East Herts Council Report

Audit and Governance Committee

Date of meeting: Wednesday 29 May 2024

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 reported 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 September 2023 to April 2024, one of which was reported to the Information Commissioner's Office (ICO).

2.3 This was due to a cyber attack on a sub-processor used to provide community lottery services and the following actions were taken:

- 2.3.1 The sub-processor immediately set up new servers that underwent external testing and scans to ensure security and resiliency.
- 2.3.2 The council was provided with assurance as to the sub-processor's future technical and organisational arrangements.

2.4 Given the actions taken by the supplier and the council's assurance of security arrangements, the ICO took no further action and was satisfied with the council's response.

2.5 Of the other thirteen reported breaches:

2.5.1 Nine were due to correspondence being shared with an incorrect recipient;

2.5.2 One was due to not correctly using the BCC function when sending an email;

2.5.3 Two were due to a calendar invite being sent to multiple attendees, revealing their email addresses;

2.5.4 One was due to data not being fully redacted before publication on the council's website

2.6 The following actions were immediately taken in response to the above breaches:

2.6.1 Where possible, emails recalls were issued;

2.6.2 The incorrect recipient was asked to destroy personal data and confirm by email once complete;

2.6.3 Where errors were due to software issues these were immediately rectified with the relevant supplier;

2.6.4 Data published in error was immediately corrected or removed;

2.7 The following actions were taken to prevent similar breaches from occurring in future:

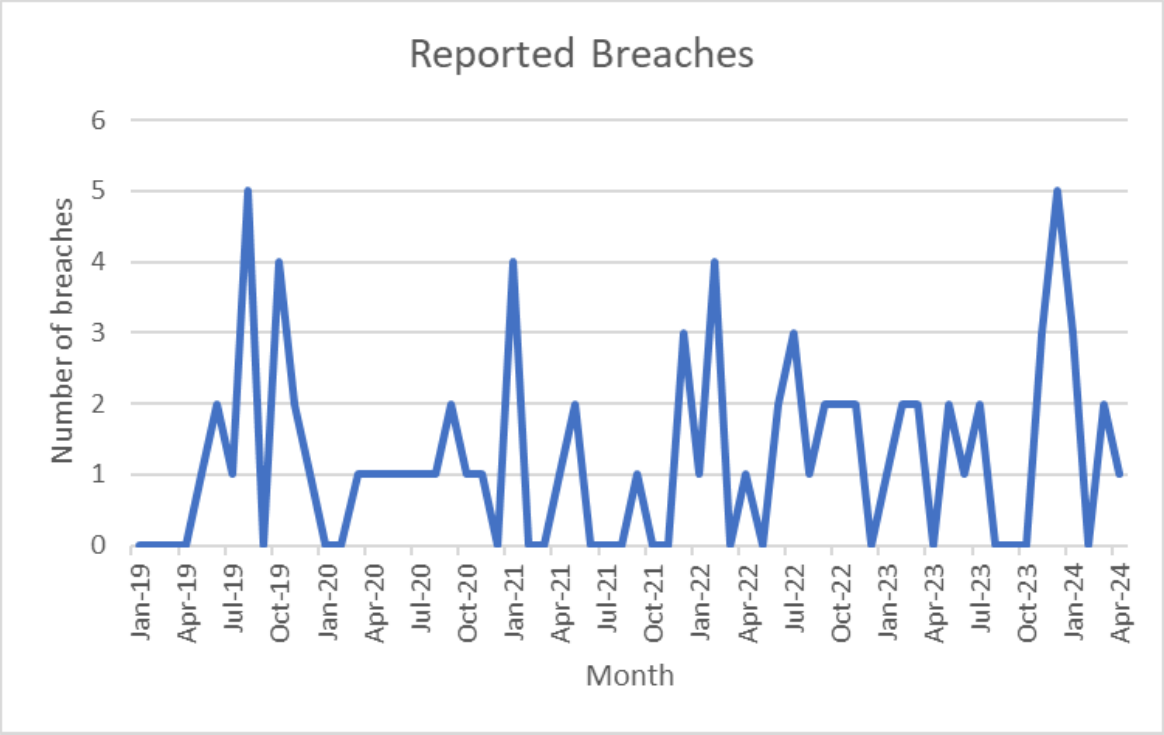
2.7.1 Officers were advised to regularly clear their auto-complete cache to reduce the possibility of sending emails in error

2.7.2 Officers were reminded of the serious implications of a data breach and, where relevant, were advised of further actions/training to take to reduce the likelihood of future breaches;

2.7.3 A MailTip feature has been activated on outlook which will notify officers when they enter an external email address.

2.7.4 Officers were reminded of the importance of liaising with the Information Governance and Data Protection Manager prior to engaging new suppliers that will process council controlled personal data so that a supplier assurance assessment can be carried out.

2.8 The amount of data breaches over the last reporting period remains acceptable, particularly given the amount of data the council processes daily. The table below gives an overview of reported data breach trends:



2.9 The council's data breach procedures were reviewed in 2021 and a Data Breach Policy was adopted in the same year. This reflects a general increase in reported data breaches following the implementation of more stringent reporting procedures and associated data breach training to all council staff.

2.10 There have been five subject access requests from September 2023 to April 2024. All requests were processed and responded to within the statutory time limit.

3.0 Reason(s)

3.1 At its meeting on 17th November 2020, the Audit and Governance Committee requested that it receives reports on GDPR and data protection matters.

3.2 At paragraph 8.1.8(n) of the Constitution, the Audit and Governance Committee has a role in considering the council's Data Protection policies and procedures.

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, shared learning and updated policies and procedures has raised awareness around data breaches and how to prevent and report these where required. Additionally, through regular reporting of breaches, the 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 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
A serious data breach could result in the council facing substantial financial penalties, emphasising the importance of monitoring performance and responses to those breaches that arise from time to time.

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

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