

Decision Maker:	Governance and Audit and Standards Committee
Subject:	Data Breach reporting
Date of decision:	27 th June 2013
Report from:	Michael Lawther City Solicitor and Strategic Director
Report by:	Peter Harding Corporate Information Governance Officer
Wards Affected:	All
Key decision (over £20k)	N/A

1. Summary

To advise G&A&S of Data Breaches brought to their attention and where appropriate considered by the Corporate Information Governance Panel during the previous 12 months.

2. Purpose of report

To update Members on Data Breaches that have arisen during 2013 and the actions taken. The appended report is exempt.

3. Background

In 2011 PCC signed an Undertaking following a reportable data breach to the Information Commissioner's Office (ICO). The ICO followed this with an onsite audit of which one recommendation was to establish a central body for Information Governance. The Corporate Information Governance Panel (CIGP) was formed chaired by Michael Lawther in the role of Senior Information Risk Owner (SIRO).

Administration of this panel is by the Corporate Information Governance team (Peter Harding/Helen Magri) and representation from most business areas. The Terms of Reference (briefly):

- To establish policy and procedures for Information Governance;
- To maintain a log of data breaches and determine onward action.

4 Recommendations

It is recommended that Members of the Governance and Audit and Standards Committee note the breaches that have arisen and the action determined by CIGP.

5. Data Breaches - Rolling year June 2012 - 2013

A potential data breach is presented to CIGP by the service in which the breach occurred and CIGP determine the severity, remedial actions and need for onward reporting to the ICO.

8 potential breaches have been reported to CIGP.

6. Equality impact Assessment

An equality impact assessment is not required as the recommendation does not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

9. Legal Implications

The Council is required to ensure that it has robust procedures in place to comply with its obligations under the Data Protection Act. Bringing this report to the Committee's attention assists in meeting those requirements.

10. Finance comments

The ICO can issue fines of up to £500,000 for serious breaches of the Data Protection Act and Privacy and Electronic Communications Regulations. The size of any monetary penalty is determined by the Commissioner taking into account the seriousness of the breach and other factors such as the size, financial and other resources of the data controller. Any breaches put the City Council at risk of the unbudgeted cost of a financial penalty which would have to be met from the service responsible for the breach.

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Signed by: Michael Lawther, City Solicitor and Strategic Director

Appendices: One exempt Appendix

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Nil	N/A