St. Paul's C of E Primary School

Data Breach Policy

Approved by the Resources Committee: Autumn 2025

Review Date: Autumn 2026

Version	Author	Policy approved by	Approval date	Review date	Changes made?
V1	IG Team	IG Team	15.06.2018	01.09.2019	No Changes
V2	IG Team	IG Team	01.09.2019	01.09.2020	No Changes
V3	IG Team	IG Team	23.09.2020	01.09.2021	Annual review
V4	IG Team	IG Team	10.11.2021	01.09.2022	Update to contacts and Appendix 3
V5	IG Team	IG Team	28.10.2022	01.09.2024	Terms changed from 'SIGI' to 'data breach'. Minor formatting
V6	IG Team	IG Team	23.08.2024	01.09.2026	Full review

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1. Introduction

St. Paul's C of E Primary School (the School) is committed to ensuring that all personal data it processes is managed appropriately and in compliance with the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (GDPR).

This includes ensuring that all unauthorised or unlawful processing, loss, destruction or damage to data (known as personal data breaches) are quickly identified and reported within the Council and, when appropriate, to the Information Commissioner's Office (ICO) and/or affected individuals.

2. Purpose

The purpose of this policy is to ensure that the School reacts appropriately to mitigate the risks associated with actual or suspected security incidents relating to information systems and data. The School recognises that there are risks associated with users accessing and handling information to conduct official School business.

This policy applies to all staff employed by our School, Governors and to external organisations or individuals working on our behalf.

The personal information that the School holds must be handled and dealt with securely, regardless of format.

3. Responsibilities

The **Headteacher** has overall responsibility for breach notification within the School. They are responsible for ensuring breach notification processes are adhered to by all staff and are the designated point of contact for personal data breaches.

The **Governing board** has responsibility for the oversight of the School's compliance with GDPR.

The Headteacher/School Business Manager is responsible for completing the data breach form and reporting any data breaches to the DPO via igschoolsupport@stockport.gov.uk

The **Data Protection Officer (DPO)** has overall responsibility for monitoring compliance with this policy, overseeing the breach management process and providing risk-based advice to the organisation. The DPO will be the main contact with the ICO.

Line Managers are responsible for ensuring that all staff are aware of their responsibilities to report any breaches of personal data and investigate any incidents.

All staff are responsible for immediately reporting any incident or breach affecting personal data held by the School to the Headteacher or School Business Manager.

4. Personal Data Breaches

A personal data breach occurs where there is an actual or potential loss of personal information or an unauthorised disclosure of personal data, where the incident could affect an individual's privacy, lead to identity fraud, or have some other significant impact on individuals or the School.

These incidents could occur by a range of means including the information being lost, stolen, accessed, disclosed, or altered without appropriate authority.

The ICO states that a personal data breach/incident can happen for a number of reasons. The most common types of data breaches include:

- Personal data being disclosed to the incorrect recipient via email, post or verbally.
- Cyber incidents – such as hacking or disruption.
- Lack of appropriate checks before disclosure e.g., not redacting third party data.
- Personal data accessed inappropriately or maliciously.
- Personal data disclosed unlawfully or without consent.
- Loss or theft of paperwork or devices holding personal data.

5. Management of data breaches

When an incident occurs, there are four important elements to the incident management plan:

- Containment and recovery
- Assessment of on-going risk
- Notification
- Evaluation and response.

The GDPR mandates a duty on all organisations in the UK to report certain types of data breaches to the ICO. In some cases, organisations also must notify certain types of data breaches to the individuals affected.

A notifiable breach must be reported to the ICO within 72 hours of the organisation becoming aware of it. It is, therefore, important that staff recognise when an

incident has occurred and be able to report it appropriately, so that immediate action can be taken to contain it.

All data breaches must be reported to the Information Governance Team at Stockport Council within 24 hours.

5.1 Containment and recovery

The person discovering a personal data breach should report it immediately as follows:

- to their line manager and the Headteacher or School Business Manager
- to the Information Governance Team, via igschoolsupport@stockport.gov.uk, or by telephone on 0161 474 4299, who will log the incident and advise on the next steps/any immediate action required to contain the incident;
- to any other departments who may need to be involved e.g. HR, ICT.

At this point an Investigating Officer (usually a Manager) must start a full investigation without delay. The Personal Data Breach Form should be completed and sent to the Information Governance Team within 24 hours.

