

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

DPO Meeting, Brussels 12-12-2018

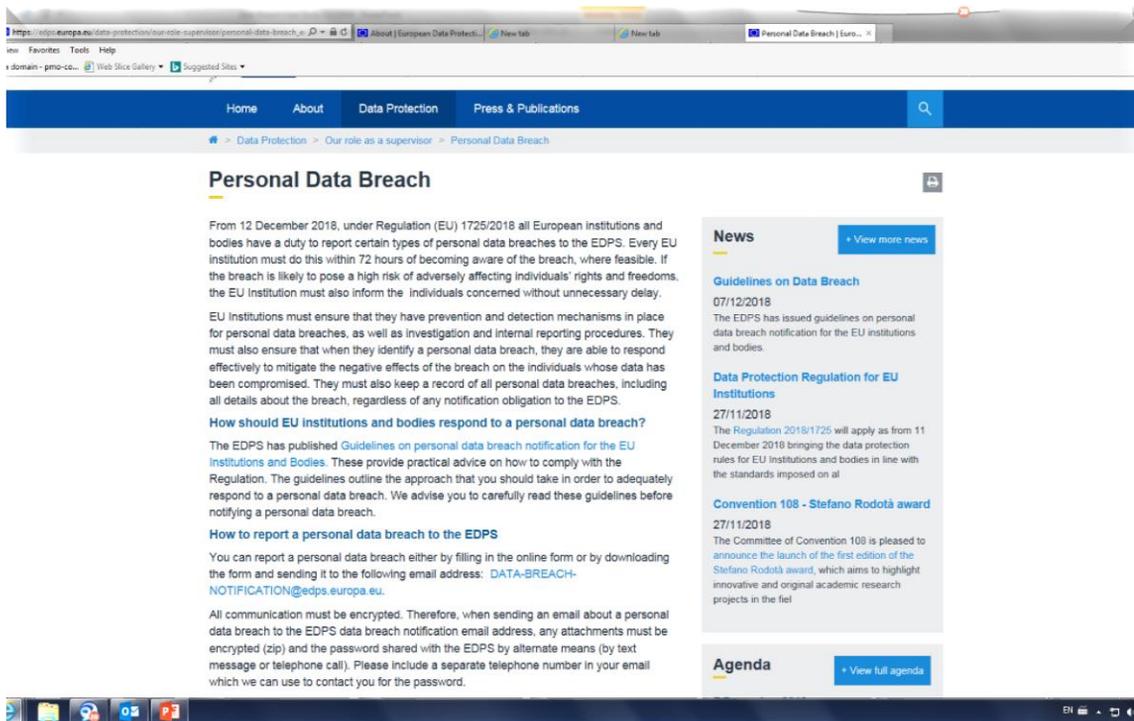
IT Policy, Dina Kampouraki



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.





Personal Data Breach

From 12 December 2018, under Regulation (EU) 1725/2018 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.

News

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Guidelines on Data Breach

07/12/2018

The EDPS has issued guidelines on personal data breach notification for the EU institutions and bodies.

Data Protection Regulation for EU Institutions

27/11/2018

The Regulation 2018/1725 will apply as from 11 December 2018 bringing the data protection rules for EU institutions and bodies in line with the standards imposed on all

Convention 108 - Stefano Rodotà award

27/11/2018

The Committee of Convention 108 is pleased to announce the launch of the first edition of the Stefano Rodotà award, which aims to highlight innovative and original academic research projects in the field

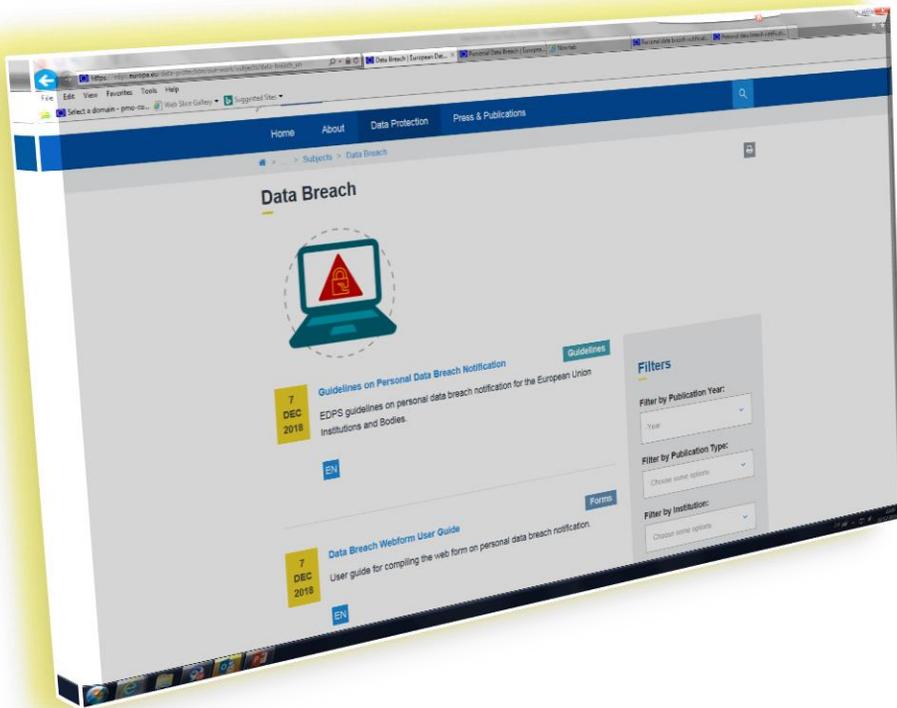
Agenda

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P E R S O N A L D A T A B R E A C H W E B S I T E

DATA PROTECTION REFORM AND SECURITY

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)

The screenshot shows a web browser window displaying the website of the European Data Protection Supervisor (EDPS). The browser's address bar shows the URL <https://edps.europa.eu/notice/1673>. The page header includes the EDPS logo and the text "EUROPEAN DATA PROTECTION SUPERVISOR" and "The EU's independent data protection authority". A navigation menu contains "Home", "About", "Data Protection", and "Press & Publications". The breadcrumb trail indicates the current page is "Personal data breach notification form".

