

# **Tintwistle Parish Council**

## **Data Breach Policy**



Approved May 2025	Reviewed:	Next review due May 2026
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### **Introduction and Background**

Tintwistle Parish Council holds a large amount of information in a variety of formats. This includes personal and sensitive personal data and non-personal information which may be sensitive or commercially confidential.

The parish council has legal responsibilities to ensure that the information within its control is safeguarded. Care will be taken to protect information, to ensure its integrity and to protect it from loss, theft or unauthorised access.

Tintwistle Parish Council takes the security of personal data seriously and has robust measures in place to minimise and prevent data breaches from taking place including password protected computers, back-ups using OneDrive and three barriers of security for hard copy files.

### **Scope of the Policy**

This policy defines a data breach incident and sets out the parish council's procedures to follow on the reporting of a data breach.

This document applies to all councillors, committees, employees of the council, contractual third parties and agents of the council who have access to information systems or information used for Tintwistle Parish Council purposes.

Any member of the above discovering or suspecting a data breach incident must report it in accordance with this policy.

### **Definition**

The General Data Protection Regulations (GDPR) 2018 define a personal data breach as "a breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed". Examples include:

- Access by an unauthorised third party
- Deliberate or accidental action (or inaction) by a controller or 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 and Response**

A breach of personal data may result in a loss of control of personal data, discrimination, identity theft or fraud, financial loss, damage to reputation, loss of confidentiality of personal data, damage to property or social disadvantage. A breach can therefore have a range of effects on individuals.

When a breach is discovered, the following information should be supplied immediately to the council's Data Protection Officer (DPO), namely the Clerk:

- Contact details of the person reporting the breach;
- The type of data or information involved (not the data unless specifically requested);
- Whether the data related to people and if so how many people involved;
- Location of the incident;
- Inventory and location of any equipment affected;
- Date and time the data breach occurred; and
- Type and circumstances of the incident.

The clerk will consider the report, and where appropriate, investigate the circumstances and the effect(s) of the data breach. An investigation will be started into material breaches within 24 hours of the breach being discovered, where practical. The investigation will cover the extent of the sensitivity of the data and a risk assessment will be carried out as to what might be the consequences of the loss.

## **Tintwistle Parish Council's duty to report a breach**

If the data breach is likely to result in a risk to the rights and freedoms of the individual, the breach must be reported to the individual and Information Commissioner's Office (ICO) without undue delay and, where feasible, not later than 72 hours after having become aware of the breach.

If the ICO is not informed within 72 hours, Tintwistle Parish Council via the DPO must give reasons for the delay when they report the breach.

When notifying the ICO of a breach, Tintwistle Parish Council must:

- i. Describe the nature of the breach including the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned
- ii. Communicate the name and contact details of the DPO
- iii. Describe the likely consequences of the breach
- iv. Describe the measures taken or proposed to be taken to address the personal data breach including, measures to mitigate its possible adverse effects.

When notifying the individual affected by the breach, Tintwistle Parish Council must provide the individual with (ii)-(iv) above.

Tintwistle Parish Council would not need to communicate with an individual if the following applies:

- It has implemented appropriate technical and organisational measures (i.e. encryption) so those measures have rendered the personal data unintelligible to any person not authorised to access it;
- It has taken subsequent measures to ensure that the high risk to rights and freedoms of individuals is no longer likely to materialise, or
- It would involve a disproportionate effort

However, the ICO must still be informed even if the above measures are in place.

To report a data breach, use the ICO online system:

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

### **Recording Data Breaches**

All data breaches must be recorded whether or not they are reported to individuals. This record will help to identify system failures and should be used as a way to improve the security of personal data.

Date of breach	Type of breach	Number of individuals affected	Date reported to ICO/individual	Actions to prevent breach recurring

### **Review of Data Breaches**

Once the incident had been contained, Tintwistle Parish Council will undertake a thorough review of the event to establish the cause of the incident, the effectiveness of the response and will identify the areas that require improvement. Any recommended changes to systems, policies and procedures will be documented and implemented as soon as possible thereafter. Any weaknesses or vulnerabilities that may have contributed to the incident will be identified, and plans put in place to resolve and avoid any future incidents occurring.

This policy was approved by Tintwistle Parish Council at its annual council meeting on 14<sup>th</sup> May 2025.

Policy version reference: May 2025

Supersedes: Policy reference March 2024