



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

Data Incident Reporting Policy

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Introduction

We have to protect the data that we have. We have a lot of data on different individuals and staff. This can include personal and sensitive information but also, for example, commercially sensitive information or simply data. We have to have processes in place to do this but sometimes things do go wrong.

When information is lost or shared inappropriately, it is vital that appropriate action is taken to minimise the impact and risk as soon as possible.

“If you only read this...”

Do make sure that you know who you are talking to

Do make sure you only share information with the right person

Do make sure you check envelopes or emails to make sure they have the right information

Do check postal and email addresses before you send

Do know what to do if something goes wrong

Do report any concerns

Don't ignore a breach

Don't ignore a complaint about a breach

The important bits

If we get it wrong, then individuals could be at risk.

If we get it wrong, then we could be fined the equivalent of £17.5 million or 4% of total worldwide income by the Information Commissioner

If we get it wrong, then people can sue us if they suffer detriment

If we get it wrong, then we have to spend more time fixing the problem than it would have taken to make sure we were not getting it wrong

What is a data breach?

A data breach is something which affects people's rights and freedoms.

When something is reported then we will call it a data incident until we have assessed it as a breach. If we say it is a breach, then it must be reported to the Information Commissioner within 72 hours. If it's a high risk, then the people whose data it is, also need to be informed.

All reports will be considered as a data incident until we can determine the risk to the data subjects.

What kind of incidents do you mean?

A data incident is more than if we just lose some information. It can be where:

- personal information is disclosed to someone who does not have the right to see it. It could be documents, a spreadsheet or just an email.
- The loss of information
- The corruption of information
- The unavailability of information
- The data being incorrect

It can be caused by

- Loss or theft of data or equipment on which data is stored
- Deliberate or accidental action by someone
- Not having the right access controls allowing unauthorised use
- Equipment failure
- Human error
- Unforeseen circumstances such as fire or flood or power cut
- Hacking
- 'Blagging' offences where information is obtained by deception
- Alteration of personal data without permission
- Virus attacks

If there is personal information and/or sensitive personal information as defined in this policy contained within the document, email etc then this must be reported.

Data could also be disclosed which is not personal but reveals information of a commercially sensitive nature or is confidential. This can also have an impact on us but would not need to be reported to the ICO.

When does it become a breach?

We will consider that all incidents have an element of risk to someone and take the same actions in all cases.

Once we have the facts then we will determine what that level of risk is.

The Data Protection Officer (DPO) along with the SIRO (Senior Information Risk Owner) will determine this. This will include a risk assessment which will cover the following:

- **Whether any personal data has been lost or whether it is a loss of data**
- **The potential harm or risks to the data subject as a result of the incident**, including any distress the data subject may suffer as a result of the incident
- **The volume of the data involved** – this must be determined by the facts and extent of the breach
- **The sensitivity of the data involved** – where the data is classed as sensitive personal data and the release of that data can lead to the data subject suffering substantial harm.
- **Assess the impact of the breach such as:**
 - How could the loss of control over the personal data affect someone?
 - Could it cause discrimination?
 - Could it cause identity theft or fraud
 - Could it cause financial loss?
 - Could it cause embarrassment and upset?
 - Could it cause damage to reputation?
 - Could it cause loss of confidentiality?

The DPO along with the SIRO and Chief Executive will decide if we need to inform the Information Commissioner's Office (ICO) and/or the people concerned.

Please refer to The IG Risk Assessment to ensure that the incident is appropriately categorised. The DPO will assess the breach using the Assessment Form. Where an incident indicates a risk, it may be necessary for other departments to be informed.

How do I report something?

Use Appendix A and send this to dpo@cambridgeshirepeterborough-ca.gov.uk.

If it is urgent then phone to speak to the Data Protection Officer on 07923 250218.

If the incident occurs or is discovered outside normal working hours, the investigation and notification of relevant officers should begin as soon as is practicable either by text or email.

What happens after I report something?

The DPO will make an initial assessment based on what they have been told. They, in conjunction with the affected department, will determine what steps are taken.

Contacting those affected

When we contact individuals to tell them what has happened then we need to be clear what has happened, how it has happened and what we are doing to put it right.

The Responsible officer should do this when it is decided that people are at sufficient risk.

Roles and Responsibilities

All staff

All of us have responsibility to report a concern. The team lead will have responsibility for reporting an incident/breach directly to the DPO and establishing what has happened/informing the DPO of the incident details.

The team lead, or someone in their absence, should take immediate action to recover any documents, whether electronic or hard copy, and put measures in place to prevent future breaches.

The Data Protection Officer

They will maintain a central log of all breaches as reported and provide advice on actions to be taken.

An investigation will only be undertaken by the DPO when requested to do so by the director or Chief Executive and only in specific circumstances.

In the event of a complaint being made to the ICO, the DPO will act as the collator of information to provide the response in conjunction with the IG.

The Affected Department

When an incident occurs then the department affected will undertake an investigation or review. They will nominate an individual to lead on investigating and gathering information which should be at the level of manager or above. We can call them the **Department Lead**. Their role helps to add background and context to an incident that only someone from the department can give. They will need to gather information on what has happened and liaise with the DPO to determine what actions should be taken.

