Employee Data Privacy – Israel

Breach Notification

Are there any data breach notification requirements?

A data breach is a security incident in which sensitive, protected or confidential data is copied, transmitted, viewed, stolen or used by an individual unauthorized to do so. Local data protection regulations have required data controllers to report such breaches in certain circumstances.

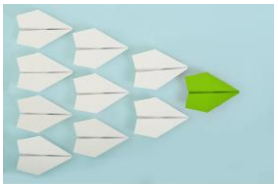
Israel's Protection of Privacy Regulations (Data Security), 2017 (DSRs) includes the requirement that in the event of a Severe Security Incident, owners of databases must immediately notify the Registrar. Whether an incident is considered "Severe" depends in part on the level of security required for the database (basic, medium or high) under the DSR.

HR databases are generally classified as subject to the basic level of security unless the database includes data relating to 100,000 or more individuals or, if there are 100 or more individuals who have access to the database. In these cases, the database is subject to a high level of security.

In a database that is subject to a high security level, an event where data from the database was used without or in breach of an authorization or, where harm was caused to the integrity of the data is considered a Severe Security Incident. For a database subject to a medium security level, an event where a material part of the database was used without or in breach of an authorization or, where harm was caused to the integrity of the data in respect of a material part of the database is considered a Severe Security Incident.

If an employer experiences a Severe Security Incident, the Registrar should be notified immediately, generally within 24 hours (and no later than 72 hours) of becoming aware of the incident. The notification to the Registrar should include a report of steps that are being taken as a result of the event.

The Registrar may, after consulting with the head of the National Authority for Cyber Security, order the employer or other owner of the database to notify affected data subjects who are likely to be harmed by the data breach.



HR Best Practices:

Employers should develop and implement a data breach action plan with notification, incident documentation and response procedures. In cases where notification is not required by law, employers should consider whether notification should be given to the Registrar and/or impacted individuals in order to mitigate potential damages.

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