



# Annual Report

## 2022

FOR THE PERIOD

1 Jan 2022 – 31 Dec 2022

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# Foreword

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**Richard Thomas CBE**

**Chair, The Data Protection Authority  
(Bailiwick of Guernsey)**

April 2023

## Accountability and Trust

**Data Protection involves too many words and too much jargon . “Controllers” must “process” the “personal data” of “data subjects” in accordance with their legal obligations. In more simple terms, organisations should handle people’s personal information responsibly.**

### **This means:**

- being clear about how and why personal information is used;
- collecting no more than is necessary;
- making sure it is accurate and up to date;
- keeping it no longer than necessary; and
- keeping it secure.

It also involves two inter-linked words which are not used enough – Accountability and Trust.

In legal terms, Accountability means being able to demonstrate that you have taken reasonable steps (including “technical and organisational measures”) to comply with the Law. Again – to put it more simply – acting responsibly and demonstrating that you are acting responsibly.

This is largely a matter of Trust. Personal information is everywhere these days. It increasingly has financial value and is sometimes described as a currency. We have to trust banks when we deposit our money with them and they utterly depend upon that trust. It is in their self-interest to earn and keep that trust. In very similar ways, organisations need people’s trust when they collect and use their personal information.

If organisations develop a good reputation for responsible information-handling, they will prosper. More pertinently, if they are seen as irresponsible – losing or mis-using personal information – trust will evaporate and they will suffer. This applies equally to the private sector where the damage will be commercial and to the public sector where the harm will be both administrative and political.

Enlightened self-interest should therefore be the primary driver for good data protection. In Guernsey there is a wider dimension of self-interest. If the Bailiwick’s data protection regime were to be judged inadequate, the economic consequences – especially for financial services – would be grave.

As the Data Protection Authority, we aim to safeguard people and help organisations get it right. We are the regulator – with strong enforcement powers where needed. But our success is primarily to be judged by ever-increasing levels of responsible information-handling. There is always more we can do – not least through practical guidance and encouraging self-interest – to cut through the jargon and spread that message. Every business, and every part of the States of Guernsey, needs to understand – and deliver – the benefits of data protection.

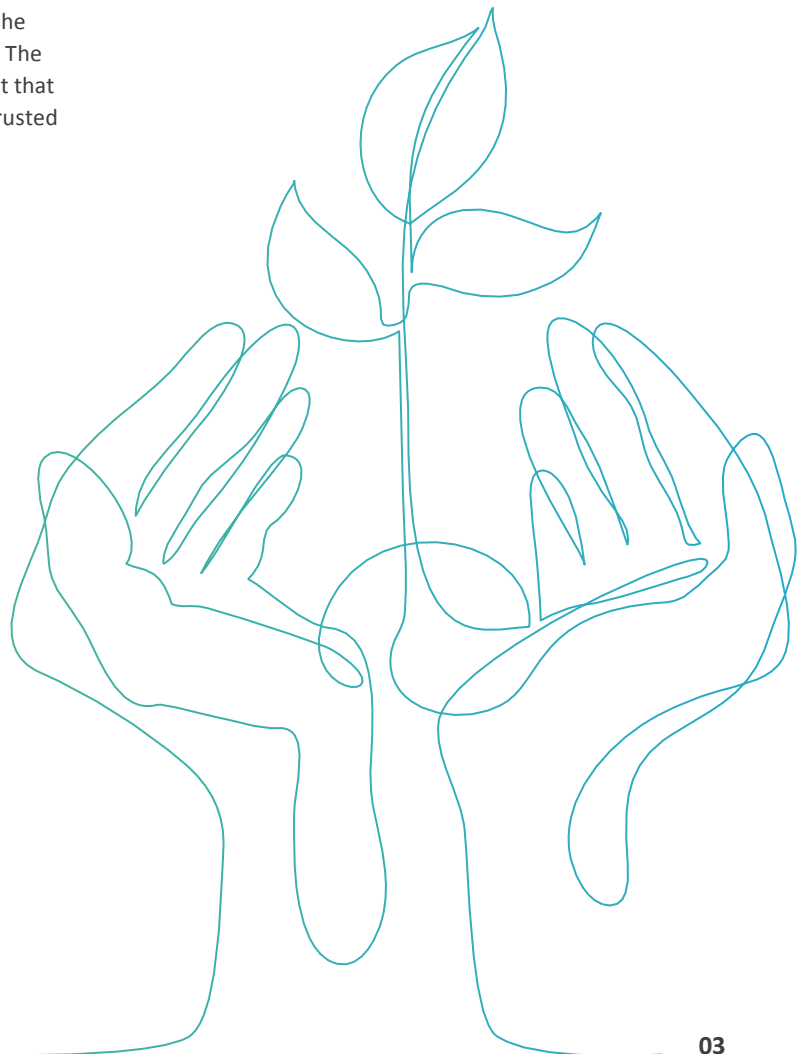


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### Accountability and Trust apply also to us as the Data Protection Authority.

Accountability and Trust apply also to us as the Data Protection Authority. We are independent, but we do have an accountability to the States and to the community at large. This Annual Report is a crucial element of that accountability. It sets out, item by item, how during 2022, we have delivered the outcomes envisaged by our Strategic Plan and how we have spent the fees paid by controllers and processors. It also makes an important contribution to ensuring that we are trusted to be fair, impartial and effective.

We are proud of our achievements and the credit for that must go to Emma Martins and the very committed team that she has built up. She is now in her last year as Commissioner. The time for full tributes will come later, but there is no doubt that the ODPA which she has built up is a truly accountable, trusted – and effective – body.



# Introduction

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**Emma Martins**

**Data Protection Commissioner**  
(Bailiwick of Guernsey)

April 2023

**Since the implementation of The Data Protection (Bailiwick of Guernsey) Law 2017, we have been laser focussed on building a regulatory office that delivers on the letter and spirit of the law. That has meant building an office largely from scratch. The powers and duties given to this Authority by that law are significant and reflect the growing importance of ensuring citizens have their rights upheld by an independent body. The greater the power any one person or group of people have, the greater the responsibility. That responsibility does not just extend to applying the letter of the law, it also applies to the way in which we do so.**

As this will be my last Annual Report, I have had cause to reflect on what has been achieved since 2018 and one of the most significant things for me is that our office has come of age. It is delivering on its statutory functions and perhaps more importantly, it is doing so with integrity, impartiality and professionalism. Without exception, I work alongside people for whom this is more than a job. For us all, it is about nurturing the increasingly important rights for individuals around the handling of their personal data.

Another significant element of any independent body is the governance framework that sits around it. We were fortunate to attract high calibre non-executive members to join us, headed by Mr Richard Thomas. Without a doubt they have provided the experience, support and skills to get us where we are today and the two newest members of the Authority that joined us in May 2022 have further enhanced our capabilities. This quiet yet significant move towards 'business as usual' for the office also means that we have confidence that the ongoing adequacy assessment of the Bailiwick's regime by the European Commission will conclude successfully before too much longer. Bringing the law into force needed to be followed by building a fit-for-purpose regulatory office. I think we can all be proud that as a jurisdiction we have achieved that.

That is not to say that we stand still. It is still relatively early days in the journey for us and we want to ensure that as we gain more experience, we use that to inform future direction. One such area is complaint handling. It follows that the more effective we are at ensuring our citizens are informed of their rights and routes for redress, the more complaints will likely

be received. It remains our priority to work with our regulated community to ensure compliance and reduce the number of breaches but we also recognise the importance of being an independent body to consider people's grievances around the handling of their data. It is also essential, for the public to have trust and confidence in us, that we are completely impartial in all such cases.

We have become more efficient at handling complaints and better at seeking early intervention through informal resolution where that is likely to achieve better outcomes. In cases where formal action is taken, we are as open and transparent as possible because we know that also plays a key part of the community having trust and confidence in us, as well as providing opportunities for learning and improvement.

There are sectors that are always going to be on the receiving end of a greater number of issues and complaints. The public sector handle significant volumes of often very sensitive information about the population. The nature of the relationship between the citizen and the state (in that it is rarely voluntary) means it is unsurprising that they receive a high number of complaints. Equally, organisations working in health and finance feature on our statistics because of the scale and nature of processing in these areas. As uncomfortable as it can be to be on the receiving end of complaints, we must not lose sight of the fact that it points to us having a regime of accountability and transparency in place in the Bailiwick. These are fundamental pillars in any democracy and we should view them as such. It is something to be proud of, not resistant to.

## Introduction *continued*

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It is understandable that enforcement of the law attracts the most attention; it is the same in all jurisdictions. But a huge amount of effort has been put in to engaging with our community – helping individuals understand and exercise their rights, and supporting organisations to deliver on their responsibilities. Details of all these activities can be found in this report. There is one initiative which I think is worthy of particular mention. Our Bijou Seeds project is the arm of Project Bijou (our social initiative) aimed specifically at children and young people. Not only is it more important than ever for young people to navigate the digital world safely, it is also important for us to support the next generation of programmers, ethicists, technologists. Doing data protection well is not about stifling innovation or progress, it is about embedding it with human values. So much of the world our young people are growing up in is immersed in data. We want to do our bit in equipping them with the skills and outlooks needed for them to thrive.

Finally, I want to mention the new forum that was set up in 2022. The Islands Data Governance Forum (IDGF) has members from the Channel Islands as well as the Isle of Man and Gibraltar. Their inaugural conference, held in Guernsey in October 2022, was a huge success and points to the appetite for knowledge, support and learning across the data governance communities. There is so much that smaller jurisdictions have in common. It is wonderful to be able to support this new forum and I wish them every success for the future.

When all is said and done, we all want the same thing. To live and work in a jurisdiction that respects and upholds our rights and for us to benefit socially and economically as a result. At a time when so many across the world are deprived of their rights, I am more grateful than ever to play a part in supporting the Bailiwick in this important area.

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**Doing data protection well is not about stifling innovation or progress; it is about embedding it with human values.**



# About the Authority

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**The Data Protection Authority is the independent regulatory authority for the purposes of *The Data Protection (Bailiwick of Guernsey) Law, 2017 (the Law)* and associated legislation.**

The Law creates the independent Data Protection Authority which is tasked with the development and implementation of the regulatory regime necessary to oversee the requirements of the Law. Comprising a Chairman and between four and eight Members, the Authority provides governance to the Office of the Data Protection Authority (ODPA).

The ODPA is the operational body that carries out the regulatory functions of the Law delegated by the Authority. These include recording data breaches, investigating complaints, running education programmes and examining proposed legislation and how it may affect individuals. The ODPA strives to empower individuals to exercise their rights as well as to support organisations to meet their compliance requirements and take action where they fall short.

## The Office of the Data Protection Authority:



**Empowers individuals and protects their rights**



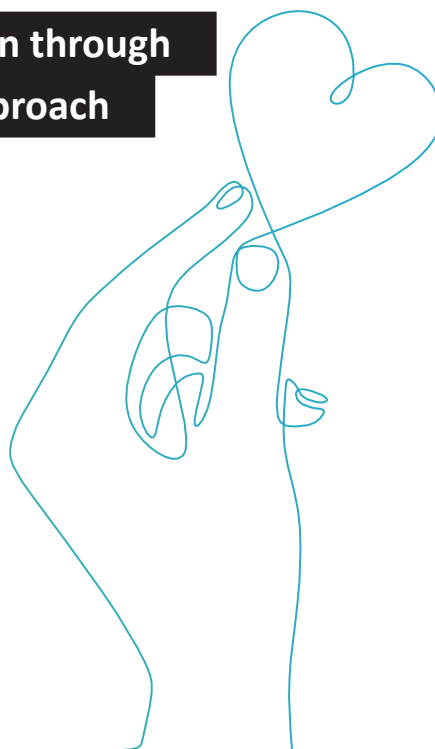
**Promotes excellence in data protection**



