



# WHAT TO DO IF A DATA BREACH OCCURS

Under the GDPR the rules on reporting a data breach which results in a risk to an individual's rights and freedoms are very strict. Any such breach must be notified to the Information Commissioners Office (ICO), within 72 hrs of discovering the breach. Failure to report may incur a fine of up to €10 million or 2% of your company's global turnover, or other sanctions.

## WHAT TO DO:

1. **INSTIL EFFECTIVE PROCEDURES TO ENSURE EVERY DATA BREACH IS REPORTED** without delay to a dedicated breach response team.
2. **DATA BREACH OCCURS** (Review initial evidence).
3. **INITIAL INVESTIGATION** to establish that a data breach has occurred, whether it needs action to stop it continuing and the extent/impact of the breach.
4. **IF THE BREACH IS CONFIRMED** as a risk to an individual's rights and freedoms – Notify the ICO within 72 hours.
5. **ESTABLISH AS MUCH INFORMATION ON THE BREACH AS POSSIBLE, INCLUDING:**
  - Measures taken to stop, stem or rectify the breach
  - How the breach occurred
  - Consequences of the breach
  - Full extent of the information breached – number of individuals concerned, number of records
  - Lessons to be learned from the incident.
6. **DECIDE WHETHER OR NOT TO SEEK EXTERNAL LEGAL ADVICE AND CRISIS MANAGEMENT SUPPORT.**
7. **ONGOING DETAILED INTERNAL INVESTIGATION INTO THE BREACH** including a review of data and cyber security.
8. **DECIDE ON CONTENT OF INITIAL (72 HOUR) NOTIFICATION** to the ICO, with possible follow-up notification(s).
9. **DECIDE WHETHER, AND IF SO, HOW, TO COMMUNICATE DETAILS OF THE BREACH TO THOSE AFFECTED, AND THE MEDIA AND WIDER STAKE-HOLDERS.** Full disclosure is often the best policy.

We can advise you as to whether a breach is serious enough for you to notify the ICO and/or data subjects and guide you through the notification process. We can also help with any remedial changes to policies or procedures.

**FOR FURTHER INFORMATION PLEASE CONTACT OUR DATA PROTECTION TEAM**  
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