



# Kings Hill Parish Council

## Security Incident and Data Breach Policy

Adopted

### Document Control

<b>Title</b>	Security Incident and Data Breach Policy
<b>Author</b>	Clerk and Responsible Officer
<b>Owner</b>	Kings Hill Parish Council
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<b>Approved by</b>	
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### Version Control

Version	Date	Author	Description of Change
1	19/08/2020	Data Protection Enterprise Ltd <a href="http://www.dataprotectionenterprise.co.uk">www.dataprotectionenterprise.co.uk</a>	New Policy

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*Policy amendments may occur at any time and you should consult the website if in doubt.*

## 1. Introduction

Kings Hill Parish Council ('the Parish Council') is responsible for the protection of individuals about the processing of personal data and is legally required under the Directive 95/46/EC General Data Protection Regulation 2016/679 (GDPR) and the Data Protection Act 2018 to comply with these requirements.

Every care must be taken to protect information and to avoid a security incident, especially where the result is a data breach when personal information is lost or disclosed inappropriately to an unauthorised person. In the unlikely event of such a security incident it is vital that appropriate action is taken to minimise any associated risk. The Parish Council will investigate all security incidents classified as 'serious' using a set plan and follow a Breach Management Plan in the event of a data breach.

Obligations and responsibilities under the General Data Protection Regulation are not optional; **they are mandatory**. There can be harsh penalties, up to €20 million or 4% of global turnover for the preceding year (whichever is the greater) in relation to breaches of rights and obligations and up to €10 million or 2% of global turnover for the preceding year (whichever is the greater) imposed for non-compliance regarding Control and Mitigation.

All individuals permitted to access personal data in line with their work must agree to comply with this policy and agree to undertake any relevant training that may be appropriate.

### 1. Purpose

The purpose of this policy is to ensure a standardised management approach in the event of a serious security incident, including the handling of a data breach. Security incident management is the process of handling security incidents in a structured and controlled way ensuring they are dealt with:-

- speedily and efficiently
- consistently
- ensuring damage is kept to a minimum (i.e loss of equipment (laptop/memory stick) and/or loss of personal data)
- ensuring that the likelihood of recurrence is reduced by the implementation of appropriate measures.

### 2. Scope

This policy applies to all information held by the Parish Council falling within the scope of the General Data Protection Regulation and Data Protection Act 2018, in all formats including paper, electronic, audio, and visual. It applies to all staff and those working on behalf of the Parish Council who have access to Parish Council information.

This policy takes effect immediately and all staff should be made aware of security incident requirements. Any queries should be directed to the Clerk and Responsible Officer (contact details below).

### **3. Types of security incidents**

This policy addresses the reporting and handling of security incidents and data breaches.

A data security breach can happen for many reasons:

- Loss or theft of data or equipment on which data is stored i.e. IT equipment or information (laptops, mobiles, devices containing personal data e.g. memory sticks)
- Unauthorised disclosure containing personal information
- Inappropriate access controls allowing unauthorised use
- Breach of physical building access/security
- Human error e.g. personal information being left in an insecure location, using incorrect email or postal address, uploading personal information to a website
- Unforeseen circumstances such as fire or flood
- Hacking attack
- 'Blagging' offences where information is obtained by deception

### **4. Reporting a security incident**

This section explains how to report a security incident including a data breach.

**1.1** The person who discovered the security incident MUST report the security incident to the Clerk and Responsible Officer immediately by email and no later than 24 hours using the security incident form (appendix A). If this is not possible then the Chair should be informed. If the incident occurs or is discovered outside normal working hours this should be done as soon as practicable.

**1.2** The Clerk and Responsible Officer will determine and lead on an investigation although others may be invited to assist depending on the severity of the security incident. Staff must not attempt to conduct their own investigations (other than reporting the incident).

**1.3** The Chair and Committee is ultimately responsible for making any decisions on serious security and incident breaches.

**1.4** Any decision to take disciplinary action will be in line with the Parish Council's disciplinary policy.

**1.5** The security incident report will be concluded when all investigations are complete.

### **5. Responsibility of Clerk and Responsible Officer**

#### **Breach Management Plan**

The Clerk and Responsible Officer will lead all data breach investigations and will follow the Information Commissioner's Office (ICO) suggested Breach Management Plan:-

1. Containment and Recovery
2. Assessment of ongoing risk
3. Notification of Breach
4. Evaluation and Response

## **Containment and Recovery**

Containment and recovery involves limiting the scope and impact of the data breach including, where necessary, damage limitation.