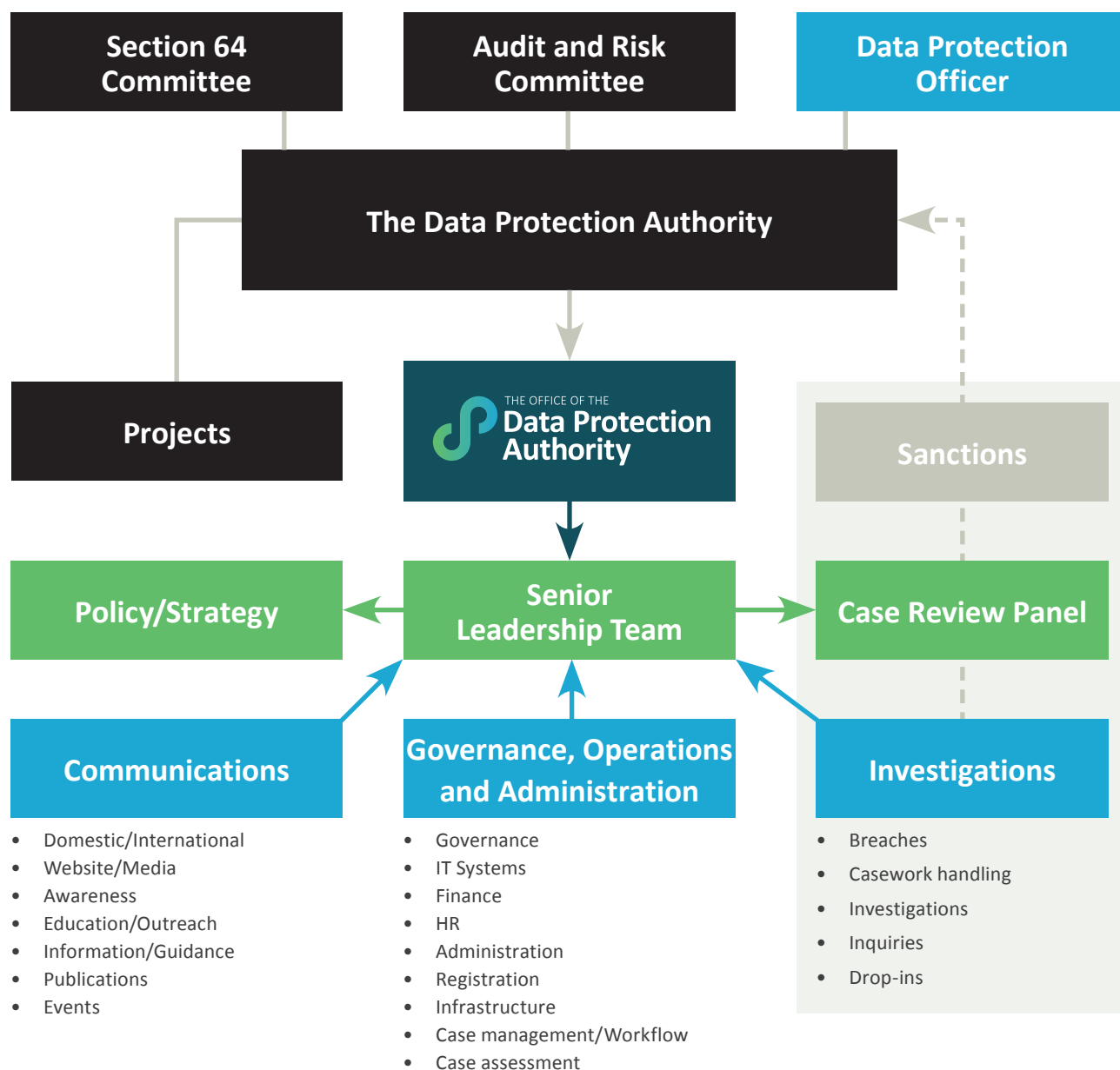
**Supports the data economy to embrace innovation**



**Regulates data protection legislation through an ethical, accountability-based approach**



# Organisational chart



## The Data Protection Authority

- Chairman – Richard Thomas CBE
- Voting Member – John Curran
- Voting Member – Christopher Docksey
- Voting Member – Simon Entwisle
- Voting Member – Mark Lempriere
- Voting Member – Jennifer Strachan (term concluded in May 2022)
- Voting Member – Dr Jane Wonnacott (term commenced in May 2022)
- Voting Member – Nicola Wood (term commenced in May 2022)
- Commissioner as ex-officio and non-voting Member – Emma Martins



# Data protection in Plain English

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The Authority is committed to helping everyone engage positively and constructively with data protection rights and responsibilities. To do that, information and guidance is presented in a relevant and accessible way. Although it is sometimes necessary to use legal terminology, Plain English is used wherever possible.

Data protection is for all of us, not just for lawyers.

## Legal terms

## Plain English



**'Personal data'**

Any information about, or related to an identified (or identifiable) **living human being**. Personal data can include factual information about people as well as opinions expressed about people. It can also include anonymised data that could identify people if it was combined with other information.



**'Complainant'**

An **individual** who lodged a complaint with the ODPA about how their personal data was being (or had been) used.



**'Controller'**

The **organisation/business** that decided how personal data was to be used, and in the context of complaints, who the complaint was about.



**'Data subject'**

The **individual** that the data in question relates to.



**'Data subject access request'**

This is when an individual **uses their legal right** to ask a controller what data is held about them and to seek access to that data.



**'Lawful processing condition'**

Before a controller starts collecting or using people's data, they must identify and document a 'lawful processing condition' (or 'lawful basis') that can be relied on. Failing to do this makes the activity unlawful. 'Consent' is the most well-known example, but there are many others.



**'Operative provision'**

This means **any part of the Law** that a controller must comply with.



**'Self-reported breach'**

This is the act of **completing the ODPA's breach report form** in order to fulfil a controller's legal obligation to let the ODPA know that they have experienced a personal data breach.

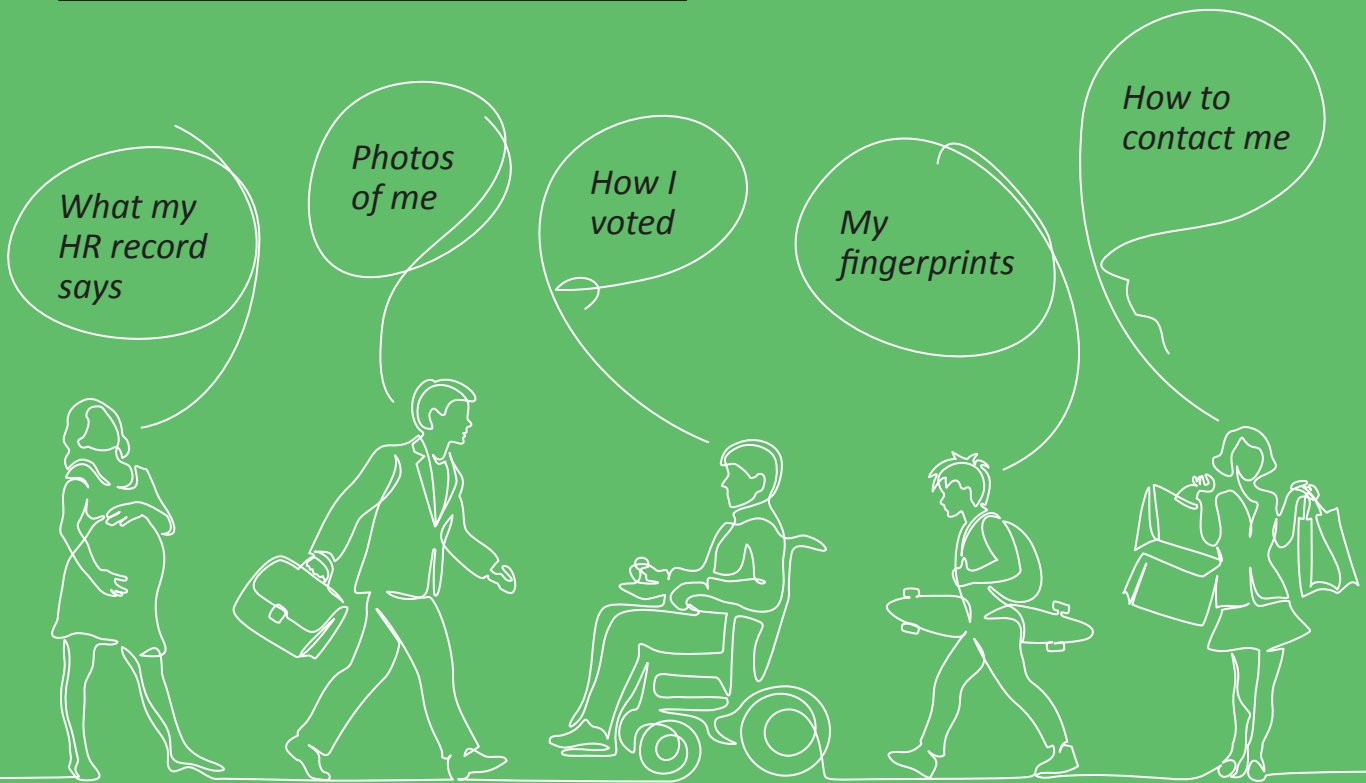
More Plain English definitions of key terms can be found at: [odpa.gg/information-hub/glossary](https://odpa.gg/information-hub/glossary)

# Executive summary

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**Data Protection = People Protection.**

**It's about protecting things like:**



That's all someone's personal data. Data protection is all about looking after this sort of information. **Data protection is people protection.** At its heart it is about taking care of information about living human beings so that their dignity and autonomy remains intact, and that the rights they have over their information are respected.

## Executive summary *continued*

The ODPa exists to:

- Empower individuals and protect their rights
- Promote excellence in data protection
- Support the data economy to embrace innovation
- Regulate data protection legislation through an ethical, accountability-based approach

The ODPa works to achieve the above through these **five strategic objectives**:

### 1. To develop the ODPa's capabilities to deliver on its enhanced statutory duties

**2022 HIGHLIGHT:** office is fully staffed and self-funding model continues to allow financial independence.

#### KEY STATISTICS:



**£1.5 million**  
income generated



**20,088**  
registered entities

### 2. To be a relevant, responsive and effective regulator

**2022 HIGHLIGHT:** proactive communication with public sector and industry.

#### KEY STATISTICS:



**149** personal  
data breaches  
reported



Lessons  
learned from  
these published  
every **2 months**



**53 complaints**  
about local  
controllers  
assessed



**24 investigations**  
and **2 inquiries**  
conducted

### 3. To support organisations in delivering their obligations and empower individuals to exercise their rights

**2022 HIGHLIGHT:** Free drop-in sessions, established partnership with Youth Commission, guidance published.

#### KEY STATISTICS:



**29 organisations**  
attended free  
drop-ins



Over **400 children**  
involved in  
awareness-raising  
activities in schools



ODPA online  
registration process  
completed, on average,  
in **under 5 minutes**

### 4. To develop and maintain effective relationships

**2022 HIGHLIGHT:** proactive engagement with industry, government, and international institutions.

#### KEY STATISTICS:



ODPA staff spoke  
at **25 events**, locally  
and internationally.



### 5. To elevate discussions around the protection of personal data to engage the community and individuals in a relevant and positive way, recognising the personal, social and economic opportunities and threats that the data economy poses

**2022 HIGHLIGHT:** Expansion of Project Bijou to engage organisations and individuals on a human-level.

#### KEY STATISTICS:



**7 new contributors**  
added to Project  
Bijou library



Inaugural 'Bijou  
Lecture' released  
in May 2022



**15 in-depth editorial**  
columns published in  
key local publications

# Strategic plan and activities

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**The ODPA Strategic Plan (2019-2022) sets out the ODPA's purpose and how it intends to deliver its regulatory objectives effectively and independently.**

The ODPA's five strategic objectives below set out how it seeks to predict and prevent harms to individuals from poor handling of their personal data and ensure that detection and enforcement activities are proportionate and effective.

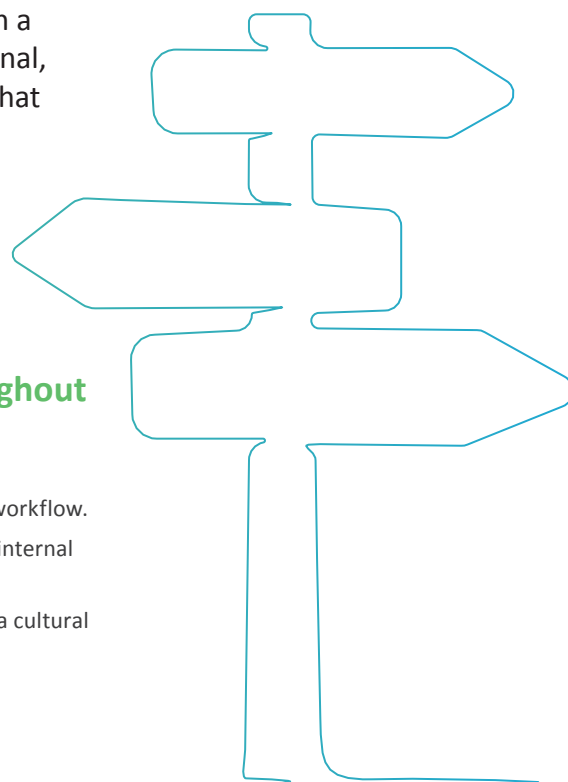
## Key strategic objectives:

- 1** To develop the ODPA's capabilities to deliver on its enhanced statutory duties
- 2** To be a relevant, responsive and effective regulator.
- 3** To support organisations in delivering their obligations and empower individuals to exercise their rights.
- 4** To develop and maintain effective relationships.
- 5** To elevate discussions around the protection of personal data to engage the community and individuals in a relevant and positive way, recognising the personal, social and economic opportunities and threats that the data economy poses.

