

<hr/> <p><i>Policy Title & Ref Number</i></p> <hr/>	<p>Personal Data Breach Policy</p> <p><i>Doc Ref: DP-027</i></p> <p><i>Final v0.3</i></p>
<hr/> <p><i>Policy Prepared By</i></p> <hr/>	<p>Data Protection & Information Compliance Officer</p>
<hr/> <p><i>Policy Owner</i></p> <hr/>	<p>Corporate Services</p>
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<hr/> <p><i>Policy Approved by & Date of Approval</i></p> <hr/>	<p>Management Team 4 July 2023</p>
<hr/> <p>Review Date</p> <hr/>	<p>July 2025</p>

Policy Revision History		
Version	Revision Details	Implementation Date
F0.1	Original	June 2018
F0.2	<ul style="list-style-type: none"> • Updated Definitions • Updated Assessment stage to include points to be considered when identifying the risks of a potential data breach. • Updated Notification stage to include regular updates to be provided to the DPC. • Updated Evaluation stage to include the requirement of a Data Breach Impact Assessment • Updated Responsibilities to include completion of a Data Breach Impact Assessment. • 6.Updated Confidentiality statement to include T&Cs of Employees contract. 	Nov 2021
F0.3	Reviewed by the Data Protection & Information Compliance Officer. Updates made to: <ul style="list-style-type: none"> • Privacy Policy • Request extension of review period for 2 years 	July 2023

Purpose of this Policy

The purpose of this Personal Data Breach Policy is to outline Longford County Council's commitment:

- To protecting and safeguarding the personal data held by the Council and
- To ensure appropriate technical and organisational arrangements are in place to fulfil our Data Protection obligations in dealing with instances of personal data breaches or potential personal data breaches.

Scope

The scope of this document applies to all Longford County Council employees.

Applicability

This policy applies to all personal data held by Longford County Council and third-party processors, both in physical and electronic format relating to members of the public, customers, suppliers, employees and elected members.

Policy

It is the policy of Longford County Council to protect and safeguard the personal data we collect and process and to ensure as far is reasonably practicable appropriate technical and organisational measures are in place to protect the personal data.

Definitions

Personal Data Breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to any or all personal data transmitted, stored or otherwise processed by Longford County Council and third-party processors.

Personal Data is any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as name, an identification number, location data, online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

DPO& ICO is the Data Protection & Information Compliance Officer

Relevant Line Manager is the Manager of the employee who first becomes aware of the Personal Data Breach.

Incident Identifier is the employee who first becomes aware of the incident.

Data Subject is the person or persons who the personal data relates to.

Processing is any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means such as collection, recording, organising, structuring, storage, adaption or alteration, retrieval, consultation on, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Processor is a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purpose and means of the processing of personal data, where the purpose and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

Third Party means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor are authorised to process personal data.

Data Protection Commission (DPC) is the Supervisory Authority, the independent public authority which is established in Ireland who is responsible for monitoring application of the General Data Protection

Regulation in order to protect the fundamental rights and freedoms of natural persons in relation to data processing.

Legislative Requirements

It is Longford County Council's policy to ensure that in the event of a personal data breach, that appropriate measures exist to facilitate the identification, containment/recovery, assessment, notification and evaluation of a Personal Data Breach in order to protect the privacy of individuals and to comply with Data Protection Legislation.

1. Identification

If an employee of Longford County Council considers that a personal data breach has or may have occurred, this shall be reported immediately to their relevant manager **and** the Data Protection & Information Compliance Officer. Early Recognition and reporting are essential to ensure the 72-hour limit for reporting to the Data Protection Commission is achieved.

2. Containment/Recovery

The incident identifier, relevant manager and the Data Protection & Information Compliance Officer shall establish whether there is anything that can be done immediately to contain and/or recover any losses and limit the damage that the personal data breach is likely to cause.

The relevant manager must be notified of the potential data breach and will have to complete an [Internal Personal Data Breach Report](#) which is available on the Council Intranet. This form should be completed as soon as possible when the incident is verified. Section 1 must be completed by the incident identifier who identified the incident and the relevant manager. This completed form must be sent immediately/as soon as possible to the Data Protection & Information Compliance Officer @ dpo@longfordcoco.ie

The relevant manager should try to recover any data or file(s) that were compromised to mitigate as much risk as possible. Containment involves limiting the scope and impact of the breach of data/information.

