

CONFIDENTIAL**Disclosure Incident****Report Reference:** FAC200225F01**Moved Councillor Gard, Seconded Ms Johnston**

That Pursuant to Section 90(2) and (3)(h) of the Local Government Act 1999, the Finance and Audit Committee orders that all persons present, with the exception of the following persons: Adrian Skull, Sorana Dinmore, Tony Lines, Ilia Houridis, Kate McKenzie, Phil Mattingly, Akos Szonyi and Jaimie Thwaites, be excluded from the meeting as the Committee receives and considers legal advice relating to a 'disclosure incident' upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential.

Carried Unanimously

2.09pm the meeting went into confidence

The General Manager Corporate Services introduced the item regarding a data breach associated with information on Council's website. It was highlighted that the timing of the event (around Christmas) made things more difficult. Four months of data have been investigated by an independent third party (Ernst and Young) with no other unauthorised access to the data detected. The data relating to the eight months prior to this has been provided to Ernst and Young and is currently being assessed to determine if it was accessed by any unauthorised parties.

The Committee was concerned that a third party may have accessed the information relating to individuals who had requested for it to be suppressed. The legal advice received to date is that access to the information is not likely to result in serious harm to the individuals affected because it had only been accessed by one individual. The Committee sought assurance from staff about the character of the individual who assessed the data and it was advised that he was believed to be a good corporate citizen who wasn't acting in a malicious and destructive manner.

A dark web search is also currently being undertaken. The preference is to confirm if any other breach has occurred before deciding to inform individuals. It is not a legislated requirement to report to the Privacy Committee, however Administration recommends that it would be best practice to advise them.

The personal information was not easily obtained and to access it, a certain level of technical ability was required. A data governance structure is now in place for the website.

The Committee discussed the item and the following points were noted:

- It is unknown why individuals have suppressed their details
- Consideration should be given to inform the 604 individuals with suppressed information about the breach, however acknowledge this may cause unwarranted distress
- That the motives of the notifier are not malicious but are concerned there may be others who have accessed the information that Council is not aware of
- Council should have a communication response prepared on this matter
- All other links on the website should be tested
- A time limit of one month should be provided to the investigators, if it is still unclear if other breaches have occurred the individuals who requested that their data be suppressed should be notified of the breach.

Action: The outcomes report on the active investigation be provided to the Committee

Moved Mr Papa, Seconded Councillor Gard

That the Finance and Audit Committee supports Council to:

1. Make a report to the Privacy Committee
2. Notify the affected individuals in 30 days if:
 - a. the outcomes of the active investigation is not completed or
 - b. A further unauthorised access to the data is confirmed.
3. Develop a Privacy Policy.
4. In accordance with Section 91(7) and (9) of the Local Government Act 1999, the Committee orders that this report (Disclosure Incident), the Appendix, and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(h) of the Act, except when required to effect or comply with the Committee's resolution(s) regarding this matter, be kept confidential and not available for public inspection. This confidentiality order will be reviewed at the General Council Meeting in December 2020.

Carried Unanimously

2.38pm the meeting came out of confidence