

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

You have received this email as XXX is an active subscriber to our monthly newsletter. [You can unsubscribe here.](#)

| [Forward to a friend](#)



Excellence through ethics

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

- [Message from the Commissioner](#)
- ['Transition: a plain English guide for organisations' published](#)
- [Open letter on data breaches and the imbalance of power](#)
- [Update on Brexit and data protection](#)
- [Update on events programme development](#)
- [Visiting us](#)
- [Meet the team](#)
- [Suggested reading](#)
- [Resources](#)

Message from the Commissioner

Spring often feels like a good time for a fresh start and to reflect on where we are going – both personally and professionally. At the ODPa, we continue to make good progress with the reform project for our office. Long-term and sustainable change takes time to do well and every step of the way we are reflecting on what we are doing and considering how we can do it as successfully and efficiently as possible.



A significant area for us is the way organisations and individuals engage with, and deliver on, their compliance requirements under the Law when handling personal data. The sheer scale of data being processed by all businesses means that the data protection legislation we are charged with overseeing has extraordinary breadth and depth. It affects the way small businesses and sole-traders handle data as much as it does large organisations. Many larger organisations will have better access to advice and expertise to help them when compared with smaller ones. But the reasons for, and benefits of, compliance are the same, regardless of size or sector. We are working hard to develop a programme that recognises the importance of supporting the whole regulated community.

The first step is to encourage a genuine understanding and appreciation of why good protection of data matters, for us as individuals and for all organisations. We will continue to encourage open and

honest public discussion about the opportunities as well as the risks in this area.

The next step is ensuring that relevant and clear information, support and guidance is available. We consider that an effective and meaningful communications strategy serves to underpin a progressive and beneficial regulatory regime that seeks to positively engage the regulated community. With that in mind, we are opening our doors with regular fortnightly drop-in sessions for organisations and commit to producing all our guidance in plain English.

We recognise that our role – if we are to do it well - extends well beyond administration of the Law; in addition to enforcement and sanctions, we must educate, assist, persuade, promote and engage. We intend to use the resources available to us to achieve positive outcomes for the whole community by doing all of those things in a constructive, consistent and accountable way.

This remains work in progress but we hope that individuals and organisations can benefit from what we are doing. We are always open to new ideas and suggestions so please get in touch if you have any comments or suggestions.

- 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.



'Transition: a plain English guide for organisations' published

On 14 March we published: *Transition: a plain English guide for organisations*. It aims to help all local organisations understand what they need to do to comply with the transitional aspects of our local data protection law.

The plain English guide, along with more guidance, templates, checklists, Q&As can be found at: <https://odpa.gg/all-about-transition/>.

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

Open letter on data breaches and the imbalance of power

On 17 March our commissioner submitted an [open letter on the imbalance of](#)



power that can occur during data breaches to our local newspapers, *The Guernsey Press* and *Bailiwick Express* for their consideration. It emphasises the point that all those involved in a data breach have a right to be heard, to be treated fairly and ethically, and to have their rights respected:

"An imbalance can occur when certain powerful groups or individuals have a platform, when others do not."

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, 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 its 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](#)

Update on events programme development

We have a handful of spaces left on our [Data Protection Forum: public / industry consultation session](#) on 10 April. This session is your opportunity to give us feedback on our future events programme's scope and format. Anyone with a personal or professional interest in data protection or data privacy is encouraged to attend.

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 which will be available in April.

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 (general enquiries)

If you are representing an organisation, and you have a **general enquiry** you can come along to our drop-in sessions between 09:00 – 12:00 every other Wednesday morning.

The next sessions will be held on Wed 10 April and 24 April, see a [full calendar of the drop-in sessions for 2019](#) here.

What to expect at our drop-in sessions:

1. We will ask you to sign in and will give you a ticket number.
2. When your ticket is called you will be taken into a meeting room with an ODPA staff member. Our staff member will listen to your questions, and talk over any issues you are having.
3. To make sure we can see as many people as possible, we normally limit each individual's meeting to approximately 30 minutes.
4. If your query is not resolved you are very welcome to come back a fortnight later to the next session.

Casework and Study Visits (specific enquiries)

- For **specific queries relating to ongoing cases** please request an appointment with the ODPA staff member assigned to your case.
- To explore a **specific topic or issue in detail** [please contact us to request a 'study visit'](#).

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** by either:

- Dropping in to our office between 08:30-17:00 (Mon-Fri)
- Emailing us on enquiries@odpa.gg
- Calling 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 **Deputy Data Protection Commissioner, Rachel Masterton**:



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

Rachel: I see my role as assisting others to get things done, so my day involves a fair amount of interaction with colleagues, providing direction, agreeing courses of action and answering queries. Having been with the ODPA for a number of years I have quite a lot of 'corporate memory' that I am trying to share out in case of that 'hit by a bus' moment. In case that makes me dispensable I ensure I'm still needed by stocking the kitchen with cake and sweets.

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

Rachel: The best thing about data protection, for me, is its move from something a bit niche and 'nerdy' into the mainstream consciousness. Whilst the bombardment of your inboxes with privacy notice and consent emails last May might have driven you slightly batty, data protection now has a higher profile than ever before and the rights and safeguards it provides individuals and their data are being embraced by organisations across the Bailiwick.

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

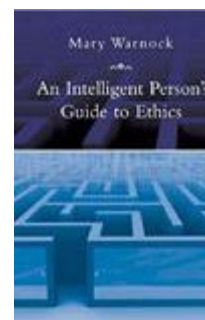
Rachel: At its heart, data protection is about people; not processes and procedures. When engaged with data protection, organisations can demonstrate how much their staff and clients/customers mean to them by treating personal data as they would wish their own to be treated; being clear and honest about how it is to be used and keeping it safe. Policies and procedures have their place in that but thinking ethically about how you would want your data to be used can be a strong guide to what is appropriate and fair - tick boxes can only take you so far.

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:

An Intelligent Person's Guide to Ethics – Mary Warnock

Baroness Warnock (1924 – 2019) was an English philosopher who was best known for her work in special educational needs and in the field of human fertilisation and embryology.



Despite being best known for her defining work in these areas, Warnock's skill in examining complex and challenging ethical and philosophical issues extended to all areas of human existence.

There continues to be much hand-wringing about the apparent lack of ethical input in the conduct of tech giants in the handling of our data. But there is a sense that the mood music is changing, reflecting the increasing understanding that when we are talking about **data**, we are talking about **us**. Governments and regulators are grappling with how best to respond but there is an increasing appreciation that if ethics does not form the foundations of our data-driven world, the costs could be devastating.

But *doing* something ethically is more challenging than it may appear. Warnock unpicks different moral perspectives and explores how we should distinguish between right and wrong both in our personal and working lives. Using highly controversial examples, she brings a wonderfully thoughtful and intelligent perspective on ethics as a whole. Writing in an accessible, unpretentious and intelligent way, Warnock encourages us to live thoughtful and engaged lives. Doing what is right is not always the same as doing what is easy.

Resources

You can download these resources for your own use below:

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

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



Transition: a plain English guide for organisations (guidance document)



The Office of the Data Protection Authority

St Martin's House, Le Bordage, St. Peter Port, Guernsey GY1 1BR

+44 1481 742074

enquiries@odpa.gg

[Privacy Notice](#)

[Unsubscribe from monthly newsletter here](#)

[View previous issues here](#)