

Latest updates from [The Office of the Data Protection Authority](#)

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Excellence through ethics

Thank you for subscribing to our monthly newsletter – in this issue:

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Message from the Commissioner

It is hard to believe that we are approaching the first anniversary of implementation of *The Data Protection (Bailiwick of Guernsey) Law, 2017*. The implementation project for the Bailiwick remains ongoing and we are still working on significant operational and administrative projects to ensure our office is able to respond to the additional duties the Law requires. There is an urgency to the reform as we need to ensure we are fit for purpose and can meet our statutory obligations, but we have taken a view that for change to be meaningful, it also has to be deliberate and thoughtful. Change can be challenging and does not happen overnight if it is to be sustainable and effective.



Underpinning the activities of our office is the new governance structure that ensures accountability, integrity and transparency in the work we do. The Law gives us significant powers and we recognise the responsibility that must necessarily sit alongside.

Our board (The Data Protection Authority) held its fourth meeting on 28 February. Whilst this may not, in and of itself, be a particularly notable event, it is important by virtue of the routine nature of its agenda. The previous meetings have presented us with agendas that have almost burst at the seams as

we have been in 'set-up' mode. It struck us, during a recent team meeting, that we were using the term 'business as usual' when discussing board items.

This is not to say that we have achieved all we need to achieve. It is simply to recognise that we are moving from a period of transformation and the associated challenges, towards a period of structured stability.

If any law is to be considered a success it must be incorporated into our lives as 'business as usual'. Data protection law is no different. In understanding, welcoming and accepting the changes it brings, we can all start to benefit.

- Emma Martins

Data Protection Commissioner

Emma will be speaking at the Chamber of Commerce members' lunch on 15 April, and an Institute of Directors' breakfast seminar on 17 May.

Update on Brexit and data protection

On 1 February 2019, the States of Deliberation approved the *Data Protection (Authorised Jurisdiction) (Bailiwick of Guernsey) Ordinance, 2019*. This Ordinance recognises the UK as a 'designated jurisdiction' which means that data transfers from the Bailiwick to the UK can continue once the UK has left the EU. With so much still unknown about what form Brexit will take, this Ordinance alleviates concern that existing data transfers to the UK could be adversely impacted by the UK's EU departure causing knock-on problems for local organisations.



The Ordinance, which will come into effect on the day the UK leaves the EU regardless of whether the departure is managed under some form of transition arrangement or not, has within it an expiry date of **31 December 2020**. The Bailiwick is aware that the UK will be applying for 'adequacy' under the GDPR as soon as it is able to as it is key for ensuring data flows from EU Member States, hence the decision to include an expiry date. Furthermore, the States of Deliberation agreed that should the European Commission rule on the UK's adequacy before the expiry of the Ordinance, it would be revoked.

We are pleased to have played a role in this pragmatic approach to data transfers that provides a degree of certainty to local businesses in relation to existing transfers. We would like to thank the policy and drafting team and the Committee for Home Affairs for bringing the Ordinance to fruition and the States for their recognition of the need to provide a firm way forward.

Read: [Leaving the EU: the data protection implications of a Hard Brexit for UK businesses with EU data flows and clients](#)

Transition: a plain English guide for organisations.

Your guide to achieving full compliance with the transitional aspects of *The Data Protection (Bailiwick of Guernsey) Law, 2017.*

Plain English guidance on transition: coming in March

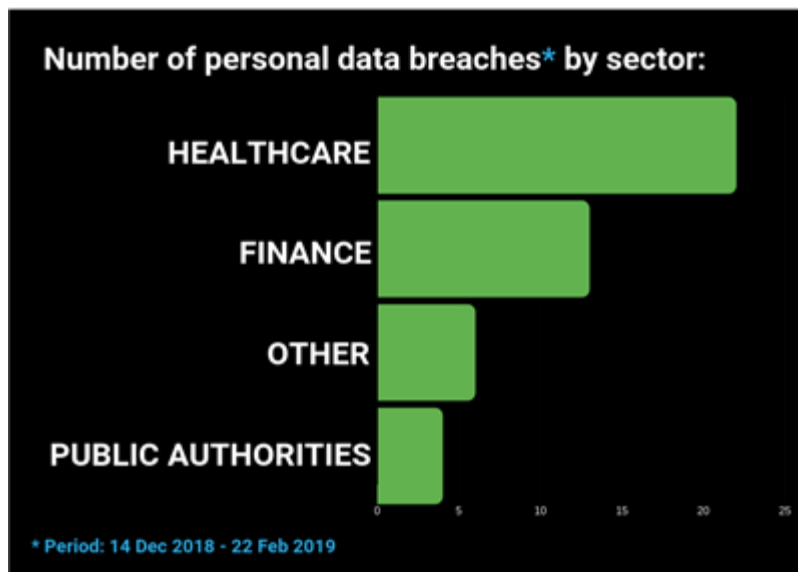
We will shortly be releasing our publication: *Transition: a plain English guide for organisations*. This document aims to help all local organisations understand what they need to do to comply with the transitional aspects of our local data protection law.

