

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

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Excellence through ethics

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Message from the Commissioner

Welcome to our November newsletter.

November was another very busy month for us. We are nearing the end of 'season 1' of [our events programme](#) which has been so much more successful than we could have hoped for. As a very small team, running such a programme has been a challenge when it has had to sit alongside the increasing pressures of operational activities. But it is work that we consider to be well worth the effort and we are looking to develop it further for 2020. In our experience, we largely have an engaged and professional regulated community that genuinely seeks to do the right thing. Helping them to navigate their compliance requirements as well as sharing our own experiences is productive for us all. Those attending our events have hopefully taken some practical tips away with them; they have also made a valuable contribution to our own learning as we gauge the experiences and understand the realities faced by our regulated community which in turn can inform our work.



We need to respond appropriately when organisations don't deliver on their obligations, and the Law gives us the powers to do so. The role of the team we now have in place to conduct investigations and inquiries is a hugely important one. All such activity must be carried out with the highest standards of integrity and impartiality. As the quote goes: *'with great power comes great responsibility'*. We do take those responsibilities very seriously, and I am immensely proud of our case and compliance team and the ethos they bring to their work in this area.

First and foremost we want to help organisations get it right in the first place. We think that doing so

involves more than just pointing people to the Law and telling them to get on with it, or threatening them with big fines. We want to work to make compliance possible and connecting with and talking to our regulated community helps us do just that.

Our rolling [events programme](#), [fortnightly drop-in sessions](#) and a new schools programme are all powerful tools we are using to encourage awareness, engagement and the delivery of tangible and positive outcomes. As we look ahead, we are keen to explore further proactive outreach work including initiatives such as thematic reviews which will be based on experience we have had in these early days of the new legislation.

We are a small office with limited resources so it has been a huge privilege (and testament to the hard work and commitment of the whole team) to have [our work and our approach](#) pique the interest of the privacy community beyond our shores. Data flows seamlessly across geographic boundaries so its protection is, therefore, a global conversation. Being invited to speak at an [Executive Leaders Network conference](#) earlier in the month and a Data Governance Europe event more recently has given us the opportunity to widen the conversation about the importance of regulation and the role of regulators in delivering good outcomes.

After the untimely death of former European Data Protection Supervisor Giovanni Buttarelli earlier this year, '[Privacy 2030 - A New Vision for Europe](#)' has been published. The document builds on the work Giovanni had been doing to create a manifesto for the digital age and I urge you to read it, whether you work in privacy or not. It highlights both the extraordinary vision he had and the tragedy of his loss to the world of data privacy. There is so much we can all take from it, but one thing that stood out for me was reference to the fact that Giovanni was "above all, a humanist". This does, I think, point to the changing face of data protection. It must no longer be the preserve of technologists. Data governance is in very real need of diversity; of experiences, skills, backgrounds and thoughts. We must be in no doubt that we are facing challenges in the context of data that are unmatched in history and above all, we should strive to be humanists too.

- Emma Martins

Data Protection Commissioner

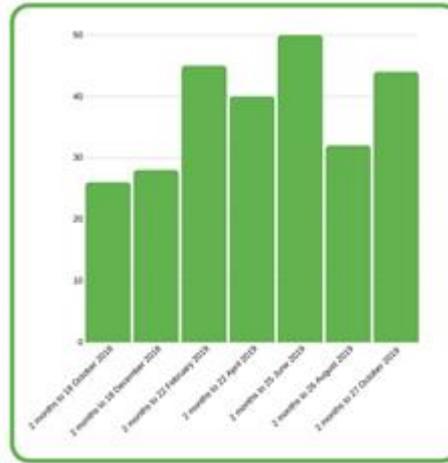
Emma has been invited to speak at the [Security IT Summit](#) (30 June 2020, London).

Data breaches: workplace culture change needed

Forty-four personal data breaches were reported to us in the two months up to 27 October 2019. Twenty-four of the breaches were due to personal data being sent, via email or post, to the wrong person. The remaining twenty were through hacking, personal data being accessed inappropriately, the disclosure of personal data when not authorised to do so, system error, or personal data being lost. Overall, forty breaches were the result of human action, with just four resulting from system error.

[READ PRESS RELEASE](#)

Number of **personal data breaches reported to ODP**A:



Registration exemptions extended

Anyone who is currently exempt from the legal requirement to [register](#) with us will now continue to be exempt until January 2021. This means that any local entity (such as small businesses and sole traders) who currently meet the exemption criteria ([find out what these are here](#)) will not need to register with the ODP until the beginning of 2021.