Personal data breach notification form

The form progress indicator shows four steps: "General" (completed, green circle), "Data Breach Information" (current step, blue circle), "Preview" (blue circle), and "Complete" (blue circle).

A. Type of notification

Please read the [user guide](#) on how to notify a Personal Data Breach before filling out this form

A.1 Type of notification *

- Comprehensive
- In phases

Select 'comprehensive' when this is a complete notification. Select 'in phases' when this is an initial, incomplete, notification, further information to follow (Art. 34(4) of the Regulation 2018/1725)

A.3 Registration number of data breach in your register *

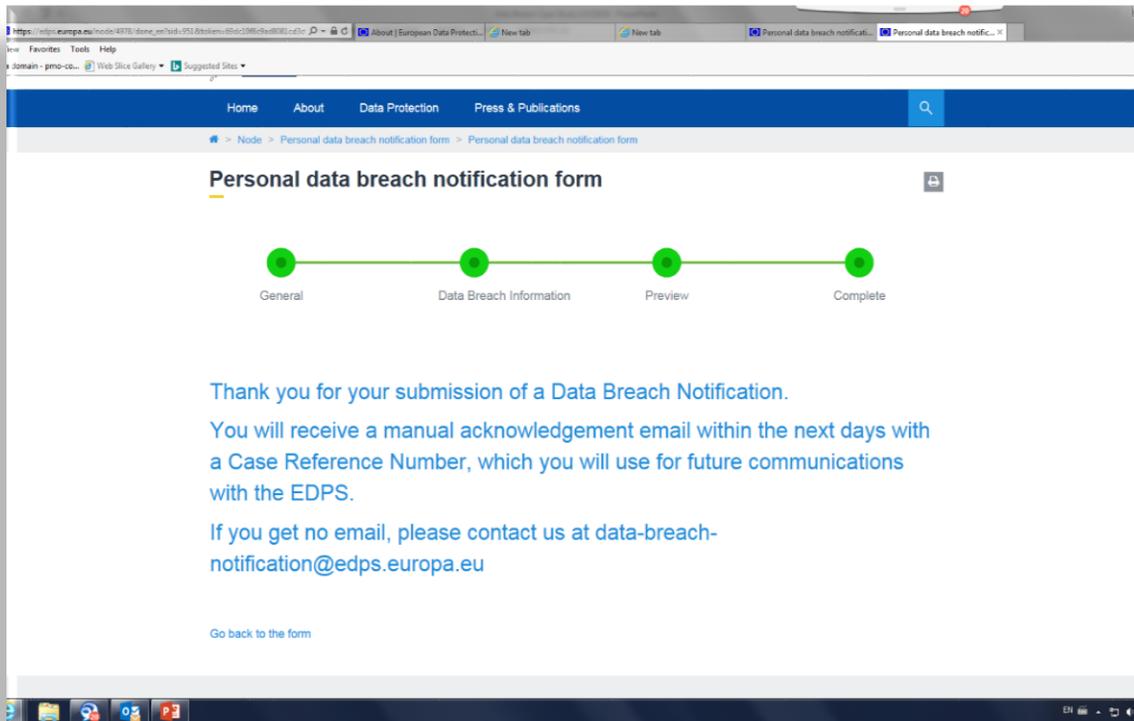
- Yes
- No

Art 34(6) of the Regulation 2018/1725

ON LINE SUBMISSION - DATA BREACH WEBFORM (1)

The screenshot shows a web browser window displaying the 'Personal data breach notification form' on the European Data Protection Board's website. The browser's address bar shows the URL 'https://edps.europa.eu/node/4078'. The page has a blue header with navigation links: Home, About, Data Protection, and Press & Publications. Below the header, the breadcrumb trail reads '> Personal data breach notification form'. The main heading is 'Personal data breach notification form' with a lock icon to its right. A progress indicator at the top shows four steps: 'General' (green circle), 'Data Breach Information' (green circle), 'Preview' (blue circle), and 'Complete' (blue circle). The 'Data Breach Information' step is currently active. The form contains three sections: 'D.1 Briefly explain the incident and how the data breach was detected' with a text area (maximum 1500 characters); 'D.2 Security criteria affected' with three checkboxes: 'I. Confidentiality - (potential) unauthorized disclosure or access' (checked), 'II. Integrity - accidental or unlawful alteration' (checked), and 'III. Availability - accidental or unlawful destruction or loss' (unchecked); and 'D.3 Exact date or period of the data breach' with three dropdown menus for Day, Month, and Year, each with a checkmark icon.

ON LINE SUBMISSION - DATA BREACH WEBFORM (2)



WEB FORM SUBMISSION

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