If you have any questions about what transition means for you and your organisation [please contact us](#). Alternatively, you can come along to one of our **fortnightly drop-in sessions** from 13 March (details in 'Visiting us' section below).

ODPA reports further increase in local data breaches

Forty-five personal data breaches have been reported to The Office of the Data Protection Authority in the two months up to 22 February 2019, with 22 of the 45 from the local healthcare sector.

[Read: full press release here.](#)



Update on events programme development

We are pleased to announce that on **Wed 10 April** we are holding this event: [Data Protection Forum: public / industry consultation session](#), to get feedback on our future events programme's scope and

format from members of the public and local industry representatives. Anyone with a personal or professional interest in data protection or data privacy is encouraged to attend. Places are very limited.

If you would like to give feedback on the events programme without attending the session, please email l.archer@odpa.gg to [request a copy of the proposed event plan](#), and the accompanying short survey.

Our events programme is a key aspect of our statutory obligation under section 61 of the Law to **raise public awareness of citizens' rights** and to **promote awareness of controllers/processors' legal duties**.

Visiting us

Fortnightly drop-in sessions (organisations only)

From **13 March** we will be offering organisations the opportunity to come along to drop-in sessions between **09:00 - 12:00 every other Wednesday morning**. [Details of the dates for 2019 can be found at the base of our Contact Us page](#).

We will not be presenting any information in these sessions; they are simply a regular opportunity for us to listen to your questions, and talk over any issues you are having.

We are also working towards introducing a process for organisations to apply for 'study visits' with us, whereby small groups of staff from a regulated organisation can request an appointment with us to explore a specific issue or topic.

Members of the public

To ensure we have the relevant staff member available to assist you, visitors are seen by appointment only - you can **request an appointment** in these three ways:

- Drop in to our office between 08:30-17:00 (Mon-Fri)
- Email us on enquiries@odpa.gg
- Call us on 01481 742074

Meet the team

Over the coming months we will give you an insight into the ODPA team by posing these three questions to our staff members. This month, we'd like to introduce you to our **Executive Officer Lesley Le Bailly**:



Q: What does a typical day at work look like for you?

Lesley: My day involves reviewing cases which generally originate as a complaint. We are contacted if a person believes that their personal data has been compromised. The complainant does not necessarily have to be in Guernsey, they can contact us from anywhere in the world. If the organisation being complained about is based in Guernsey, we will address it under local legislation. Following up those complaints involves communicating with organisations, data subjects and law firms. Enquiries can be lengthy and complicated.

Q: What's the best thing about working in data protection?

Lesley: I think the best thing is knowing that we are a regulator which is addressing matters at the cutting edge of society.

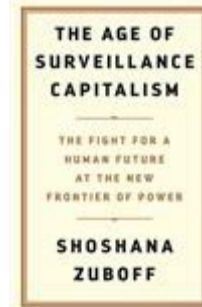
Q: If you could get one message across to people about data protection, what would it be?

Lesley: Value and protect your own privacy and others' - lives can be ruined when you don't.

Suggested reading:

Each month our commissioner provides suggested reading to help you make sense of and safely navigate our data-driven society. This month's choice is:

***The Age of Surveillance Capitalism, The Fight for a Human Future at the New Frontier of Power* – Shoshana Zuboff**



Zuboff is the Charles Edward Wilson Professor emerita at Harvard Business School. She has a PhD in social psychology and a BA in philosophy.

Zuboff writes both with an alarming urgency as well as with a beautiful moral clarity. It is interesting to see the rise of writers like this who approach analysis of the digital era from a human, philosophical perspective. It highlights the broadening of the conversation beyond that of the technical.

She examines the exploding 'attention economy' through the prism of the capitalist model referring to our attention and time as the currency. With such an abundance of this 'natural resource' she points to the fundamental misalignment between the goals of this emergent attention economy and the goals we have for ourselves as humans. The book comprehensively, and terrifyingly, lays bare the price we are all paying with power accumulated and knowledge concentrated in a handful of industry giants with little or no democratic oversight.

The book has been described as likely to join Adam Smith's *The Wealth of Nations* and Max Weber's *Economy and Society* as a defining social-economic text.

We live in a world where those who hungrily Hoover up our data specifically engineer their activities to keep us ignorant. Books like this that lay bare the sheer scale and impact of that activity will almost certainly be read by future generations and will be remarked upon as either the moment where our eyes were opened, or as the moment where we threw away the opportunity to reclaim ourselves.

Zuboff concludes by saying "the Berlin Wall fell for many reasons, but above all it was because the people of East Berlin said, "No more!". We too can be the authors of many 'great and beautiful' new facts that reclaim the digital future as humanity's home. No more! Let this be our declaration."

Resources

We have recently produced a infographic poster of The Seven Data Protection Principles, and a leaflet aimed at the general public detailing why they should care about data protection.

You can download these for your own use below:

[The Seven Data Protection Principles](#) (poster)

[Why you should care about data protection](#) (leaflet)



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