
ODPA monthly newsletter - issue #48

Office of the Data Protection Authority <communications@odpa.gg>

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Your latest monthly update from The Office of the Data Protection Authority.

Highlights...



New Commissioner appointed

Find out more about the Bailiwick's next Commissioner, Brent Homan.



2023 Bijou Lecture published

Watch/listen/read this year's lecture featuring Elizabeth M. Renieris.



Volunteers week 1-7 June

Lend your professional skills to local charities.

This month's update from our Commissioner, Emma Martins

Last month marked the 5th anniversary of the GDPR and our own data protection legislation.

I think it is important for us all to understand where our law originated from as well as the history of, and reason for, our relationship with the European Union. But I do baulk a little when I see reference made to GDPR in our islands. We are not part of the EU and GDPR is not on our statute books. Our own law, *The*

Data Protection (Bailiwick of Guernsey) Law, 2017, looks and feels very similar but it is a separate piece of legislation.

The reason I baulk (and it is only a little!) is that we are, as a jurisdiction, proud of our culture and our identity. Our laws are drafted by our own law drafting officers and are written to deliver rights, freedoms and protections for our own community.

I do not want data protection to be viewed as something *imposed* on us. Rather I want us to see it for what it is, an important pillar of our democracy and our economy.

GDPR is seen by many to be the gold standard of data protection across the world so I am proud that we have a law which is at least as good. But the focus is, and always should be, on why it matters for us. It is not a tick box exercise for either government or industry. It sets out the rights we all have as individuals and the responsibilities we have if we are handling data about other people.

There has long been a disconnect between the public perception of data protection and the reality. Some of this is because it is a principles-based law which often requires careful thought and a balancing of interests. Where laws are really binary (either you are speeding, or you are not) there is much less scope for poor/lazy interpretation. But the nature of data and of technology in this digital age does not lend itself to binary law. We need it to be principles-based if it is to be meaningful and future-proof.

Data also feels intangible, meaning that we are generally not that good at assessing impacts and harms (at least until after the event).

That is why we continue to work hard at the ODPA to challenge some of that disconnect.

Our [awareness and outreach work](#) is neither a replacement nor an alternative for compliance and enforcement. The law makes it clear what is expected of the regulated community and the regulator. Infringements must be dealt with fairly and consistently. From the outset we have been open about [that aspect of our work](#).

The work we do to raise awareness across our community complements the other duties we have. We aim to provide [relevant, timely and accessible information](#) and [support](#) with the clear objective of preventing things from going wrong in the first place.

After a very disruptive few years for everybody, it has been rewarding to be delivering such a rich and diverse programme of events and initiatives recently. Our new bespoke lesson plan for Year 10 school pupils has started to be rolled out and I am so proud of the work done by our communications and outreach staff to make [the schools programme \(part of Project Bijou Seeds\)](#) relevant and meaningful as well as entertaining. There is much talk of a need to 'realign' technology to better reflect human values. That realignment is needed for us, and importantly for the next generation. Engaging children and young people early is a powerful way to encourage an understanding and appreciation of the amazing opportunities as well as the potential for harms in this digital era. We want them to feel involved, empowered and optimistic.

Project Bijou was only ever intended to be a small strand of our communications and outreach work. We have very limited resources but have always tried to maximise the impact we have by trying to be innovative and creative in our approach.

We are regularly asked to speak about the work our office does in the Bailiwick, especially Project Bijou. We have also attracted some of the most prominent thinkers in this field to support us, [most recently with the annual Bijou Lecture](#). I think this points to the fact that we are recognising that the data issues we face are real, they are serious and they are pressing. We cannot enforce our way out of the problems we are facing. As regulators we need to get better at articulating why the protection of our data matters, and as a community we need to get better at appreciating our role in building a 're-aligned' future.

Data has never played such an important role in the lives of us all. I may risk sounding like a broken record, but the scale of the challenges faced requires a community and collective response. Our aim is clear – to play our part in encouraging and supporting that engagement.

- Emma Martins
Data Protection Commissioner
Bailiwick of Guernsey

News in brief...

ICO / ODPa registration clarification



ICO / ODPa registration clarification

We have published this short statement clarifying registration requirements in the Bailiwick vs. the UK.

Beyond our shores



Beyond our shores

Read our monthly round-up of recent data-related developments from around the world.

EU lawmakers push for rejection of EU-US Data Privacy Framework



EU lawmakers push for rejection of EU-US Data Privacy Framework

European Parliament voted to adopt a non-binding resolution to reject the

Reading recommendation...



'The Age of AI and Our Human Future' by Henry A Kissinger, Eric Schmidt, Daniel Huttenlocher

In this book, three leading thinkers joined forces to consider how AI may impact our relationship with knowledge, politics and each other.

Coming soon...



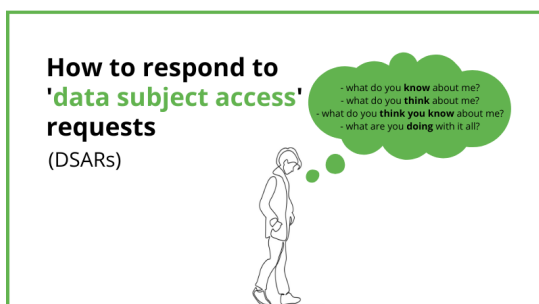
Digital ACE 2023 - 24

June

Join us and a host other exhibitors at this free event providing guidance on online safety and security for primary and secondary age children through a wide range of interactive activities and stands.

Data Subject Access Requests (DSAR) for charities - 4 July

This free session is run in conjunction with the Association of Guernsey Charities and is open to third sector AGC members only.



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