately.

3.3 Out of School hours, breaches must be reported as soon as possible at the beginning of the next working day.

3.4 The response to data security breaches will be co-ordinated by the Breach Response Team, comprised of the:

- Chair or Vice Chair of the Governing Body
- Any two members of the Governing Body on a rota

Depending on the nature of the breach, one or more of these officers will lead on the co-ordination of the response.

4. Procedure for responding to breaches

4.1 The response to a breach will follow the following steps:

- Containment and recovery
- Assessment of risk
- Notification of a breach (where necessary)
- Evaluation and response

4.2 Upon being made aware of a breach, the Breach Response Team will record the details of the breach on the Breach Report template (attached as **Appendix 1**) and notify the Head teacher and Data Protection Officer.

4.3 The Head teacher will be responsible for initiating an immediate investigation into the cause(s) of the breach and identifying and implementing necessary containment & recovery actions, which must be clearly documented in the Breach Report. Examples of such actions include, but are clearly not limited to:

- Attempting to locate and retrieve lost paper records
- Finding a missing item of ICT equipment
- Ensuring that a wrongly addressed email has been deleted
- Informing the Police in the event of a theft
- Changing door access codes

4.4 The Head teacher will then undertake an assessment of the risk(s) posed by the breach and record this in the Breach Report. This assessment must take into account:

- The type of data involved, its nature, sensitivity and volume
- Whether the subject(s) could be harmed by the breach, for example, identity theft, fraud or damage to reputation
- Who the individuals are, for example, children or other vulnerable
- The number of individuals' personal data affected

4.5 Once these steps have been completed and recorded, the Breach Report will be returned to the Breach Response Team to be referred to the Data Protection Officer (DPO).

4.6 The DPO will then determine whether it is necessary to notify the ICO of the breach, taking into consideration the circumstances as documented. In the event that notification is required, the Breach Response Team will provide the ICO with all of the information required under Data Protection legislation.

4.7 Based on the assessment of risk, the Data Protection Officer, in consultation with the Head teacher and Breach Response Team, will then determine whether the data subject(s) affected by the breach are to be notified**.** Where this is deemed necessary, the information to be communicated to the subject, set out in Data Protection legislation, must be provided in full.

4.8 The steps set out from 4.1 to 4.7 above must be completed within a maximum of 5 working days.

4.9 Finally, in consultation with the Head teacher, the Breach Response Team will identify and document any further recommendations and actions required. For example, if the breach was caused by systemic and ongoing problems, then actions such as the following may be necessary:

- Changes to procedures and systems
- Review of policies
- Staff training/awareness

5. Other policies or procedures

5.1 Where a reported breach constitutes a breach of any other School policies, then the requirements of the relevant policy will be followed, which may include initiating disciplinary procedures.

5.2 Where the breach constitutes a complaint, a response to the complainant will be provided in accordance with the **School's Complaints Procedure**.

6. Compliance measurement

6.1 Compliance with this Policy is mandatory. Breaches of this policy by staff may lead to disciplinary action being taken.

7. Sponsor

7.1 This Policy is owned by **Llanybydder School.**

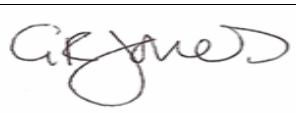
8. Custodian

8.1 It is the responsibility of the Head teacher and Data Protection Officer to ensure that this policy is reviewed and updated.

9. Ensuring equality of treatment

9.1 This policy and procedure must be applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion or belief, age, sex, gender identity, sexual orientation, parental, marital or civil partnership status.

If you require this document in an alternative format please contact Gareth Jones 01570 480639 or email admin@llanybydder.ysgolccc.cymru

	Name	Signature	Date
Chair of Governors	Daryl Thomas		14/1/2019
Headteacher	Gareth Jones		14/1/2019

Review Date	14/1/2020

Appendix 1

PERSONAL DATA BREACH REPORT

Reference:

1. Full details of the breach

2. Containment & recovery action(s) taken

3. Assessment of ongoing risk
Type of data involved:
Number of data subject(s) affected:
Number of records affected:
Risk(s) to data subject(s):

Risk(s) to School:

4. Notification of breach required?
Information Commissioner's Office:
Data subject(s):

5. Evaluation & response – recommendations & action(s) required

6. Other considerations (including HR issues)

Lead co-ordinating officer	
Designation	
Date	

Recipients
Headteacher:

Deputy Head:
Other: