Data Breach Response Plan

This data breach response plan (response plan) sets out procedures in the event that St Brigid's School experiences a data breach (or suspects that a data breach has occurred).

Definition

Data Breach

A data breach occurs when personal information is lost or subjected to unauthorised access, modification, use or disclosure or other misuse. Data breaches can be caused or exacerbated by a variety of factors, affect different types of personal information and give rise to a range of actual or potential harms to individuals, agencies and organisations.

Notifiable Data Breach

Where a data breach has occurred that is likely to result in serious harm to any of the individual to whom the information relates, it is considered *'eligible'* and must be reported to the Office of the Australian Information Commissioner (OAIC)

Implementation

This response plan is intended to enable the St Brigid's School to contain, assess and respond to data breaches in a timely fashion, to help mitigate potential harm to affected individuals. It clarifies the roles and responsibilities of staff, and the processes to assist the school to respond to a data breach (refer to Appendix A: Flow Chart: Data Breach Response Plan).

Some data breaches may be comparatively minor, and able to be dealt with easily without reporting to the OAIC. For example:

> *A staff member, as a result of human error, sends an email containing personal information to the wrong recipient. Depending on the sensitivity of the contents of the email, if the email can be recalled, or if the staff member can contact the recipient and the recipient agrees to delete the email, it may be that the issue is reported to the principal but does not require any further response.*

This should be documented including:

- Description of breach or suspected breach
- Action taken by the principal to address the breach or suspected breach
- The outcome of the action
- The principal's view that no further action is required

The principal will use their discretion in determining whether a data breach or suspected data breach requires an escalation of the data breach process. In making that determination, principal will consider the following questions:

- Are multiple individuals affected by the breach or suspected breach?

• Is there (or may there be) a real risk of serious harm to the affected individual(s)?

• Does the breach or suspected breach indicate a systemic problem in school processes or procedures?

• Could there be media or stakeholder attention as a result of the breach or suspected breach?

If the answer to any of these questions is 'yes', then it may be appropriate for the principal to notify the OAIC (refer to Risk Assessment Process).

