Breach Notification Procedure

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Breach Notification Procedure

Scope

This procedure applies in the event of a personal data breach under Article 33 of the GDPR – Notification of a personal data breach to the supervisory authority – and Article 34 – Communication of a personal data breach to the data subject.

The GDPR draws a distinction between a 'data controller' and a 'data processor' in order to recognise that not all organisations involved in the processing of personal data have the same degree of responsibility. Each organisation should establish whether it is data controller, or a data processor for the same data processing activity; or whether it is a joint controller.

Water Lilies Swimming School in terms of the GDPR is both a data controller and a data processor.

Responsibilities

All users (whether employees, contractors or temporary staff and third party users) and Directors of Water Lilies Swimming School are required to be aware of, and to follow this procedure in the event of a personal data breach (2—Training Policy).

All employees, contractors or temporary personnel are responsible for reporting any personal data breach to the Data Protection Officer (DPO).

Procedure—Breach notification data controller to supervisory authority

Water Lilies Swimming School determines if the supervisory authority need to be notified in the event of a breach.

Water Lilies Swimming School assesses whether the personal data breach is likely to result in a risk to the rights and freedoms of the data subjects affected by the personal data breach, by conducting a data protection impact assessment against the breach.

If a risk to data subject(s) is likely, Water Lilies Swimming School reports the personal data breach to the supervisory authority via telephone and followed up via email without undue delay, and not later than 72 hours.

If the data breach notification to the supervisory authority is not made within 72 hours, Water Lilies Swimming School's Data Protection Officer (DPO) submits it electronically with a justification for the delay.

If it is not possible to provide all of the necessary information at the same time Water Lilies Swimming School will provide the information in phases without undue further delay.

The following information needs to be provided to the supervisory authority:

- A description of the nature of the breach
- The categories of personal data affected
- Approximate number of data subjects affected
- Approximate number of personal data records affected
- Name and contact details of the Data Protection Officer (DPO)
- Consequences of the breach including those already occurred and likely to occur
- Any measures taken to address the breach
- Any information relating to the data breach.

The Data Protection Officer (DPO) notifies the supervisory authority. Contact details for the supervisory authority are recorded in the Schedule of authorities and key suppliers.

In the event the supervisory authority assigns a specific contact in relation to a breach, these details are recorded in the Internal Breach Register.

The breach notification is made by telephone or email initially.

A confirmation of receipt of this information is made by telephone or email.

Procedure—Breach notification data controller to data subject

If the personal data breach is likely to result in high risk to the rights and freedoms of the data subject, Water Lilies Swimming School notifies those/the data subjects affected immediately in accordance with the Data Protection Officer (DPO) recommendations.

The notification to the data subject describes the breach in clear and plain language, in addition to information specified to the supervisory authority.

Water Lilies Swimming School takes measures to render the personal data unusable to any person who is not authorised to access it using [encryption].

The data controller takes subsequent measures to ensure that any risks to the rights and freedoms of the data subjects are no longer likely to occur by working with all appropriate legal and supervisory authorities.

If the breach affects a high volume of data subjects and personal data records, Water Lilies Swimming School makes a decision based on assessment of the amount of effort involved in notifying each data subject individually, and whether it will hinder the Water Lilies Swimming School's ability to appropriately provide the notification within the specified time frame. In such a scenario a public communication or similar measure informs those affected in an equally effective manner.

If Water Lilies Swimming School has not notified the data subject(s), and the supervisory authority considers the likelihood that a data breach will result in high risk, Water Lilies Swimming School will communicate the data breach to the data subjects.

Water Lilies Swimming School documents any personal data breach(es), incorporating the facts relating to the personal data breach, its effects and the remedial action(s) taken.

Monitoring and Review

We will monitor all of the feedback that we receive in relation to the issues affected by the Policy and will amend the policy as necessary.

The Policy will be updated with any amendments to existing legislation or new legislation.

In any event, all policies are reviewed annually although updates to versions etc. will only take place every three years should there be no other changes to the policy.

Document Owner and Approval

The Data Protection Officer (DPO) is the owner of this document and is responsible for ensuring that this policy document is reviewed in line with the review requirements stated above.

A current version of this document is available to all members of staff in the office and online.

This policy was approved by the Company Owner on 15th May 2018 and is issued on a version controlled basis under the signature of Managing Director.

Date	Version	Author/Contributor	Amendment Details
15th May 2018	1.00	Zoe Shears	None