## Key projects:

**You will see these projects referred to throughout the following pages, this is what they are:**

- **Project Querelis** - focused on improving complaint handling and workflow.
- **The Fandango Project** - focused on building and improving ODPA internal systems and public-facing website.
- **Project Bijou** - focused on engaging the regulated community on a cultural level rather than simply on a legal/compliance one.



Much thought and hard work goes into how to deliver tangible and positive outcomes for the Bailiwick and its citizens. Presented below is the Strategic Plan and progress against specific action points achieved since 2019:

## 1. To develop our capabilities to deliver on our enhanced statutory duties

**1.1. Develop and adopt an explicit risk control strategy to manage and prioritise our workload by end 2019**



Completed in 2020

**1.2. Implement new internal policies and procedures to ensure consistent operational and administrative standards as well as appropriate governance by end 2019**



Completed in 2020

**1.3. Complete implementation of the structuring, resourcing and governance plan by end 2019**



Completed in 2021

**1.4. Project management and delivery of the new funding model by 1st quarter of 2020**



Completed in 2021

**1.5. Develop a Regulatory and Enforcement Action Policy that will set out our approach covering detection and enforcement by 1st quarter 2020**



In progress throughout 2022

This piece of work expanded and now includes **Project Eventus** (the audit programme) and **Project Querilis** as well as the completion of the phased recruitment programme detailed in 1.3 above.

**1.6. Play a key role in the Bailiwick's ongoing adequacy review by the European Commission**




In progress throughout 2022

The Bailiwick is currently recognised as an adequate jurisdiction for the purposes of the EU's General Data Protection Regulation (GDPR). In accordance with Article 45 of the GDPR, the European Commission began its assessment of the Bailiwick's new legislative framework in April 2019. The ODPa continues to support the States of Guernsey to provide timely and detailed responses to the Commission throughout the process of assessment.

In related work, the UK have started their own adequacy process which the ODPa are also providing input to via the States of Guernsey.

## 2. To be a relevant, responsive and effective regulator


### 2.1. Draft a paper setting out our overall approach to regulation and how we seek to reduce harms by 1st quarter 2020

 In progress throughout 2022

Work continued throughout 2022 to develop strong foundations so that the approach to this piece of work is evidence-based.

This work is linked to both **Project Eventus** (the audit programme) and **Project Querilis**, as well as the completion of the ODPA's phased recruitment programme.

### 2.2. Develop effective mechanisms to resolve and learn from complaints

 In progress throughout 2022

This activity progressed throughout 2022 under **Project Querilis**.

There was good progress on the second phase of The Fandango Project (which was focused specifically on improvements to the ODPA's casework handling process)

Regular Case Review Panels took place throughout 2022 to ensure robust decision making, governance and sharing of experience gained and lessons learnt from casework.

### 2.3. Operate the deployment of resources and staff flexibly and responsively in light of identified compliance and enforcement objectives keeping this under continuous review

 Ongoing

During 2022, the ODPA embedded its revised organisational structure to better reflect how the teams work and where work stream responsibilities sit.

An additional staff member joined the Communications Team, in January 2022.

### 2.4. Prioritise oversight and engagement with the public sector for all processing but specifically in the delivery of Future Digital Services

 Ongoing

Recognising that the public sector is responsible for significant and sensitive personal data, the ODPA proactively provides information and support where appropriate as well as taking action where there are concerns about processing within this sector.

### 2.5. Lead by example in our commitment to data protection and the ethical approach to data governance in everything that we do

 Ongoing

During 2022 the ODPA, in conjunction with its Board, continued to provide additional support to the designated ODPA Data Protection Officer (DPO) to enable succession planning and knowledge transfer. The aim is for the ODPA's DPO to then be redesignated to remove potential conflict issues (in accordance with the Law's requirements around the DPO role).

### 2.6. Ensure availability of appropriate legal, technical and communications support through the development of trusted partnerships

 Ongoing

Outsourcing arrangements continued during 2022, providing finance, IT, information security, HR, legal, PR and project support. These arrangements provided expertise not found in-house, not viable to employ directly or to supplement internal resource.

## 2.7. Keep international data protection and associated developments under continuous review



Ongoing

The ODPA's senior team ensures awareness of relevant national and international developments taking on board aspects relevant to the Bailiwick.

## 2.8. Provide support to employees for continuous learning around developments in data protection, privacy and associated issues



Ongoing

Knowledge sharing sessions encouraging sharing of experience and discussion of points of law including a casework walkthrough, an overview of the make-up of the States of Guernsey, information rights law, international transfers and structures within the finance sector. Staff also attended personal development sessions, both group-based and individually focused.

Professional qualifications were achieved by staff to support their role and their personal development.

## 2.9. Utilise the skills and experience of The Data Protection Authority Members to improve the knowledge of ODPA staff



Ongoing

The ODPA made full use of Authority Members' wealth of experience to support and contribute to its strategic activities and governance.

## 2.10. Ensure all ODPA staff are supported and valued allowing them to contribute to the overall aims and success of the organisation



Ongoing

The individuals who make up the ODPA team and the Authority Members themselves remain the most valuable asset, and they are treated as such. All staff are valued for the unique talents they each have and the important part they each play in ensuring the ODPA remains an effective regulator.

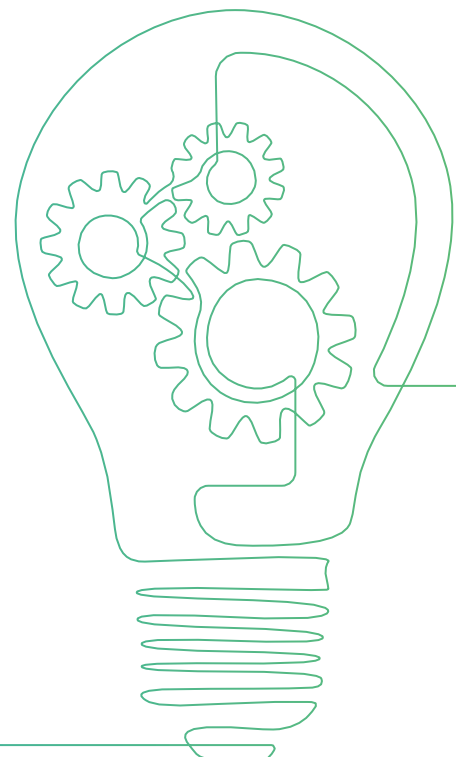
## 2.11. Be open to constructive exploration of innovative practices and activities within the regulated community



Ongoing

This specific activity was added to the Strategic Plan in December 2019 in response to conversations between the ODPA and industry. It reflects the ODPA's appetite for supporting innovation in the local economy, by working constructively with local organisations who may need support whilst exploring new ways of doing things that involve people's data.

The ODPA actively encourages early engagement in new and innovative practices involving personal data, and encourages organisations to understand that good data governance can support and enable digital and technological progress – engaging both the legal and ethical dimensions of innovation.



### 3. To support organisations in delivering their obligations and empower individuals to exercise their rights

#### 3.1. Complete the website and CRM project to improve the user experience as well as the internal administrative processes by 1st quarter 2020



Completed in 2020

#### 3.2. Explore the targeting of regulatory support and response to different sectors by end 2020



Completed in 2020

#### 3.3. Explore alternative dispute resolution mechanisms for complaint handling by 2nd quarter 2020



Completed in 2020

#### 3.4. Deliver on our Communications Strategy, keeping it under continuous review and exploring effective communication tools and methods for all audiences



Ongoing

Following the successful launch of the ODPA's events, drop-ins, and study visits in 2019, this work was continued during 2022.

During 2022, the ODPA focussed on delivering events with The Digital Greenhouse, The Chamber of Commerce, The Guernsey Community Foundation, and The Islands Data Governance Forum. These are detailed in section 3.9 below.

29 free drop-in sessions and 2 study visits with local organisations were held.

7 new content contributors were added to Project Bijou, 9 podcasts were produced, over 1,016 people were subscribed to ODPA newsletters, and over 5,000 people followed the ODPA LinkedIn page.

#### 3.5. Provide clear, meaningful and inspiring communications, guidance and engagement



Ongoing

The ODPA published a broad range of resources during 2022, including: bi-monthly breach statistics and commentary, cyber security guidance, data transfer guidance, employer guidance, discrimination ordinance factsheet, phishing guidance, registration guidance.

The ODPA also held two public consultations: one on its future strategy, and one on how its drop-in sessions could be improved.

As stated in 3.4 above, Project Bijou continued to inspire engagement with data protection on a human level through the sharing of experiences and stories.

#### 3.6. Encourage industry compliance through enlightened self-interest and cultural change



Ongoing

The success of the May 2021 launch of Project Bijou was built on during 2022 with 7 new content contributors added – Susie Alegre, Rachel Masterton, Alex White, Liz Smith, Louis Rosenberg, Emma Butler, and Joh Harvey.

The subscribers to Project Bijou's quarterly newsletter grew from 119 at the end of 2021, to 199 by the end of 2022.

Project Bijou's aim is to support and nurture positive cultural change around how people and organisations treat people's data and to engage people on a cultural level rather than simply on a legal/compliance one.

#### 3.7. Raise data protection awareness in school-age children



Ongoing

This activity forms part of the ODPA's commitment and statutory obligation to promote public awareness of data protection risks, rules, rights and safeguards, particularly in relation to children.

To increase the reach (and diversify the settings) where the ODPA can raise children's awareness a strategic partnership with the Bailiwick's Youth Commission was established in December 2021. During 2022, the ODPA delivered knowledge transfer sessions to Youth Commission staff to ensure staff were confident with the subject, the resources, and the delivery of the programme.



### 3.8. Engage with and support the Bailiwick's data protection association (BGDPA)



Ongoing

The ODPa's Outreach Officer and the Chair of BGDPA stayed in regular contact throughout 2022 and the ODPa remains committed to encouraging the success of the association. The ODPa also supported BGDPA members who became involved in establishing a new body in 2022 – The Islands Data Governance Forum.

### 3.9. Engage with and support representative organisations to improve industry and public awareness and understanding



Ongoing

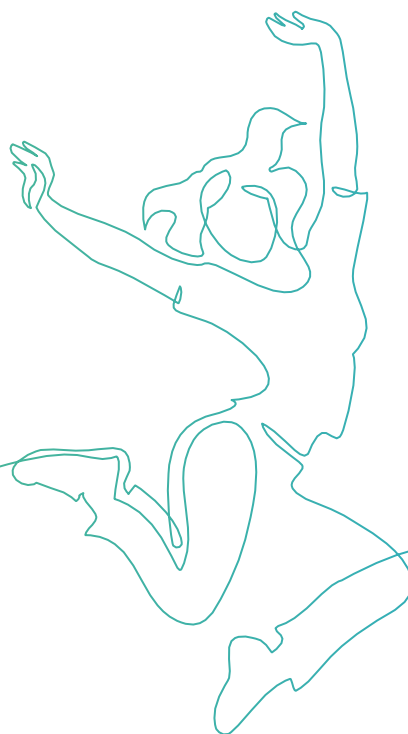
The ODPa Commissioner and Deputy Commissioner are regularly invited to speak at local industry events.

In 2022, the ODPa accepted invitations to speak either in-person or remotely to local schools and at industry events. Details of all these speaking engagements are listed below.

In addition to providing speakers, the ODPa also made regular contact with many local industry associations and groups to ensure that key messages were reaching their audiences.

1. PrivSec Global "The Future of Digital, Data Protection and Security Regulation: What's Coming Down the Track?" 15 Feb 2022
2. Meet the Experts (Starting up Saturday bootcamp) 12 Feb 2022
3. Meet the Experts (Starting up Saturday bootcamp) 26 Mar 2022
4. Youth Commission training day 31 Mar 2022
5. IAPP International Data Flows for the U.K. - Opportunity or challenge? 28 Apr 2022
6. Meet the Experts (Starting up Saturday bootcamp) 21 May 2022
7. PrivSec Focus: GDPR Four Years "International Data Transfers: the biggest GDPR Compliance challenge" 25 May 2022
8. Bijou Lecture (online) 25 May 2022
9. CIPL Roundtable on Children's Privacy in Europe 15 Jun 2022
10. GIFA Academy Event: Cyber Security Panel Event 21 Jun 2022
11. Islands Data Governance Forum launch 6 Jul 2022
12. Data Protection for Charities 11 Jul 2022
13. School of International Financial Services webinar "Understanding the relationship between reporting obligations & data protection" 13 Jul 2022
14. Meet the Experts @ Digital Greenhouse 6 Aug 2022
15. Data Processing Notices for the 3rd Sector 21 Sep 2022
16. Alderney field trip 22 Sep 2022
17. Meet the Experts @ Digital Greenhouse 1 Oct 2022
18. ELN Privacy and Security Summit (EPSS) 6 Oct 2022
19. Data Protection and Cyber Security Conference 11 Oct 2022
20. Charities drop-in 9 Nov 2022
21. Meet the Experts @ Digital Greenhouse 15 Nov 2022
22. Women in Governance, Risk and Compliance Awards 16-17 Nov 2022
23. PrivSec - Children's Privacy 30 Nov 2022
24. Meet the Experts @ Digital Greenhouse 3 Dec 2022
25. Channel Island Information Security Forum 7 Dec 2022

The ODPa continued to be represented on the local Caldicott Committee during 2022 with the Deputy Commissioner attending. The Caldicott Committee comprises representatives of local healthcare organisations and is a forum to discuss the governance of clinical information.



