

**AUDIT AND GOVERNANCE COMMITTEE – 12 MARCH 2025****PROCEDURAL MATTERS – QUESTIONS AND RESPONSES****Item 4a - Member Questions****1. Question submitted by Catherine Powell (Farnham North)**

How many GDPR breaches did Surrey County Council advise the Information Commissioner's Office of during the last calendar year (or specified period that this information is available for)?

**RESPONSE:**

Surrey County Council advised the Information Commissioner's Office of three data breaches in 2024.

**2. Question submitted by Catherine Powell (Farnham North)**

Is it considered to be a GDPR breach if Surrey County Council shares details of a child with SEND (including name, DoB, etc) with the parents of another child with SEND?

If so, how many times has SCC reported itself to the Information Commissioner's Officer for these types of breaches during the last calendar year (or specified period that this information is available for)?

**RESPONSE:**

Yes, if Surrey County Council shared details of a child with SEND with the parents of another child with SEND this would be considered a data breach.

Zero. Surrey County Council did not report itself to the Information Commissioner's Office for any breaches of this nature in 2024. Notification to the ICO of a breach is made on a case-by-case basis when a breach is deemed likely to result in a risk to the rights and freedoms of individuals. If left unaddressed such a breach is likely to have a significant detrimental effect on individuals.

**3. Question submitted by Catherine Powell (Farnham North)**

How many GDPR breaches by Surrey County Council in relation to any aspect of SEND (including EHCNAs, EHCPs, education provision, Alternative Provision, transport and EOTAS) were reported by other agencies / individuals to the Information Commissioner's Office of during the last calendar year (or specified period that this information is available for)?

**RESPONSE:**

Five breaches were reported to Surrey County Council by other individuals via the Information Commissioner's Officer during 2024 in relation to any aspect of SEND.

**4. Question submitted by Catherine Powell (Farnham North)**

Can this committee review again the record keeping and data protection associated with Education, Health & Care Needs Assessments (EHCNA) and Education, Health and Care Plans (EHCPs)?

**RESPONSE:**

Internal Audit undertook an audit around the ECHNA Communications Protocol, which reported in March last year with an opinion of Partial Assurance (third out of four levels of assurance).

Given this level of assurance, Internal Audit is currently undertaking a follow-up audit, a draft report should be ready before the end of March reporting on how agreed actions have progressed. The results of which will be made available through the usual channels of reporting to Members (via the Audit and Governance Committee) once the work is agreed with management and concluded, which will be in due course.