

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

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## Message from the Commissioner

For all of us at the ODPa, the years are now marked by our quarterly board meetings. The board (or Authority as it is formally known) provides the governance framework for the data protection regulator and was brought in when we implemented our new law in 2018. It is fair to say that we have been extraordinarily fortunate in this jurisdiction to attract some truly world class members and collectively they provide robust governance as well as inspiration and energy to the whole team.



During 'lockdown' we held remote board meetings and the challenges of making sure everyone's wifi connections worked and ensuring we didn't speak over each other will be familiar to many of you. On the whole, and despite the odd glitch, the technology has been good to us. But, despite the meetings running smoothly, what struck me is how much is lost when speaking (either formally or informally) to people remotely. It is only as a result of the sudden and unexpected absence of being in the same room as each other that it has become clear how much we gain from being together; the small gestures, the body language, the absence of worry about talking over people – all of that creates a rich platform for communication which video conferencing simply cannot match. There will always be ways of working smarter and better in this much changed world, but we must never underestimate the immense value of human connection.

This in turn reminds me of how important it is to bring as much of the 'human' as possible into everything that we do. The data protection law is a hefty piece of legislation and it is easy to get bogged down, disheartened or simply bored of the seemingly endless sections, paragraphs and schedules. But what we must not get bored by, is taking the time to consider what the law is there to achieve and [why it matters so much to us all](#). At its heart data protection is about protecting humans; about each and every one of us and when we engage with that, the practicalities of compliance (which undeniably take effort) become not just acceptable, but desirable.

As we move towards quarter 4 of 2020, our attention is focused on ensuring successful transition to the [new registration process for regulated entities from 2021](#). We are working hard to let everyone across the Bailiwick know about the coming changes so **please keep an eye on [odpa.gg/2021](http://odpa.gg/2021) for updates**.

Rarely a day goes by without a news story in the field of data and privacy. One such far-reaching development came last month with the '[Schrems II](#)' [judgement which saw the invalidation of the EU-US data transfer mechanism, the Privacy Shield](#). There are no easy or quick solutions to the complexities of this judgement, but it highlights how crucial it is for controllers to ensure that they review their processing and any contracts that they may have with processors. This, of course, applies to all transfers of personal data, not only those to the US, but it again reminds us that real compliance cannot be a tick box exercise, it must be part of a carefully considered and holistic governance framework which, done well, will protect both individuals and organisations.

- Emma Martins

Data Protection Commissioner

### **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:

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

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 are reaching out to all corners of our regulated community in Guernsey, Alderney, Sark, and Herm to make sure everyone knows what is changing, why it's changing, and most importantly: [what they need to do](#).

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**

#### **ODPA Annual Report (2019) published**

We have published 2019's [Annual Report](#) highlighting the first full year of activities under *The Data Protection (Bailiwick of Guernsey) Law, 2017* which came into effect in May 2018. The Authority identified a number of key achievements, including taking steps towards full independence from the States of Guernsey, which ensures statutory duties can be carried out with the highest standards of integrity and accountability, along with project management and delivery of a self-funding model that is to be introduced in 2021.

**[DOWNLOAD: ODDPA ANNUAL REPORT \(2019\)](#)**





### **EU/US Privacy Shield data transfers invalid**

We are alerting local organisations to take note of a recent judgement from the Court of Justice of the European Union (CJEU) which affects all businesses who transfer personal data outside of the Bailiwick and the EU. On 16 July 2020 the CJEU ruled that the EU-US legal framework for data transfers known as 'Privacy Shield' is invalid. This means that local organisations need to take certain steps to ensure they have proper safeguards around any data transfers that rely on either 'Privacy Shield' or EU 'Standard Contractual Clauses'.

[Find out what you need to do now.](#)

### **2020 events update**

We have a small number of spaces available on our rescheduled events this autumn, and have added an [additional session on 'Data breaches: Human error vs. technology'](#).

Visit [odpa.gg/events](https://odpa.gg/events) for details and to book your free space.

*Please note: these events are being held at our offices here in Guernsey, not online, so please only book if you are based in the Bailiwick.*

### **Blog: World Day of International Justice**

To mark World Day of International Justice (17 July), our commissioner reflects on [justice, individuals' rights, and the fair treatment of human beings](#).

### **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 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](mailto: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](mailto:enquiries@odpa.gg).

**The Seven Data Protection Principles** (poster)



**Why you should care about data protection** (leaflet)



**How to avoid five common**

**Trends and**

## breach scenarios



## 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: Beyond Laws: why we need a cultural shift

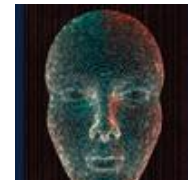
We have recorded 11 podcasts so far, and in [this featured episode](#) of 'Data Protection Tea Break' (recorded in January 2020), our Commissioner, Emma Martins, talks to Kirsty Bougourd about how laws are just the starting point for change; that respecting and considering the human aspect of data is an issue for the entire population. Emma and Kirsty discuss the development of a Manifesto for Change that is broader than and goes beyond legislation, how we all need to play our part in creating a cultural shift in attitudes and why we mustn't become statistically numb to what we hear about data breaches but instead must pause and reflect on what they mean to the person at the heart.

- [Listen to Beyond Laws: why we need a cultural shift \(23m 47s\)](#)
- 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.gg](mailto:communications@odpa.gg).

## 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 Artificial Revolution On Power, Politics and AI* – Ivana Bartoletti



Bartoletti is a privacy and ethics consultant with a special interest in Artificial Intelligence. She is also the co-founder of the Women Leading in AI Network. A well-known and engaging public speaker and commentator in the world of data and privacy, this is the first book Bartoletti has published. The energy she exudes on the speaking platform also fills every page, often bubbling up as a dignified but palpable anger at the injustices and inequalities she sees as pervasive in our modern technology

driven world.

Undeniably an expert in the technology she so clinically analyses, Bartoletti also brings a powerful humanity to her analysis; talking about how technology continues to transform our lives in ways that leave many of us feeling powerless and excluded. This book is not an excoriation of technology, but rather an impassioned plea for a reimagination of how technology and AI can be used to benefit us all.

At a time when the world is so alive to some of the prejudices faced by certain groups and individuals, this is a timely exposure of the part that data and AI plays when looking at all types of inequalities and injustices across the globe. We can either wring our hands in despair in the face of these enormous challenges, or we can try to do something about it. Reading this book reminds us that we can, and must, do the latter.

“Amid the global turmoil, maybe, just maybe, the promise of the Artificial will force us to confront our shared humanity and the physical and digital environments we inhabit. For many of us, disappointed yet optimistic, this is the time to dare to imagine.”



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