## 4. To develop and maintain effective relationships

### 4.1. Work with industry, key bodies, representatives, associations and professionals, recognising the important role they play in shaping the regulatory environment for regulatees whilst being constantly vigilant to protect against regulatory capture



Ongoing

Communications from the regulated community to the regulator are as important as communication from the regulator to the regulated community.

The ODPA works to identify all such bodies in the Bailiwick and proactively communicate where that is appropriate.

This communication helps the ODPA understand the needs of specific groups within the regulated community and how best to create and present relevant information to them about their statutory duties.

In July 2022, the ODPA lent its support to the launch of the Islands Data Governance Forum (IDGF), a new initiative spun out of the Channel Islands Information Security Forum. The ODPA worked with the IDGF on other events throughout 2022.

### 4.2. Ensure open and constructive engagement with the States of Guernsey in discussions around legislative and policy areas involving the processing of personal data



Ongoing

The ODPA remain committed to being available to discuss legislative, policy and related areas with the States of Guernsey including, for example, on abandoned vehicles and the Law Review.

### 4.3. Explore the use of Memorandums of Understanding with other bodies to ensure a consistent and coherent regulatory and enforcement environment for regulatees



Ongoing

The ODPA continuously reviews where there may be opportunities to consider where MoU relationships may be useful in the successful delivery of statutory duties.

Related to this area the ODPA entered a formal partnership with the Youth Commission in January 2022 to deliver Project Bijou Seeds in local schools with their help.

### 4.4. Continue to work with other regulators across the EU and beyond in strategic and operational matters



Ongoing

The ODPA continue to participate in European and International conferences for Data Protection Authorities which provide a forum for the exchange of ideas and learning experiences.

### 4.5. Continue to work with the European Commission during and beyond formal assessment of adequacy



Ongoing

The ODPA continued to contribute and respond as required in relation to adequacy.

This important engagement with the European Commission will continue once the formal assessment of adequacy concludes.

### 4.6. Where most effective, seek representation and attendance at key industry and regulator events



Ongoing

ODPA staff attended, or spoke at, many events as detailed in section 3.9 above.

Senior ODPA staff represented the Bailiwick at the following conferences and meetings:

1. The British, Irish and Islands Data Protection Authorities (BIIDPA). 14-15 July 2022
2. The Common Thread Network. Quarterly throughout 2022

## 5. To elevate discussions around the protection of personal data to engage the community and individuals in a relevant and positive way, recognising the personal, social and economic opportunities and threats that the data economy poses

### 5.1. Explore the feasibility of holding a conference to encourage learning and discussion for the wider community by end 2019



Completed in 2022

### 5.2. Regularly publish comment and thought pieces on data related matters



Ongoing

The ODPA nurtures its relationship with local media, and is regularly contacted to provide comment on data-related news stories.

The ODPA works with local journalists and editors to provide factual information, build awareness of the Law, and how data harms affect people. Throughout 2022, the ODPA continued to provide local media with bi-monthly statistics and supporting commentary around self-reported data breaches. This proactive media engagement, together with other activities resulted in **54** news items, **11** broadcast media segments, and **15** magazine/editorial pieces.

### 5.3. Provide relevant comment to the media where this advances our aims and encourages broader discussion and awareness



Ongoing

Where appropriate, and whenever possible, the ODPA provides commentary to local media either proactively (e.g. via the bi-monthly breach statistics press releases) or reactively in response to a journalist making contact on a specific issue.

During 2022, the ODPA published six Public Statements (in accordance with section 64 of the Law) which were approved and issued by the Authority's Section 64 Committee regarding enforcement and related activities. All public statements are detailed in the 'Actions we've taken' area of the ODPA website.

### 5.4. Provide a supportive and stimulating environment for staff to allow them to be exemplars of their professions



Ongoing

The aim is for each employee to work for the ODPA because it is rewarding for them as individuals and they are empowered to support the wider Bailiwick community to aspire to excellence in data protection awareness by businesses and individuals alike. Much effort is put in to involve and engage all staff members in issues the ODPA is dealing with and to encourage a broader intellectual engagement with data related issues locally and internationally. Each member of staff understands the importance of their role in delivering on the four pillars of ODPA activities as well as the interdependence of all related activities.

During 2022, there was continued focus on supporting and developing staff professionally and personally.

Development through formal training was also available and used by all ODPA staff.

### 5.5. Connect with industry and community representative organisations to encourage their engagement in supporting the data rights and obligations of those they represent



Ongoing

Much of this activity in 2022 is detailed in 3.9 above, as a result of the ODPA's drop-in sessions, events, study visits, and invited speaking engagements, and 5.1 above on the continuation of Project Bijou – adding 7 new content contributors during 2022.

The ODPA also nurtured its ongoing connection with two key organisations: the Guernsey Chamber of Commerce, and the Digital Greenhouse by offering their members free events aimed at supporting their compliance. As detailed in section 3.9, the ODPA also maintained its connection with the wider community through engagement with key groups including a particular emphasis on supporting the charity sector, as well as organisations and members of the public based in Alderney.

# Case studies

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The Authority has a statutory duty to promote awareness of data protection issues. Detailed below are anonymised and simplified case studies of real complaints people have submitted to the Authority about how local organisations have handled their data, together with what can be learned from them.



## Case study #1

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### Background

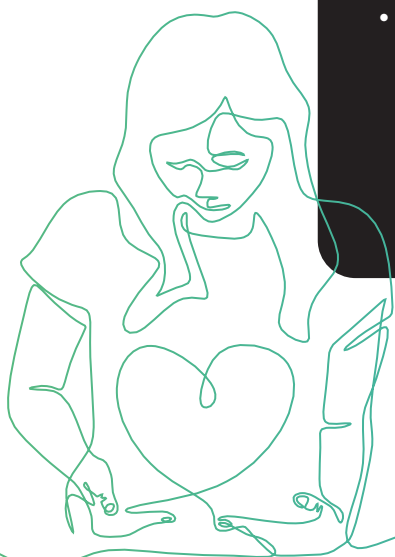
A member of the public made a 'data subject access request' to an organisation she believed had some information about her. When she did not receive a response, she sent a follow up to the organisation. When she still did not receive any response, she made a complaint to the ODPA.

The ODPA approached the organisation to attempt to resolve the matter. The organisation was evasive and uncooperative in their response and said they would not give the woman any of the information about her as they believed it was exempt from data subject access rules as the information about her was covered by 'legal professional privilege'.

After numerous communications, the organisation revised its view that all of the information was subject to legal privilege. The woman subsequently received the information she was entitled to.

### Learning points

- The right of access is one of the most important rights and organisations should have policies and procedures in place to respond to any requests made.
- There are statutory requirements to respond to requests within a certain time. Even where exemptions are used, a response must be sent.
- Exemptions must be applied narrowly, to specific personal data in specific circumstances. There should be no 'blanket' use of exemptions – if an exemption applies to only some of the personal data the rest that the exemption does not apply to should not be withheld too.
- Consideration should be on a case-by-case basis taking into account the type of personal data, the purpose of the processing and any adverse impact of the application of the exemption on the individual concerned.
- Cooperation is key – the Authority has wide-reaching legal powers and is bound by confidentiality in all matters relating to its casework – you have a legal obligation to cooperate with the ODPA if you are under investigation, and you can be legally compelled to take certain action. Early engagement with the Authority benefits all parties and expedites a conclusion.



## Case study #2

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### Background

An individual received an email in error from an organisation. The email contained personal data about another, unrelated, individual. It transpired that two emails were mixed up with each of the two individuals receiving each other's personal data. One of the individuals made a complaint to the ODPA about the mishandling of their personal data.

The ODPA contacted the controller to establish what steps they had taken following the breach. The controller clarified the procedures they had followed. The ODPA issued advice to the controller to ensure they had a clearer understanding of steps that should be taken to mitigate personal data breaches.

The complainant and the other individual received apologies and assurances from the organisation. The complainant was satisfied with the informal resolution of their case.

### Learning points

- The data protection law exists to protect people's rights over their data, and the ODPA's formal enforcement activity acknowledges when serious harm has been caused to someone. In cases where no significant harm has occurred the ODPA will consider resolving cases informally.
- Informal resolution depends on controllers being open, cooperative, and having a sincere wish to put things right.
- When things go wrong, organisations should ensure that lessons are learnt to reduce the likelihood of any recurrence.



## Case study #3

---

### Background

A retailer had installed CCTV to cover the public areas of their premises for security purposes (prevention and detection of crime). There was an incident at the premises involving a small number of individuals. A complaint was made to the ODPa about a member of the retailer's staff recording the CCTV footage of the incident on their phone and then sharing it with a friend via social media.

Following an investigation by the ODPa, the organisation was found to have breached aspects of the Law relating to the lawfulness and transparency of the processing.

### Learning points

- Data which identifies individuals that is collected by an organisation using CCTV is covered by the data protection law. Organisations using CCTV must have policies and procedures covering how this information is handled. All staff must be aware of their responsibilities.
- CCTV, when used for crime prevention and detection purposes, can capture special category data relating to alleged criminal activity. Special category data is given extra protection under the Law, and as such there are stricter rules around how it must be handled.
- The member of staff had no legal basis under the data protection law to share the footage, therefore the sharing was unlawful.
- It is important that people understand how their data will be used. This is why controllers should use CCTV signage to tell people that cameras are in place and why. In this case, signs were up stating that CCTV was used for the purposes of prevention and detection of crime and use for other purposes was not expected or appropriate, leading to the finding by the ODPa.

# Key statistics

For the period 1 Jan 2022 – 31 Dec 2022

20,088

Number of **local organisations** who fulfilled their legal obligation to register with the ODPA

£1,457,647

The ODPA's **expenditure**

£1,513,900

The ODPA's **registration fee**<sup>1</sup> income

£100,000

**Loan repayment** paid to the States of Guernsey for ODPA initial set-up and associated costs

53

Number of data protection **complaints** received

149

Number of **breaches** reported

24

Number of **investigations** opened by the Authority

2

Number of **inquiries** opened by the Authority

20

Number of **investigations and inquiries resulting in a determination** that an operative provision has been or is likely to be breached

10

Number of **sanctions** imposed by the Authority under section 73. 8 controllers issued with: 6 reprimands, 4 orders. 4 of these sanctions met the criteria for the Authority to issue a Public Statement.

25

Number of **public events** ODPA staff contributed to

29

Number of **free drop-in sessions** held

414

Number of **children/young people attending** ODPA Schools Programme sessions



# Casework annex

2022

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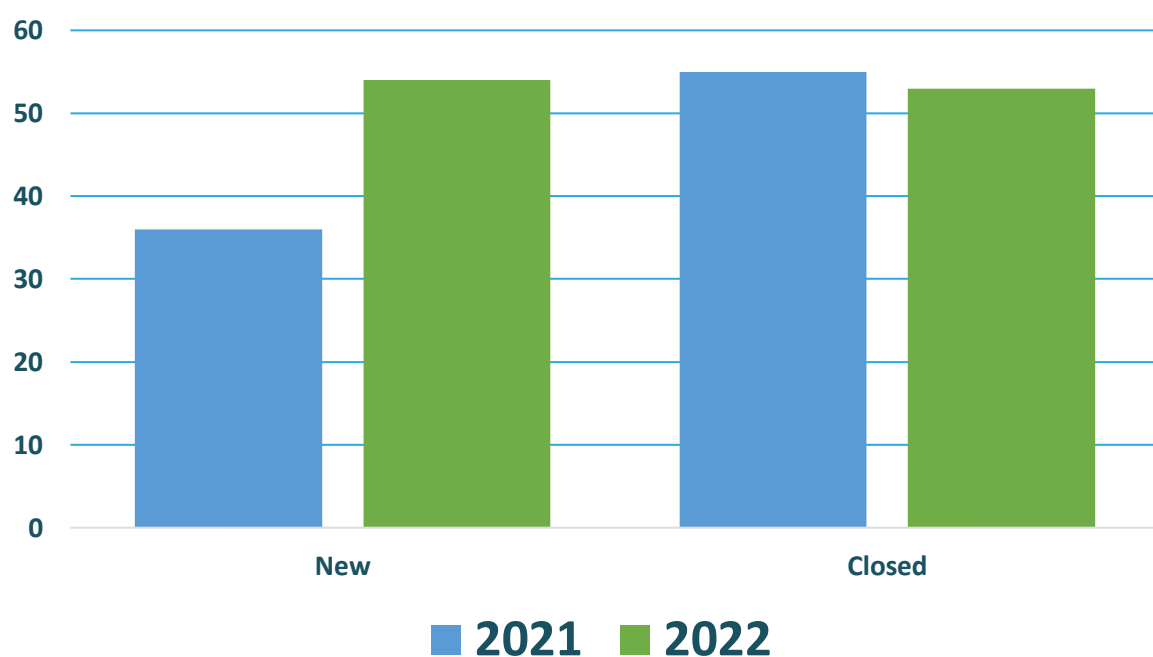


For those readers who have a particular, more technical, interest in data protection issues this section gives a detailed breakdown of 2022 casework and, where appropriate, a comparison with 2021.

