



MANAGEMENT OF DATA BREACH POLICY

YOR Local Medical Committee Limited (YORLMC Ltd) is the brand name for Bradford & Airedale and North Yorkshire LMCs, also referred to as Branches of YORLMC. It is the professional voice for all NHS GPs and practice teams across the areas of North Yorkshire & York and Bradford, Airedale, Wharfedale & Craven. YORLMC Ltd is a gateway to pastoral care and provides personal and totally confidential support for GPs and practices in difficulty or experiencing major change. It also provides personal advice and support for practices on a wide range of issues.

From 25th May 2018 onwards, the EU's General Data Protection Regulation 2016/79 (the "GDPR") and the UK's Data Protection Act 1998 ("DPA 2018") will govern how Local Medical Committees ("LMCs") use personal data.

The GDPR introduces a duty on all organisations to report certain types of personal data breach to the relevant supervisory authority. This must be done within 72 hours of becoming aware of the breach, where feasible.

If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, YORLMC must also inform those individuals without undue delay.

YORLMC must also keep a record of any personal data breaches, regardless of whether it is required to notify. Please refer to Appendix 1, included at the end of this document.

What is a personal data breach?

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data.

Personal data breaches can include:

- access by an unauthorised third party;
- deliberate or accidental action (or inaction) by a controller or processor;
- sending personal data to an incorrect recipient;
- computing devices containing personal data being lost or stolen;
- alteration of personal data without permission; and
- loss of availability of personal data.

When a personal data breach has occurred, YORLMC will establish the likelihood and severity of the resulting risk to people's rights and freedoms. If it's likely that there will be a risk, it will notify the ICO; if it is unlikely then YORLMC does not have to report it. Where the decision is taken not to report, YORLMC will document the decision should it be necessary to justify this decision at a later date. Decisions will be on a case by case

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Honorary President: Dr John Givans

YORLMC will report a notifiable breach to the ICO without undue delay, but not later than 72 hours after becoming aware of it. If YORLMC takes longer than this, it will give reasons for the delay.

To notify the ICO of a personal data breach phone: 0303 123 1113
 Further advice and support can be obtained [here](#)

The steps taken by YORLMC’s Corporate Affairs Team to prevent breach of data

Individual staff contracts include clauses setting out an individual employee’s responsibilities to YORLMC Ltd in relation to their duty of confidentiality and disclosure of intellectual property. In addition, the Staff Handbook which forms part of an individual employee’s contract of employment with YORLMC Ltd, also reinforces the fact that all employed staff are contractually bound to adhere to the confidentiality clause within their terms of employment.

Staff induction and training covers the importance of and need for confidentiality. In addition:

- staff are aware through induction and ongoing training that care is needed to limit risks of emails and attachments being sent to the wrong person, or several people as it is easy to click the wrong recipient
- When emailing staff are encouraged to use BCC (Blind Carbon Copy) where appropriate
- Lost memory sticks – If you lose or misplace your memory stick you are required to inform YORLMC Corporate Affairs Team immediately on 01423 879922.
- To limit Malware (IT) attack, up to date anti-virus software is in place.
- Equipment loss or theft – if you lose or misplace or have your YORLMC equipment stolen then you are required to inform YORLMC Corporate Affairs Team immediately on 01423 879922. If this occurs outside the hours of 9am-5pm or at weekends staff are required to follow the procedure described in the Corporate Affairs Team contingency plan
- Sensitive documents are password protected

Date	Author	Document History
February 2019	Corporate Affairs Team, YORLMC Ltd	Agreed by Board, YORLMC Ltd

Appendix 1

Record of any personal data breaches

Date of breach	Action taken