The Investigating Officer should ensure that they obtain all relevant facts regarding the incident, take possession of any documentation, and record any key facts/decisions from this point forward. As a minimum this should include:

- Date and time of the incident.
- Who was involved.
- Exactly what information has been disclosed.
- How the breach occurred.
- Whether the data has been recovered.
- Whether the individual/(s) whose data was involved in the incident (data subject) are aware of the breach.
- What immediate corrective action has been taken.
- What further actions have been planned.

5.2 Assessment of ongoing risk from breaches

The Investigating Officer must accurately define any risk to the School or individual/s as a result of the breach. This will need to be assessed to allow the School to control and mitigate the risk. The risks associated will be dependent on:

- The type of data involved.
- How sensitive the information is.
- Whether there were any protections in place, e.g., encryption
- What has happened to the data, if known.

- The categories and approximate number of individuals concerned.
- The categories and approximate number of personal data records concerned.
- What harm can come to those individuals whose data has been lost.
- Whether there are any wider consequences to the loss of the data.

5.3 Notifications

Sometimes the School may have to report the breach to the following:

- The Information Commissioner's Office or/and
- the individuals themselves.

Depending on the incident there may be other legal, contractual or sector-specific requirements to notify various parties.

ICO

The GDPR introduced a duty on all organisations in the UK to report certain types of data breaches to the ICO. If the breach is likely to cause a risk to individual's rights and freedoms it must be reported within 72 hours of the School becoming aware of it. Any ICO notifications will be determined by the Data Protection Officer alongside the School, or in the DPO's absence, the most senior member of the Information Governance team at Stockport Council.

Where the ICO is to be notified, the ICO breach reporting form will be completed by a member of the Information Governance Team, alongside the Headteacher.

The notification to the ICO should include all information known at the time the incident is notified. Further details can be added to the notification as they become known and as the internal process develops.

The ICO will respond to the breach notification and may conduct further investigations. The findings of the ICO investigation may require further changes to policies or procedures or impose sanctions. Any interactions with the ICO regarding breaches should be brought to the attention of the IG team and the investigating officer.

Individuals

Where a personal data breach/incident is likely to result in a high risk to the rights and freedoms of individuals, a data controller must notify those concerned directly, without undue delay. An immediate assessment must be made as to whether the data subject should be notified. This decision should be made following consultation between the DPO and the School.
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 the DPO for further information or to ask questions on what has occurred.

As a rule, it is recommended that the data subject is informed unless you can clearly justify why it is not in the data subject's interest to do so.

Any communication to an affected data subject should contain:

- the name and contact details of the School's DPO;
- describe the likely consequences of the personal data breach;
- describe the measures taken or proposed to be taken to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.

A template letter is provided at Appendix 3.

Data Subjects will not need to be notified in the following circumstances:

- Where the School has implemented appropriate technical and organisational protection measures and that those measures were applied to the personal data affected by the personal data breach i.e., data was encrypted.
- Where the School has taken subsequent measures which ensure that the high risk to the rights and freedoms of the data subject is no longer likely to occur.
- Where notification would require disproportionate effort. In such circumstances there would still be an expectation for there to be a public communication or similar measure to notify data subjects

If the Investigating Officer is concerned that an employee may be involved in fraudulent activity, the Headteacher should be contacted for advice.

A record will be kept of any personal data breach, regardless of whether notification to the ICO was required.

Third Parties

The School might consider notifying third parties such as the police, insurers, banks or credit card companies, and trade unions. 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.

5.4 Evaluation and response

Upon receipt of the completed Data Breach/Incident Reporting Form, the Information Governance Team will assess the incident and the investigation to date and advise on and co-ordinate any further actions required.

The role of the IG Team is to:

- review the circumstances of the incident and the action taken so far;
- evaluate the circumstances in which the incident took place;

- consider whether any further action needs to be taken to avoid further breaches or similar incidents occurring;
- identify any corporate issues arising from the breach;
- agree an action plan, responsible officers, and relevant timescales for implementation of follow-up of the incident;

The IG Team will also review whether any risk of the breach occurring had been identified prior to the incident and whether it was avoidable. This will include:

- How likely it is that the incident could recur;
- Whether the incident occur despite existing measures being in place;
- Whether current policies and procedures were followed. If not, why not.
- In what way the current measures proved inadequate;
- If staff had received appropriate training and communication in relation to information governance;
- The suitability of current policies and procedures and whether revisions are needed.

All Data Protection incidents will be reviewed in accordance with NHS Digital's; "Guide to the Notification of Data Security and Protection Incidents"

		Likelihood harm has occurred				
		1. None	2. Unlikely	3. Likely	4. Highly Likely	5. Extreme
Impact	1. No adverse effect	1	2	3	4	5
	2. Minor	2	4	6	8	10
	3. Adverse	3	6	9	12	15
	4. Serious	4	8	12	16	20
	5. Catastrophic	5	10	15	20	25

Key	
Low risk	
Medium Risk	
High Risk	ICO
Extreme Risk	ICO

If an incident is identified as a High or Extreme Risk an investigation will be undertaken. The DPO, in consultation with the School, may require an emergency investigation panel to be convened to investigate, guide, monitor and mitigate the incident.

