Assessing whether to report a breach to the supervisory authority · How to approach it?

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Applicability: When the data controller becomes aware of a personal data breach.

Article 33(1) of the GDPR requires notification without undue delay and, where feasible, within 72 hours of becoming aware, unless there is an unlikely risk to individuals' rights and freedoms.

A starting point in practice

Record the moment of discovery, the nature of the breach and the information required for the risk assessment.

Determine the scope, the people affected and the measures that can immediately mitigate the consequences.

Working example · Assessing whether to report a breach to the supervisory authority

The user reports that they have received a confirmation containing another customer's data. The trader records the moment of discovery, stops any further transmission and assesses the impact on the individuals whose data have been disclosed.

Specific next steps

1. Record the moment of discovery, the nature of the breach and the information required for the risk assessment.

2. Determine the scope, the people affected and the measures that can immediately mitigate the consequences.

3. Regardless of the outcome of the assessment, retain the injury documentation in accordance with clause 5.

Limits of application

When the data controller becomes aware of a personal data breach.

Sources

GDPR · Article 33, paragraphs 1 and 5

https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX%3A32016R0679

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https://adriatrends.hr/poslovni-vodic/en/pitanja/praksa-gdpr-povreda-prag-odluka