

## **Standards and Governance Committee**

Purpose: Noted

Date: 31 January 2019

Title: **PHYSICAL DATA BREACH**

Report of Chief Fire Officer



**HAMPSHIRE  
FIRE AND  
RESCUE  
AUTHORITY**

### SUMMARY

1. The purpose of this report is to notify the Standards and Governance Committee of a physical data breach which occurred week commencing 22 October 2018.
2. This report also provides awareness of the new requirement under General Data Protection Regulations (GDPR) for Hampshire Fire and Rescue Service (HFRS) to report data breaches to the Information Commissioners Office (ICO) that have been assessed as presenting a risk to individuals within 72 hours of HFRS becoming aware that the incident has taken place.
3. This report is to provide the Standards and Governance Committee of Hampshire Fire and Rescue Authority (HFRA) with assurance of the measures taken and that HFRS is managing any personal data breaches in compliance with data protection legislation.

### BACKGROUND

4. Since 25 May 2018 there is a new requirement for public bodies under the GDPR to report, within 72 hours, any personal data breaches assessed as presenting a risk to individuals to the ICO.
5. The HFRS Governance and Compliance team will assess the level of risk associated with a breach in the light of the legislation and ICO guidance to determine whether an incident is reportable to the ICO.
6. As a result of this requirement there is a potential for an increase of reportable data breaches to the ICO. This is not indicative of more personal data breaches occurring but increased transparency due to the new requirement of reporting data breaches where required. Reporting personal data breaches that present a risk to individuals to the ICO is in compliance with the GDPR and Data Protection Act 2018.

7. If HFRS were to not report relevant data breaches to the ICO, the Service would be in contravention of the GDPR and Data Protection Act 2018.

#### DATA BREACH

8. A personal bag, belonging to a member of HFRS, containing HFRS documentation including personal data has been reported as missing and is believed to have been stolen, during the week of 22 October 2018, from a personal vehicle during out of office hours. The incident was reported to the HFRS Data Protection Officer (DPO) within the Governance and Compliance team as per the internal breach reporting procedure.
9. The bag contained documents relevant to the employee's role as a Fire Safety Investigator. The documents lost are as follows (however this list may not be exhaustive):
  - Contemporaneous notebook
  - Investigator's notebook for a Legal Action case file
  - Authorised inspectors warrant
  - Notes from various management meetings attended
10. After the incident was reported, the DPO undertook an investigation into this incident, and on the 7 November 2018, this data breach was reported to the ICO

#### REMEDIAL ACTION

11. The cause of this data breach was an individual taking HFRS documentation containing personal information off site, and not securing it appropriately. The DPO has advised the team to obtain lockable briefcases for use when taking HFRS documents off site.
12. The DPO has therefore concluded that all appropriate steps have been taken to minimise any implications resulting from this incident.

#### SUPPORTING OUR SERVICE PLAN AND PRIORITIES

13. HFRS is committed to making Hampshire safer. HFRS takes the responsibility bestowed on us to process personal information very seriously and has made monitoring compliance with data protection legislation one of our priorities.

#### RESOURCE IMPLICATIONS

14. There are no additional resource implications and no additional cost to the Service. The work is currently carried out as part of the Governance and Compliance team to investigate personal data breaches as part of business as usual.

## ENVIRONMENTAL AND SUSTAINABILITY IMPACT ASSESSMENT

15. There are no environmental and sustainability impacts.

## LEGAL IMPLICATIONS

16. The ICO can take regulatory action and fine HFRS up to £17M and affected individuals can take legal action against HFRS if we are found to be non-compliant with data protection legislation.

## EQUALITY IMPACT ASSESSMENT

17. Compliance with data protection legislation is essential for HFRS to protect the human rights of our employees and members of the public.

## OPTIONS

18. This report asks the Standards and Governance Committee to note the breach information outlined within this report. This report provides the Standards and Governance Committee with assurance that the Service is adhering to ICO requirements.
19. This report provides the Authority with relevant information to scrutinise the Service and the commitments it has made in relation to compliance with data protection legislation.

## RISK ANALYSIS

20. HFRS operates a robust procedure for the investigation of personal data breaches. We are transparent with the ICO and data subjects (the individuals the information is about) regarding our compliance with data protection legislation. If HFRS were to not report personal data which present a risk to individuals to the ICO, the Service would be in contravention of the GDPR and Data Protection Act 2018.

## CONCLUSION

21. The data breach outlined within this report is believed to be an isolated incident and no inherent trends have been identified.
22. The root cause of the breach has been identified and actions have been put in place to prevent a reoccurrence of a similar incident.
23. This report is to provide the Authority with assurance that HFRS is managing any personal data breaches in compliance with data protection legislation, including the new requirement under GDPR for HFRS to report relevant data breaches to the ICO within 72 hours of the Service being made aware of them.

RECOMMENDATION

27. That this report be noted by Hampshire Fire and Rescue Authority Standards and Governance Committee.

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