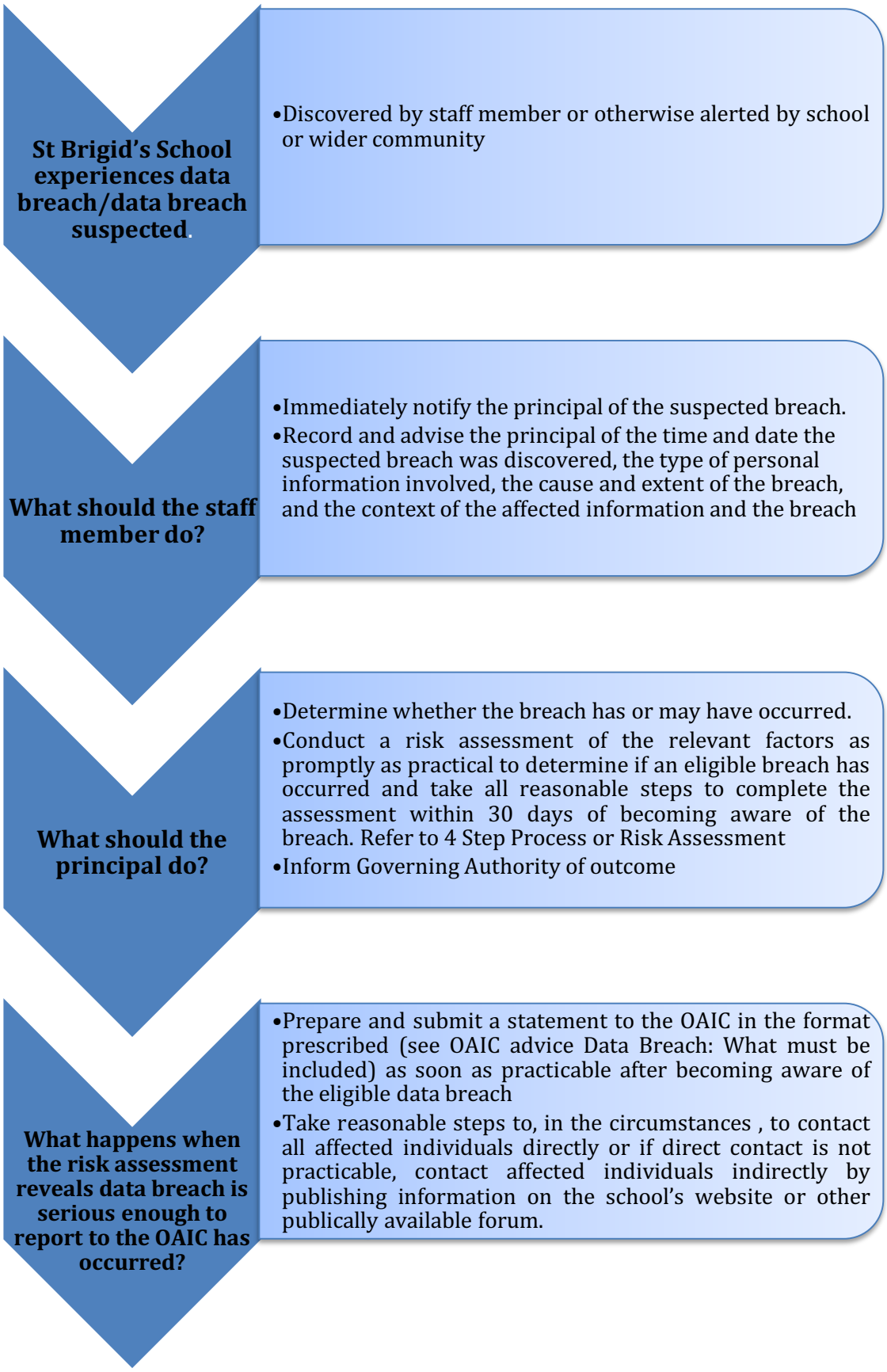
OAIC Advice Data Breach: What must be included will assist the principal in notifying the OAIC. https://www.oaic.gov.au/resources/agencies-and-organisations/guides/data-breach-notification-guide-august-2014.pdf

Record Management

Documents on breaches will be saved in a central file on school administration system.

Refer to:

- Appendix A: Flow Chart: Data Breach Response Plan
- Appendix B: Risk Assessment Process
- Appendix C: Data Breach Prevention Checklist (CECV)
- Appendix D: Individual Notification Record (CECV)
- Appendix E: Example of an Email to Parents/Carers (CECV)
- Appendix F: Data Breach Notification for Other Entities (CECV)
- Appendix G: Notification Procedures Checklist (CECV)
- Appendix H: Contain the Breach and Preliminary Assessment (CECV)
- Appendix I: Evaluate Risks (CECV)


St Brigid's School experiences data breach/data breach suspected.
•Discovered by staff member or otherwise alerted by school or wider community
What should the staff member do?
•Immediately notify the principal of the suspected breach.
•Record and advise the principal of the time and date the suspected breach was discovered, the type of personal information involved, the cause and extent of the breach, and the context of the affected information and the breach
What should the principal do?
•Determine whether the breach has or may have occurred.
•Conduct a risk assessment of the relevant factors as promptly as practical to determine if an eligible breach has occurred and take all reasonable steps to complete the assessment within 30 days of becoming aware of the breach. Refer to 4 Step Process or Risk Assessment
•Inform Governing Authority of outcome
What happens when the risk assessment reveals data breach is serious enough to report to the OAIC has occurred?
•Prepare and submit a statement to the OAIC in the format prescribed (see OAIC advice Data Breach: What must be included) as soon as practicable after becoming aware of the eligible data breach
•Take reasonable steps to, in the circumstances , to contact all affected individuals directly or if direct contact is not practicable, contact affected individuals indirectly by publishing information on the school's website or other publically available forum.

