



# **Spaldwick Community Primary School Data Breach Procedure**

**Person Responsible:** Headteacher, Governors

**Review Date:** September 2021

**Distribution to:** All staff, Governors

**Policy written and agreed by Governors:** September 2019

## Aims

*The aims of this policy is to outline the procedure that will be followed if a data breach occurs.*

## Policy

This policy is based on guidance on personal data breaches produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the Headteacher, Louise Worrell.
  - The Headteacher in conjunction with the DPO will investigate the report, and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
    - Lost
    - Stolen
    - Destroyed
    - Altered
    - Disclosed or made available where it should not have been
    - Made available to unauthorised people
  - The Headteacher in conjunction with the DPO and the chair of governors will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out at the end of this procedure)
  - The Headteacher in conjunction with the DPO and the chair of governors will assess the potential consequences, based on how serious they are, and how likely they are to happen
  - The Headteacher in conjunction with the DPO and the chair of governors will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
    - Loss of control over their data
    - Discrimination
    - Identify theft or fraud
    - Financial loss
    - Unauthorised reversal of pseudonymisation (for example, key-coding)
    - Damage to reputation
    - Loss of confidentiality
    - Any other significant economic or social disadvantage to the individual(s) concerned
- If it's likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.
- The DPO will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored on Spaldwick Primary's Computer System.

- Where the ICO must be notified, the DPO will do this via the 'report a breach' page of the ICO website within 72 hours. As required, the DPO will set out:
  - A description of the nature of the personal data breach including, where possible:
    - The categories and approximate number of individuals concerned
    - The categories and approximate number of personal data records concerned
  - The name and contact details of the DPO
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
- The Headteacher in conjunction with the DPO and the chair of governors will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the Headteacher in conjunction with the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
  - The name and contact details of the DPO
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
- The Headteacher in conjunction with the DPO and the chair of governors will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The Headteacher in conjunction with the DPO and the chair of governors will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
  - Facts and cause
  - Effects
  - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

Records of all breaches will be on the Spaldwick Primary School computer system.

The DPO and headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible.

### **Actions to minimise the impact of data breaches**

Spaldwick Primary School will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. Spaldwick Primary will review the effectiveness of these actions and amend them as necessary after any data breach.

### **Sensitive information being disclosed via email (including safeguarding records)**

- If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error.
- Members of staff who receive personal data sent in error must alert the sender and the Headteacher as soon as they become aware of the error.
- If the sender is unavailable or cannot recall the email for any reason, the Headteacher will ask the ICT department to recall it.
- In any cases where the recall is unsuccessful, the DPO will contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way.
- The Headteacher in conjunction with the DPO and the chair of governors will ensure it receives a written response from all the individuals who received the data, confirming that they have complied with this request.
- The Headteacher in conjunction with the DPO and the chair of governors will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted.
- Details of pupil premium interventions for named children being published on the Spaldwick Primary School website, the School Finance Manager will notify the Headteacher in conjunction with the DPO and the chair of governors.
- Non-anonymised pupil exam results or staff pay information being shared with governors – the receiver must alert the clerk to the governors immediately who will recall all information and notify the Headteacher in conjunction with the DPO and the chair of governors.
- A Spaldwick Primary laptop containing non-encrypted sensitive personal data being stolen or hacked the Headteacher in conjunction with the DPO and the chair of governors will notify the ICO and the police.
- Spaldwick Primary's cashless payment provider being hacked and parents' financial details stolen the Headteacher in conjunction with the DPO and the chair of governors will notify the ICO.