

# Uppingham Town Council

**Report to:** Full Council  
**Date:** 5<sup>th</sup> December 2018  
**Subject:** GDPR Breach – Survey Results for Spring Back Way (2<sup>nd</sup> Nov 2018)  
**Agenda Item:** 14

**Report Objective(s):** Provide an update to members of Full Council on findings and next steps.  
**Background:** On 2<sup>nd</sup> November 2018 an ‘all responses’ PDF file from a survey undertaken with Spring Back Way, Uppingham was published mistakenly online to the Town Council website.

I have now managed to look at the circumstances relating to the issue and can confirm the following:

- The calendar appointment page for our Full Council Meeting on 7<sup>th</sup> November received 138 visits on Friday 2<sup>nd</sup> and Saturday 3<sup>rd</sup> November 2018. (This is not unusually high based on previous meetings).
- The specific document accessed showed verbatim comments and personal details, including names, addresses, telephone numbers and email accounts.
- The uploaded file was viewed 6 times whilst published.
- The document was posted minutes before 5pm on Friday 2<sup>nd</sup> November 2018 and removed at approximately 4:30am on Saturday 3<sup>rd</sup> November 2018.
- The respondent that alerted Council to the issue confirmed that they undertook 4 views of the document and they have now disposed of the downloaded file.
- I (Clerk) accessed the file too on at least one occasion early on Saturday 3<sup>rd</sup> November, and possibly a second time.
- 28 respondents completed the survey.
- No malicious activity has been reported so far following the publication of the file.

My assessment, therefore, remains as when presented to F&GP Committee on 21<sup>st</sup> Nov 2018 that the potential exposure of this data is very limited for the period of time it was online. We have now reviewed our procedures and will put in place with immediate effect a two-step checking / sign off process where survey documents are concerned. Additionally, in conducting surveys we will also determine in exceptional circumstances that personal details are gathered as part of the survey process. In those limited cases officers will share survey contents with members and provide a rationale. In these circumstances if approved, there will be the standard GDPR ‘opt in’ approach taken.

As a result, I do not feel it is appropriate to report the matter to the Information Commissioner’s Office (ICO), nor write to all the residents on Spring Back Way. It is recommended that those who completed the survey should be written to directly with an explanation of what has happened and the steps we are taking – this would be to the 28 respondents. (draft letter attached)

We will offer the complaints procedure to all respondents in this letter as we have to the two who alerted Council to the original issue.

**Risks & Issues:**

- Reputational damage given the recent launch of GDPR and credibility of Council when conducting surveys/consultation in the community. This can be mitigated by following GDPR policies and complaints procedures to deal with the issues created.
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**Consultation & Feedback:** Seek member views as Data Controllers.  
Seek LRALC guidance and advice.

Reviewed policy documents and ICO website

- Options:**
1. Do nothing
  2. Engage and communicate with respondents who raised the issue and follow our own GDPR Policies and Complaints framework. Write to the impacted 28 survey respondents directly. Make operational the file checking procedure before uploading data and seek data controller (members via Full Council) input before using surveys that capture personal data. If these survey types are approved, they are structured so that respondents 'opt in' as per GDPR recommendations.
  3. Other additional comments and feedback from members.

**Finance Required:**

**Timeline:**

**Powers Required:** None

**Recommendation(s)** Option 2

**/ Resolution in  
draft:**

**Next Steps and  
Actions for the  
Town Clerk:** Clerk to action feedback and thoughts of Full Council members and update two respondents who raised the issue.