

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

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Message from the Commissioner

Whilst it is certainly the case that the challenges of the pandemic are far from over, it is wonderful for me to write this month's introduction with the Bailiwick now in Phase 5 of the Exit Strategy. This means that our office is now open as normal and it has been lovely to have the team back working together. The last few months have been challenging for everyone and I want to say a personal thank you to all staff at our office for ensuring the office ran as smoothly as it did during the lockdown months and to our community for their patience and support throughout as we had to move swiftly to remote working.



The easing of lockdown has also allowed us to restart our events programme and it was good to welcome attendees back for our [sold-out events](#) on 7th and 9th July.

We are also pleased to be able to [confirm political agreement on the future funding model for this office](#). It is always challenging to talk about resources, especially in difficult economic times, but we have to be realistic about what our office does and what resources it needs.

It is increasingly clear that the fourth industrial revolution, which we are now going through, represents a fundamental change to almost every aspect of our home and working lives. It is also apparent that data is a key component; some of the biggest companies in the world are valuable precisely because of the vast quantities of data they have.

The Bailiwick has committed to positioning itself strongly for the digital era and one of the requirements for being seen as a jurisdiction well placed to handle data is an independent and effective regulatory framework; one which ensures the highest standards of governance for the handling of data which in turn will benefit the economic as well as social health of the Islands.

Although our office has grown in response to the new responsibilities, we are still a small team and we take all resource issues very seriously. We need to deliver on our broad statutory duties whilst at the same time ensuring we are fully accountable for all expenditure. Regulation is not a frivolous enterprise; it is a serious question of legal rights and responsibilities. We take pride in ensuring

decisions around resources are made with absolute integrity, focusing at all times on [our stated strategic aims and objectives](#).

With the new fee model coming into effect in 2021, we will be working hard to prepare our processes and systems and doing all we can to prepare our local regulated community for the changes.

Above all, we have committed to putting in place a model which is as low cost and with as low an administrative burden on businesses as possible. The registration process is a way of the independent regulatory office being funded in a manner that allows it to do its job without fear or favour. The [administrative process of registering](#) adds nothing to standards of data protection compliance and as such we want the process to be as easy as possible; allowing businesses to [focus their attention on looking after the data](#) that is in their care.

Any new system takes time to bed down but we are confident that once the new model is up and running, we will look back and say that it was worth the time and effort to get it right.

- Emma Martins

Data Protection Commissioner

'Learning and improvement' the route to a culture of compliance

Thirty-four personal data breaches were reported to us in the two months leading up to 30 June 2020.

We publish these statistics every two months to emphasise the need for learning and improvement to better safeguard personal data handled in the Bailiwick and build a culture of compliance.

- [READ PRESS RELEASE AND STATISTICS HERE](#)
- See also: [Trends and Insights: two years of personal data breach statistics](#) (ODPA analysis, May 2018 – May 2020)



Registration and beyond: changes coming in January 2021

From January 2021 **all local organisations/businesses/sole-traders** (and all other entities established in the Bailiwick) who are doing anything with personal data will be legally required to register with us, and pay an annual fee, either:

- **£50/year** for organisations with 1 - 49 FTE staff
- or
- **£2,000/year** for organisations with 50 or more FTE staff

There are many organisations who may not have this on their radar as they may be currently exempt from registration - [these exemptions are ending on 31 December 2020](#). So we will be reaching out to all corners of our regulated community in Guernsey, Alderney, Sark, and Herm over the coming months to make sure everyone knows what is changing, why it's changing, and most importantly: what they need to do.

As alluded to in our commissioner's introduction above - the simple act of registering with us does not make you compliant with the law - **how you treat people's data** determines that. In light of this we

are looking forward to registering new organisations from January 2021 and supporting them in understanding and engaging positively with their legal duties under the local data protection law.

Meeting these duties benefits organisations directly as it helps build trust and confidence with their customers, service users, staff and any other people whose data they use. And ultimately it helps [avoid data harms that can devastate people's lives, careers, and reputations](#).

[FIND OUT WHAT'S CHANGING HERE](#)

Free advice, guidance, and resources (for organisations and individuals)

We know the data protection landscape can seem difficult to navigate sometimes, and 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.

You can access free advice from ODPa staff via our popular [fortnightly drop-in sessions](#), [events](#), and study visits. If you would like to find out more and/or apply for a study visit please call us on 742074 or email us at communications@odpa.gg.

You can access our broad range of [online resources and guidance](#) (small selection featured below) in a wide range of formats from formal written guidance documents, leaflets, checklists, posters, infographics, blogs, and podcasts.

You can also contact ODPa staff by emailing enquiries@odpa.gg.

The Seven Data Protection Principles (poster)



Why you should care about data protection (leaflet)



How to avoid five common breach scenarios



Trends and Insights: two years of personal data breach statistics (May 2018 – May 2020)



Six data protection myths busted



Eight steps to protect yourself from identity theft and scams





Featured podcast: Controllers and Processors

We have recorded 11 podcasts so far, and in [this featured episode](#) of 'Data Protection Tea Break' (recorded in June 2019), our Deputy Data Protection Commissioner, Rachel Masterton, explains to Kirsty Bougourd how the roles of Controller and Processor differ and how to determine which is which. They discuss the kinds of organisations that are processors or controllers and what you can do if you are unsure what category your organisation falls within. Rachel also explains the importance of contracts between the two and how both Processors and Controllers are responsible for ensuring they are in place. Kirsty and Rachel also discuss details of where to find further help and information.

- [Listen to 'Controllers and Processors' podcast \(14m 41s\)](#)
- Access all ODPa 'Data Protection Tea Break' podcasts: via [Apple Podcasts](#) or [SoundCloud](#)
- Got a suggestion for a podcast? [Let us know at communications@odpa.gov.uk](mailto:communications@odpa.gov.uk).

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 *Rebel Ideas: The Power of Diverse Thinking* by Matthew Syed



Questions of diversity go back a very long way, and have been highlighted by recent headlines around the BLM protests, and gender and ethnic representation in positions of power. It is necessarily wrapped up with questions of inclusion, exclusion and rights which arguably goes to the core of our societies, how we live our lives and treat each other. There are few areas that are not directly or indirectly touched by the issues raised.

Matthew Syed is a British author, journalist and commentator and this is his most recent publication. It is a book about diversity and about the power of bringing people together who think differently from one another. There are many different types of diversity and Syed focuses on cognitive diversity; differences in perspectives, insights, experiences and thinking styles. As Syed points out, there is often (but not always) an overlap between that concept and that of demographic diversity which is differences in gender, race, age and religion.

Taking this holistic approach to things that we do, especially when those things relate to and affect the whole community, will allow us to develop what Syed refers to as collective intelligence; acknowledging that many problems are too complex for any one person to tackle alone.

There are many such issues that relate to entire communities, such as climate change, poverty, pandemics. The way in which our data are being used and manipulated raises urgent questions for us as individuals and as societies. We need, collectively, to understand more, engage more and influence more if the processing of all that data is going to be done with a moral and ethical underpinning. Syed's ideas translate brilliantly to any (and all) sectors and in the context of data protection reminds us again that this is not an issue which is the sole preserve of regulators or lawyers, it is an issue for

everyone. We need to understand this simple but often ignored truth if we want our future to be one where the voices of all the whole community are heard and respected.

“Reaching out to outsiders for new ideas is not an act of disloyalty but the most enlightened form of solidarity.”



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