

PDB Case Study Answers

Lori works in a large solicitor's office. She sends an invoice to a client, but accidentally attaches a copy of the list of partners, their areas of specialism and their office telephone extensions to the email. The client then forwards this on to his home email.

Should Lori report this to the ICO as a personal data breach?

A. Yes

B. No

Answer

B. No:

The information contained within this list is likely to be publicly available. Whilst it is personal data, in that it contains the names and telephone numbers of the partners, this information is potentially available from other sources, such as the company website. It is unlikely that there will be any detriment to the individuals as a result of this incident.

Arthur is an independent financial adviser, working from home.

He keeps his appointments diary in a folder on his laptop and visits clients in their homes.

Yesterday he visited Julie, a new client. He helped her to choose the right life insurance policy, then filled the forms in with her to send on to the insurance company when he returned home. He placed the completed forms in a locked document bag, and locked the bag and his lap top in the boot of his car.

On his way home Arthur parked at the shopping centre for 15 minutes while he bought a tie. Unfortunately, while he was shopping, his car was stolen.

The police find the car, completely burnt out. The charred remains of the document bag and the lap top were still in the boot.

Arthur can't remember Julie's surname or where she lives.

Does Arthur need to report this to the ICO?

- A. Yes: because Arthur cannot get the information back. There is a risk of Julie's rights and freedoms being affected because she will not be covered by life insurance.
- B. No: it is unlikely that the data was seen as it is still in the boot, therefore no data has been breached.
- C. No: the police are aware of the incident, which is sufficient in this case.
- D. Yes: leaving the information unattended in the car constitutes a risk to Julie's rights and freedoms, therefore this is reportable.

Answer

A. Yes:

Article 1 (f) states that personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

In this case the information has been destroyed. As a result of this there may be detriment to Julie, who thinks she has life insurance, but doesn't.

Andre is the HR manager in a sweet factory. He intends to email payroll details of 57 employees to the factory's accountant, but uses the autocomplete facility on his email system and accidentally sends it to each email address in a group of 312 customers. He tries to recall the email, but this is unsuccessful.

The email contains the name, payroll number, national insurance number, salary, overtime payments, pension contributions and bank account details of each employee.

Andre has decided to report this as a personal data breach to the ICO, but does he have to inform his employees too?

- A. No: Reporting it to the ICO is sufficient, there is unlikely to be a risk to the rights and freedoms of individuals.
- B. Yes: The number of recipients and the amount of data could be considered as high risk to the rights and freedoms of individuals

Answer

B. Yes:

In this case, the number of recipients and the sensitivity of data would lead to a high risk to the employees so the company would be required to notify the affected employees, so that they can take precautions to protect themselves from the effects of the breach.