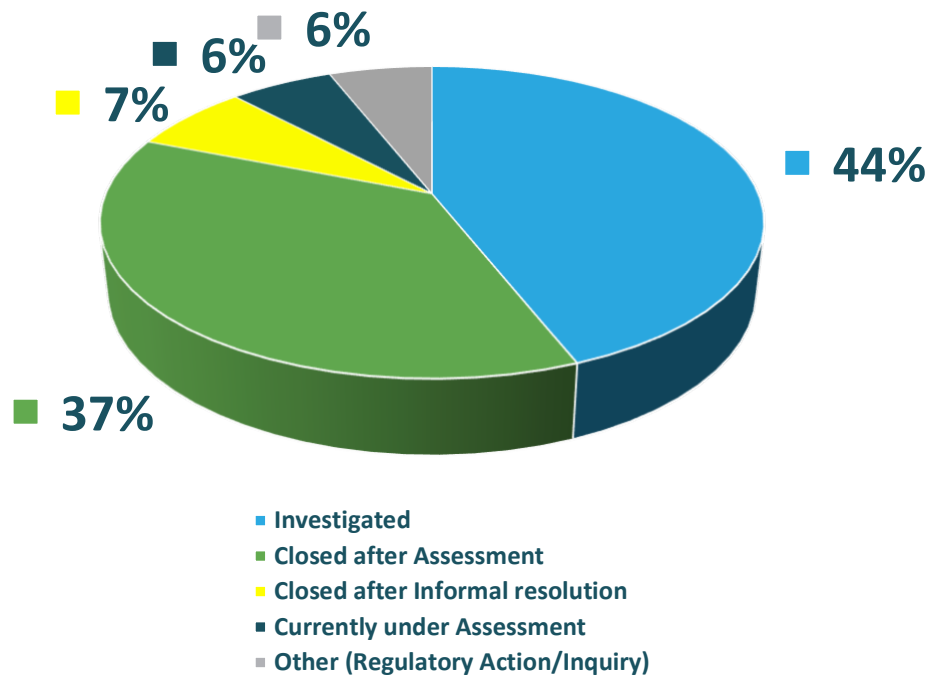
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## 1. Investigations and Inquiries

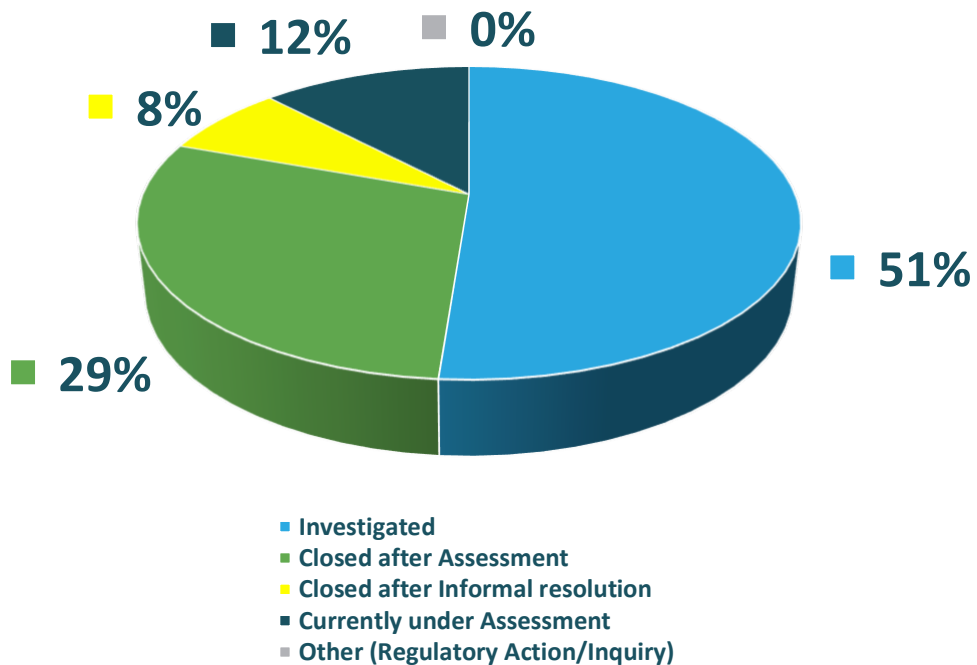
**Fig 1 - New and Closed Cases**



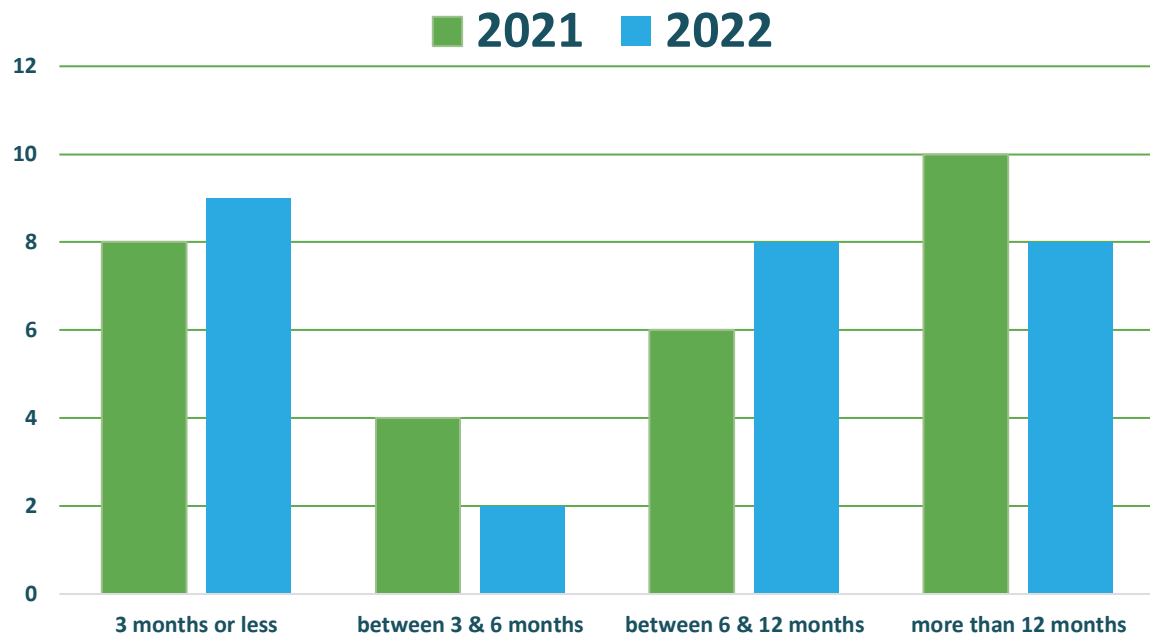
**Fig. 2 - Assessment Outcomes for New Cases - 2022**



**Fig. 3 - Assessment Outcomes for New Cases - 2021**



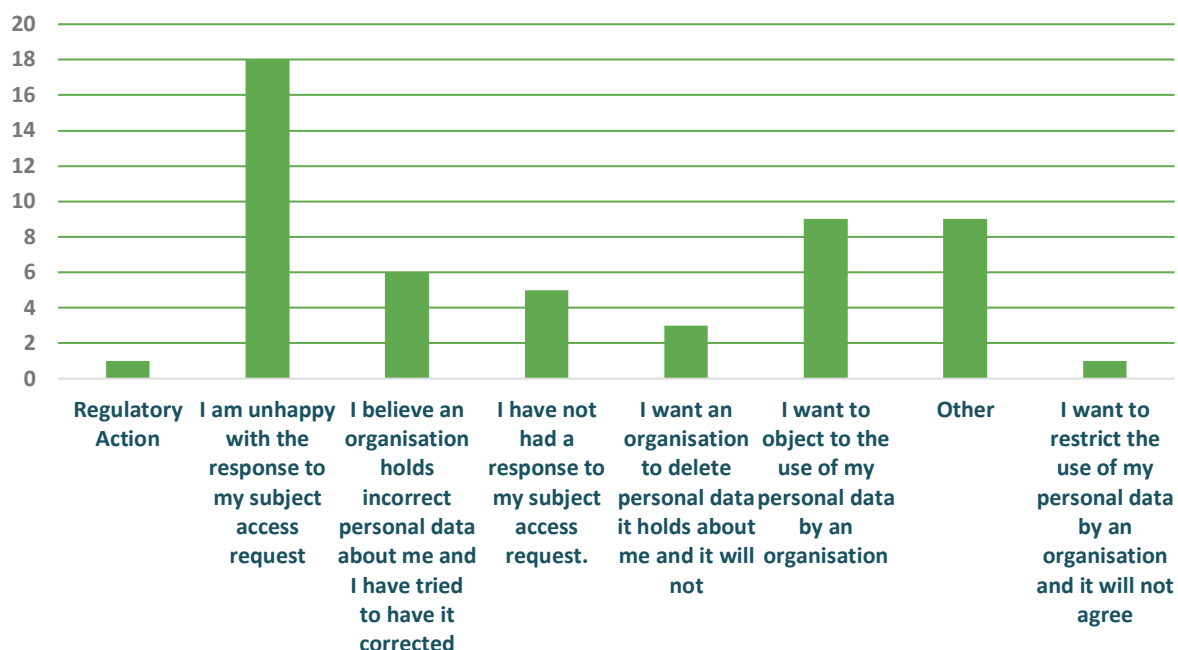
**Fig. 4 - Cases Open at Year End by Age**



**Observation:**

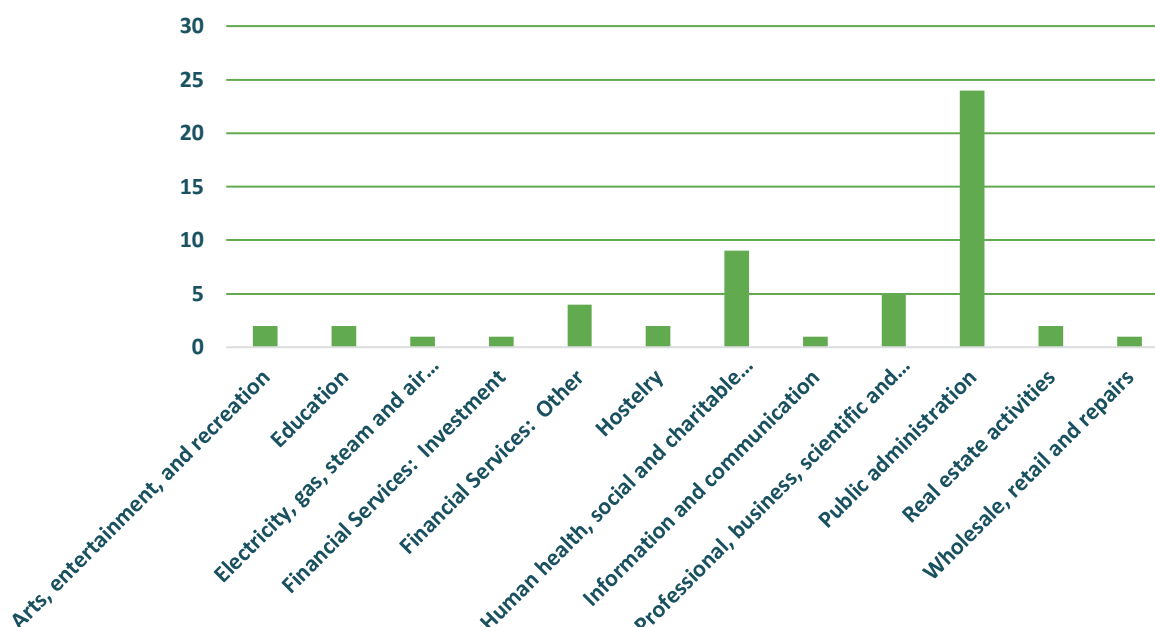
This includes cases where the investigation or inquiry has finished but the sanction, an enforcement order, has a compliance period that extends into 2023.