The relevant manager will 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 and recovery exercise. For example, notify An Garda Siochana.

The relevant manager should establish whether there is anything that can be done to recover losses and limit the damage the breach may cause such as changing access codes

3. Assessment

In assessing the risk arising from the personal data breach to the data privacy rights and freedoms of the data subject(s), the Data Protection & Information Compliance Officer, in consultation with the relevant manager assesses and considers what would be the potential adverse consequences for the data subject(s).

In assessing the risk, the following points should be considered:

- What type of information/data is involved?
- How sensitive is the information/data?
- Are there any security mechanisms in place (e.g. passwords, protected, encryption)?
- What could the information/data tell a third party about the individual?

- How many individuals are affected by the breach?
- Have all the data subjects affected by the breach been identified and are their contact details available?
- Is the breach likely to adversely affect the data privacy rights and freedoms of the data subjects concerned?

Failure to adequately assess risk or failure to attempt to assess risk of a Personal Data Breach may result in Longford County Council failing to meet its Data Protection obligations. Longford County Council are required to notify the Data Protection Commission of a personal data breach, unless the Council can clearly demonstrate that it is unlikely to result in a risk to the rights and freedom of data subjects.

The Data Protection & Information Compliance Officer will confirm if it is indeed a personal data breach and will advise accordingly. The Data Protection & Information Compliance Officer will record the incident in the Council's Personal Data Breach Register and will advise upon what corrective actions need to be implemented.

4. Notification

Personal Data Breaches that result in a risk to the rights and freedom of a data subject shall be reported by the Council's Data Protection & Information Compliance Officer to the Data Protection Commission without undue delay and where feasible **within 72 hours** of Longford County Council becoming aware of the breach.

Where it is not possible to provide all the information to the Data Protection Commission, the information may be provided in phases without undue delay. Regular updates shall also be provided to the Data Protection Commission once any potential Personal Data Breaches are reported.

Where a personal data breach takes place in another member state, the Council's Data Protection & Information Compliance Officer shall notify the lead supervisory authority in that member state where the personal data breach occurred and the Data Protection Commission.

Notification of a personal data breach to the Data Protection Commission (Supervisory Authority) shall include the following;

- The nature of the breach including where possible, the categories and approximate number of data subjects concerned, and the categories and approximate number of personal data records concerned.
- The name and contact details of the Data Protection & Information Compliance Officer where more information can be obtained.
- The likely consequences of the personal data breach.
- The measures taken or proposed to be taken by the Council to address the personal data breach, including where appropriate, measures to mitigate its possible adverse effects.

In the case of a personal data breach where Longford County Council are the Data Processor, the Council's Data Protection & Information Compliance Officer shall notify the Data Controller as soon the Council become aware of the personal data breach.

The Data Protection & Information Compliance Officer shall, without undue delay, inform the Data Subject(s) affected by the personal data breach if it is likely to result in a *high* risk to the rights and freedom of the Data Subject(s).

Notification of a personal data breach to the Data Subject shall include the following;

- The name and contact details of the Data Protection & Information Compliance Officer where more information can be obtained.

- The likely consequences of the personal data breach.
- The measures taken or proposed to be taken by the Council to address the personal data breach, including where appropriate, measures to mitigate its possible adverse effects.

Longford County Council are **not required** to contact the affected Data Subjects if:

- Appropriate technical and organisational measures to protect personal data were in place prior to the breach which rendered the personal data unintelligible to any person who is not authorised to access it.
- Immediately following a personal data breach, the Council takes steps to ensure that the high risk posed to the affected individuals rights and freedom is no longer likely to materialise.
- It would involve disproportionate effort to contact individuals, in certain scenarios such as where their contact details were lost because of the breach.
- It shall obstruct
 - It shall obstruct official or legal inquiries, investigations, or procedures
 - It shall obstruct the prevention, detection, investigation, or prosecution of criminal offences or the execution of criminal penalties
 - it shall obstruct the protection of public security or the protection of national security

5. Evaluation

Following any personal data breach, the Data Protection & Information Compliance Officer along with the relevant manager shall carry out a thorough review of the personal data breach.

Longford County Council shall ensure all steps taken during the personal data breach were appropriate and identify any areas that may need to be improved. All reportable and non-reportable personal data breaches shall be recorded by the Council's Data Protection & Information Compliance Officer on the Council's Data Breach Register.

