

# **East Herts Council Report**

## **Audit and Governance Committee**

**Date of meeting: Tuesday 26 September 2023**

**Report by:** Tyron Suddes – Information Governance and Data Protection Manager

**Report title:** Data Protection Update

**Ward(s) affected: (All Wards);**

**Summary** – To provide an update on the council's response to data breaches and subject access requests

### **RECOMMENDATIONS FOR Audit and Governance Committee:**

- a) That the Committee notes the content of the report and provides any observations to the Information Governance and Data Protection Manager**

#### **1.0 Proposal(s)**

- 1.1 As above

#### **2.0 Background**

- 2.1 This report provides a regular update on the council's response to reported data breaches and subject access requests.
- 2.2 There have been fourteen reported breaches from October 2022 to August 2023, one of which was reported to the Information Commissioner's Officer (ICO).

- 2.3 This breach was caused by a ransomware attack on one of the council's sub-processors and included low risk personal data of one business rates and twenty-eight council tax accounts. The following actions were taken in response:
- 2.3.1 the sub-processor took rapid containment action and took the affected server offline;
  - 2.3.2 urgent security updates were issued and implemented shortly after the breach and the sub-processor provided assurance that these will be monitored for any further updates;
  - 2.3.3 an in-depth review of the software used by the sub-processor is being carried out by third party cyber security specialists and;
  - 2.3.4 notes were added to the affected customers' accounts for additional security checks to be carried out if necessary.
- 2.4 The breach was reported to the ICO on 14<sup>th</sup> June and was acknowledged on the 19<sup>th</sup> June but no further update has yet been received. If any significant issues are raised these will be reported and addressed accordingly.
- 2.5 Of the remaining breaches, twelve were caused by human error whereby:
- 2.5.1 there were nine instances of correspondence sent to an incorrect recipient;
  - 2.5.2 housing allocation interview information was added to an internal meeting room calendar and;

- 2.5.3 a community protection order was disclosed in error.
- 2.6 The following actions were taken in response to human error related breaches:
  - 2.6.1 software issues were immediately investigated and corrected and any actions were monitored with the relevant supplier;
  - 2.6.2 incorrect recipients were contacted to confirm that data had been destroyed;
  - 2.6.3 where appropriate, the affected person was contacted to provide an apology, details of the breach and, where relevant, further action that could be taken to reduce risk and;
  - 2.6.4 officers responsible were reminded of relevant procedures and the serious consequences of a data breach
- 2.7 One breach was caused by a data loss whereby access to a shared folder was lost. IT restored data to the latest backup but could not be sure if all data was restored. Staff affected were asked to confirm if any data had not been restored and confirmed it had been.
- 2.8 The amount of data breaches over the last reporting period remains acceptable, particularly given the amount of data the council processes. There has been an increase in the number of breaches being reported which evidences the council's improved data protection training programme and regular communications.

2.9 Short term actions have been put in place and are monitored and wider actions, particularly related to human error breaches, are currently being considered in light of the council's migration to MS365 and the additional preventative tools which can now potentially be implemented.

2.10 There have been eleven subject access requests from October 2022 to August 2023. All requests were processed and responded to within the statutory time limit.

### **3.0 Reason(s)**

3.1 At its meeting on 17<sup>th</sup> November 2020<sup>1</sup>, the Audit and Governance Committee requested that it receive reports on GDPR and data protection matters.

### **4.0 Options**

4.1 The Committee requested an update and so there are no alternative options to consider

### **5.0 Risks**

5.1 Data breaches can pose a financial and reputational risk to the council if they are not reported and dealt with correctly, however, the council, through e-learning, virtual classroom training and updated policies and procedures has raised awareness of what constitutes a breach and how to prevent and report these where required. Additionally, through regular reporting of breaches, the

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<sup>1</sup> [Minute 248](#)

council can identify trends and possible actions to prevent these reoccurring.

5.2 Similarly, subject access requests, if not responded to correctly and within the statutory one month time frame, can pose financial and reputational risks to the council. This report provides reassurance that the council continues to respond to these requests in line with legislation.

## **6.0 Implications/Consultations**

### **Community Safety**

No

### **Data Protection**

Yes – regular updates on data protection aim to provide assurance that the council remains compliant with data protection legislation. Equally, updating on data breaches and subject access requests provides assurance that the council remains compliant in these areas.

### **Equalities**

No

### **Environmental Sustainability**

No

### **Financial**

No

### **Health and Safety**

No

### **Human Resources**

No

### **Human Rights**

No

## **Legal**

No – other than as identified above.

## **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

7.1 None

### **Contact Member**

Executive Member for Corporate Services

[Joseph.Dumont@eastherts.gov.uk](mailto:Joseph.Dumont@eastherts.gov.uk)

### **Contact Officer**

Tyron Suddes, Information Governance and  
Data Protection Manager

[tyron.suddes@eastherts.gov.uk](mailto:tyron.suddes@eastherts.gov.uk)

### **Report Author**

Tyron Suddes, Information Governance and  
Data Protection Manager

[tyron.suddes@eastherts.gov.uk](mailto:tyron.suddes@eastherts.gov.uk)