

## **NORTH STAR NURSERY AND HOLIDAY CLUB DATA BREACH MANAGEMENT PROCEDURE**

North Star Nursery Ltd has certain obligations under the General Data Protection Regulation 2018 as follows:

- (i) to report certain types of personal data breach to the relevant supervisory authority within 72 hours of becoming aware of the breach, where feasible;
- (ii) if the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, North Star Nursery Ltd must also inform those individuals without undue delay;
- (iii) North Star Nursery Ltd must have in place robust breach detection, investigation and internal reporting procedures in place;
- (iv) North Star Nursery must keep a record of any personal data breaches.

See Appendix 1.

### **1. What is a personal data breach?**

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

A personal data breach may include:

- Access by an unauthorized person;
- Sending personal data to an incorrect recipient;
- Computing devices containing personal data being lost or stolen;
- Loss of availability of personal data.

### **2. What breaches do we need to notify the ICO about?**

North Star Nursery Ltd has a duty to notify the Information Commissioner's Office about certain types of personal data breach. In deciding when to notify them, we will need to establish the likelihood and severity of the resulting risk to people's rights and freedoms taking into consideration:

- The adverse effect of the breach on individuals including emotional distress and physical and material damage.
- Whether or not the breach will lead to risks beyond possible inconvenience to individuals.

In the event that a data processor used by North Star Nursery Ltd suffers a breach, then North Star Nursery will inform the ICO and affected clients and staff without undue delay as soon as we become aware of a breach.

North Star Nursery will advise the ICO of a breach within 72 hours of us becoming aware of it. If North Star Nursery fail to notify the ICO, we may be fined.

## **2. What breaches will we notify you about?**

North Star Nursery Ltd is under a duty to notify you about a breach if it is likely to result in a high risk to your rights and freedoms. A high risk situation is one where the impact of the breach is more severe and the likelihood of the consequences is greater than just being an inconvenience to you. We will notify you directly and without undue delay as soon as we become aware of a breach.

This means that the threshold for notifying you is higher than for notifying the ICO. We will inform you so that we can help you take steps to protect yourself from the effects of a breach.

## **3. How will we notify you?**

We will notify you verbally, initially, and in writing thereafter of any breach that is likely to result in a high risk to your rights and freedoms. We will advise you of any steps we have taken to limit the impact of the breach and in due course will advise you of any further measures put in place to prevent a breach happening in the future.

## **4. Recording data breaches**

North Star Nursery will record in written or electronic format all breaches of personal data regardless of whether or not they need to be reported to the ICO, their effect and any actions taken as a result.

## **REFERENCES**

Article 29 Data Protection Working Party – Guidelines on personal data breach notification under Regulations 2016/679

ICO Guide to the GDPR – Personal data breaches

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/personal-data-breaches/>

This policy links to:	Health and Safety Policy Safeguarding Children and Child Protection Policy Special Educational Needs and Disabilities Policy Code of Conduct Security Policy Communication Policy Equality and Diversity Policy Data Protection Statements – Client & Staff Data Subject Access Requests Procedure Confidentiality Policy Technology Policy Personal use of the Internet Policy Staff Induction Staff Handbook Staff Training
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Policy Review History	
May 2018	v.1
September 2020	v.2

**This policy will be reviewed in September 2022 unless a review of events, legislation or guidance from professionals or Ofsted indicates that a review should take place sooner.**

**Signed .....** **Dated .....**

**Print .....** **Nursery Manager**

**Signed .....** **Dated .....**

**Print .....** **Reviewing Committee Member**

# APPENDIX 1