Appendix B: Risk Assessment Process

Step 1: Contain the breach and do a preliminary assessment

- Convene a meeting with relevant staff and/or Leadership Team
- Ensure that all evidence of breach is preserved so that an assessment of the breach can be made

Step 2: Evaluate the Risks Associated with the Breach

- Conduct an initial investigation, and collect information about the breach promptly including;
    - The date, time, duration and location of the breach
    - The type of personal information involved in the breach
    - How the breach was discovered and by whom
    - The cause and extent of the breach
    - A list of affected individuals, or possible affected individuals
    - The risk of serious harm to the affected individuals
    - The risk of other harms

- Determine whether the content of the information is important
- Establish the cause and effect of the breach
- Assess priorities and risks based on what is known
- Keep appropriate records of the suspected breach and actions of the response team, including the stapes taken to rectify the situation and the decisions made

STEP 3: Notification

- Determine who needs to be made aware of the breach (internally and potentially externally) at this preliminary stage
- Determine whether to notify affected individuals, is there a real risk of serious harm to the affected individuals? In some cases, it may be appropriate to notify the affected individuals immediately; e.g., where there is a high level of risk of serious harm to affected individuals
- Consider whether others should be notified, including police/law enforcement, or other agencies or organisations affected by the breach, or where the school is contractually required or required under the terms of an MOU or similar obligation to notify specific parties

STEP 4: Prevent Future Breaches

- Fully investigate the cause of the breach
- Report to Governing Authority on outcomes and recommendations:
    - Update security and response plan if necessary.
    - Make appropriate changes to policies and procedures if necessary
    - Revise staff training practices if necessary
    - Consider the option of an audit to ensure necessary outcomes are affected

Appendix C: Data Breach Prevention Checklist (CECV)

Item to be checked	Setup correct	Comments
PHYSICAL CHECKS		
Servers and computers, and storage devices storing data which have the potential to harm individuals or the school are stored in a locked and alarmed area after hours.		
Access to these areas are restricted to authorized personnel by means of separate key types and security codes.		
All areas are checked that they are securely shut at the end of each day.		
Alarmed areas are checked when alarms are activated.		
Stolen computers to be reported to police.		
Paper records are shredded or disposed of by placing in a locked bin and properly disposed of by a professional company hired for the purpose.		
Security contractors check the campus daily.		
COMPUTER SECURITY		
All computers require password login.		
Staff passwords are required to be changed regularly according to a set security procedure.		
Access to various data is governed by login credentials.		
Bulk transfer of data on removable media is to be avoided but may be approved by management and removed from media after transfer		
Bulk download of data is to be avoided but may be approved by management if required. Data is deleted from computers after specific use.		
Bulk communication (email, SMS) do not allow users to see others' data (Use of Bcc in emails)		
Erasing of all data on laptops before they are permanently removed from the school (staff and students leaving; laptops donated to others)		
NETWORK SECURITY		
Administration access by restricted personnel.		
Firewall rules set to prevent unauthorized access.		
Student and staff networks are separated.		
Intranet access is restricted by network login credentials or parental login credentials.		
COMMUNICATIONS SECURITY		
Student email is web-based and filtered for unauthorized access and malware.		
Staff email is server-based and filtered for unauthorized access and malware.		

PERSONNEL SECURITY		
Visitors need to sign a register when arriving and leaving the campus.		
Locks to servers or areas containing classified information are different to the general locks to areas accessible for general staff.		
Keys are allocated to staff according to security clearance level.		
Contractors are supervised on campus.		
POLICIES and PROCEDURES		
Privacy Policy available on school website for anyone to review		
Staff, students, parents and affected others are made aware of the school's privacy policy.		
Procedures available to govern the collection, input, access, retention and disposal of data		
Approval of all service delivery partners' privacy policies		
TRAINING		
Staff training on correct procedures involving the collection, input, access, retention and disposal of data		

Appendix D: Individual Notification Record (CECV)

Date of breach: **Time of breach**:

Date and time breach was reported:

Data Breach Description:

Assessed level of risk:

Individual directly affected:

There may be circumstances where parents, carers or authorised representatives should be notified as well as, or instead of, the individual.

