Data Breach Procedure
2024/25

Data Breach Procedure
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 or special category data transmitted, stored or otherwise processed.

Examples of a data breach could include the following:

- Loss or theft of data or equipment on which data is stored, for example loss of a laptop or a paper file (this includes accidental loss)
- Inappropriate access controls allowing unauthorised use
- Equipment failure
- Human error (for example sending an email or SMS to the wrong recipient)
- Unforeseen circumstances such as a fire or flood
- Hacking, phishing and other "blagging" attacks where information is obtained by deceiving whoever holds it

When does a personal data breach need to be reported?
Guardian Angels Catholic Primary School must notify the Information Commissioners Office of a data breach where it is likely to result in a risk to the rights and freedoms of individuals. This means that the breach needs to be more than just losing personal data and if unaddressed the breach is likely to have a significant detrimental effect on individuals.

Examples of where the breach may have a significant effect includes:

- potential or actual discrimination
- potential or actual financial loss
- potential or actual loss of confidentiality
- risk to physical safety or reputation
- exposure to identity theft (for example through the release of non-public identifiers such as passport details)
- the exposure of the private aspect of a person's life becoming known by others

If the breach is likely to result in a high risk to the rights and freedoms of individuals then the individuals must also be notified directly.

Reporting a data breach
If you know or suspect a personal data breach has occurred or may occur which meets the criteria above, you should:

- Complete a data breach report form (Appendix 1)
- Email the completed form to the Andrew Spindlow or Bernie Cahill

- Notify the Headteacher that a data breach has taken place

Once reported, you should not take any further action in relation to the breach. In particular, you must not notify any affected individuals or regulators or investigate further.

Managing and recording the breach

On being notified of a suspected personal data breach, Head Teacher, Deputy Head Teacher or Office Manager will notify the Data Protection Officer. Collectively they will take immediate steps to establish whether a personal data breach has in fact occurred. If so they will take steps to:

- Where possible, contain the data breach
- As far as possible, recover, rectify or delete the data that has been lost, damaged or disclosed
- Assess and record the breach in the School's data breach register
- Notify the Information Commissioner's Office
- Notify data subjects affected by the breach
- Notify other appropriate parties to the breach
- Take steps to prevent future breach.

Notifying the ICO

Head Teacher, Deputy Head Teacher or Office Manager will contact Warwickshire Council via schooldpo@warwickshire.gov.uk who will inform us if we then need to notify the Information Commissioner's Office. This is likely when a personal data breach has occurred which is likely to result in a risk to the rights and freedoms of individuals.

This will be done without undue delay and, where possible, within 72 hours of becoming aware of the breach. If the School are unsure of whether to report a breach, the assumption will be to report it.

Where the notification is not made within 72 hours of becoming aware of the breach, written reasons will be recorded as to why there was a delay in referring the matter to the Information Commissioner's Office.

Notifying Data Subjects

Where the data breach is likely to result in a high risk to the rights and freedoms of data subjects, the school will notify the affected individuals without undue delay including the name and contact details of the Data Protection Officer and Information Commissioner's Office, the likely consequences of the data breach and the measures the School have (or intended) to take to address the breach.

When determining whether it is necessary to notify individuals directly of the breach, the school will co-operate with and seek guidance from Warwickshire Data Protection Officer Service, the Information Commissioner's Office and any other relevant authorities (such as the police).

If it would involve disproportionate effort to notify the data subjects directly (for example, by not having contact details of the affected individual) then the School will consider alternative means to make those affected aware (for example by making a statement on the School website).

Assessing the breach

Once initial reporting procedures have been carried out, the School will carry out all necessary investigations into the breach.

The School will identify how the breach occurred and take immediate steps to stop or minimise further loss, destruction or unauthorised disclosure of personal data. We will identify ways to recover, correct or delete data (for example notifying our insurers or the police if the breach involves stolen hardware or data).

Having dealt with containing the breach, the school will consider the risks associated with the breach. These factors will help determine whether further steps need to be taken (for example notifying the Information Commissioner's Office and/or data subjects as set out above).

Preventing future breaches

Once the data breach has been dealt with, the School will consider its security processes with the aim of preventing further breaches. In order to do this, we will:

- Establish what security measures were in place when the breach occurred
- Assess whether technical or organisational measures can be implemented to prevent the breach happening again;
- Consider whether there is adequate staff awareness of security issues and look to fill any gaps through training or tailored advice
- Consider whether it is necessary to conduct a privacy or data protection impact assessment
- Consider whether further audits or data protection steps need to be taken
- Update the data breach register
- Debrief Governors following the investigation
- Any trends identified from data breaches each term will be discussed at termly Resources Committee Meetings.


Guardian Angels