

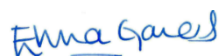
Data Protection - Data Breach Procedure

Policy Statement

The Gower School holds large amounts of personal and sensitive data. Every care is taken to protect personal data and to avoid a data protection breach. In the event of data being lost or shared inappropriately, it is vital that appropriate action is taken to minimise any associated risk as soon as possible. This procedure applies to all personal and sensitive data held by The Gower School and all school staff, volunteers and contractors, collectively called staff for the purposes of this procedure.

Monitoring and Review: This policy will be subject to continuous monitoring, refinement and audit by the Proprietor (Miss Emma Gowers who is also the Principal) and the Chief Privacy Officer (Mrs Tajana Baldwin who is also the HR Manager). Where any changes, amendments or additions are made, the revision number will change. Reviews that result in no changes at all will maintain the same revision number.

Signed:



Date reviewed: May 2020

Date of next review: May 2021

Miss Emma Gowers

Principal and Proprietor

This will next be reviewed no later than May 2021 or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

Purpose

This breach procedure sets out the course of action to be followed by all staff at The Gower School if a data protection breach takes place.

Legal Context

Article 33 of the General Data Protection Regulations Notification of a personal data breach to the supervisory authority

1. In the case of a personal data breach, the controller shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the supervisory authority competent in accordance with Article 55, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons. Where the notification to the supervisory authority is not made within 72 hours, it shall be accompanied by reasons for the delay.

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2. The processor shall notify the controller without undue delay after becoming aware of a personal data breach.
3. The notification referred to in paragraph 1 shall at least:
 - (a) describe the nature of the personal data breach including where possible, the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned;
 - (b) communicate the name and contact details of the data protection officer or other contact point where more information can be obtained;
 - (c) describe the likely consequences of the personal data breach;
 - (d) describe the measures taken or proposed to be taken by the controller to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.
4. Where, and in so far as, it is not possible to provide the information at the same time, the information may be provided in phases without undue further delay.
5. The controller shall document any personal data breaches, comprising the facts relating to the personal data breach, its effects and the remedial action taken. That documentation shall enable the supervisory authority to verify compliance with this Article.

Types of Breach

Data protection breaches could be caused by a number of factors. A number of examples are shown below:

- Loss or theft of pupil, staff or governing body data and/ or equipment on which data is stored;
- Inappropriate access controls allowing unauthorised use;
- Equipment Failure;
- Poor data destruction procedures;
- Human Error;
- Cyber-attack;
- Hacking.

Managing a Data Breach

In the event that the school identifies or is notified of a personal data breach, the following steps should followed:

1. The person who discovers/receives a report of a breach must inform the Principal and the School's Chief Privacy Officer (CPO) using the form attached to this procedure. If the breach occurs or is discovered outside normal working hours, this should begin as soon as is practicable.
2. The Principal/CPO must ascertain whether the breach is still occurring. If so, steps must be taken immediately to minimise the effect of the breach. An example might be to shut down a system, or to alert relevant staff such as the IT team.
3. The Principal/CPO must inform the Chair of Governors as soon as possible. As a registered Data Controller, it is the school's responsibility to take the appropriate action and conduct any investigation.
4. The Principal/CPO must also consider whether the Police need to be informed. This would be appropriate where illegal activity is known or is believed to have occurred, or where there is a risk that illegal activity might occur in the future. In such instances, advice from the HCC legal team should be sought.

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5. The Principal/CPO must quickly take appropriate steps to recover any losses and limit the damage. Steps might include:
 - a. Attempting to recover lost equipment.
 - b. Consideration should be given to a global email to all school staff. If an inappropriate enquiry is received by staff, they should attempt to obtain the enquirer's name and contact details if possible and confirm that they will ring the individual, making the enquiry, back. Whatever the outcome of the call, it should be reported immediately to the Principal/CPO.
 - c. Contacting the ISA, so that they can be advice on how to handle any press enquiries. Neil Roskilly, Chief Executive Officer, can be contacted on 07508 609590.
 - d. The use of back-ups to restore lost/damaged/stolen data.
 - e. If bank details have been lost/stolen, contact the bank directly for advice on preventing fraudulent use.
 - f. If the data breach includes any entry codes or IT system passwords, then these must be changed immediately and the relevant agencies and members of staff informed.