Individual Notification

Person notified	Person sending notification	Contact details of person notified	Notification Date	Acknowledgement date

Notification Details:

A copy of email or written description sent to the individual should be placed below and should include the following headings:

- **Incident Description** and **Type of personal information involved**

- **Response to the breach**

- **Assistance offered to affected individuals**

- **School contact details —**
- **How individuals can lodge a complaint with the school —**

Appendix E: Example of an email to Parents/Carers (CECV)

Dear Mr and Mrs Smith

We are writing to inform you of an incident that has the possibility of exposing your contact information to unauthorised people or organisations.

On June 8, 2107, a CEM staff members USB memory stick with a file containing your names, your home address, email addresses and phone numbers (home and mobile) was reported missing. While we are attempting to locate the USB stick, we believe it would be prudent to consider any actions you need to take to mitigate and possible harm.

In particular, please take note of any unsolicited calls or emails. Should such events occur, please consider changing your details and please inform the school of such occurrences and inform us of your new contact details.

We sincerely apologise for the inconvenience or harm this may cause. We are reviewing our procedures regarding the storage of sensitive information on portable media such as USB memory sticks and will implement any procedural changes required in an attempt to avoid such events in future.

Please don't hesitate to contact me if you wish to discuss the matter further.

Sincerely

Principal

School

Appendix F: Data Breach Notification for Other Entities (CECV)

Form:

This form should be used when preparing to inform other entities that may be impacted by the data breach.

Complete each section

1. **A description of the breach**

2. **The type of personal information involved**

3. **How many people were or may have been affected**

4. **When the breach occurred**

5. **When and how the school became aware of the breach**

6. **The cause of the breach**

7. **Whether the breach was inadvertent or intentional**

8. **Whether the breach appears to stem from a systemic issue or an isolated trigger**

9. **Whether the breach has been contained**

10. **What action has been taken or is being taken to mitigate the effect of the breach and/or prevent further breaches**

11. **Any other entities involved**

12. **Whether the school has experienced a similar breach in the past**

13. **Any measures that were already in place to prevent the breach**

14. **Whether a data breach response plan was in place, and if it has been activated**

15. **The name and contact details of an appropriate person within your organisation**

16. **Any other relevant factors.**

Appendix G: Notification Procedures Checklist (CECV)

Date of breach: **Time of breach**:

Date and time breach was reported:

Data Breach Description:

Assess level of risk: *(Circle)*

- High (potential for immediate harm):
  - Take steps to notify individuals –
  - Assess need to notify others – See ***Obligations to notify others*** below
- Medium (potential for inconvenience and disruption):
  - Assess need to notify
- Low (mainly related to temporary information which will change over time):
  - Assess need to notify

Assess obligations to notify others:

Check obligations in the list below.
If required, complete the form: Data Breach Notification for Other Entities

- Third party 'cloud' data storage provider

- **OAIC** – The following factors should be considered in deciding whether to report a breach to the OAIC:
  - any applicable legislation that may require notification
  - the type of the personal information involved and whether there is a **real risk of serious harm** arising from the breach, including non-monetary losses
  - whether a large number of people were affected by the breach
  - whether the information was fully recovered without further disclosure
  - whether the affected individuals have been notified, and
  - if there is a reasonable expectation that the OAIC may receive complaints or inquiries about the breach

- **Police —** If theft or other crime is suspected. The Australian Federal Police should also be contacted if the breach may constitute a threat to national security.

- **Insurers or others —** If required by contractual obligations

- **Credit card companies, financial institutions or credit reporting agencies –** If their assistance is necessary for contacting individuals or assisting with mitigating harm.

- **Professional or other regulatory bodies —** If professional or regulatory standards require notification of these bodies

- **Other internal or external parties not already notified —** Consider the potential impact that the breach and notification to individuals may have on third parties, and take action accordingly. For example, school accounts department might be affected if individuals cancel their credit cards, or if financial institutions issue new cards.

