DATA BREACH NOTIFICATION
ARTICLES 34 & 35 OF REGULATION (EU) 2018/1725

DPO Meeting, Brussels 12-12-2018

IT Policy, Dina Kampouraki
GUIDELINES ON DATA BREACH NOTIFICATION & WEB FORM

- Guidelines published on EDPS Website
- Submission of notification with Online Data Breach Notification Form
- Specific instructions and user guide available
- Security of submission
- EDPS and EU Institutions and bodies shall take all necessary measures to ensure the confidentiality of communications and protect the information on data breaches.
BUILDING A PLAN

Prepare
- Internal procedures
- Awareness Training
- Review 3rd party Contracts
- Breach register

Act
- Incident response team
- Effective communication
- DPO involved
- Assessment

Review
- Lessons learned
- Corrective actions
Personal Data Breach

From 12 December 2016, under Regulation (EU) 1725/2016 all European institutions and bodies have a duty to report certain types of personal data breaches to the EDPS. Every EU institution must do this within 72 hours of becoming aware of the breach, where feasible. If the breach is likely to pose a high risk of adversely affecting individuals’ rights and freedoms, the EU Institution must also inform the individuals concerned without unnecessary delay.

EU Institutions must ensure that they have prevention and detection mechanisms in place for personal data breaches, as well as investigation and internal reporting procedures. They must also ensure that when they identify a personal data breach, they are able to respond effectively to mitigate the negative effects of the breach on the individuals whose data has been compromised. They must also keep a record of all personal data breaches, including all details about the breach, regardless of any notification obligation to the EDPS.

How should EU institutions and bodies respond to a personal data breach?

The EDPS has published Guidelines on personal data breach notification for the EU Institutions and Bodies. These provide practical advice on how to comply with the Regulation. The guidelines outline the approach that you should take in order to adequately respond to a personal data breach. We advise you to carefully read these guidelines before notifying a personal data breach.

How to report a personal data breach to the EDPS

You can report a personal data breach either by filling in the online form or by downloading the form and sending it to the following email address: DATA-BREACH-NOTIFICATION@edps.europa.eu.

All communication must be encrypted. Therefore, when sending an email about a personal data breach to the EDPS data breach notification email address, any attachments must be encrypted (zip) and the password shared with the EDPS by alternate means (by text message or telephone call). Please include a separate telephone number in your email which we can use to contact you for the password.
EDPS WEBSITE – NEW ONLINE WEBFORM FOR DATA BREACH NOTIFICATION
HOW TO SUBMIT A NOTIFICATION ON A DATA BREACH?

- Use the secure webform – (SSL Protocol applied)
  - https://edps.europa.eu/node/4978
- Only if not possible, download the form and submit by email to the functional mailbox
  - data-breach-notification@edps.europa.eu
- IMPORTANT: Use of ENCRYPTION
- DATA BREACH NOTIFICATION FORM AND ALL ATTACHMENTS MUST SENT ENCRYPTED WITH A PASSWORD (.zip ARCHIVE)
- Password communicated by other means.
- IMPORTANT: Add a telephone number for the password
- Future implementation of digital certificates (to be announced soon)
ON LINE SUBMISSION - DATA BREACH WEBFORM (1)
ON LINE SUBMISSION - DATA BREACH WEBFORM (2)
Thank you for your submission of a Data Breach Notification. You will receive a manual acknowledgement email within the next days with a Case Reference Number, which you will use for future communications with the EDPS. If you get no email, please contact us at data-breach-notification@edps.europa.eu.
NOTIFICATION IN PHASES?

• Primary notification indicates that this is a notification in phases (specific box must be ticked)

• All follow-up notifications shall contain the reference number provided by the EDPS.

• When submitting by email follow up information indicate on the subject line of the email:

  [Updated Breach Notification], [EU institution/body Name], [Case Reference number]
THANK YOU!

For more information
www.edps.europa.eu
@EU_EDPS
edps@edps.europa.eu