Assessing whether to report a breach to the supervisory authority · How to check this using an example?

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Applicability: According to the profile and circumstances of the described case.

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

Checking by example

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.

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

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. 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.

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

3. Do not wait for the investigation to be completed if a report is required. Check the possibility of submitting it afterwards.

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-provjera