

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

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Thank you for subscribing to our monthly newsletter – in this issue:

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Message from the Commissioner

The first thing to say is that I hope this finds you and your friends and families safe and well. Whilst it seems to be the case that – encouragingly - many jurisdictions are moving to the next phases in the pandemic response, normal life still seems a long way off for many of us.

Operationally our office is functioning effectively, and this is a testament to our wonderful team who have shown such flexibility and commitment. This resilience in the face of such challenges is clearly a feature of our community who continue to pull together socially and professionally in the most wonderful way. Adversity certainly elicits talents in people that were previously unseen or unrecognised.

So, as we enter the next phase of the Bailiwick's response to the pandemic, we start cautiously to look ahead at what the next few months and years may bring. Some of you will have heard the discussions both locally and across the globe about the ways in which [possible tracking and surveillance of citizens may play a part in managing the virus](#) as we look to relax lockdown restrictions.

I have always said that the way in which data are handled feeds directly into questions of trust and confidence. If an organisation (whether that is a private business or a government) is seen to be trustworthy by virtue of its openness, transparency and accountability, individuals are more likely to trust that organisation in times of crisis or where new and innovative practices in data handling are



being considered.

Our attention is, understandably, on those who are charged with leading us through this crisis. There are no easy answers for the complex and difficult questions they are facing. But if they are faced honestly and openly, our trust and confidence in those politicians and officials will remain. It may or may not be the case that next phases of government response involve collecting and sharing more data about Bailiwick citizens. Despite some commentary, data protection legislation does not prevent this, but it does require a commitment to transparency and accountability that I have already referenced. The States of Guernsey have clearly indicated that, should such measures be considered appropriate, they will be implemented with full regard to high data governance standards. Far from inhibiting any such programme, this commitment will lay the foundations for its success and will ensure that, as far as possible, we engage with it as citizens, safe in the knowledge that those who are responsible for handling our information do so with clear focus, integrity and accountability.

None of us know what the new 'normal' for us as individuals and as a community will look like as we enter the next phases of this fast-evolving situation. What we do know is that we want our lives and our economy to be as well protected as possible, and to come through as strongly positioned as we are able once life and economic activity starts to take its next tentative steps. Data has been, and will continue to be, a hugely important part of all our lives, especially in the context of economic growth. The Bailiwick has a reputation for being a well-regulated and highly skilled jurisdiction and that will not change.

The incentive for government not to neglect good data handling is to bring the people it is there to represent along with it at this time of uncertainty. The incentive for other organisations is for them to try and look after their data assets so that they are as well positioned as possible for the recovery. And we all hope that comes very soon.

- Emma Martins

Data Protection Commissioner



Covid-19 Q&A

We have put together a page to answer some questions we are receiving that may be of use to you: odpa.gg/covid-19-qa

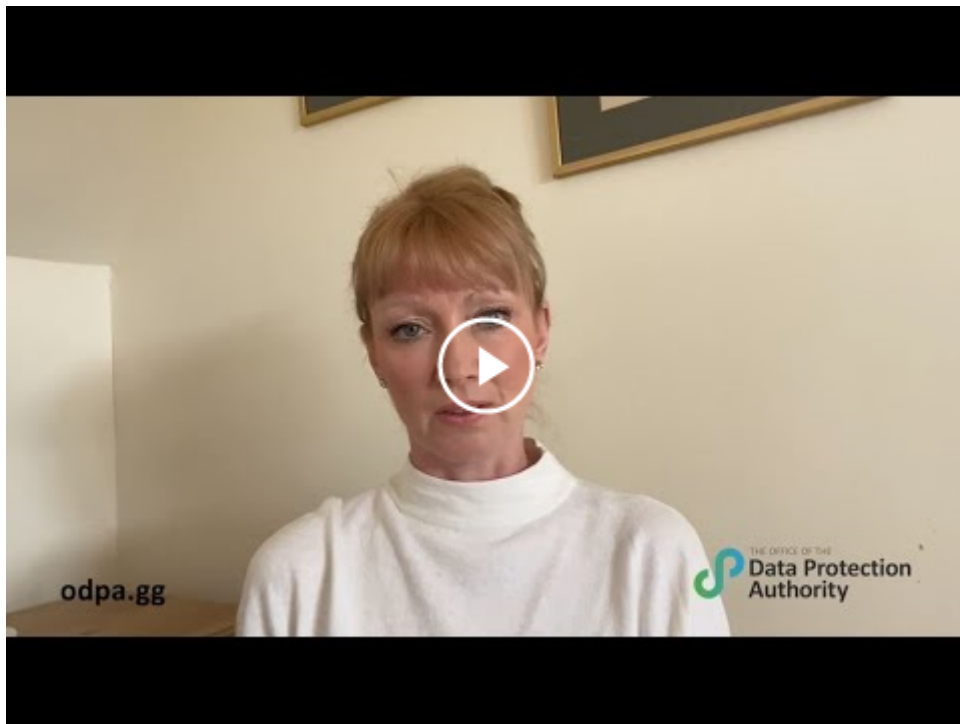
If you have a question for our staff please email enquiries@odpa.gg.