A Data Breach Impact Assessment is recommended where a high risk has been identified in the assessment stage, on the protection of personal data. The Data Breach Impact Assessment should include measures, safeguards and mechanisms envisaged for mitigating that risk, ensuring the protection of personal data and demonstrating compliance with the Regulation. The Data Protection & Information Compliance Officer upon review shall decide if a Data Breach Impact Assessment is required.

Responsibilities

Management Team

- Ensure Longford County Council have in place appropriate and approved organisational systems, policy framework, policies, and work practices to ensure processing of Personal Data in accordance with the Data Protection Principles.

Senior Officers

- Implement the requirements of this policy.
- Contribute to policy development and review where appropriate.
- Co-operate fully with all measures being taken to address a personal data breach.

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- On discovering a personal data breach or suspected personal data breach inform their line manager **and** Longford County Council's Data Protection & Information Compliance Officer and complete the Council's [Internal Data Breach Report](#)
 - Assist and advise employees in their area of responsibility as necessary to ensure that the requirements of this policy are implemented.
 - Attend and participate in training as required.
 - Assist with the completion of a Data Breach Impact Assessment where required.

Line Managers

- Implement the requirements of this policy.
- Co-operate fully with all measures being taken to address a personal data breach.
- On discovering a personal data breach or suspected personal data breach inform their line manager **and** Longford County Council's Data Protection & Information Compliance Officer and complete the Council's internal Data Breach Report (Appendix 1).
- Assist and advise employees in their area of responsibility as necessary to ensure that the requirements of this policy are implemented.
- Ensure that the requirements of this policy are complied with by employees in their area of responsibility.
- Attend and participate in training as required.
- Assist with the completion of a Data Breach Impact Assessment where required.

Employees

- Comply with the requirements of this policy.
- Seek advice or guidance from line manager and Data Protection & Information Compliance Officer as appropriate
- Co-operate fully with all measures being taken to address a personal data breach.
- On discovering a personal data breach or suspected personal data breach inform their line manager and Longford County Council's Data Protection & Information Compliance Officer and complete the Council's Internal Data Breach Report (Appendix 1).
- Attend and participate in training as required

Data Protection & Information Compliance Officer

- Maintain the Council's Personal Data Breach Register detailing all reportable and non-reportable personal data breach incidents which occur within the organisation.
- Provide data protection advice and information to employees & line managers in the event of a personal data breach.
- Report a personal data breach to the Supervisory Authority where required
- Report a personal data breach to the affected Data Subject(s) where required
- Update Management Team as required
- On receipt of notification of a personal data breach carry out a risk assessment immediately or within a prescribed period not later than 72 hours
- Monitor implementation & review of this Policy
- Review the Council's Personal Data Breach Register and recommend appropriate revisions to policy and corrective actions and additional security measures for implementation as necessary.
- In the case of a personal data breach where Longford County Council are the Data Processor, the Council's Data Protection & Information Compliance Officer shall notify the Data Controller as soon the Council become aware of the data breach

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- Assist with Data Protection training for all employees as required.
 - Decide on the requirement for a Data Breach Impact Assessment to be completed and assist with its completion.

Human Resources

- Make available a copy of the policy to all new employees and provide induction training on policy requirements as part of the induction process
- In conjunction with the Corporate Services section, schedule and provide Data Protection training for all employees

Confidentiality

Longford County Council take appropriate measures to store and process personal data (physical and electronic) in a confidential and secure manner. Personal data shall not be shared with any person who does not require access to the personal data. Where possible and appropriate, personal data processed, transmitted or stored on Council's operating systems shall be password protected and/or encrypted. Employees must adhere to the confidentiality clause outlined in the terms and conditions of their employment contract

Data Protection

Longford County Council is committed to the privacy rights of individuals and respecting the rights of those whose personal data we collect and process in accordance with applicable law.

Internal Review

Employees have the right to request an internal review of actions and measures taken to implement this policy in relation to personal data breaches within their work area and can make their request to the Senior Executive Officer Corporate Services.

Policy Review

This policy will be subject to review every two years from its implementation date or earlier if required.

Further Information

For further information on this Policy please contact your Line Manager and the Council's Data Protection & Information Compliance Officer at dpo@longfordcoco.ie.

