

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

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Message from the Commissioner

Welcome to our August newsletter.

This is an important time for our office. The arrival of [our most recent recruits](#) means we are now fully staffed, completing the first phase of implementation of the updated data protection regime. Sometime ago, we sought to establish how many staff we would need and what roles we would need them to fulfill and we have worked hard to ensure we are a lean and focused office.



There is rarely an appetite for regulators, or any arm of the state, to grow. Regulatory burden and increased cost for government and business is never something to be rolled out without careful consideration of these questions: *what you are doing?; why you are doing it?; what outcomes are you seeking to achieve?*

We want to ensure there is clarity about the decisions we reach around resources and regulatory strategy. So to answer the above questions:

What are we doing?

We are creating a fit for purpose independent regulatory office charged with oversight of *The Data Protection (Bailiwick of Guernsey) Law, 2017* – a law which sets out the rights we all have in respect of our personal data, as well as the responsibilities organisations have when handling that data.

Why are we doing this?

There has been much media coverage about the ways personal data has been compromised and manipulated in recent years and we are only just beginning to understand the impact that has on individuals and societies. Our new regulatory regime ensures the Bailiwick provides equivalent standards of protection to those across Europe to ensure the continued free flow of data – something vital for our economy - as well as enhanced rights for our citizens in this digital era.

What outcomes are we seeking?

Data is transforming the way we live and work. What we seek to achieve is a thoughtful, responsive and effective regulatory environment; where organisations handle data properly because they understand the importance and value in doing so. As the data protection regulator, we have a number

of different roles to fulfil and we have carefully considered how best to deliver across all areas of activity (see our [Strategic Plan for 2019-2022](#)).

August saw our [first regulatory enforcement action](#). Whilst we are clear that our aim is to encourage and support compliance, we are equally clear that we need to take action where there is evidence of a breach.

The strong governance we now have in place, both operationally and at board level, is an essential element of our new office; ensuring that we act fully in accordance with our statutory duties, using our increased powers in a fair, accountable and proportionate manner.

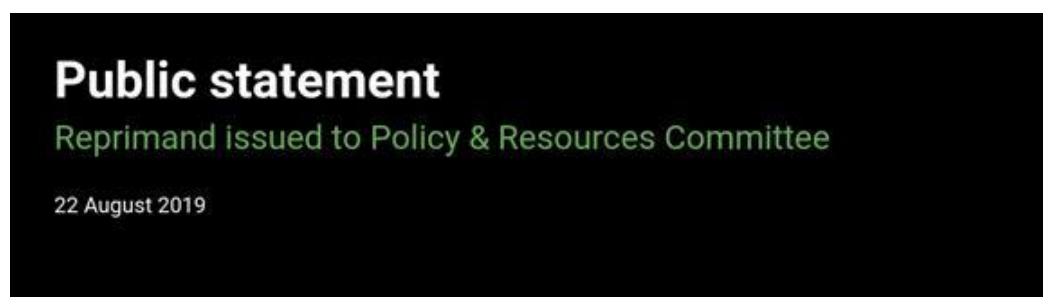
Regulatory action is not an end in itself; its purpose is to reduce future harms by allowing us and the regulated community to learn from mistakes.

Preventing data harms is our priority and we recognise the role we play in [supporting organisations in their approach to compliance](#), and [individuals in exercising their rights](#).

- Emma Martins

Data Protection Commissioner

Emma has been invited to speak at: [PrivSec Dublin](#) (23-24 Sept); and the [Executive Leaders Network Data Protection & Privacy Conference](#) (14 Nov).



[Reprimand issued to Policy & Resources Committee](#)

On 22 August [we released this public statement](#) in relation to P&R breaching section 6(2)(a) of the Law.

[Bailiwick to take part in global 'Privacy Sweep' for first time](#)

During the week of 23 September we will be taking part in the [Global Privacy Enforcement Network's](#) annual 'privacy sweep'. This is the first time our jurisdiction has contributed to this international intelligence-gathering exercise, organised by GPEN (a network of privacy enforcement authorities).

GPEN have performed five sweeps in recent years, where participating enforcement authorities (such as us) check in with their local regulated community to:

- build awareness of privacy rights
- identify opportunities for targeted education
- encourage compliance
- facilitate international collaboration of privacy enforcement authorities

You can [read more about previous sweeps here](#).

The theme for this year's sweep is 'how data breach notifications are handled'.

What happens next?

We will be contacting sections of our local regulated community with a set questionnaire. You are not obliged to respond, but we encourage you to as the more responses received the more insight can be gained - for the benefit of everyone. GPEN will collate all responses, and will publish their results in due course.

