**WRITTEN RECORD OF PERSONAL DATA BREACH**

**TEMPLATE FOR CONTROLLERS**

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**Section 42 of the Data Protection (Bailiwick of Guernsey) Law, 2017 sets out the legal obligations of a controller in the event of a personal data breach. Section 42(6) states –**

“*In any case, a controller must keep a written record of each personal data breach of which the controller is aware, including –*

*(a) the facts relating to the breach,*

*(b) the effects of the breach,*

*(c) the remedial action taken, and*

*(d) any steps taken by the controller to comply with this section, including whether the controller gave a notice to the Authority under subsection (2), and if so, a copy of the notice.”*

This document allows affected controllers to record the required information in a uniform format to

assist with internal record keeping obligations as well as requests for information from the Office of the Data Protection Authority (**ODPA**) that may follow. It does not constitute legal advice and each case should be reviewed in detail by the controller to assess the specific requirements.

***Steps to take***

* Immediately collect as much information as possible
* Ensure your DPO is informed and updated
* Report breach to ODPA
* Consider contacting interested parties (law enforcement, service provider)
* Implement containment measures
* Assess the harm
* Consider notification of data subjects
* Complete internal written record of the breach

APPENDIX 1

## COMPANY NAME HIGHLY CONFIDENTIAL

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| FORM FOR RECORDING A PERSONAL DATA BREACH – INTERNAL USE |
| Your Name:  | Dept/Division:  |
|       |       |
| Today’s Date:  | Tel No:  | E-mail Address:  |
|  |  |       |

|  |  |
| --- | --- |
| Time & Date of Incident: | Time & Date Incident was discovered: |
|  |  |
| Who Was Notified: | Time of Notification: |
|  |  |
| Brief Summary of Incident: (include website URLs, suspect name(s), impacted system(s), other relevant data...) |
|  |
|  |  |  |  |
| Number of data subjects affected: |  |  |  |
| Location of affected data subjects: |  |  |  |
| Type of personal data involved:Any special category data? If so, what? |  |  |  |
| Did you witness the incident yourself? | Y**[ ]**  | N**[ ]**  |
| Did others witness the incident? (if yes, specify below) | **[ ]**  | **[ ]**  |
|  |
| Summary of action taken since discovery: |
| Did you report this incident to: (Please circle all that apply)**Line Manager – IT Director – Internal Auditor – Data Protection Officer- ODPA – Law Enforcement – Guernsey Financial Services Commission** |

|  |  |  |  |
| --- | --- | --- | --- |
| Initiated By:  | Date: | Reviewed By: | Date: |
|       |       |       |       |