- Consider:
    - third party contractors or other parties who may be affected
    - internal business units not previously advised of the breach, (for example, communications and media relations, senior management), or
    - union or other employee representatives

- **Agencies that have a direct relationship with the information lost/stolen —** The school should consider whether an incident compromises Australian Government agency identifiers such as TFNs or Medicare numbers. Notifying agencies such as the Australian Taxation Office for TFNs or Medicare Australia for Medicare card numbers may enable those agencies to provide appropriate information and assistance to affected individuals, and to take steps to protect the integrity of identifiers that may be used in identity theft or other fraud.

Overall Assessment:

- Assessed to not require notification of other entities
    - Not broad enough in numbers of parents/carers affected
    - Not enough to cause serious harm – complete identity theft
    - Not determined if theft occurred

Appendix H: Contain the Breach and Preliminary Assessment (CECV)

Checklist

Date of breach: **Time of breach**:

Date and time breach was reported:

Data Breach Description:

Action	Person/s Responsible	Comment
CONTAIN THE BREACH		
Stop the unauthorised practice		
Recover the records		
If possible or if it would not compromise evidence, shut down the system that was breached		
If it is not practical to shut down the system, or if it would result in loss of evidence, then revoke or change computer access privileges		
Address weaknesses in physical or electronic security		
PRELIMINARY ASSESSMENT		
Appoint someone to lead the initial assessment		
Is there is a need to assemble a team		
What personal information does the breach involve?		
What was the cause of the breach?		
What is the extent of the breach?		
What are the harms (to affected individuals) that could potentially be caused by the breach?		
How can the breach be contained?		
EARLY NOTIFICATION		
Who needs to be made aware of the breach (internally, and potentially externally)?		
List affected individuals		
Escalate to management as appropriate – person for privacy compliance		
Do police need to be informed?		
Is serious harm to individuals possible?		

Is high level media attention likely?		
Complete "Notification Record" (Step 3)		
OTHER MATTERS		
If laws have been broken, consult before going public with details		
Be careful not to destroy evidence		
Keep records of the suspected breach and the steps taken to rectify the situation and the decisions that are made.		

Appendix I : Evaluate Risks (CECV)

Checklist

Complete the following sections:

1. Description of the breach and the extent of the breach

Date of breach: **Time of breach**:

Date and time breach was reported:

Data Breach Description:

What was the source of the breach?

Who discovered / reported the initial breach?

Who was this reported to?

What parties have gained unauthorised access to affected information?

What was the context of the breach?

What was the extent of the unauthorised access?

Any other related breaches which could have a cumulative affect?

Is there evidence of theft?

Level of encryption/ anonymization of information –

Has the personal information been recovered?

Is this a systemic problem or an isolated incident?

2. Type of personal information involved in the breach

Personal identification:

Financial:

Medical:

Personnel records:

Assessment records:

Combination of information types:

Other:

3. Who is affected by the breach?

Employees:

Contractors:

General public:

Students:

Parents:

Service providers:

Other agencies or organisations:

4. Assessment of level of harm – select and give a reason

High (potential for immediate harm): parent personal details; student records editable

Medium (potential for inconvenience and disruption):

Low (mainly related to temporary information which will change over time):

Which of the following are possible as a result of the breach?

A) Harm to the person

- identity theft
- financial loss
- threat to physical safety
- threat to emotional wellbeing
- loss of business or employment opportunities
- humiliation, damage to reputation or relationships, or
- workplace or social bullying or marginalization

B) Harm to CEM/CECV Offices and Schools

- the loss of public trust
- reputational damage
- loss of assets (e.g., stolen computers or storage devices)
- financial exposure (e.g., if bank account details are compromised)

- regulatory penalties (e.g., for breaches of the Privacy Act)
- extortion
- legal liability
- breach of secrecy provisions in applicable legislation