[How to access our support \(organisations and individuals\)](#)

Fortnightly drop-in sessions (general enquiries)

If you are representing an organisation of any size, and you have a **general enquiry** you can come along to our drop-in sessions between 09:00 – 12:00 every other Wednesday morning.

The next sessions will be held on: **Wed 11 September** and **Wed 25 September**. See a [full calendar of the drop-in sessions for 2019 here](#). You may also be interested to [attend one of our free events](#).

What to expect at our drop-in sessions:

1. We will ask you to sign in and will give you a ticket number.
2. When your ticket is called you will be taken into a meeting room with an ODPA staff member. Our staff member will listen to your questions, and talk over any issues you are having.
3. To make sure we can see as many people as possible, we normally limit each individual meeting to approximately 30 minutes.
4. If your query is not resolved you are very welcome to come back a fortnight later to the next session.

Casework and Study Visits (specific enquiries)

- For **specific queries relating to ongoing cases** please request an appointment with the ODPA staff member assigned to your case.
- To explore a **specific topic or issue in detail** [please contact us to request a 'study visit'](#).

Members of the public (by appointment only)

If you have concerns about how your personal data, or other people's, is being used you can talk to us in confidence either over the phone (you do not need to give your name), or in person. If you would like to meet with us, please request an appointment so that we can make sure we have the relevant staff member available to assist you. You can request an appointment by:

- Emailing us (enquiries@odpa.gg)
- Calling us on 01481 742074
- Dropping in to our office between 08:30-17:00 (Mon-Fri)

If you are looking for information on how to exercise your rights [please follow our quick guide](#) in the first instance.

Guidance and resources

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, [please see the 'Resources' and 'Guidance' tabs on our New Law page](#) for more:

The Seven Data Protection Principles (poster)



Why you should care about data protection (leaflet)



How to avoid five common breach scenarios

The Right to Data Portability (guidance document)



Six data protection myths busted



Eight steps to protect yourself from identity theft and scams



Data Protection TeaBreak podcast

In April 2019 we launched our podcast on the SoundCloud platform, to give you another way of accessing informative, thought-provoking, and hopefully entertaining insights to a broad range of topics relevant to data protection. As of June 2019 you can also [access our podcasts via Apple Podcasts](#).

- **Episode 1:** Rachel Masterton and Tim Loveridge discuss [background to data protection regulation](#) and aspects of Guernsey’s local law compared to the EU General Data Protection Regulation (GDPR). (Recorded: 26 March 2019)
- **Episode 2:** Emma Martins and Tim Loveridge discuss the public consultation on the [ODPA future events programme](#). (Recorded: 11 April 2019)
- **Episode 3:** Rachel Masterton and Tim Loveridge discuss the [end of transition](#). (Recorded: 30 April 2019)
- **Episode 4:** In this special edition Emma Martins and Kirsty Bougourd discuss how the atrocities committed during the [Second World War led to the development of data protection laws](#). (Recorded: 2 May 2019)
- **Episode 5:** Emma Martins explains to Kirsty Bougourd how data protection [breaches can cause harm to individuals](#). They discuss the different types of harm that people can suffer as the result of a breach and the role of the Office of the Data Protection Authority. (Recorded: 29 May 2019)
- **Episode 6:** Rachel Masterton and Kirsty Bougourd explore the differences between [controllers and processors](#). (Recorded: 20 June 2019)

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: **'Ten Arguments for Deleting Your Social Media Accounts Right Now'** by Jaron Lanier.

Jaron Lanier is an American computer philosophy writer, computer scientist and musician. He has been named as one of the 100 most influential people in the world and has written a number of books on digital innovation.

Considered a founding father of virtual reality, he is as extraordinary and unconventional as he is brilliant. He critiques the trajectory of the tech giants with unsettling precision and clarity that should



make us all sit up and think about our lives and where we, as a global community, are heading; attacking the business model of big tech with a ferocity tempered only by deep humility and sincerity as well as a lovely touch of humour.

In this book, Lanier urges us to think about our own situations and how we can '*remain autonomous in a world where you are under constant surveillance and are constantly prodded by algorithms run by some of the richest corporations in history, which have no way of making money except by being paid to manipulate your behaviour*'.

He urges us to '*detach from the behaviour-modification empires for a while*'. Reading this book is a good excuse to do exactly that.

(For those of you who have visited our offices, you may well have noticed that our reception meeting room is called 'The Lanier Room' which may betray the fact that we are admirers of his work!)



The Office of the Data Protection Authority

St Martin's House, Le Bordinge, St. Peter Port, Guernsey GY1 1BR

+44 1481 742074

enquiries@odpa.gg

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