Consideration also needs to be given to whether or not the incident involved deliberate or reckless behaviour by an employee. For a deliberate act, disciplinary measures or prosecution should be considered, taking advice from Legal and HR. For reckless behaviour, disciplinary measures and retraining, as appropriate should be considered, taking advice from HR.

6. Staff Notification and Training

Where policy or procedure changes are introduced, all relevant staff should be informed of the changes and required to record their acknowledgement of reading and understanding the changes.

There may also be a requirement to repeat, extend or revise training. All involved staff should be required to undertake any new or repeated training resulting from the incident.

7. Monitoring

The IG Team will monitor the implementation and progress of action plans for all incidents on a regular basis to ensure that follow-up action is taken to avoid repeat incidents occurring.

If further information is required relating to this policy, please speak to your Line Manager in the first instance or to the Information Governance Team.

APPENDIX A - PERSONAL DATA BREACH/INCIDENT REPORTING FORM

Stage 1 - To be completed by Investigating Officer

Please refer to the Personal Data Breach Policy while completing this form

Personal Data Breach/Incident Reporting Form	
School Name	
Date of incident	
Location of incident	
Investigating Officer	
Head Teacher	
Type of breach	Choose an item. Other:

Describe the breach

You must not record the personal details of those involved in the breach or those affected by the breach on this form. Please use 'pupil' / 'teacher'/ 'parent' etc. instead of the name of the subject.

Description of breach • **What has happened (no acronyms)** • **Who was involved (do not use individual's names)**
How did you find out about the breach?
When did you discover the breach?
Date:

Time:
When did the breach happen?
Date: Time:

Categories of personal data breached					
☐	Basic personal identifiers e.g. Name, contact details	☐	Criminal convictions, offenses	☐	Data revealing racial or ethnic origin
☐	Finance e.g. Credit card, bank details	☐	Religious or philosophical beliefs	☐	Political opinion
☐	Location data	☐	Trade Union Membership	☐	Sex life data
☐	Identification data e.g. username	☐	Gender reassignment data	☐	Health data
☐	Image (i.e. photograph, film)	☐	Genetic or biometric data	☐	Not Known
☐	Other – specify				

Number of people effected	**Estimated number of records effected**

Categories of people affected			
☐	Pupils (under 13)	☐	School Staff
☐	Students (13-18)	☐	Governors
☐	Parents/Guardians	☐	Not known
☐	Other – please specify:		

Potential consequences of the breach • **What impact could occur to individual(s), because of the breach?** • **Has any actual harm occurred to the individual(s)?**

Does any other service area need to be informed?			
☐	IT (ie loss of equipment)	☐	HR (ie staff not following procedure)
☐	Caldicott Guardian (loss of LAC social care data)	☐	Communications (reputational damage)
☐	Legal	☐	Safeguarding
☐	Other:		

Risk Analysis Grading

(*Please refer to Personal Data Breach Policy for further guidance*)

Risk Analysis– (*Please answer the below questions to help determine potential risk to the data subject(s))*		
1.	Number of people's data breached	Choose an item.
2.	Who was the data disclosed to?	Choose an item. Choose an item.
3.	Types of data	Choose an item. Choose an item. Choose an item.
4.	Likelihood of data subjects suffering significant consequences as a result of incident?	Choose an item.
5.	Risk Factors	Choose an item. Choose an item. Choose an item. Choose an item.

Reflections

Describe the measures you have in place to prevent this type of breach occurring in the first place e.g. staff training, processes/procedures, system controls etc.

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Has this type of incident happened before? If so, provide a brief summary of when, who was involved, outcome.	
What actions have been taken now to minimise risk of reoccurrence?	
Do the data subjects know or have you told them about the breach?	
☐ Yes	☐ No
Further action planned – Provide details of all further actions yet to take place	

Please e-mail the completed form to: igschoolsupport@stockport.gov.uk

If you require further advice in relation to this incident, please contact the Information Governance Team – 0161 474 4299

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Stage 2 – Completed by the Information Governance Team

Type of incident (ICO)
Choose an item.

Type of incident (Internal)
Choose an item.

