



## **DATA SECURITY BREACH POLICY**

1. Alyth Development Trust ('ADT') collects, holds, processes, and shares personal data. Every care is taken to protect personal data from incidents (either accidentally or deliberately) to avoid a data protection breach that could compromise information, confidentiality, integrity, or availability resulting in harm to individual(s), reputational damage, detrimental effect on service provision, legislative non-compliance, and/or financial costs.
2. ADT complies with its obligations under the General Data Protection Regulation (GDPR) and related EU and national legislation by having in place an organisational framework designed to ensure the security of all personal data during its lifecycle, including clear lines of responsibility.
3. As part of that framework, this policy sets out the procedure to be followed to ensure a consistent and effective approach to managing data breach and information security incidents across ADT's operations. This policy relates to all personal data held by ADT regardless of format. This policy applies to all volunteers, staff, and contractors at ADT.

## **OBJECTIVES AND DEFINITIONS**

4. The objective of this policy is to contain any breaches, to minimise the risk associated with the breach and consider what action is necessary to secure personal data and prevent further breaches.
5. For the purpose of this policy, data security breaches include both confirmed and suspected incidents. An incident in the context of this policy is an event or action which may compromise the confidentiality, integrity or availability of systems or data, either accidentally or deliberately, and has caused or has the potential to cause damage to ADT's information assets and/or reputation.
6. An incident includes but is not restricted to, the following:
  - loss or theft of confidential or sensitive data or equipment on which such data is stored (e.g. loss of laptop, USB stick, iPad/tablet device, or paper record);
  - equipment theft or failure;
  - system failure;
  - unauthorised use of, access to or modification of data or information systems;
  - attempts (failed or successful) to gain unauthorised access to information or IT system(s);
  - unauthorised disclosure of sensitive/confidential data;
  - website defacement;
  - hacking attack;
  - unforeseen circumstances such as a fire or flood;
  - human error;
  - 'blagging' offences where information is obtained by deceiving the organisation who holds it.

## PROCEDURES AND RESPONSIBILITIES

7. **Reporting an incident:** Any individual who accesses, uses or manages ADT's information is responsible for reporting data breach and information security incidents immediately to the Chair of ADT via [alythdevelopmenttrust@gmail.com](mailto:alythdevelopmenttrust@gmail.com). If the breach occurs or is discovered outside normal working hours, it must be reported as soon as is practicable. The report must include full and accurate details of the incident, when the breach occurred (dates and times), who is reporting it, if the data relates to people, the nature of the information, and how many individuals are involved. An Incident Report Form should be completed as part of the recording process.
8. **Containment and recovery:** The Chair and/or other designated director will firstly determine if the breach is still occurring. If so, the appropriate steps will be taken immediately to minimise the effect of the breach. An initial assessment should be made to establish the severity of the breach and whether there is anything that can be done to recover any losses and limit the damage the breach could cause. The Chair will establish who might need to be notified as part of the initial containment and will inform the police where appropriate. The Chair will determine the suitable course of action to be taken to ensure a resolution to the incident.
9. **Investigation and risk assessment:** An investigation will be undertaken by the Chair and/or other designated director immediately and wherever possible, within 24 hours of the breach being discovered/reported. The Chair and/or other designated director will investigate the nature and extent of the breach and assess the risks associated with it, for example, the potential adverse consequences for individuals, how serious or substantial these are and how they are likely to occur. The investigation will take into account:
  - the type of data involved;
  - its sensitivity;
  - any protections that are in place;
  - what has happened to the data (e.g. has it been lost or stolen);
  - whether the data could be put to any illegal or inappropriate use;
  - data subject(s) affected by the breach, number of individuals involved and the potential effects of the breach on them;
  - whether there are wider consequences of the breach.
10. **Notification:** The Chair and any relevant colleagues will establish whether the Information Commissioner's Office will need to be notified of the breach and, if so, notify them within 72 hours of becoming aware of the breach, where feasible.
11. Every incident will be assessed on a case-by-case basis. However, the following will need to be considered:
  - whether the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms under Data Protection legislation<sup>1</sup>;
  - whether notification would assist the individual(s) affected (e.g. could they act on the information to mitigate risks?);
  - whether notification would help prevent the unauthorised or unlawful use of personal data;
  - whether there are any legal/contractual notification requirements;
  - the dangers of over notifying. Not every incident warrants notification and over notification may cause disproportionate enquiries and work.
12. Individuals whose personal data has been affected by the incident, and where it has been considered likely to result in a high risk of adversely affecting that individual's rights and freedoms, will be informed

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<sup>1</sup> Individual Rights: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

without undue delay. Notification will include a description of how and when the breach occurred and the data involved. Specific and clear advice will be given on what they can do to protect themselves, and include what action has already been taken to mitigate the risks. Individuals will also be provided with a way in which they can contact ADT for further information or to ask questions on what has occurred.

13. The Chair must consider notifying third parties such as the police, insurers, banks or credit card companies. 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. A record will be kept of any personal data breach, regardless of whether notification was required.
14. **Evaluation and response:** Once the initial incident is contained, the Chair will carry out a full review of the causes of the breach; the effectiveness of the response(s) and whether any changes to systems, policies and procedures should be undertaken. Existing controls will be reviewed to determine their adequacy, and whether any corrective action should be taken to minimise the risk of similar incidents occurring. The review will consider:
  - where and how personal data is held and where and how it is stored;
  - where the biggest risks lie including identifying potential weak points within existing security measures;
  - whether methods of transmission are secure; sharing minimum amount of data necessary;
  - staff awareness;
  - implementing a data breach plan and identifying a group of individuals responsible for reacting to reported breaches of security.
15. **Policy review:** This policy will be updated as necessary to reflect best practice and to ensure compliance with any changes or amendments to relevant legislation.

### Contact Details

To exercise all relevant rights or make queries or complaints, please in the first instance contact us at:

Alyth Development Trust, Fernbank House, Bamff Road, Alyth, Blairgowrie, Perthshire, Scotland, PH11 8DT

Web: [www.lovealyth.org.uk/contact-us/](http://www.lovealyth.org.uk/contact-us/)

Social media: <https://www.facebook.com/AlythDevelopmentTrust/>

Email: [alythdevelopmenttrust@gmail.com](mailto:alythdevelopmenttrust@gmail.com)

KRC / NOVEMBER 2019.