Blaenavon Heritage Voluntary Controlled Primary School



INFORMATION/DATA LOSS POLICY

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1. PURPOSE

Our School is legally required under the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) to ensure the security and confidentiality of the information/data it processes, on behalf of its clients and employees.

Sometimes an incident may occur whereby information/data is accidentally disclosed to unauthorised persons, or lost due to fire/flood, or stolen or copied/extracted as a result of a targeted attack.

The School has the responsibility to mitigate further reoccurrences of information data loses through implementation of appropriate measures.

An Information data loss or data incident is a situation where the School has lost control of the processing of data containing personal and/or confidential/sensitive information. Furthermore the loss of this data has the potential to cause distress and/or harm to the individual, whose data has been compromised, or affect the commercial interests of third party organisations.

2. SCOPE

This policy applies to all information held by the School or held on behalf of the School. This includes information in paper and electronic formats, inclusive of CCTV and voice recordings.
This policy applies to the following:

- Governors, employees, whether office based or working via remote access, including contractors, volunteers, agencies and partner organisations operating on behalf of the School.

3. PRINCIPLES

Legislation places a responsibility on the School to protect the information it holds. This involves ensuring the maintenance and protection of the security and confidentiality of information held by the School. Furthermore the School must ensure compliance with GDPR and take measures to:

- Ensure information/data loss incidents are to be reported as soon as is practically possible, but no later than 24 hours, to the Head teacher. This will ensure compliance with the Information Commissioners Officer's (ICO) 72 hour deadline for notification of breaches.
    - Typical examples include, loss of control of documents that contain personal data either sent to third parties or individuals. This would include emails/mail sent to incorrect recipients, wrong addresses or to generic emails.
    - The destruction/deletion of information prior to its assigned destruction/retention date.
- The loss of data through School Assets, such as laptops, storage devices, and mobile devices. These must be reported to the Head teacher, and also to the Security Team in the Shared Resource Services (SRS). This will ensure that devices can be disabled immediately.

- In cases of stolen assets/information please contact the police to obtain a crime reference number. An individual who becomes aware of an actual, suspected or potential Information/Data loss must complete the Information/Data Loss Form (see Appendix 1) and report it immediately to the Head teacher or Bursar.
- Any complaints from a member of the public, third party or employee, where they suspect theirs or another's data may have been breached, or privacy rights have not been kept, must be reported immediately to the Head teacher who will then report to the Information Governance Team DPA@torfaen.gov.uk

4. OBJECTIVES

- To minimise the risk of information/data loss through appropriate technical measures
- To educate and raise awareness of information/data loss procedures
- To meet ICO compliance with regard to notification of breaches and GDPR regulations.

5. RESPONSIBILITIES

Governors/ Head teacher

- The Head teacher has overall responsibility for compliance with this policy.
- The Head teacher will have responsibly for reporting incidents involving IT to technical/security staff within the SRS.

Head teacher

- Will update the log of incidents, monitor the progress of investigations, collect and secure any relevant evidence during the investigation.
- Will update the Governors on significant breaches immediately and where necessary the system administrator.
- Will report to and liaise with SRS on any technical/security issues.
- Will conduct investigations into incidents to assess necessary actions and ensure they are implemented promptly
- Where appropriate and in conjunction with the DP Officer will notify breaches to the Information Commissioners Office (ICO) within 72 hours in order to comply with the GDPR and the Data Protection Act 2018
- Following on from an investigation, information gathered is treated as potential evidence in a disciplinary, criminal or civil action. If the likelihood of legal, civil or criminal action is established, the involvement of police and legal support will be enlisted at the earliest opportunity
- All evidence, in any format will be retained securely by the Head teacher, who will have sole responsibility for the authorising of access to other personnel as appropriate.
- In the event of multiple incidents the Head teacher will prioritise a response according to the criticality of the data at risk or the danger of further compromise to the data subjects.

- Is responsible for closure of the incident after corrective measures have been implemented.
- Will notify the Governors of incidents through scheduled meetings but will immediately escalate any significant breaches as and when they occur.
- Is responsible for ensuring that an data breaches that occur are reported to the DPO
- Is responsible for initiating disciplinary action where required by referring to the incident and will have access to the information collected as part of the investigation

All Employees

- Have responsibility to be aware of potential security incidents as defined in this policy
- Are required to report all incidents, both actual and suspected as soon as possible but no later than 24 hours to the Head teacher. Failure to report such incidents may result in disciplinary action.
- Reporting should be via the Information/Data Loss Form – (**APPENDIX 1**) and it should be emailed to DPA@torfaen.gov.uk.
- Staff can also immediately contact the Data Protection & Information Governance Officer via telephone/email ext 6257/ DPA@torfaen.gov.uk in order that the incident can be logged.
- Staff within the School may initiate an immediate investigation into the incident but all findings/recommendations must be passed onto the Information Governance Team promptly but no later than 24 hours to ensure necessary action/s are promptly taken.
- To ensure containment of the breached information using the Incident Containment Form Template (**APPENDIX 2**)
- Relevant personnel are required to fully support the Data Protection & Information Governance Officer or staff nominated by the Data Protection officer in reporting and dealing with incidents.