Number of people effected	Estimated number of records effected

Investigation chronology:		
Date	**Description**	**Further Action**

Further questions	
Were there measures in place to prevent an incident of this nature occurring?	Choose an item.
Are there any policies and procedures considered relevant to this incident?	Choose an item.
Does this incident involve any financial or special category data?	Choose an item.
Are the affected individuals aware of the incident?	Choose an item.
Have any affected individuals complained to the organisation about the incident?	Choose an item.
Has the data now been recovered?	Choose an item.
Had the relevant staff members involved in this incident received training?	Choose an item.

Risk Analysis Grading

Risk analysis review – likelihood of harm

Likelihood harm has occurred

Number	Likelihood harm has occurred	Description
1.	Not occurred	There is absolute certainty that there can be no adverse effect. This may involve a reputable audit trial or forensic evidence.
2.	Not likely or any incident involving vulnerable groups even if no adverse effect occurred.	In cases where there is no evidence that can prove that no adverse effect has occurred this must be selected.
3.	Likely	It is likely that there will be an occurrence of an adverse effect arising from the breach.
4.	Highly likely	There is almost certainty that at some point in the future an adverse effect will happen.
5.	Occurred	There is a reported occurrence of an adverse effect arising from the breach.

Likelihood score *(Using the table above please select your chosen score and explain why)*
Choose an item. Comment:

Risk analysis review - potential impact on individuals

Potential impact on individuals

Number	Impact on individuals	Description
1.	No impact	There is absolute certainty that no adverse effect can arise from the breach – no impact
2.	Minor	Potentially some minor adverse effect or any incident involving vulnerable groups even if no adverse effect occurred. A minor adverse effect must be selected where there is no absolute certainty.
3.	Adverse - Potentially some adverse effect	An adverse effect may be release of confidential information to into the public domain leading to embarrassment or it prevents someone from doing their job.
4.	Serious - Potentially pain and suffering/ financial loss	There has been reported suffering and decline in health arising from the breach or there has been some financial detriment occurred. (i.e. loss of bank details leading to loss of funds/loss of employment.
5.	Catastrophic - Death/catastrophic event	A person dies or suffers a catastrophic occurrence

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Impact score
Choose an item. Comment:

		Likelihood harm has occurred				
		1. None	2. Unlikely	3. Likely	4. Highly Likely	5. Extreme
Impact	1. No adverse effect	1	2	3	4	5
	2. Minor	2	4	6	8	10
	3. Adverse	3	6	9	12	15
	4. Serious	4	8	12	16	20
	5. Catastrophic	5	10	15	20	25

Key	
Low risk	
Medium Risk	
High Risk	ICO
Extreme Risk	ICO

Scale of risk	
Score:	**Risk Level:** Choose an item.
Comment:	

Recommended Actions				
Date	**Action**	**Responsible**	**Due Date**	**Complete Date**

Next Steps	
Does the risk score require the incident to be referred to the DPO?	Choose an item.
Is there any other reason why this incident should be referred to the DPO?	Choose an item.

IG Officer	

Stage 3 – Data Protection Officer Review

Data Protection Officer Review			
Is this incident to be referred to the ICO?	Choose an item.	**Date referred**	
DPO sign off		**Date**	

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Appendix B - Template Data Subject Notification Letter

Dear XXXXX,

I am contacting you because it has come to my attention that there appears to have been a breach in the security of Personal Information held about you by St. Paul's C of E Primary School.

The circumstances of the incident are as follow:

Explain what the breach entails, what personal/ special categories of personal information have been affected (be specific) and how the breach has been brought to the organisation's attention

I can confirm that St. Paul's C of E Primary School take the security of the Personal Data we control very seriously and steps have been taken to minimize the risk of this incident reoccurring and to mitigate any implications this incident may have on you and your privacy.

The following steps have been taken to ensure this error has been contained and will not be repeated;

Detail the steps taken, or intended to be taken, to ensure that this breach is contained and what action will be/has been taken to ensure that the breach is not repeated. Explain how the error occurred (if known).

Also detail any steps which have been taken to assist the Data Subject in retaining control of their personal data.

Please also detail any additional internal security measures which are available to the Data Subject (renewed passwords, security questions, notes on account detailing additional security may be required) and ask if the Data Subject would like to engage with any of these services.

Should you wish to raise a formal complaint regarding this matter you may do so by contacting our Data Protection Officer: Karen Lane dpa.officer@stockport.gov.uk

I would like to take this opportunity to apologise on behalf of St. Paul's C of E Primary School for this incident and any inconvenience or undue concern it may have caused you.

If you would like to discuss this matter prior to taking further action please do not hesitate to contact me on admin@st-pauls.stockport.sch.uk.

Yours sincerely