

Yateley Town Council

Data Breach Policy



Introduction

Yateley Town Council is committed to protecting the personal data it processes and to complying with the requirements of the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

This Policy sets out how the Council will identify, manage, report and learn from personal data breaches in a consistent, lawful and proportionate manner.

This Policy applies to all Councillors, Officers, contractors, volunteers and others who process personal data on behalf of the Council.

All actual, suspected or potential data breaches, including near misses, must be reported immediately to the Town Clerk.

What is a Personal Data Breach?

A personal data breach is a breach of security leading to the accidental or unlawful:

- destruction;
- loss;
- alteration;
- unauthorised disclosure of; or
- access to personal data.

A breach may involve confidentiality, integrity or availability of personal data and may result in harm to individuals, disruption to Council services, reputational damage, financial loss or regulatory enforcement.

Examples (non-exhaustive) include:

- personal data sent to the wrong recipient;
- loss or theft of devices, paper files or storage media containing personal data;
- unauthorised access to systems or records;
- cyber incidents such as malware or phishing attacks;
- insecure disposal of personal data;
- physical security failures resulting in unauthorised access to records.

Near misses, where a breach was narrowly avoided, must also be reported so that learning and mitigation can take place.

Roles and Responsibilities

Town Clerk

The Town Clerk is responsible for overseeing the management of data breaches on behalf of the Council, including:

- assessing the breach and associated risks;
- determining whether notification to the Information Commissioner's Office (ICO) and/or affected individuals is required;
- ensuring incidents are recorded, investigated and resolved; and
- ensuring lessons learned are acted upon.

Where the breach involves the Town Clerk, the matter must be reported to the Chairman of the Council (or nominated member), who will assume responsibility for overseeing the response.

Councillors, Officers, Contractors and Volunteers

All individuals processing personal data on behalf of the Council are responsible for:

- identifying and reporting suspected or actual data breaches immediately;
- cooperating with any investigation; and
- taking steps to contain and mitigate breaches where safe to do so.

Training and Awareness

The Council is committed to promoting good data protection practices and reducing the risk of personal data breaches through regular training and awareness activities.

- Data protection training will be provided and made available to all Councillors and staff on a regular basis.
- Councillors and staff are expected to complete any mandatory training and to familiarise themselves with the Council's data protection policies and procedures.
- The Council may issue supplementary guidance, briefings and awareness materials covering common risks, emerging threats and good practice.
- A data protection guidance summary ("hit list") highlighting key risks, common pitfalls and practical advice for Councillors and staff will be maintained and circulated periodically.

Reporting a Data Breach

All data breaches or suspected breaches must be reported as soon as they are discovered to the Town Clerk.

Where an incident occurs outside normal working hours, it must be reported at the earliest practicable opportunity by email or telephone.

Where there is doubt as to whether an incident constitutes a breach, it must be treated as a breach and reported.

Incident Response and Management

The Council will follow a structured incident response process:

1. Identification and Assessment

Confirm whether a personal data breach has occurred, assess the nature and scope of the incident, and identify the categories and volume of personal data involved.

2. Containment and Mitigation

Take immediate steps to limit the impact of the breach, including securing systems, recovering data where possible, and preventing further unauthorised access or loss.

Examples of containment actions may include:

- recalling or requesting deletion of emails sent in error;
- securing or isolating IT systems;
- resetting passwords or access controls;
- retrieving lost or misdirected documents where possible;
- contacting IT support or third-party providers;
- securing physical records or premises.

3. Risk Assessment

Assess the likelihood and severity of the risk to the rights and freedoms of affected individuals, taking account of:

- the type of data involved;
- the sensitivity of the data;

- the number of individuals affected; and
- the potential consequences of misuse.

4. Notification Decisions

The Town Clerk will determine, based on risk assessment:

- whether the breach must be reported to the ICO without undue delay and, where feasible, not later than 72 hours after becoming aware of the breach; and
- whether affected individuals must be informed without undue delay where there is a high risk to their rights and freedoms.

If the 72-hour deadline is not met, the reasons for the delay must be recorded.

Where a breach is reported to the ICO, the notification will include:

- a description of the nature of the breach;
- the categories and approximate number of individuals and records affected;
- the likely consequences of the breach;
- the measures taken or proposed to address the breach and mitigate its effects; and
- the name and contact details of the Town Clerk (or responsible officer).

Breaches are reported to the ICO via: <https://ico.org.uk/for-organisations/report-a-breach/>

5. Recovery and Remediation

Restore systems and processes, provide appropriate support to affected individuals where necessary, and implement measures to prevent recurrence.

6. Review and Learning

All breaches and near misses will be reviewed to identify lessons learned and any required changes to policies, procedures, training or technical controls.

Recording and Documentation

All personal data breaches and near misses will be recorded in a data breach log, regardless of whether they are reported to the ICO.

The breach log will include:

- date and time of the breach;
- date reported;
- description of the incident;
- the type and volume of personal data involved;
- the number of individuals affected;
- risk assessment outcome;
- the likely effects of the breach
- whether the ICO and/or affected individuals were notified;
- details of any containment, remedial action and outcomes.

Disciplinary and Compliance Matters

Failure to comply with this Policy may result in disciplinary action where breaches arise from deliberate, reckless or repeated non-compliance with Council policies or procedures.

Nothing in this Policy is intended to deter prompt reporting. Early reporting of mistakes or near misses is encouraged and supported.

Review and Monitoring

This Policy will be monitored for effectiveness and reviewed biennially, or earlier where required due to legislative change, ICO guidance or operational learning.

Amendment Record

Version 1: Proposed 14.09.26

Due for Review: September 2028