6. LEGISLATION & KEY REFERENCE DOCUMENTS

(Please note this list is not exhaustive)

- General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679)
- Data Protection Act 2018
- Human Rights Act (1998)
- Privacy and Electronic Communications Regulations (2003)
- Computer Misuse Act 1990

POLICIES

- Data Protection Policy

PROCEDURES

- Retention Guidelines
- Data Protection Procedures

7. MONITORING AND REVIEW

The Governing Body and Head teacher will monitor the implementation of this policy and monitor reviews.

This policy will be subject to review when any of the following conditions are met:

- Content errors or admissions are highlighted.
- Where another standard/guidance issued conflicts with the information in this policy.
- There will be an initial 1 year review from policy implementation.
- Thereafter reviews will be scheduled on a 3 year basis from the date of approval of the current version.

8. COMPLIANCE

Failure to comply with the Information/Data Loss Policy could result in disciplinary action resulting in termination of employment and in serious cases individuals being prosecuted under the General Data Protection Regulation.

APPENDIX 1

INFORMATION/DATA LOSS FORM

- Please complete this form as soon as practicable possible and no later than 24 hours of an incident/breach.
- The Information Commissioners Office (ICO) have to be notified within 72 hours of serious breaches.
- Give as much information and detail as possible including dates, times and actions for the initial assessment by the Information Governance Team and to satisfy regulatory requirements. **Please take immediate action to contain any data lost.**
- Please return this form to the Head teacher.

Name of person reporting the incident:	
Contact Details:(*Include telephone number and email address*)	
Service Area:	
Date completing the form:	
Date incident occurred:	
Date you become aware of the incident:	
Date you notified the Information Governance Team:	
Have you contained the data?	Please choose Choose an item.
When did you contain the data:	
How did you contain the data : *Please strike through all that are not applicable*:	• Visit made, data contained and form signed • Visit not possible, S.A.E sent with containment form • Electronic data deleted with containment form signed • Incorrect recipient returned information without containment form signed
Please provide evidence here either as a link or print and attach to this form :	
Name of the Torfaen Employee responsible	

for the breach:	
When and how did the breach/incident happen:	
What personal data was breached:	
Approximately how many data subjects have been affected:	
Have you informed the data subjects that their data has been breached:	Please choose Choose an item.
If yes please include date:	
If yes attach please attach the correspondence or detail method e.g. telephone conversation:	
Has there been any media coverage of the incident or any 3rd parties involved?	Please choose : Choose an item.
If yes please give details:	
What action have you taken minimise/mitigate the effect on the data subjects involved?	
What action have you taken to prevent similar incidents in the future? *Please strike through all that are not applicable*:	• Training of team members • New working practices implemented • Communication recorded either in minutes or email to staff
Please provide evidence here either as a link or print and attach to this form :	

<u>To be completed by the Information Governance team only :</u> Have you informed any regulatory body of the matter?	Please choose : Choose an item.
If so please provide reference number and details and an outline of their response:	

APPENDIX 2

DATA PROTECTION INCIDENT CONTAINMENT FORM

We are asking you to confirm these questions as personal information that is shared which relates to a different person/people may have legal implications under the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679). As such we have a duty to protect people who are assisting us not to be in breach of this legislation and therefore should you have any copies or images of the information to please confirm deletion as below:

To be completed by School employee

Name of person reporting the incident: *(Customer Name)*	
Contact Details:(*Include telephone number and email address*)	
Service Area of the data:	
Number of Data Subjects affected	
Date completing the form:	
Date you become aware of the incident: *(If different to data of completing the form)*	
Date incident occurred: *(date of correspondence)*	
Date you notified the Information Governance Team:	
Have you contained the data? *(please give detail)*	Yes/No

To be completed by the member of the public

PLEASE DELETE AS APPLICABLE OR MARK AS NOT RELEVANT

- I/We have deleted all/some of the information
- I/We have/have not read all/some of the information
- I/We have/have not copied any of the information in any format
- I/We will/will not forward any of this information onto others in any format
- I/We will not pass on to others any verbal information
- I/We will/will not communicate any of this information onto others in any format

If you have previously passed on any of this information please provide as much detailed information below:

Name/s: _____

Date/s: _____

Type/s of Information:

_____

_____

Please detail any additional Information you feel may be relevant to this incident:

_____

_____

I understand the above questions and confirm the information I've given is accurate. I hold no copies in any format or intend to share any of this information and I understand the implications of my actions in relation to passing/communicating this information onto others as outlined within the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679).

