



# COLNEY HEATH PARISH COUNCIL

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## DATA PROTECTION - DATA BREACH PROTOCOL

### 1. Scope

A data breach occurs when confidential and/or personal data an organisation has obtained, recorded, stored or processed is accidentally lost, inadvertently destroyed, stolen or maliciously accessed.

This includes paper-based material, electronic files, emails, servers, hard drives, contact lists, notes, reports etc. any material even if no specific person is mentioned but which contains sufficient detail from which a person could be identified.

The Information Commissioner's Office (ICO) says a security breach may occur if there is a deliberate attack compromising the integrity of your service or if there is an unauthorised access within your organisation or an accidental loss of integrity.

### 2. Impact

It may be that a security breach has not resulted in any loss to or access of personal data but this must still be investigated and remedial action taken to prevent further incidents.

Where the data breach has resulted in the data being accessed or stolen or compromised this can result in data being used to publicise personal or confidential business information into the public domain, the personal data has been used for criminal or malicious activity including deception, fraud, exploitation, bullying or harassment.

The breach has resulted in a material loss for the data subjects involved, causing distress and the data subjects suffering some form of detriment — loss of reputation or credibility for instance.

There is also the Information Commissioner's Office definition - "Any breach of security or loss of integrity that has a significant impact on a trust service provided (by the organisation) or on the personal data maintained therein."

### 3. Action to be taken if there has been a breach

#### Notifications within the first 24 to 72 hours:

- Immediately report the breach to the Clerk of the Council.
- Immediately assess the impact of the incident on the data subjects involved and on the organisation.
- The Clerk to notify the ICO within 72 hours if there has been a breach causing a significant impact.



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- Notify the data subjects "without undue delay" whose data has been lost or stolen, accessed or used - consult and advise them on measures to be taken to mitigate the impact or to prevent further impact. The ICO recommend this notification should include:
  - a summary of the incident, the likely effect on the data subject, any measures taken to address the breach and any steps the data subject can take to protect themselves from harm.
  - Notify anyone else who may be affected but are not the organisations direct employees or customers or service users but may be end users relying on the integrity of the service provided.
  - Depending on the scope of the breach and the impact, the public may also need to be notified and the ICO reserves the right to do this themselves if need be.
  - If there has been a loss of equipment, devices including mobile phones, paper-based material containing confidential, sensitive or personal data — report this to the police.

## 4. Actions to mitigate the impact and to prevent further impact

- If a mobile phone or other communication device has been lost or stolen remote wipe the device of all corporate data and ask the service provider to block the device so no access can be gained.
- If credit cards/debit cards or other cards providing access to business or personal accounts, or passwords or codes, account numbers etc. have been lost or stolen the relevant financial organisations will need to be contacted to block further use of these.
- If a laptop has been lost or stolen block the attempts to access remote systems by changing user credentials.
- Consider taking measures to block, limit or prevent further unauthorised access to servers, websites, internet etc. and if necessary consider closing down systems temporarily.

## 5. Following the immediate incident

- A full report must be compiled on the incident, the impact it had on the organisation and individuals and on service delivery, what if anything failed to prevent the breach happening e.g. inadequate security measures, insufficient procedures or training, negligence by individuals.
- Recommend actions to be taken to improve measures, procedures, training and oversight and where necessary take formal action against individuals who failed in their duty of care or were negligent.
- Take legal advice on how to handle potential legal action against the organisation and/or individuals — by the ICO in the criminal courts or by affected organisations or individuals in the civil courts for lack of duty of care, negligence and for loss or other detriment caused.



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This policy will be reviewed in two years or when new legislation is introduced.

**COLNEY HEATH PARISH COUNCIL  
CLERK TO THE COUNCIL**

**DATE 16 February 2021**

Version 1	Reviewed & approved by F&G Committee, 4 February 2021	Review Feb 2023