The Department Lead

The Department Lead will be responsible for any communication with data subjects who have been affected by the data breach. Any response must be checked by the DPO, responses should be as quickly as possible and no later than 10 working days. The department will initiate disciplinary action / provide supervision or training if required (as appropriate)

Contacting the ICO

Once we decide this then the DPO or deputy will complete the referral.

The 72 hour clock starts from the moment we determine a breach. There may be a delay between the incident being reported and that decision while we gather information. We will explain the reasons for this to the ICO in the referral.

Complaints about breaches

Sometimes complaints are made about data breaches to a central complaints team or as part of a wider complaint about a department. The DPO should be made aware of such complaints however the department should take the responsibility for investigation and review as they would in any event and liaise with the DPO/IG on the response to this aspect of the complaint.

Putting it right for good

Regardless of whether there was a risk or not, we have to make sure that we do not repeat mistakes.

We need to look at the processes and systems which may have caused the incident and work out what we can do to stop it repeating.

This may mean:

- Reviewing how information is held and shared
- Looking at what extra security checks we can put in place
- Introducing peer checks of envelopes
- Providing extra training on systems
- Raising awareness through meetings
- Restricting access and auditing systems, implementing technical and organisational measures, e.g. disabling autofill.

The DPO will assess the risks, impact, changes needed and discuss the implementation of changes with the Department Lead. The DPO and the Department Lead will ensure that change is implemented to prevent repeats.

How does the DPO assess impact and risk?

The impact of the breach will be assessed by the DPO using the Impact assessment. We will look at the following kinds of questions:

<p>Was any data lost or compromised in the incident? For example, if paperwork was in the wrong envelope or the email went to the wrong person. However, if you lost an encrypted laptop or phone then there may not be an issue unless you were logged in when you lost it.</p>
<p>Was personal data lost or compromised? This means is the data about living individuals eg employees. This makes a data protection incident.</p>
<p>If yes, was sensitive personal data compromised? This is the really sensitive stuff like health, sexual life, political or religious beliefs, potential or actual criminal offences. If this happens then it is more serious.</p>
<p>What is the number of people whose data was affected by the incident? Large numbers of people affected can be more serious but equally a very sensitive piece of information about one person can also be serious.</p>
<p>Is the data breach unlikely to result in a risk to the individual/individuals? This means is anyone unlikely to be affected; this means that although data has been lost, it is unlikely to have an affect if we can recover the information or contain the issue.</p>
<p>Did people affected by the incident give the information to the authority in confidence? People often do expect it to be confidential even if it is not particularly sensitive</p>
<p>Does this incident put anyone at risk of physical harm? If it does then this makes it a more serious matter because we have to make sure individuals and employees are kept safe</p>
<p>Is there a risk that the incident could lead to damage to individuals eg via identity theft/ fraud? If we lose bank account details or ID documents, then these could be used to commit crimes.</p>
<p>Could the incident damage an individual's reputation, or cause hurt, distress or humiliation eg loss of medical records, disciplinary records etc? Even if the loss does not put them at risk of physical harm or fraud, it can still cause distress if information about a person is made public. It can cause upset and hurt which we need to consider properly</p>
<p>Can the incident have a serious impact on the authority's reputation? The authority has to be trustworthy. If we don't then clients may stop working with us. Media stories can also cause this as can referrals to the ICO.</p>
<p>Has any similar incident happened before in the section? A one-off error may be unavoidable but repeated incidents of the same kind in a department can show that we have to change processes to stop repeats.</p>
<p>Do HR need to be involved or referred to? This maybe because the issue is one of capability, or because of deliberate and malicious actions to cause the breach.</p>
<p>If this incident involves the loss or theft of IT equipment has an urgent call been logged with ICT? The sooner we can block or wipe the device, the better.</p>

Monitoring and Review

There will be a quarterly report to the Data Protection Officer and an annual report to the CA Board.

This will inform training and risk assessments.

This policy shall be reviewed annually after implementation.

Appendix A – Data Incident Reporting Form

Once completed, please send a copy to dpo@cambridgeshirepeterborough-ca.gov.uk and retain a copy for your records.

	To be completed
Reported by	
Responsible officer	
Department	
Team within Department	
Date and time of when the incident occurred	
Date and time reported to DPO	
Date and time you become aware of the incident	
Reason for delay if any	
Does this incident affect any other parties?	
How did you become aware of the incident?	

What kind of incident is this?	
How many individuals could this incident affect?	
Subject names and details	
What kind of people are affected?	
Are these people aware?	
Ease of identification of individuals	
Type of data lost	
Summarise the incident and the information that has been lost	
Actions Taken by department to mitigate, recover etc.	
What impact does this have on the individuals involved? What is the risk to them?	
Risk to subjects	
What is the impact on the authority and its business?	
Temporary or Permanent Loss	

Please complete the following checklist to confirm what actions you have taken:

Have you informed your director? (include name of director)	
Has an extensive search for any physical loss been undertaken?	
Have you been able to retrieve the lost data?	
Has the lost data been destroyed?	
Have you reviewed procedures to prevent recurrences?	
Is there likely to be media interest as a result?	