

# CASE STUDY



## ASSISTING WITH HANDLING AN INTERNAL DATA BREACH

### Challenge

Our client discovered that they had suffered a data breach that had been committed by one of their employees. When the client contacted us, they knew the basics of the security breach, which involved an employee installing key-logging software on their systems without their knowledge. The incident had come to light when the individual had gone on holiday and someone else had spotted the unknown software.

The breach was limited in impact because the individual appeared only to have accessed and viewed company information for his own personal knowledge. However, it was clearly a significant data breach because he had accessed files that he was not entitled to access ordinarily through his job description. This included looking at payment details in relation to his fellow employees, confidential board minutes and the like.

### Solution

We assisted the client with their data breach handling process, which included putting in place some data breach processes that they could use not only in relation to this incident, but also if a similar matter should occur in the future.

As part of the process, the employee was dismissed for gross misconduct. Our client worked with specialist employment solicitors to ensure that the correct HR processes were followed in this regard.

Our involvement was to help the client with their breach reporting to the Information Commissioner's Office ("ICO"), as well as to identify how the incident occurred and what steps the client could take to improve their data security and data protection processes generally. It was important to the client to ensure that these or similar incidents did not occur again in the future.

### Impact

Appropriate handling of data breach situations is critical for data protection compliance. Not only can the ICO impose large fines for non-compliance, but there is also the potentially catastrophic risk to reputation and customer confidence, which can severely damage a business's bottom line. Careful handling of data breach situations is also important to help prevent claims against the organisation from affected individuals, which can irreparably damage an organisation's brand and reputation.

### Legal directory extract

*"Stephanie and Ben are such extremely experienced exponents of this area of law that they are our go-to advisers. They both offer sensible, pragmatic, realistic and solution-based advice."*

**Quoted in The Legal 500 UK 2021**

You can find out more by [emailing us](#), or calling us on 0117 307 0266