


# Data Breach Policy

Version: 1.7

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# 1 Summary

This policy sets out BCC's obligations in relation to data breaches, as set out in Articles 33 and 34 of the UK GDPR and Part 3 Chapter 4 of the DPA 2018. **This policy now incorporates requirements under the Data (Use and Access Act) (DUAA 2025).**

A personal data breach is a breach of security leading to the accidental or unlawful destruction, loss,
alteration, unauthorised disclosure of, or access to, personal data. A breach can be either accidental or deliberate.

- All personal data breaches must be recorded, investigated whether processed by BCC (the Data Controller) or by a Processor working on behalf of BCC.

- Data processors are required to inform BCC as soon as they
become aware that a breach has occurred. As data controller, it is BCC's responsibility to address the breach and report to the ICO and notify the data subjects if necessary. This duty is detailed in all contracts between BCC and data processors.

- Where personal data breaches have been identified by data protection as a high risk to the data subject and therefore will impact the individual's rights and freedoms, they must be reported to the ICO within 72 hours and if the incident meets the high-risk threshold to notify the data subject.

- BCC holds a separate 'Caldicott Log' which records all breaches involving health and social car e personal data. This is maintained by the Information Governance service.

- All staff are required to report any suspected data breaches to the data breach mailbox (data.breach@bristol.gov.uk as soon as they suspect a breach.

- Staff are assured that reporting of any potential personal data breach will not result in suffering any detrimental treatment as a result of raising their concerns.

- **Failure to notify the ICO (Information Commissioners
Office) of a personal data breach when required to do so can result in enforcement action including substantial fines, in addition to the loss of trust and reputational damage suffered.**

- Employees of BCC are obliged to comply with this policy when processing personal data on our behalf. Any breach of this policy may result in disciplinary action.

# 1 Standards

UK General Data Protection Regulation
Data Protection Act 2018

Data (Use And Access) Act 2025

# 2 Definitions

- **IAO – Information Asset Owners** are responsible for the processing of personal data within their service area.
- **A personal data breach** - a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. A breach can be either accidental or deliberate.
- **Data (Use and Access) Act 2025** – DUUA 2025 this act updates the laws regarding digital communication and data protection promoting innovation and economic growth while ensuring the protection of individuals' rights. It builds upon the UK GDPR and introduces adjustments to modernise data governance. This act aims to algin with the EU standards.

# 3 Version Awareness:

Please note that documents printed or downloaded are uncontrolled documents and therefore may not be the latest version.

Ensure this is the latest version by checking the BCC Website.

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| **Title:** | BCC Data Breach Policy |
| **Description:** | Policy for detecting and responding to personal data breach occurrences at Bristol City Council |
| **Author:** | Data Protection Officer |
| **Scope:** | All members of staff, visitors or third-party providers of services or support |

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|---|---|
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| **Document History** | | |
|---|---|---|
| **Version** | **Date** | **Details** |
| 1.04 | 21.06.2022 | Update of format to current version and to reflect that UK GDPR is now the data protection legislation |
| 1.05 | 25.07.2023 | Review and updated. Layout now in line with current new structure. Incorporating layout of sections and addition of Review dates |
| 1.06 | 05.11.2024 | Annual review and template amendment. Amendment to section 1. |
| 1.07 | 10.02.2026 | Annual review and inclusion of DUAA 2025 |