

Report into Data Protection Breach

Background:

As part of the Year End process all employers are required to submit membership data to the Avon Pension Fund (APF). This is done through GlobalSCAPE, a secure, password-protected data transfer portal provided by Bath and North East Somerset Council. Each employer has an individual folder on GlobalSCAPE into which data is uploaded and downloaded between that employer and APF. This system complies with Audit requirements.

Issue:

On 29 April, a representative for Backwell School uploaded the school's Year End data via the GlobalSCAPE.

This file was uploaded in error to the Backwell Parish Council folder rather than the Backwell School folder.

This occurred because when the individual was set up for GlobalSCAPE, they were allocated access to Backwell Parish Council rather than Backwell School. This was an APF administrative error.

When files are uploaded and downloaded email notifications are instantly sent to the Fund (as the receiver) and the sender. At this point both parties were alerted to the issue.

As well as the automated alerts the parish council contacted the school, who in turn contacted the Fund to alert us.

Actions taken:

Immediate

On notification, APF took these steps

- The school's file was removed from the incorrect folder
- The school's representative was given access to the school's folder, enabling correct submission and receipt of the data
- The school and the parish council were telephoned to notify them about the issue and the steps taken to ensure data security.

The parish council have since confirmed to APF in writing that did not open the data file or downloaded it to their system. They did open a declaration form relating to it. This does not contain any member information/data.

Subsequent

- APF has now implemented a secondary check when setting up employer user GlobalSCAPE access.

The email request from an employer for GlobalSCAPE access is now passed from the Support Team to the Data Quality Team for checking and validation. The Support Team email request to Bath and North East Somerset Council's IT (who actually set up the GlobalSCAPE access) is copied into the Data Quality Team (for additional checking). The email confirmation from IT (with password details) is also now checked by Data Quality.

APF has written to Backwell School to apologise and explain what happened, how it happened and the actions taken. As a matter of courtesy, APF will also write to Backwell Parish Council, along similar lines.

Future actions:

APF is now actively looking to see if the sign up access process to GlobalSCAPE process can be automated and fulfilled by an online form on the employers' website.

APF is also reviewing with IT the current folder structure to see if improvements can be made.

Reporting:

Information Governance

Bath and North East Somerset Council's Information Governance team was notified with regard to the issue and a subsequent meeting took place on 10 May, between the Information Governance Manager, the Acting Pension Manager and the Communication and PR Manager.

The Information Governance Manager advised that the incident will be logged as a Data Protection Breach and reported internally, but advised that no further action needs to be taken due to the mitigating actions APF immediately undertook.

Local Pension Board and Pensions Committee

This report is being presented to the Avon Pension Fund Pension Board at its meeting on 19 May and to the Pensions Committee on 24 June.

The issue has been recorded by the Pensions Manager according to the Avon Pension Fund Breaches Procedure.

Material/non material significance:

Background:

In deciding whether a breach is likely to be of material significance to the Pensions Regulator, the following should be considered:

- cause of the breach
- effect of the breach
- reaction to the breach and
- the wider implications of the breach

When deciding whether to report, those responsible should consider these points together. Reporters should take into account expert or professional advice where appropriate, when deciding whether the breach is likely to be of material significance to the Regulator.

Opinion

- The breach was caused by an accidental human error with no fraudulent intent
- The effect was minimal as the data was not downloaded
- The APF reaction to the breach was immediate and the situation resolved
- Professional advice was sought and advice given was that a breach would be reported internally, but no further action would take place.

For the above reasons this should be considered as a **Non Material Breach by the Admin Authority**. Such breaches will be recorded by the **Pensions Manager** and improvement actions agreed with the **Head of Pensions** for inclusion in ongoing Improvement plans, Services plans or Administration Strategy as appropriate. Pensions Manager will formally report all breaches to the Avon Pension Fund Committee and the Pension Board on a quarterly basis, notifying the chairs of both of any significant issues as appropriate.

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