**Fig. 5 - Nature of New Cases - 2022**



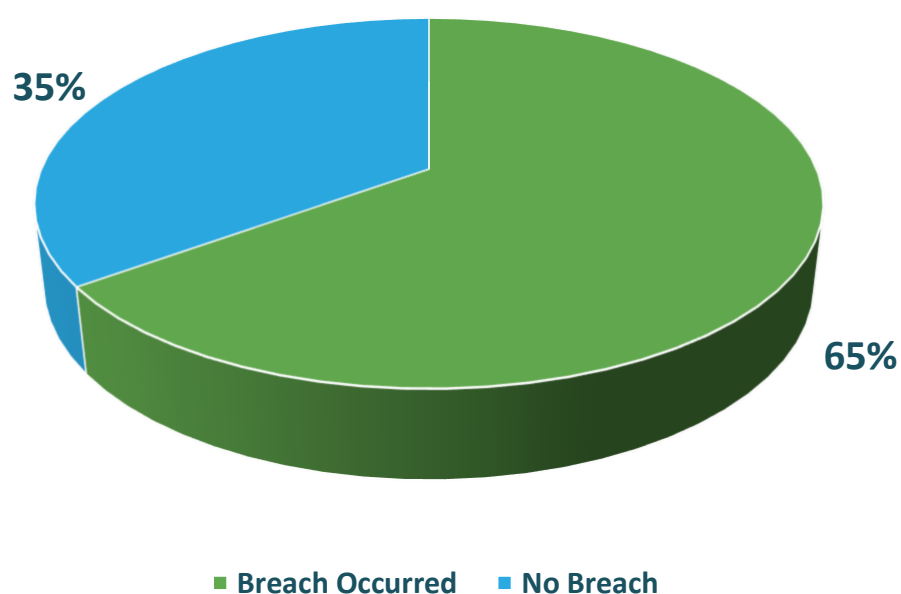
\***Other** can often be selected when individuals are unclear which of the possible options best describes their complaint. Work will be undertaken to help complainants better identify the nature of their complaint.

**Fig. 6 - Sectors Complained About - 2022**

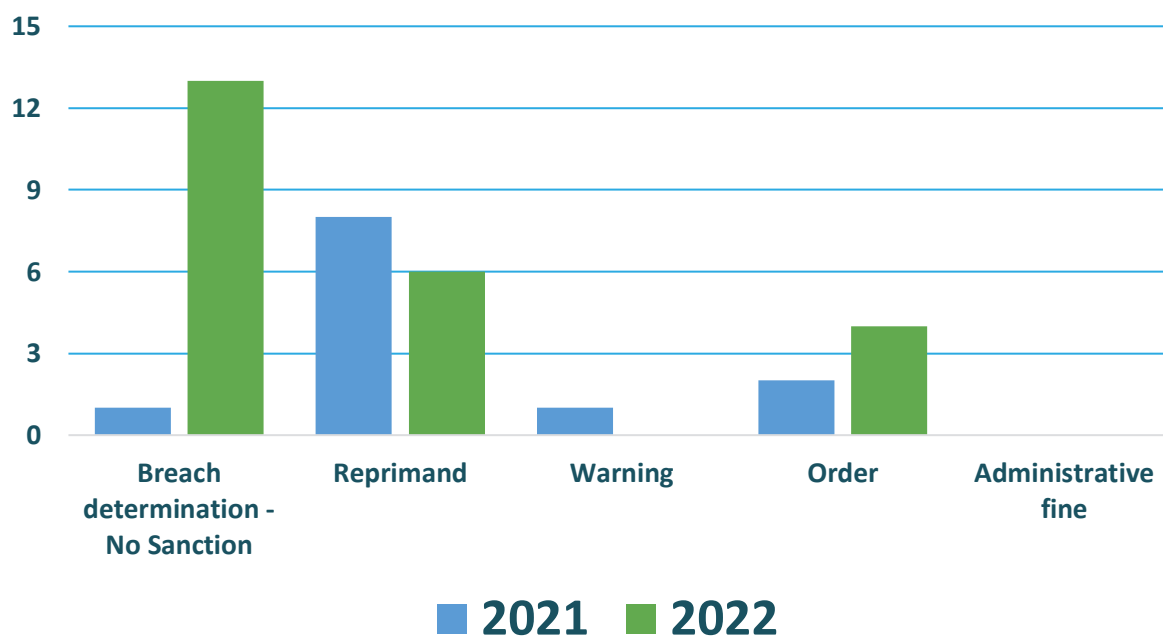


Note re Fig. 5 and Fig 6. - Due to changes in the categories available for both the nature of complaints and the sectors complained about, it is not possible to provide a comparison between 2021 and 2022 figures.

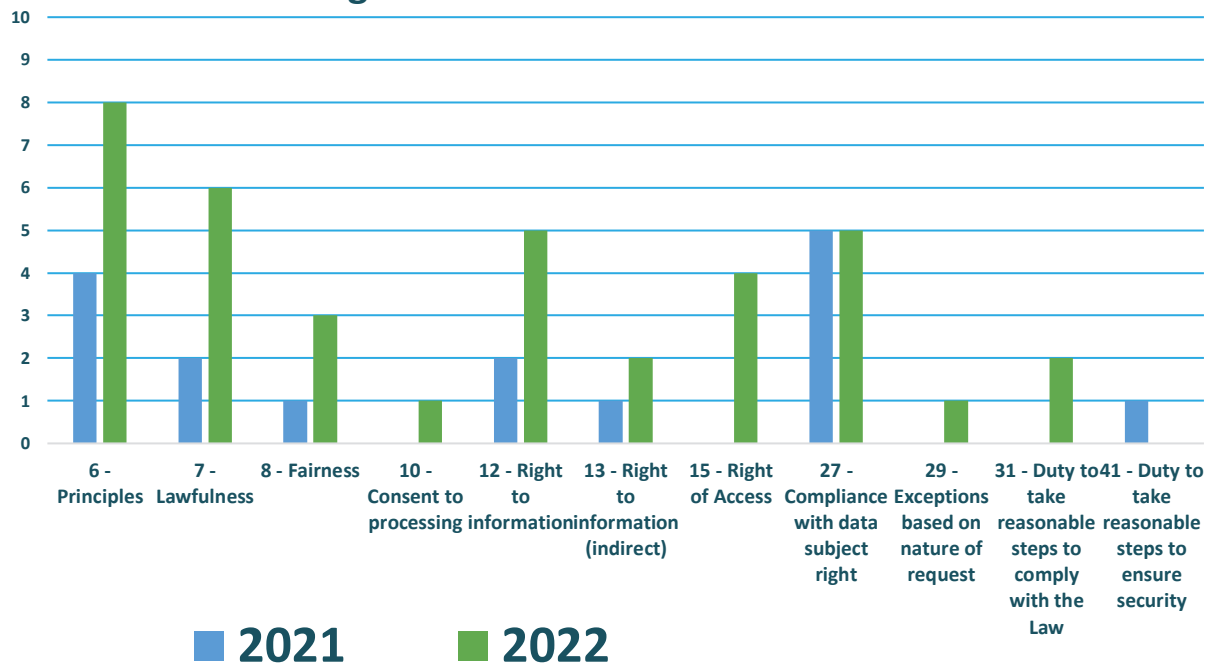
**Fig. 7 - Outcome of Cases Investigated**



