

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

“Study the past if you would define the future.” - Confucius

The end of one year and the start of a new one is a good opportunity for us to reflect on the past in order to shape the future.

Much of the media in early January covers notable people and events of the year just gone – famous people who have died or famous people who have done something extraordinary. We may give little more than a passing thought to these events because they feel distant from us and unrelated to us. Great people and great achievements can be beacons of hope and inspiration, but they can also feel overwhelming to the ordinary person. That in turn can lead to a sense of disempowerment – that we are too small or insignificant to make a difference.

But that is very far from true. We are not defined by great acts or great people, we are informed by them. We may be a small Bailiwick but that does not mean that we, individually, matter less than people in larger jurisdictions. Every person and every act matters, however big or small and at the ODPa we recognise the importance and value of individuals and communities in building a culture of respect for our personal data.



Whilst we understand the important role that fair and impartial enforcement plays in all areas of legal compliance, we also understand that if we can contribute to changing people's perspectives about their own data, as well as data in their care, we can create a society where respect for data rights is embedded and integrated in both our personal and professional lives.

One of the many wonderful things about working as a regulator in a small jurisdiction is our proximity to the regulated community. We are not only close to that community; we are part of it. Our message for this new year is that each and every person in our community matters. As a citizen [you have rights](#) which may not be uppermost in your thoughts as you go about your daily life, but they underpin key protections which are fundamental to you being free to live the life you want.

If you work in an organisation of any nature and any size, you will be handling personal data of all sorts of other people. That data may be viewed as intrinsic or incidental to your business activities – either way, how you treat it matters.

As we enter a new decade, we will face many complex and challenging issues around technology: the continued rise of the tech giants, machine learning, digital rights, digital inequality, the environmental impact of a data hungry economy (and many more).

It is also an era that needs engagement from us all. Having an independent regulator that has the tools to respond to breaches of the data protection law is vital to the success of that law, but we need to do more than position ourselves to respond in the face of breaches. We want to continue travelling in the [strategic direction](#) we very deliberately embarked on last year to help every one of us understand, value and engage with the important role data protection plays in so many aspects of our lives.

This requires some bold and innovative thinking, but first and foremost it needs us to be optimistic about the future and the role we can all play in shaping it.

"Never doubt that a small group of thoughtful, committed people can change the world – indeed it is the only thing that ever has." - Margaret Mead

- Emma Martins

Data Protection Commissioner

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



Brexit: what does it mean for data transfers?

With the UK's exit from the European Union now just hours away, it will be entering an 11-month transition period where EU data-sharing arrangements will remain in effect.

We will shortly be publishing some updated guidance around what will happen at the end of the

transition period.

In the meantime, you may wish to read our deputy commissioner, Rachel Masterton's, 2018 paper: '[Leaving the EU: the data protection implications of a 'Hard Brexit' for UK businesses with EU data flows and clients](#)'.

Or you can [read a summary of the main points here](#).

Rachel sums up what this means for the Bailiwick as follows: 'Locally, *The Data Protection (Bailiwick of Guernsey) Law, 2017* was drafted with Brexit in mind and so provides a gateway for transfers to UK-based organisations once the split happens. Businesses in the UK and the EU need to be aware that Brexit will have data protection implications and start looking at how they will handle these. If the UK receives adequacy, that will address those issues in the most part and put the UK in the same position as the Bailiwick. If, for any reason, adequacy is not forthcoming, UK organisations and the EU based organisations that they receive personal data from will need to make use of the various safeguarding mechanisms within the GDPR.'

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 ODPA until the beginning of 2021.

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

2020 events programme: in development

Having successfully delivered 11 events during 'season 1' of our events programme last year, we are now setting up a bigger and better 'season 2' which we aim to start around Easter. We will publish more details in upcoming newsletters and via our events page.

If you would like to suggest any topics for future events, or have any feedback about last year's events please email communications@odpa.gg.



Latest bi-monthly data breach statistics

Forty-eight personal data breaches were reported to us in the two months leading up to 28 December 2019.

Our commissioner, Emma Martins, notes that changing attitudes and behaviour is key to reducing data breaches and preventing harm.

[READ: press release 'Data Protection Commissioner calls for a culture of improvement'](#)

[DOWNLOAD: How to avoid five common breach scenarios](#)

[DOWNLOAD: Guidance note on breach reporting](#)

Enlightened compliance: what it is, why it matters, and the challenges of achieving it.

'What can you do to encourage interest and engagement?' That's the question posed in our commissioner, Emma Martins', [latest blog on the concept of enlightened compliance](#).

She explores the concept in a data protection context, whether it's possible to aspire to 'unconscious competence', and the relationship between the ODPA and the regulated community.



28 January: Data Protection Day

To mark Data Protection Day 2020 we held a [public event](#) and released a new podcast about the need for a cultural shift around the protection of personal data.

Listen via SoundCloud here: [Beyond Laws: why we need a cultural shift.](#)



8 February: Digital ACE

Digital ACE, incorporating Safer Internet Day, is about providing both adults and children with an environment that can feed and support our Aspirations, provide us with the inspiration and tools to Create new things, and Empower us all to learn, discover and be safe in our amazing digital world.

We are once again sponsoring, and exhibiting at, this key event (**Sat 8 Feb: 12:00-17:00 Beau Sejour**). Bring the family to visit our stand where you can meet some ODPA staff and play our new data-themed games.

There's a great line-up of expert speakers, including our deputy commissioner Rachel Masterton, who will be speaking on 'Where are you leaving your data footprint?' (at 14:10 and 16:10).

See www.digitalacegsy.com for full details.

[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 5 Feb** and **Wed 19 Feb**. See a [full calendar of the drop-in sessions for 2020 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 ODPA staff member. They 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](#)

[The Right to Data](#)

breach scenarios



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.

You can also [access our podcasts via Apple Podcasts](#).

Our latest episode is:

- **Episode 9:** Emma Martins and Kirsty Bougourd discuss the need for [a cultural shift, that goes beyond laws](#), in how we all think about data (recorded: January 2020)

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 Trust Manifesto – What You Need to Do to Create a Better Internet* by Damian Bradfield



Bradfield is the Co-founder and CCO of WeTransfer and is an influential voice in discussions around tech in today's data-driven economy.

On the front cover of the book, there is the following:

[] *From time to time we, along with our specially selected partners, would like to steal*

your data. If you would like us not to steal your data, please don't tick this box.

This points to the tone Bradfield strikes in the book – witty and accessible but enormously enlightening, provocative and thoughtful. He believes firmly that we need to pause and reflect on the direction of travel as technologies advance at breakneck speed around us. Whilst highlighting some disturbing and depressing trends, the author brings an irresistible optimism to the conversation, asserting powerfully that there is an ethical and profitable alternative to the current exploitative model.

“You are paying for free services with your time. And to be frank, you’re worth a whole lot more.”



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