Investigation

In most cases, the next stage will be for the Principal/CPO to fully investigate the breach. The Principal/CPO should ascertain whose data was involved in the breach, the potential effect on the data subject and what further steps need to be taken to remedy the situation. The investigation should consider:

- The type of data;
- Its sensitivity;
- What protections were in place (e.g. encryption);
- What has happened to the data;
- Whether the data could be put to any illegal or inappropriate use;
- How many people are affected;
- What type of people have been affected (pupils, staff members, suppliers etc.) and any wider consequences to the breach.

A clear record, using the form attached to this procedure, should be made of the nature of the breach, the investigation, the actions taken to mitigate it and the reports made to authorities concerning the breach. The investigation should be completed as a matter of urgency due to the requirements to report notifiable personal data breaches to the Information Commissioner's Office. A more detailed review of the causes of the breach and recommendations for future improvements can be done once the matter has been resolved.

Notification

Some people/agencies may need to be notified as part of the initial containment. However, the decision to notify will normally be made once an initial investigation has taken place. The Principal/CPO should, after seeking expert or legal advice, decide whether anyone is notified of the breach. In the case of significant breaches, the Information Commissioner's Office (ICO) must be notified within 72 hours of the breach. Every incident should be considered on a case by case basis.

When notifying individuals, give specific and clear advice on what they can do to protect themselves and what the school is able to do to help them. You should also give them the opportunity to make a formal complaint if they wish

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(see the Complaints Procedure). The notification should include a description of how and when the breach occurred and what data was involved. Include details of what you have already done to mitigate the risks posed by the breach

Review and Evaluation

Once the initial aftermath of the breach is over, the Principal/CPO should fully review both the causes of the breach and the effectiveness of the response to it. If systemic or ongoing problems are identified, then an action plan must be drawn up to put these right. If the breach warrants a disciplinary investigation, the manager leading the investigation should get legal advice and guidance from the school's legal helpline. This breach procedure may need to be reviewed after a breach or after legislative changes, new case law or new guidance.

Implementation

The Principal/CPO should ensure that staff are aware of the School's Data Protection policy and its requirements including this breach procedure. This should be undertaken as part of induction, supervision and ongoing training. If staff have any queries in relation to the school's Data Protection policy and associated procedures, they should discuss this with their line manager, CPO or the Principal.

The Gower School

DATA BREACH REPORTING FORM

The aim of this document is to ensure that, in the event of a security incident such as personal data loss, information can be gathered quickly to document the incident, its impact and actions to be taken to reduce any risk of harm to the individuals affected.

The checklist can be completed by anyone with knowledge of the incident. It will need to be submitted and reviewed by the Chief Privacy Officer (HR Manager) who can determine the implications for the school, assess whether changes are required to existing processes and notify the ICO / data subject where appropriate.

| SUMMARY OF INCIDENT | |
|---|--|
| Data and time of incident | |
| Nature of breach (e.g. theft/ disclosed in error/ technical problems) | |
| Give a full description of how breach occurred | |
| PERSONAL DATA | |
| Give a full description of all the types of personal data involved with the breach but not specifically identifying the individual concerned (e.g. name, addresses, health information etc.) | |
| How many individuals are affected? | |
| Have the affected individuals been informed of the incident? | |
| Is there any evidence that the personal data involved in this incident has been further disclosed? If so, please provide details | |

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| IMPACT OF INCIDENT | |
|---|--|
| <p>What harm is foreseen to the individuals affected?</p> <p>(e.g. could the breach increase the risk of identity theft?)</p> | |
| <p>What measures have been taken to minimise the impact of the incident?</p> | |
| <p>Has the data been retrieved or deleted?</p> <p>If yes, state when and how</p> | |
| REPORTING | |
| <p>Who became aware of the breach?</p> | |
| <p>How did they become aware of the breach?</p> | |
| <p>Form Completed by</p> | |
| <p>Position</p> | |
| <p>Date</p> | |