

DPPC 20
24

**EMPOWERING YOU
THROUGH INFORMATION**

What's the harm?

Reframing how we think
about data breaches

What's the harm?


Presenters:

Catherine Evans O'Brien (Head of Communities, ICO)

Emma Wright (Public Advice and Data Protection Complaints Service, ICO)

Adam Freedman (Policy, Research & Influencing Manager, National AIDS Trust)

Structure

- What is a personal data breach?
- Exploring the concept of harm, the impact of a personal data breach and introducing the scarcity mindset
- Spotlight from Adam Freedman  NATIONAL AIDS TRUST
- Reflecting on 'what's the harm?', what have we done and what can you do to improve handling a data breach?
- Questions

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.



UK GDPR introduces a duty on all organisations to report personal data breaches to the ICO **unless it's unlikely** there is a risk to people's rights and freedoms. You must do this 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, you must also inform those individuals without undue delay.

Building our insight...

Enforcement action

Internal research

Direct engagement

So 'what's the harm'?

...arising from the breach itself

I have avoided using public services through a fear of more people finding out about my status.

We were concerned the adoption wouldn't progress because our location had been disclosed, and there were safeguarding concerns.

I had to move into temporary emergency accommodation, with my children, after my location was leaked.

The worry of my mistake has made me ill. It's been such a relief to talk to you, I can finally breathe!

(Data controller)

I felt forced out of my job following the discrimination I experienced after my status was exposed in the work-place.

So 'what's the harm'?

Impact arising from the breach

Isolation and loss of relationships

Distrust of services

Emergency house move

Loss of employment

Fear of imminent threat to safety



Impact of trauma
and the 'scarcity
mindset'

So 'what's the harm'?

...arising from the organisation's response

I don't know who I can share my information with anymore. Will they keep it safe?

Organisations don't acknowledge or recognise the impact a breach has had on them in case they "open the floodgates"

The places you would usually turn to for help (GPs, social services, lawyers) can be the ones who hurt you most.

It wasn't taken seriously as an issue. It was just brushed under the carpet, it's a mistake, just human error. But this is my life.

I was treated as a 'criminal' not a 'victim', receiving letters from the organisation's lawyers, rather than an acknowledgement.

So 'what's the harm'?

Harm arising from the response

Not knowing where to turn to for support

Feeling fobbed off as 'admin'
or 'human error'

Organisation not taking ownership

Distrust/ breakdown in relationship
with organisation

Experience not acknowledged
by organisation



Impact of trauma
and the 'scarcity
mindset'

Spotlight from National AIDS Trust

Adam Freedman,
Policy, Research & Influencing
Manager

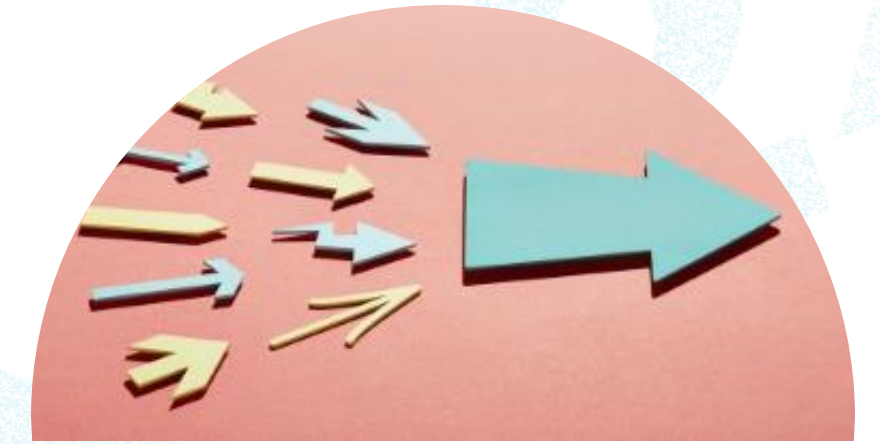
[National AIDS Trust |](#)



**NATIONAL
AIDS
TRUST**

What do people want (and why does this matter)?

- Altruism
- Justice
- Validation
- Moving on
- Compensation



Responding to our customers

- Changes we have made to the complaints journey
- Applying trauma informed principles
- Use of complainant personas
- Staff support and training



What can you do?

- Understand how a breach can impact people
- Listen to the person affected and find out what they need/ want, and what you can do
- Think about how your response can be helpful
- Record impact/ harm when documenting the breach
- Build in learning so that service delivery is continuously improving
- Acknowledge that staff could also be affected



Katrina, domestic abuse survivor

"The failure to protect my personal information forced me back into the fear I had fought so hard to escape. For survivors, trust is hard-won and easily lost.

When our personal data is exposed, we lose not just trust in systems, but faith in safety itself.

You have the power to restore that trust through careful and compassionate data protection."

Any questions?



Thank you for attending this workshop

Keep in touch



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