The Clerk and Responsible Person will:

- Lead the investigation
- Establish who needs to be made aware of the breach and inform them of what they are expected to do to assist in the containment exercise. This could be isolating or closing a process, finding a lost piece of equipment, or simply changing access codes etc.
- Establish if there is anything that can be done to recover any losses and limit the damage the breach can cause.
- Where appropriate inform the ICO within 24 - 72 hours and;
- Where appropriate inform the police

## **Assessing the risks**

The next stage of the management plan is for the Clerk and Responsible Officer to assess the risks which may be associated with the breach considering the potential adverse consequences for individuals, how serious or substantial these are and how likely they are to happen.

In making this assessment the Clerk and Responsible Officer will assess:

- What type of data is involved
- How sensitive it is
- If data has been lost or stolen are there any protections in place such as encryption
- What has happened to the data
- What are the consequences if a third party has the data
- How many and who are the individuals' affected
- What harm can come to those individuals
- If there are wider consequences to consider such as a risk to public health or loss of public confidence

## **Notification**

The Clerk and Responsible Officer will decide whether the Information Commissioner's Office (ICO) or the data subjects should be notified of the breach and will inform the Chair. The ICO must be notified within 24 – 72 hours. This is the sole responsibility of the Clerk and Responsible Officer and staff **must not** make any notifications directly.

The ICO will need to be notified of a breach where it is likely to result in a risk to the rights and freedoms of individuals. If unaddressed such a breach is likely to have a significant detrimental effect on individuals, for example, result in discrimination, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage. This will be assessed on a case by case basis by the Clerk and Responsible Officer.

### **Evaluation and Response**

The Clerk and Responsible Officer will:

- fully review both the causes of the breach and the effectiveness of the response to it
- keep a breach log
- report to the Chair
- implement an action plan to correct identified issues if required
- monitor staff awareness of security issues and look to fill any gaps through training

### **6. Clerk and Responsible Officer Contact Details**

Julie Miller  
Kings Hill Parish Council  
Tel: 01732 870382  
Email: [clerk@kingshillparish.gov.uk](mailto:clerk@kingshillparish.gov.uk)

### **7. Policy Review**

This policy will be reviewed by the Clerk and Responsible Officer. In addition, changes to legislation, national guidance, codes of practice or commissioner advice may trigger interim reviews.

### **8. Links with other Policies**

This Security Incident and Data Breach Policy links with the Parish Council's:

- Data Protection Policy
- Information Security Policy
- Information Sharing Policy
- CCTV Policy

## Security Incident and Data Breach Notification Form

### Contact Details of person submitting form:

Name:

Job Title:

Contact Number:

Email:

### Incident Information

Date of incident?

How did the incident happen?

Who reported the incident?

Description of Breach:

Type of Breach:	Loss of IT equipment	<input type="checkbox"/>	Human error	<input type="checkbox"/>
	Theft of IT equipment	<input type="checkbox"/>	Hacking	<input type="checkbox"/>
	Unlawful disclosure	<input type="checkbox"/>	Blagging/Phishing	<input type="checkbox"/>
	Unlawful access	<input type="checkbox"/>	Fire/Flood	<input type="checkbox"/>
	Other (please describe)	<input type="text"/>		

### Personal data placed at risk

What personal data has been placed at risk? *Please specify if any financial or sensitive personal data has been affected and provide details of the extent.*

Number of Individuals affected:

Have the affected individuals been made aware:

Yes

No

What are the potential consequences and adverse effects on those individuals?

Have any affected individuals complained about the incident?

Yes

No

Provide details of any action taken to minimise/mitigate the effect on the data subjects.

Has the data placed at risk now been recovered? If so, please provide details of how and when this occurred.

Please provide brief details of any supporting information:

Once complete please email form to: Clerk and Responsible Officer:  
[clerk@kingshillparish.gov.uk](mailto:clerk@kingshillparish.gov.uk)