The graphic features a stylized red virus particle on a black background. The virus is spherical with a textured surface and several protruding spikes or receptors.

Covid-19 Q&A

We have put together a [Covid-19 Q&A page](https://odpa.gg/covid-19-qa) to answer some questions we are receiving that may be of use to you.

If you have a question for our staff please email enquiries@odpa.gg.



The [Guernsey Chamber of Commerce](#) asked our commissioner to record [this message for local businesses](#) (recorded w/c 20 April 2020).

Awareness and engagement

Our programme of 8 [events](#) for this year is currently suspended, along with our [fortnightly drop-ins](#). We are exploring options of how to deliver our events online, so please bear with us.

We are very keen to continue building on our awareness and engagement activities during the suspension of our events and drop-ins. So please do contact our staff on enquiries@odpa.gg with any questions you have and we will do our very best to respond to you quickly.

Remember there is also a wide selection of [useful online resources on our Advice & Guidance](#) page.

If you had a booking for one of our events, or are on a waiting list [please see this update about what will happen next](#).

Data protection vital in digital tracking to combat Covid-19

Thank you to [The Guernsey Press](#) for asking our commissioner to comment on the data protection issues surrounding digital tracking of people, [you can read their article \(published on 20 April\) here](#).

Emma Martins concludes: "*Ensuring we, as citizens, all understand what is being done by government and have confidence that it is being done in a lawful, secure and accountable manner will not be a barrier to effective response to this crisis, it will, I believe, prove to be a precondition to it.*"

European Law Blog: The Coronavirus Crisis and EU Adequacy Decisions for Data Transfers

Our much respected board member Christopher Docksey has written a piece with Christopher Kuner entitled '[The Coronavirus Crisis and EU Adequacy Decisions for Data Transfers](#)' which was published on the European Law Blog on 3 April.

It concludes "*The current crisis is an opportunity to show that data protection can be a win-win that holds crucial benefits for fundamental rights, the public interest, and the vital interests of individuals.*"

Registration exemptions extended

Anyone who is currently exempt from the legal requirement to [register](#) with us will now continue to be exempt until January 2021. This means that any local entity (such as small businesses and sole traders) who currently meet the exemption criteria ([find out what these are here](#)) will not need to register with the ODPa until the beginning of 2021.

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

Memorandum of Understanding (MoU) signed with Guernsey Police

We are pleased to confirm that we have signed a Memorandum of Understanding (MoU) with Guernsey Police. The MoU formalises how we can work together furthering relationships, developing cooperation on matters of mutual interest and ensure collaborative working where appropriate.

[READ FULL PRESS RELEASE HERE](#)

Free advice (for organisations and individuals)

As detailed above, our normal programme of support (including events and drop-ins) is currently suspended, but you can still:

- contact ODPa staff by emailing enquiries@odpa.gg
- access all our [online guidance and resources](#)
- read our [Covid-19 Q&A](#) (or send us your question)

Guidance & Resources

If you are finding navigating the data protection landscape difficult, you are not alone. We are here to help. We regularly publish guidance and resources to support all local organisations in their own approach to compliance with our local data protection law.

Below is just a small selection which you can use as you see fit, [you can access all of our Advice, Guidance & Resources here](#).

The Seven Data Protection Principles (poster)



Why you should care about data protection (leaflet)



How to avoid five common breach scenarios



Where are you leaving your data footprint?



Six data protection myths busted



Eight steps to protect yourself from identity theft and scams



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: *Don't be Evil: The Case Against Big Tech* by Rana Foroohar



Foroohar is an award-winning journalist for the *Financial Times* and brings her reporting and investigative skills to document and analyse the role big tech plays in all our lives.

This book is so much more than a setting out of abstract social and economic ideas or a ruthless attack on technology in and of itself - which we see so often – it was born from an interaction the author's young son had with one of the big tech behemoths.

She describes the shock of opening her bank statement and discovering that she had been charged nearly \$1,000 on the app store for her son's tablet, completely oblivious to the fact that the additional levels and games he had been playing were costing real money. Once over the shock (and after forgiving her son!) her journalistic instinct took hold and she took it upon herself to find out more about the extraordinary wealth now in the hands of these companies. Wealth that does not sit in physical assets or commodities, but rather in the new "oil" of our economy – information and networks. The book explores that financial and power imbalance and how it poses a threat to democracies, economies and ourselves.

Foroohar explores how we got here, reminding us that *'Humans are the makers of the new machines, and despite the dystopian paranoia about artificial intelligence, they are still the masters of them. With that power comes the ability and, indeed, the responsibility to select and then create the future we want from Big Tech – for ourselves, and our children'*.



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