

**Actions - After breach**

Where there is a likely risk to individuals as a result of the breach

Notify the individuals concerned as soon as is reasonably feasible

Where there is a high risk to individuals as a result of the breach

Inform the ICO

When a *data controller* notifies the ICO of a possible breach it must do the following:

- describe the nature of the *personal data breach* including where possible, the categories and approximate number of individuals concerned and the categories and approximate number of *personal data* records concerned;
- give the name and contact details of the data protection officer or other contact point where more information can be obtained;
- describe the likely consequences of the *personal data breach*;
- describe the measures taken or proposed to be taken by the *data controller* to address the *personal data breach*, including where appropriate measures to mitigate its possible adverse effects.

When notifying individuals:

- describe the nature of the *personal data breach*;
- give the name and details of the data protection officer or other contact;
- describe the likely consequences of the *personal data breach*; and
- describe the measures taken or proposed to be taken by the *data controller* to address the *personal data breach*, including, where appropriate, measures to mitigate and its possible adverse effects.

The main purpose behind notifying an individual of a breach is to outline the specific steps they should take to protect themselves. However, there are exceptions – communication with the individual shall not be required if:

- The *data controller* has implemented appropriate technical and organisational protection measures and those measures were applied to the data affected by the *personal data breach*;
- The *data controller* has taken measures to ensure that the high risk to the rights and freedoms of individuals is no longer likely to arise; or
- It would involve a disproportionate effort. In such circumstances, there shall be a public communication whereby data subjects are informed in an equally effective manner.

The information sent to individuals should be sent separate to any other communication and could be sent via multiple communication channels in order to ensure transparency. The information should also be presented in clear and plain language.