Name: _____

Signature: _____

Date: _____

To be completed by the Information Governance Team

Data Breach Reference Number:

APPENDIX 3

Blaenavon Heritage Voluntary Controlled Primary School

Middle Coed Cae Road Blaenavon Torfaen NP4 9AW
Tel / Ffôn: **01495 766500 / 766501** Website / Gwefan: **www.bhvcprimary.co.uk**

Acting Headteacher: **Mrs J. Howells B Ed (Hons)**
E-mail / E-bost: **bhvcprimaryhead@torfaen.gov.uk**

Acting Deputy Headteacher: **Mrs A. Coombs BA (Hons), QTS**
E-mail / E-bost: **alison.coombs@torfaen.gov.uk**

Name/Address

Dear ??

Data Protection Information Breach

It is with much regret that I am contacting you today to advise you that some of your personal information was sent out in error to another individual/s. I would like to offer you assurance that Blaenavon Heritage VC Primary School takes matters of Data Protection extremely seriously and would like to advise you that the School is currently undertaking an investigation into the incident and looking into ways to mitigate this moving forward and you will be notified as soon as this process has concluded.

The information was financial information relating to payslips and bank statements, that you requested through ??: you might consider contacting your bank who might be able to offer further information.

We have already contacted the person who received your information in error and we have assurance from them that they have not communicated or forwarded this on and that the information has been deleted.

Please accept my sincere apologies for any inconvenience and concerns this may cause. I will update you as soon as our investigation into this matter has been concluded; but please do not hesitate to contact me If you wish to discuss this matter further.

If you have any queries about this letter or are unhappy about the service you have received in relation to your concern and wish to make a complaint or request a review, please do not hesitate to contact me in writing – Mrs Jane Howells, Acting Headteacher, Blaenavon Heritage Primary School, at the above address - or Data Protection & Information Governance Officer, Torfaen County Borough Council, Civic Centre, Pontypool, NP4 6YB. You may also contact the Information Commissioner at any point during this process. The Information Commissioner's Office (Wales) can be contacted at: The Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone 029 2067 8400 or Fax 029 2067 8399 or e-mail Wales@ico.gsi.gov.uk.

Please contact us for further details or if we can help in any way.

Yours sincerely

Mrs Jane Howells
ACTING HEADTEACHER

APPENDIX 4

Blaenavon Heritage Voluntary Controlled Primary School

Middle Coed Cae Road Blaenavon Torfaen NP4 9AW
Tel / Ffôn: **01495 766500 / 766501** Website / Gwefan: **www.bhvcprimary.co.uk**

Acting Headteacher: **Mrs J. Howells B Ed (Hons)**
E-mail / E-bost: **bhvcprimaryhead@torfaen.gov.uk**

Acting Deputy Headteacher: **Mrs A. Coombs BA (Hons), QTS**
E-mail / E-bost: **alison.coombs@torfaen.gov.uk**

Name
Address

Dear ??

Data Protection Information Breach

I am contacting you today to advise you that some information has been sent to you in error. I would like to offer you assurance that Torfaen County Borough Council takes matters of Data Protection extremely seriously and are committed to ensuring compliance with the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679). I would like to advise you that the council is currently undertaking an investigation into this incident.

The information was not intended for yourself and as such I would ask that you contact me on the numbers above to arrange a convenient time for me to collect this information from you. Please ensure that the information is not passed onto anyone else in line with the General Data Protection Regulation/Data Protection Act.
OR
This information was not intended for yourself and I would ask that you delete all electronic copies and securely destroy any hard copies of this data and ensure that it is not passed onto anyone else in line with the General Data Protection Regulation/Data Protection Act, and confirm that the information is no longer in your possession in order to that I can record this as part of our investigation.
OR
Please can you complete the enclosed the Data Protection Incident Containment form and return back to Data Protection & Information Governance Officer, Torfaen County Borough Council, Civic Centre, Pontypool, NP4 6YB?

Please accept my sincere apologies for any inconvenience and concerns this may cause. Please do not hesitate to contact me if you wish to discuss this matter further.

If you have any queries about this letter or are unhappy about the service you have received in relation to your concern and wish to make a complaint or request a review, please do not hesitate to contact me in writing, Data Protection & Information Governance Officer, Torfaen County Borough Council, Civic Centre, Pontypool, NP4 6YB. You may also contact the Information Commissioner at any point during this process. The Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone 0330 414 6421 or email Wales@ico.org.uk. Please do not hesitate to contact me for further details or if I can help in any way.

Please contact us for further details or if we can help in any way.

Yours sincerely

Mrs Jane Howells
ACTING HEADTEACHER