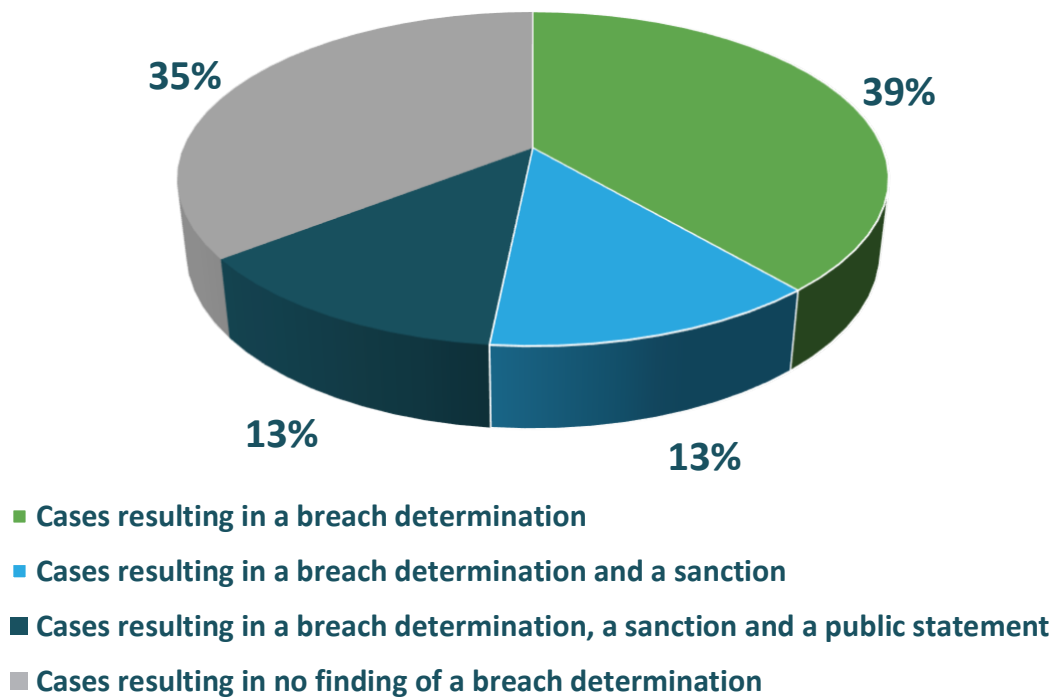
**Fig. 8 - Sanctions Issued**



**Fig. 9 - Section of Law Breached**

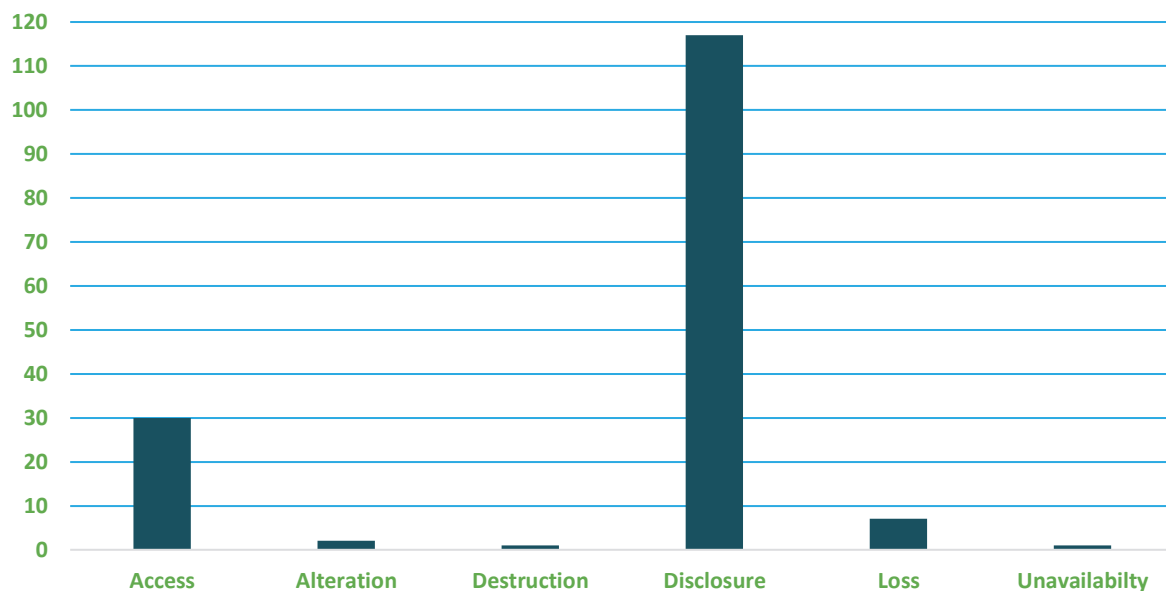


**Fig. 10 - Outcomes of Investigated Cases**

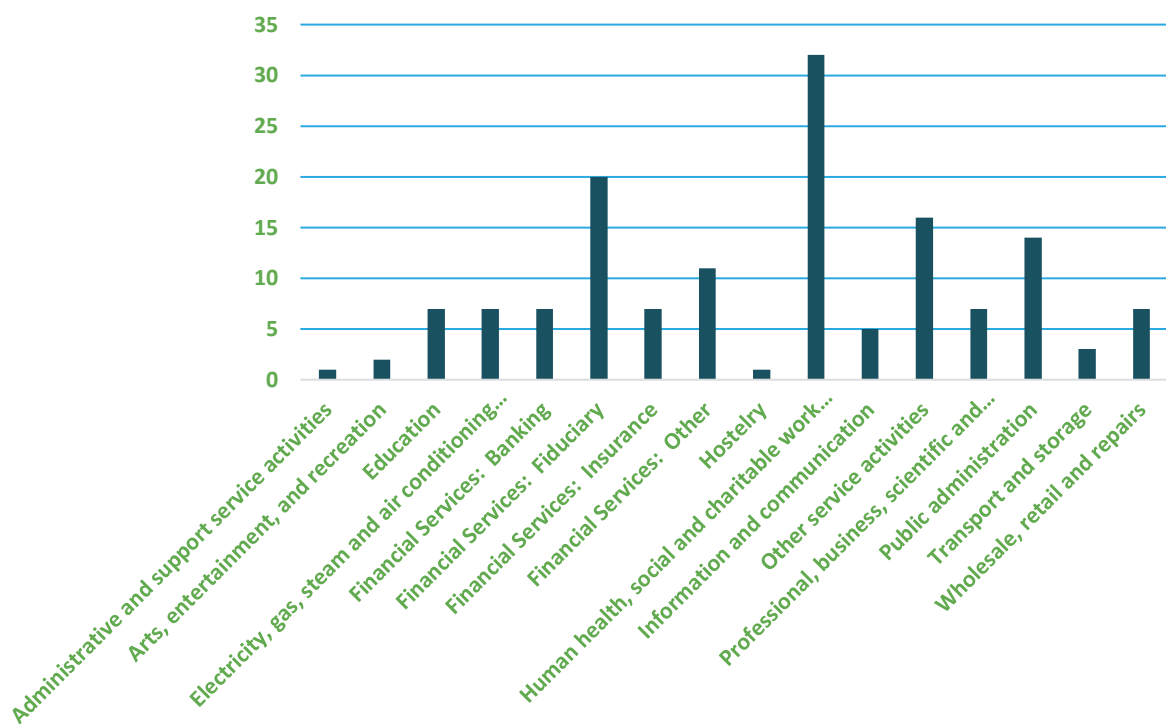


## 2. Personal data breaches reported under section 42 of the Law

**Fig. 11 - Nature of Self Reported Breaches**  
(Total 170 breach types reported over a total of 149 breach reports)



**Fig. 12 - Self Reported Breaches by Sector**





**Fig. 13 - Table of personal data breaches (“SRBs”) reported showing the cause, number of occurrences of that cause and the outcome.**

When reviewing the table below it is important to note that more than one cause may be identified per outcome.

Outcome	< Cause >	Occurrences	TOTAL
Access	E-Waste	0	33
	Hacking	7	
	Malware	0	
	Other	14	
	Phishing	2	
	Physical Access	6	
	Smishing	0	
	Spearfishing	0	
	User Access Rights	4	
	Vishing	0	
Alteration	Accidental alteration	0	2
	Hacking	0	
	Malicious alteration	0	
	Network security compromised	1	
	Other	1	
Destruction	Website security breach	0	2
	Deletion	1	
	Destruction of device	0	
	Destruction of record	1	
	Inappropriate disposal of paper	0	
Disclosure	Other	0	124
	Data sent to incorrect recipient - Email	71	
	Data sent to incorrect recipient - Fax	1	
	Data sent to incorrect recipient - Post	16	
	Other	29	
	Unintended online publication	3	
Loss	Verbal disclosure	4	7
	Device lost or stolen (encrypted)	0	
	Device lost or stolen (unencrypted)	0	
	Other	0	
Unavailability	Paper lost/stolen	7	2
	Other	0	
	Physical access unavailable (lost keys)	0	
	Server unavailability	2	

### **3. The European Communities (Implementation of Privacy Directive) (Guernsey) Ordinance, 2004 (“IPD”)**

There was 1 case investigated under IPD legislation, the Bailiwick equivalent of the UK’s Privacy and Electronic Communications Regulations and the EU’s E-Privacy Directive.

### **4. Section 69 Inquiries**

There are 2 inquiries opened under section 69 of the Law during 2022 whilst 1 was carried over from the previous year.

### **5. Powers exercised under Schedule 7 of the Law**

The ODPA issued 14 Information Notices during 2022.

# Final Accounts

2022

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# **The Data Protection Authority**

## **Members' Report and Audited Financial Statements**

**Year Ended 31 December 2022**

# The Data Protection Authority

## Authority Information

---

### Members

Richard Thomas CBE (Chairman)  
John Curran  
Christopher Docksey  
Simon Entwisle  
Mark Lempriere  
Nicola Wood  
Jane Wonnacott  
Emma Martins (Non-voting member)

### Registered office

St Martin's House  
Le Bordage  
St Peter Port  
Guernsey  
GY1 1BR

### Auditor

Grant Thornton Limited  
St James Place  
St James Street  
St Peter Port  
Guernsey  
GY1 2NZ

# **The Data Protection Authority**

## **Contents**

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<b>Independent Auditor's Report</b>	3 - 5
<b>Income and Expenditure Account</b>	6
<b>Statement of Other Comprehensive Income</b>	7
<b>Balance Sheet</b>	8
<b>Statement of Changes in Reserves</b>	9
<b>Notes to the Financial Statements</b>	10 - 16
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# **The Data Protection Authority**

## **Members' Report For the Year Ended 31 December 2022**

---

The members present their report and the financial statements for the year ended 31 December 2022.

### **Members' responsibilities statement**

The members are responsible for preparing the Members' Report and the financial statements in accordance with the requirements of The Data Protection (Bailiwick of Guernsey) Law, 2017 ("the Law") and generally accepted accounting practice.

The members are responsible for keeping proper financial accounts and adequate accounting records that are sufficient to show and explain the Authority's transactions to enable them to ensure that the financial statements comply with the Law and associated legislation. They are also responsible for safeguarding the assets of the Authority and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

### **Principal activity**

The Data Protection Authority is the independent regulatory authority for the purposes of the Data Protection (Bailiwick of Guernsey) Law, 2017 and associated legislation.

### **Results**

The surplus for the year is set out in detail on page 6 and 7.

### **Members**

The members who served during the year were:

Richard Thomas CBE  
Simon Entwisle  
John Curran  
Christopher Docksey  
Mark Lempriere  
Nicola Wood (appointed 26 May 2022)  
Jane Wonnacott (appointed 26 May 2022)  
Emma Martins (Non-voting member)

Jennifer Strachan completed her four year term as a member on 25 May 2022.

### **Disclosure of information to auditor**

Each of the persons who are members at the time when this Members' Report is approved has confirmed that:

- so far as the member is aware, there is no relevant audit information of which the Authority's auditor is unaware, and
- the member has taken all the steps that ought to have been taken as a member in order to be aware of any relevant audit information and to establish that the Authority's auditor is aware of that information.

# The Data Protection Authority

## Members' Report (continued) For the Year Ended 31 December 2022

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### Independent auditor


The auditor, Grant Thornton Limited, has expressed a willingness to continue in office.

### Going concern

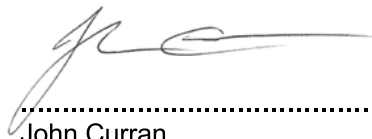
At 31 December 2022 The Data Protection Authority had net liabilities of £416,848. Despite the net liability position the financial statements have been prepared under the going concern assumption.

Cash flow forecasts have been prepared and approved by the Members of the ODPA covering a period extending beyond twelve months from the date of approval of these financial statements. After reviewing these cash flow forecasts the members of the ODPA have reasonable confidence that the ODPA will be in a position to meet its liabilities as they fall due for at least twelve months from the date of approval of the financial statements. As such the financial statements continue to be prepared on the going concern basis.

This report was approved by the members on 25 April 2023 and signed on its behalf.



.....  
Richard Thomas CBE (Chairman)



.....  
John Curran



## **The Data Protection Authority**

### **Independent Auditor's Report to the Members of The Office of the Data Protection Authority**

---

#### **Opinion**

We have audited the financial statements of The Data Protection Authority (the 'Authority') for the year ended 31 December 2022 which comprise the Income and Expenditure Account, the Statement of Other Comprehensive Income, the Balance Sheet, the Statement of Changes in Reserves and notes to the financial statements, including a summary of significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards, including FRS 102 'The Financial Reporting Standard applicable in the United Kingdom and the Republic of Ireland' (FRS 102), Section 1A 'Small Entities'.

In our opinion, the financial statements:

Give a true and fair view of the state of the Authority's affairs as at 31 December 2022 and of its surplus for the year then ended; and

Are in accordance with United Kingdom Generally Accepted Accounting Practice.

#### **Basis for opinion**

We conducted our audit in accordance with International Standards on Auditing (ISAs) and applicable law. Our responsibilities under those standards are further described in the 'Auditor's responsibilities for the audit of the financial statements' section of our report. We are independent of the Authority in accordance with the International Ethics Standards Board for Accountants' International Code of Ethics for Professional Accountants (including International Independence Standards) (IESBA Code), together with the ethical requirements that are relevant to our audit of the financial statements in Guernsey, and we have fulfilled our other ethical responsibilities in accordance with these requirements and the IESBA Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

#### **Other information**

The members are responsible for the other information. The other information comprises the information included in the Members' report, other than the financial statements and our auditor's report thereon. Our opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in our report, we do not express any form of assurance conclusion thereon. In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether there is a material misstatement in the financial statements or a material misstatement of the other information. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

## **The Data Protection Authority**

### **Independent Auditor's Report to the Members of The Office of the Data Protection Authority (continued)**

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#### **Responsibilities of members for the financial statements**

As explained more fully in the members' responsibilities statement set out on page 1, the members are responsible for the preparation of the financial statements which give a true and fair view in accordance with United Kingdom Generally Accepted Accounting Practice, and for such internal control as the members determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the members are responsible for assessing the Authority's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the members either intend to liquidate the Authority or to cease operations, or have no realistic alternative but to do so.

#### **Auditor's responsibilities for the audit of the financial statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, we exercise professional judgment and maintain professional scepticism throughout the audit. We also:

Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control.

Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.

Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Authority's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Authority to cease to continue as a going concern.

Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

We also provide those charged with governance with a statement that we have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on our independence, and where applicable, related safeguards.


## The Data Protection Authority

### Independent Auditor's Report to the Members of The Office of the Data Protection Authority (continued)

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#### Use of our report

This report is made solely to the Authority's members as a body, in accordance with Paragraph 12 of Schedule 6 of the Data Protection (Bailiwick of Guernsey) Law, 2017. Our audit work has been undertaken so that we might state to the Authority's members those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Authority and the Authority's members as a body, for our audit work, for this report, or for the opinions we have formed.

DocuSigned by:  
  
A4A7FB1F67764B2...

**Grant Thornton Limited**  
Chartered Accountants  
St Peter Port  
Guernsey

Date: 04 May 2023

# The Data Protection Authority

## Income and expenditure account For the Year Ended 31 December 2022

	£	2021 £
Income	1,513,900	1,545,300
Administrative expenses	(1,457,647)	(1,303,425)
<b>Operating surplus</b>	<b>56,253</b>	241,875
Loan waived	-	243,788
Effective interest	(45,840)	(41,243)
<b>Surplus for the financial year</b>	<b>10,413</b>	444,420

The results above derive from continuing activities.

The notes on pages 10 to 16 form an integral part of these financial statements.

# The Data Protection Authority

## Statement of Other Comprehensive Income For the Year Ended 31 December 2022

---

	£	2021 £
Surplus for the financial year	10,413	444,420
<b>Other comprehensive income</b>		
Loan amortisation	131,894	(14,140)
<b>Total comprehensive income for the year</b>	<u>142,307</u>	<u>430,280</u>

The notes on pages 10 to 16 form an integral part of these financial statements.

