

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

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Message from the Commissioner

Welcome to our April newsletter.

In recent weeks we have been spending time considering our regulatory approach in more detail. There is a danger that against this fast-moving backdrop we do not give ourselves time, both as a regulator and as the regulated community, to think carefully about what we are trying to do and how best to do it.



So what does 'good' look like in the world of data protection? How do we build a regulatory office that has effective capability to **predict** and **prevent** harm as well as **detect** and **enforce** where things have gone wrong? It is important, both in terms of ensuring best possible outcomes as well as making the best use of limited resources, to approach each of those four key areas in a considered and focused way.

Data protection compliance has, in its past, often been seen as little more than a box-ticking exercise. More recent history, where we have seen data incorporated into our personal and professional lives in unprecedented ways, has shown us that its protection matters and that [data harms are real](#).

But there is a danger that we focus too heavily on past events, whether they be data breaches or complaints. It is, of course, important for us to fulfill our statutory duties in the management of reported breaches and complaints and we can learn a lot about the nature of data risks and harms by analysing them. However, the environment and associated threats in the data era also require us to be forward-looking and forward-thinking.

So we are taking deliberate steps to approach data protection regulation with the aim of, first and foremost, **predicting and preventing harms**.

This focus does not mean that we are not able to engage in detection and enforcement activity, but it means that we will be actively seeking to embed compliance and good data governance into organisations and the Islands in the knowledge that doing that well will help to reduce the need for enforcement because fewer things will go wrong.

We want to continue to be accessible to the regulated community and [our fortnightly drop-in sessions](#) for organisations where we can answer questions about data protection compliance are working well. We have also recently held [our first industry consultation event](#) (more on that in the section below).

We want to make compliance as easy as possible in the knowledge that this will make it more deliverable and will continue work to produce [guidance and information in plain English](#). And, to encourage thoughtful discussion and involvement, [we have started to create and publish our own podcasts](#).

All of these initiatives are part of our broader [communications strategy](#) which support our **predict and prevent** objectives. We are at the beginning of this process, not the end, and we want to continue in the knowledge that decisions we make about how and when to use our resources are made in a deliberate and thoughtful manner and with a view to secure the best outcomes for everyone.

- Emma Martins

Data Protection Commissioner

Emma will be speaking at the [Institute of Directors' breakfast seminar on 17 May](#) and at the [European Data Protection Summit on 3 June](#).



Public consultation on events programme opened

On 10 April we opened the month-long public consultation on [our future public events plan](#), with a sold-out event attended by 19 industry representatives and members of the public.

Our commissioner, Emma Martins and our chief operating officer, Tim Loveridge [recorded this short podcast](#) the day after the event to capture how it went, and what the aims of our engagement activities are.

If you wish to take part in the public consultation please visit www.odpa.gg/events-consultation and **send us your feedback by 10 May 2019**.

We aim to start the programme in June 2019 and will include all details in future newsletters.



Data Protection TeaBreak podcast launched

This month [we launched our podcast on the SoundCloud platform](#), to give you another way of accessing informative, thought-provoking, and hopefully entertaining insights to a broad range of topics relevant to data protection.

[You can listen to Episode 1 here](#), which features ODPa staff members Rachel Masterton and Tim Loveridge discussing some of the background to data protection regulation and aspects of Guernsey's local law compared to the EU General Data Protection Regulation (GDPR). They talk about issues like consent and accountability and, of course, Brexit gets a mention.

[You can listen to Episode 2 here](#), which features ODPa staff members Emma Martins and Tim Loveridge discussing the ways we plan to engage with the community and hopefully reduce data breaches. Tim and Emma discuss how prediction and prevention are key to ensuring data protection laws are followed willingly with detection of breaches and enforcement as the next steps and talk about [our future events programme](#).



'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).

Human error remains biggest risk in data protection locally

Forty personal data breaches were reported to us in the two months up to 22 April 2019, with almost all (35) occurring due to human error.

[Read more.](#)



Bailiwick's adequacy re-assessment by the European Commission

underway The European Commission (EC) have begun the process of reassessing the Bailiwick's 'adequacy' as a non-EU country in relation to how well we meet the standards of data protection laid out in the EU's General Data Protection Regulation (GDPR).

Why is this important?

Data plays a vital role for all business sectors. An adequacy decision from the EC is essential to the continued success of the Bailiwick's economy as it allows EU organisations to easily transfer data to the islands of the Bailiwick.

[Read more.](#)

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 8 May and 22 May, 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 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 **Chief Operating Officer, Tim Loveridge**:



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

A: I've yet to discover a 'typical day' as they're all different (which is great!). My role involves 2 main strands:

- To ensure the people, systems, processes, infrastructure and controls are all in place so that we can be as effective as possible - which is always challenging, given how data protection impacts everyone, when we're such a small team.
- To help turn our strategic goals into reality; this really means helping to shape where we're going and how we get there. We're very conscious that the decisions we make today have very long-term implications.

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

A: Easily it's my colleagues and the third-party support teams we work with. Data protection since May 2018 has required the ODPa to grow, become independent and be much more proactive. It's been an amazing opportunity to be innovative about how we regulate effectively.

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

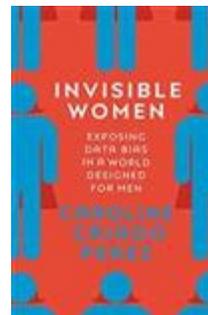
A: Your data (your privacy) is important. I've been astounded by some of the harms we've seen and the catastrophic impact on people's lives. Know and understand your rights as an individual and be very careful what you give away for 'free'.

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:

***Invisible Women – Exposing Data Bias in a World Designed for Men* by Caroline Criado Perez**

Caroline Criado Perez is a writer and campaigner perhaps best known for her successful campaigns to get a woman on Bank of England banknotes and a statue of Millicent Fawcett put up in Parliament Square.



In this book she reveals and explores the data biases that affect women (and therefore society as a whole) in everything from pharmaceutical drug studies to post-disaster humanitarian relief. So much of what she analyses, with extraordinary precision and clarity, is in plain sight but hasn't been on the radar of either rights campaigners or data professionals.

The content goes well beyond the impact that data has in key areas of all our lives but data is nonetheless the common thread. It highlights beautifully the sheer scale, power and impact of data and its processing in the digital era.

Anyone in any doubt that the protection and ethical handling of data is no longer a clinical tick-box exercise, solely the domain of IT or compliance staff, needs to read this. Even those who appreciate how data impacts individuals and society will benefit from the forceful and academically rigorous narrative of Criado Perez.

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)



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