

Policy Name	OPCC Data Breach Management Policy
Policy Owner	Data Protection and Monitoring Officer
Version Number	V1
Policy Implementation Date	01/05/2024
Next Review Date Prior To	01/09/2027
Security Classification	OFFICIAL
Disclosable Under FOI Act	Yes
Risk Rating	Low
Equality Analysis	Low

Date	Revision	Change	Review Date
01/09/2026	V2	Update on when to report a breach to ICO	01/09/2027

We reserve the right to modify or change these conditions at any time.

Introduction

The Office of the Police and Crime Commissioner (OPCC) for Cambridgeshire are committed to ensuring appropriate measures are taken against any information security threat/incident and data breach aimed to compromise the confidentiality,

integrity and availability of police information including government classified and personal data as defined by the General Data Protection Regulation (UK GDPR) & Data Protection Act 2018 (DPA18). Bedfordshire, Cambridgeshire and Hertfordshire (BCH) will also react appropriately and proportionately to bring the situation within appropriate control.

Identifying and assessing a personal data breach is important in reducing risk. Reporting breaches to the Information Commissioners Office (ICO) becomes mandatory within 72 hours under UK GDPR Article 33 and can be reported by the Police and Crime Commissioner, the Data Protection Lead Officer (DPLLO), the Data Protection Officer (DPO) or a member of the OPCC staff team who have reasonable cause to believe that there has been a breach in personal data.

The ICO describe a personal data breach as:

“A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data.”

This can include:

- *Access by an unauthorised third party*
- *Deliberate or accidental action (or inaction) by a controller or processor*
- *Sending personal data to an incorrect recipient*
- *Computing devices containing personal data being lost or stolen*
- *Alteration of personal data without permission*
- *Loss of availability of personal data*

All breaches will be assessed using a risk-based approach.

Examples of a breach

The main examples of a breach of information that may occur in the OPCC are:

- Forwarding an e-mail outside the OPCC which includes personal e-mail addresses from someone who has not given their consent to have their e-mail shared (this excludes where it may have been shared with the Constabulary due to welfare or threat to life concerns, for which we do not need consent)
- Providing personal information outside the OPCC (the same exclusions as above apply)
- Loss of sensitive documents e.g., leaving a document marked 'official sensitive' or higher level of security in a public place
- Having a force laptop or phone which contains, or has access to, sensitive or personal information stolen

This is not an exhaustive list.

Reporting process

The Chief Executive and Monitoring Officer should be notified immediately if a personal data breach is suspected. They should be given any evidence in relation to the breach and may seek clarification of the law from professionals. They will consider the material significance of the breach, taking into account its cause, effect, the reaction to it, and its wider implications, including (where appropriate) dialogue with the Police and Crime Commissioner.

If the Chief Executive and Monitoring Officer is not available, the BCH Data Protection Officer may report and record the breach.

When reporting a breach, you need to consider the following:

- Potential detriment to individuals
- Volume of data affected
- Sensitivity of data

The method of reporting is currently started with filling in a Security Incident Form. It is then emailed to the Information Rights and Assurance Unit (IAU), Information Rights Unit whereby a member of their team will action the incident and record it and make an initial assessment. A running log will be kept of all action taken, and regular updates to this log will be made by their team members.

The first 72 hours after you become aware of a data breach are critical. This is the deadline given to organisations under the Data Protection Act 2018 to report information security incidents to the Information Commissioners' Office (ICO).

However, not all breaches need to be reported to the ICO. Data breaches only need to be reported if they "pose a risk to the rights and freedoms of natural living persons". This generally refers to the possibility of affected individuals facing economic or social damage, such as discrimination, reputational damage, or financial losses. Most breaches fit into this category, but not all. For example, if the information can't be linked to a specific individual, there's likely to be very little risk to the 'rights and freedoms of an individual'.

The Information Commissioners Office reporting process

Breaches must be reported to the ICO using their [‘Reporting Breaches’ process](#), providing as much information as possible. For help or advice, ring the ICO helpline on [0303 123 1113](#).

When reporting the breach, you need to include the following information:

- Data controller's name: Police and Crime Commissioner for Cambridgeshire
- Data Protection Officer for OPCC: Chief Executive and Monitoring Officer
- Data Protection Officer for BCH: BCH Information Governance Manager
- Data controller's address: OPCC, Cambridgeshire Constabulary
Headquarters, Hinchingsbrooke Park, Huntingdon, Cambs PE29 6NP
- Who the ICO should contact if they require further details concerning the incident

- Details of the breach, including a description of the nature of the breach, the categories and approx. number of individuals concerned, and the categories and approx. number of personal data records concerned.
- Description of the likely consequences and of the measures taken, or proposed to be taken, to deal with the breach, including where appropriate, the measures taken to mitigate any possible adverse effect

If the breach is likely to adversely affect the personal data or privacy of an individual, you must notify the individual of the breach without unnecessary delay and give them the following information:

- Your name and contact details
- The estimated date of the breach
- A summary of the incident
- The nature and content of the personal data
- The likely effect on the individual
- Any measures you have taken to address the breach; and
- How they can mitigate a possible adverse impact

You do not have to tell individuals of a breach if you can demonstrate the data was encrypted but the ICO can require you to do so if they consider the breach is likely to adversely affect the individual.

If the personal information was originally received via a third party, the third party should also be notified of the data breach.

Record the date and nature of the breach and action taken on the Incident Log which can be found in the OPCC GDPR Folder on SharePoint.

Cambridgeshire OPCC link with BCH Information Management Unit when dealing with Information management – BCH16/006 Information Security Incident and Data Breach Management Procedure are available on the intranet.