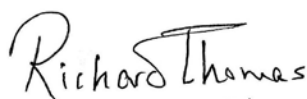
# The Data Protection Authority

## Balance Sheet As at 31 December 2022

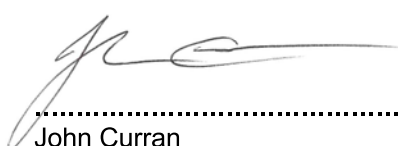
	Note	£	2021 £
<b>Fixed assets</b>			
Intangible assets	5	100,155	147,498
Tangible fixed assets	6	45,227	70,548
		<u>145,382</u>	<u>218,046</u>
<b>Current assets</b>			
Prepayments		47,848	108,808
Cash at bank		113,083	171,596
		<u>160,931</u>	<u>280,404</u>
Creditors: amounts falling due within one year	7	(89,124)	(249,558)
<b>Net current assets</b>		<u>71,807</u>	<u>30,846</u>
<b>Total assets less current liabilities</b>		<u>217,189</u>	<u>248,892</u>
Creditors: amounts falling due after more than one year	8	(634,037)	(808,047)
<b>Net liabilities</b>		<u>(416,848)</u>	<u>(559,155)</u>
<b>Reserves</b>			
Deficit		(416,848)	(559,155)
<b>Total reserves</b>		<u>(416,848)</u>	<u>(559,155)</u>

The financial statements have been prepared in accordance with the provisions of FRS 102 Section 1A - Small Entities.

The financial statements were approved and authorised for issue by the members and were signed on the members' behalf by:



Richard Thomas CBE (Chairman)  
Date: 25 April 2023



John Curran  
Date: 25 April 2023

# The Data Protection Authority

## Statement of Changes in Reserves For the Year Ended 31 December 2022

	Other comprehensive income £	Income and expenditure account £	Total reserves £
<b>At 1 January 2021</b>	<b>219,639</b>	<b>(1,209,074)</b>	<b>(989,435)</b>
Surplus for the financial year	-	444,420	444,420
Loan amortisation	(14,140)	-	(14,140)
<b>At 1 January 2022</b>	<b>205,499</b>	<b>(764,654)</b>	<b>(559,155)</b>
Surplus for the financial year	-	10,413	10,413
Loan amortisation	131,894	-	131,894
<b>At 31 December 2022</b>	<b>337,393</b>	<b>(754,241)</b>	<b>(416,848)</b>

The notes on pages 10 to 16 form an integral part of these financial statements.

## **The Data Protection Authority**

### **Notes to the Financial Statements For the Year Ended 31 December 2022**

---

#### **1. Accounting policies**

##### **1.1 Basis of preparation of financial statements**

The financial statements have been prepared under the historical cost convention and in accordance with Section 1A of Financial Reporting Standard 102, the Financial Reporting Standard applicable in the UK and Republic of Ireland.

The presentation currency of these financial statements is sterling with all amounts rounded to the nearest whole pound.

The preparation of financial statements in compliance with FRS 102 requires the use of certain critical accounting estimates. It also requires management to exercise judgment in applying the Authority's accounting policies. These judgments are set out in more detail in note 2.

The following principal accounting policies have been applied:

##### **1.2 Income**

Annual notification fees are recognised to the extent that it is probable that the economic benefits will flow to the Authority and the income can be reliably measured. Income from annual notification fees is measured at the fair value of the consideration received or receivable. Income from annual notification fees is recognised upon receipt.

##### **1.3 Intangible assets**

Intangible assets are initially recognised at cost. After recognition, under the cost model, intangible assets are measured at cost less any accumulated amortisation and any accumulated impairment losses.

All intangible assets are considered to have a finite useful life. If a reliable estimate of the useful life cannot be made, the useful life shall not exceed ten years.

Website development costs are amortised over their useful economic life which is estimated as four years.

##### **1.4 Tangible fixed assets**

Tangible fixed assets under the cost model are stated at historical cost less accumulated depreciation and any accumulated impairment losses. Historical cost includes expenditure that is directly attributable to bringing the asset to the location and condition necessary for it to be capable of operating in the manner intended by management.

Depreciation is charged so as to allocate the cost of assets less their residual value over their estimated useful lives.



## The Data Protection Authority

### Notes to the Financial Statements For the Year Ended 31 December 2022

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#### 1. Accounting policies (continued)

##### 1.4 Tangible fixed assets (continued)

Depreciation is charged so as to allocate the cost of assets less their residual value over their estimated useful lives.

The estimated useful lives range as follows:

Leasehold improvements	- Over the remaining period of the lease
Furniture and fittings	- 20% straight line
Office equipment	- 20% straight line

The assets' residual values, useful lives and depreciation methods are reviewed, and adjusted prospectively if appropriate, or if there is an indication of a significant change since the last reporting date.

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount and are recognised in profit or loss.

##### 1.5 Debtors

Short term debtors are measured at transaction price, less any impairment.

##### 1.6 Financial instruments

The Authority only enters into basic financial instruments transactions that result in the recognition of financial assets and liabilities like trade and other debtors and creditors and loans from third parties.

Debt instruments (other than those wholly repayable or receivable within one year), including loans and other accounts receivable and payable, are initially measured at the present value of the future cash flows and subsequently at amortised cost using the effective interest method. Debt instruments that are payable or receivable within one year, typically trade debtors and creditors, are measured, initially and subsequently, at the undiscounted amount of the cash or other consideration expected to be paid or received. However, if the arrangements of a short-term instrument constitute a financing transaction, like the payment of a trade debt deferred beyond normal business terms or financed at a rate of interest that is not a market rate or in case of an out-right short-term loan not at market rate, the financial asset or liability is measured, initially, at the present value of the future cash flow discounted at a market rate of interest for a similar debt instrument and subsequently at amortised cost.

Financial assets that are measured at cost and amortised cost are assessed at the end of each reporting period for objective evidence of impairment. If objective evidence of impairment is found, an impairment loss is recognised in the Income and expenditure account.

For financial assets measured at cost less impairment, the impairment loss is measured as the difference between an asset's carrying amount and best estimate of the recoverable amount, which is an approximation of the amount that the Authority would receive for the asset if it were to be sold at the Balance Sheet date. If there is a decrease in the impairment loss arising from an event occurring after the impairment was recognised, the impairment is reversed. The reversal is such that the current amount does not exceed what the carrying amount would have been, had the impairment not previously been recognised. The impairment reversal is recognised in the statement of comprehensive income.

# **The Data Protection Authority**

## **Notes to the Financial Statements For the Year Ended 31 December 2022**

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### **1. Accounting policies (continued)**

#### **1.7 Cash at bank**

Cash at bank is represented by current bank accounts and deposits with financial institutions repayable without penalty on notice of not more than 24 hours.

#### **1.8 Operating leases**

Rentals paid under operating leases are charged to the Income and expenditure account on a straight line basis over the lease term.

#### **1.9 Administrative expenses**

Administrative expenses are measured at transaction price and accounted for on an accruals basis.

#### **1.10 Finance costs**

Finance costs are charged to profit or loss over the term of the debt using the effective interest method so that the amount charged is at a constant rate on the carrying amount. Issue costs are initially recognised as a reduction in the proceeds of the associated capital instrument.

### **2. Significant judgments in applying accounting policies and key sources of estimation uncertainty**

In the application of the entity's accounting policies, which are set out in note 1, the members have made judgements, estimates and assumptions about the carrying amounts of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. The resulting accounting estimates will, by definition, seldom equal the related actual results.

The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are addressed below:

#### **Notional interest rate**

The loan from the States of Guernsey has been advanced on an interest free basis. In line with the requirements of FRS 102 the liability is measured at the present value of the future payments discounted at a market rate of interest for a similar debt instrument. The members have therefore had to consider what the appropriate market rate of interest would be. The members consider that if they had borrowed the funds from a bank then a market rate of interest would be 4% above base. This rate has been used to calculate the notional interest charge on the loan which is included in the income and expenditure account of £45,840 for year ended 31 December 2022 (2021: £41,243).

As the loan has been provided on an interest free basis, any change to this notional rate will impact on the amortisation period, but does not have any impact on the total repayment amount.

## The Data Protection Authority

### Notes to the Financial Statements For the Year Ended 31 December 2022

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#### 3. Employees

The average monthly number of employees, including directors, during the year was 11 (2021: 11).

#### 4. Taxation

The Authority is exempt from the provisions of the Income Tax (Guernsey) Law, 1975 as amended.

#### 5. Intangible assets

	<b>Website development £</b>
<b>Cost</b>	
At 1 January and 31 December 2022	<b>188,370</b>
	<hr/>
<b>Amortisation</b>	
At 1 January 2022	<b>40,872</b>
Charge for the year	<b>47,343</b>
	<hr/>
At 31 December 2022	<b>88,215</b>
	<hr/>
<b>Net book value</b>	
At 31 December 2022	<b>100,155</b>
	<hr/> <hr/>
At 31 December 2021	<b>147,498</b>
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The Data Protection Authority

Notes to the Financial Statements  
For the Year Ended 31 December 2022

6. Tangible fixed assets

	Leasehold improvements £	Furniture and fittings £	Office equipment £	Total £
<b>Cost</b>				
At 1 January 2022	50,701	1,762	108,452	160,915
Additions	-	-	8,540	8,540
Disposals	-	-	(4,451)	(4,451)
At 31 December 2022	50,701	1,762	112,541	165,004
<b>Depreciation</b>				
At 1 January 2022	27,230	1,014	62,123	90,367
Charge for the year	8,453	353	21,837	30,643
Disposals	-	-	(1,233)	(1,233)
At 31 December 2022	35,683	1,367	82,727	119,777
<b>Net book value</b>				
At 31 December 2022	15,018	395	29,814	45,227
At 31 December 2021	23,471	748	46,329	70,548

7. Creditors: amounts falling due within one year

	£	2021 £
Trade creditors	14,506	8,575
Deferred rent	12,007	20,012
Sundry creditors and accruals	12,845	17,287
Amounts payable to the States of Guernsey (note 9)	49,766	203,684
	89,124	249,558

# The Data Protection Authority

## Notes to the Financial Statements For the Year Ended 31 December 2022

### 8. Creditors: Amounts falling due after more than one year

	£	2021 £
Amount payable to the States of Guernsey (note 9)	<b>634,037</b>	808,047

In accordance with the loan agreement dated 15 November 2021 between The Data Protection Authority and The States of Guernsey, the loan is interest free and unsecured. Under the terms of the loan, annual loan repayments equal the annual surplus of The Data Protection Authority with £100,000 due on 30 June in the year and any balance due by 31 March in the following year. The loan agreement states that the loan is to be repaid in full by no later than 31 March 2027, which may be extended by mutual agreement between the Parties. An extension to the repayment term is currently being negotiated.

As the loan has been advanced on an interest free basis then in accordance with the requirements of FRS102 it has been accounted for as a financing transaction. Financing transactions are measured at the present value of the future payments discounted at a market rate of interest. The members consider that the market rate of interest for this loan would be 4% over the Bank of England base rate. The present value of the future loan repayments are disclosed in note 9.

### 9. Amounts payable to the States of Guernsey

Present value of loan repayments:

	£	2021 £
Amounts falling due within one year	<b>49,766</b>	203,684
Amounts falling due between 1 and 2 years	<b>53,206</b>	117,626
Amounts falling due between 2 and 5 years	<b>447,070</b>	690,421
Amounts falling due after more than 5 years	<b>133,761</b>	-
	<b>683,803</b>	1,011,731

## The Data Protection Authority

### Notes to the Financial Statements For the Year Ended 31 December 2022

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#### 10. Commitments under operating leases

At 31 December 2022 the Authority had future minimum lease payments due under non-cancellable operating leases for each of the following periods:

	£	2021 £
Not later than 1 year	82,471	82,471
Later than 1 year and not later than 5 years	41,235	82,471
Later than 5 years	-	41,235
	<u>123,706</u>	<u>206,177</u>

#### 11. Controlling party

The members are of the opinion that there is no ultimate controlling party.

#### 12. Post Balance Sheet events

There have been no significant events affecting the Authority since the year end.

# The Data Protection Authority

## Detailed Statement of Income and expenditure account (unaudited) For the Year Ended 31 December 2022

	£	2021 £
Income	1,513,900	1,545,300
Administrative expenses	(1,457,647)	(1,303,425)
Loan waived	-	243,788
Effective interest	(45,840)	(41,243)
<b>Surplus for the year</b>	<b>10,413</b>	<b>444,420</b>
<b>Income</b>		
Annual notification fees	1,513,900	1,545,300
<b>Administrative expenses</b>		
Salaries and other staff costs	783,389	726,919
Members fees	60,105	22,022
Project costs	68,056	33,308
Rent, rates and premises expenses	123,784	106,383
Legal and professional	107,724	138,118
Communication costs	41,470	37,907
Travel	32,706	12,421
IT costs	117,847	110,460
Office and sundry expenses	24,979	25,771
Insurances	19,664	12,460
Amortisation	47,343	39,456
Depreciation	30,643	31,314
Gain/(loss) on sale of tangible assets	(63)	6,886
	<b>1,457,647</b>	<b>1,303,425</b>

# Excellence Through Ethics.