[READ PRESS RELEASE AND Q&As HERE](#)

Chris Docksey keynote at international conference

Our board member Chris Docksey was the keynote speaker for the second day of the 41st International Conference of Data Protection and Privacy Commissioners open session.



He spoke about the blossoming of data protection accountability across the globe, the philosophy behind accountability and the toolbox that can be used to demonstrate it.

You can now [access resources related to Chris' keynote here](#), or [listen to our new podcast about the accountability principle](#).

Free advice (for organisations and individuals)

Fortnightly drop-in sessions (general enquiries)

If you are representing an organisation, of any size, 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 4 Dec** and **Wed 18 Dec**. See a [full calendar of the drop-in sessions for 2019 here](#). You may also be interested to [attend one of our free events](#).

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 ODP 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 (by appointment only)

If you have concerns about how your personal data, or other people's, is being used you can talk to us in confidence either over the phone (you do not need to give your name), or in person. If you would like to meet with us, please request an appointment so that we can make sure we have the relevant staff member available to assist you. You can request an appointment by:

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

If you are looking for information on how to exercise your rights [please follow our quick guide](#) in the first instance.

Advice, Guidance & Resources

If you are finding navigating the data protection landscape difficult, you are not alone. We are here to help. We regularly publish guidance and resources to support all local organisations in their own approach to compliance with our local data protection law.

Below is just a small selection which you can use as you see fit, [you can access all of our Advice, Guidance & Resources here](#).

The Seven Data Protection Principles (poster)



Why you should care about data protection (leaflet)



How to avoid five common breach scenarios



The Right to Data Portability (guidance document)



Six data protection myths busted

Eight steps to protect yourself from identity theft



and scams



Data Protection TeaBreak podcast

In April 2019 [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. As of June 2019 you can also [access our podcasts via Apple Podcasts](#).

- **Episode 1:** Rachel Masterton and Tim Loveridge discuss [background to data protection regulation](#) and aspects of Guernsey's local law compared to the EU General Data Protection Regulation (GDPR). (Recorded: 26 March 2019)
- **Episode 2:** Emma Martins and Tim Loveridge discuss the public consultation on the [ODPA future events programme](#). (Recorded: 11 April 2019)
- **Episode 3:** Rachel Masterton and Tim Loveridge discuss the [end of transition](#). (Recorded: 30 April 2019)
- **Episode 4:** In this special edition Emma Martins and Kirsty Bougourd discuss how the atrocities committed during the [Second World War led to the development of data protection laws](#). (Recorded: 2 May 2019)
- **Episode 5:** Emma Martins explains to Kirsty Bougourd how data protection [breaches can cause harm to individuals](#). They discuss the different types of harm that people can suffer as the result of a breach and the role of the Office of the Data Protection Authority. (Recorded: 29 May 2019)
- **Episode 6:** Rachel Masterton and Kirsty Bougourd explore the differences between [controllers and processors](#). (Recorded: 20 June 2019)
- **Episode 7:** Rachel Masterton and Kirsty Bougourd consider the [seven data protection principles](#). (Recorded: 2 October 2019)
- **Episode 8:** Rachel Masterton and Tim Loveridge discuss [the accountability principle](#), with the help of Data Protection Authority board member Chris Docksey (Recorded: 18 November 2019)

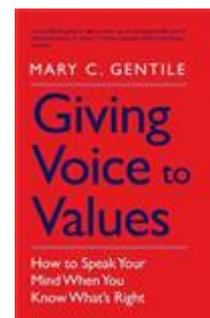
Suggested reading:

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: *Giving Voice to Values: How to speak your mind when you know what's right* by Mary Gentile.

Although data governance is increasingly recognised as a fundamental part of all organisations, there is still a sense that data protection can be seen as an administrative burden that stifles innovation and slows business success (neither of which are true!).

That often puts data protection officers (DPOs) and data professionals in lonely and challenging places



- where they find themselves pressured by managers or organisational culture to cut corners or circumvent governance processes.

Doing data protection well is inextricably linked to ensuring we embrace business ethics not just as a concept, but in practice. This book is aimed at everybody but will certainly help DPOs give voice to their values.

Gentile offers practical and engaging advice about handling a wide range of ethical dilemmas allowing us to align our professional lives with our principles. This is not just a sound theoretic piece of work, it offers the reader tools as well. I know from personal experience how tough it can be for a DPO to take a stand and challenge practices and people.

For any DPOs or other data protection professionals who follow our reading recommendations, I hope you can take some comfort in the fact in knowing that you are not alone and for those times when you feel you are David battling Goliath: don't forget who eventually won.



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

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