

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

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Welcome to our July newsletter.

We have invested a lot of time into creating a [communications strategy](#) that aims to encourage positive cultural change in our community, supporting better awareness of the rights and responsibilities provided for in data protection legislation.



A key element of that strategy is our [new free events programme](#) which was launched last month.

On 10th July we held the first session of 'Season 1' of the programme with a sold-out event providing attendees with a discussion of the [seven data protection principles](#) and how they can be applied in practice.

The programme, aimed at providing individuals and organisations with relevant and clear information, runs alongside our [fortnightly drop-in sessions](#) which provide an opportunity for local businesses to come to our office and speak to us about data protection queries they may have.

Our efforts to encourage and promote the responsible handling of personal data delivers on the commitments we have made in our [Strategic Plan](#). We recognise the importance of education and awareness in preventing data harms. Most organisations we come across are keen to do the right thing but need clear information and support.

Striving for culture change is ambitious but we believe that it is the only way that effective and long-term improvements can be made to the regulatory environment leading to better protection for individuals. We want organisations to look after their data because it is the right thing for them and for their customers, and we want individuals to expect and demand that [their data rights are respected](#).

The best data protection outcomes will not be delivered by regulation alone. The other powerful drivers that affect behaviour need to be recognised and leveraged if we are to secure the best results. Successful regulation, therefore, requires thoughtful integration of all aspects of human behaviour

which influence the data landscape. Our strategic aims are designed to foster this richer and broader view of data regulation, one which recognises the unprecedented harms to individuals and societies if regulatory regimes fail. The regulation of personal data is unlike most other areas of regulation in that it impacts almost every aspect our lives and the societies in which we live.

We want the Bailiwick to be recognised as a jurisdiction that welcomes and delivers on the highest standards of data protection, recognising the value to its community and economy in doing so.

That does not mean we will shy away from taking regulatory action when that is appropriate and proportionate to do so, but we do explicitly seek to prevent breaches from happening in the first place.

Every individual and every organisation has a part to play. We are committed to doing everything we can to deliver on our strategic aims. **Please take the time to [read our plan](#) and think about how you can continue to support our Islands in aspiring to be a place to live and work that continues to build respect for the protection of personal data into its culture.**

- 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).

Updated guidance published

In July we refreshed our suite of guidance documents, to reflect the end of our local data protection's law's [transition](#) period, as well as bringing their branding up-to-date.

We would like to draw your attention in particular to the '[Conditions for Lawful Processing](#)'* document that now contains a comprehensive list of additional lawful processing conditions authorised by regulations made by the Committee for Home Affairs under Schedule 2, paragraph 17 of the Law.

*Q: What are 'Conditions for Lawful Processing'?

A: These are the **circumstances** you, or your organisation, could **identify** in your privacy statement in order for your processing of personal data to be **lawful**. The most well-known condition is that an individual has given you 'consent' to process their data. Remember that there are many others conditions, each valid in their own way. The key point is that you *cannot legally start processing any data* until you have clearly established and documented the condition you are relying on.

You can find all [updated guidance documents under the 'GUIDANCE' tab of our 'New Law' page](#).



Events programme: season 1 sold out

We released details of how to book onto 'Season 1' of our events programme in June. By mid-July all seven sessions were sold-out. You can still join waiting lists for each session (see: odpa.gg/events).

In 2020 we will be launching 'Season 2' which will include more sessions.

If you have any suggestions for topics you would like us to consider covering in 2020 [please let us know](#).



New permanent staff officially welcomed

We have published an [official welcome](#) to our newest permanent members of staff: Martin Harris, Kirsty Bougourd, and Edward Chapman.



US CLOUD Act: local implications

The European Data Protection Board (EDPB) and the European Data Protection Supervisor (EDPS) published a preliminary report on 12 July highlighting a potential conflict between the US CLOUD Act and the EU's data protection framework.

[Find out what this might mean for you and your organisation here.](#)



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)

Visiting us

Fortnightly drop-in sessions (general enquiries)

If you are representing an organisation, 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 14 August** and **Wed 28 August**. 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

To ensure we have the relevant staff member available to assist you, visitors are seen by appointment only - you can **request an appointment** by either:

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

Meet the team

Over the coming months we will give you an insight into the ODPA team by posing these three questions to our staff members. This month, we'd like to introduce you to one of our Case & Compliance Investigators, Martin Harris.



Q: What does a typical day at work look like for you?

A: Checking that ongoing investigations and inquiries are on schedule, and that complainants are being updated as to the status of their case.

Q: What's the best thing about working in data protection?

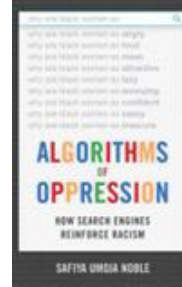
A: The best thing is spending time in a professional and friendly team. The culture in our office is supportive and we are all encouraged to contribute our own views and opinions in pursuit of the same goal.

Q: If you could get one message across to people about data protection, what would it be?

A: Though some view it as a nuisance, or consider it dull and dry, Data Protection affects us all – every day and everywhere. Individuals need to be more aware of their own data, where they are sharing it and what is being done with it, as well as the impact of their actions when using/sharing and managing other people's data. It's something many of us don't give much thought to in our busy everyday lives, but people need to be more aware of this – it impacts and affects us all – and the consequences of being careless or blasé, can be significant. My one message is that everyone needs to be more aware of data protection issues – and how it affects them.

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: 'Algorithms of Oppression' by Safiya Umoja Noble.



Safiya Umoja Noble is an Associate Professor at UCLA. Her academic research focuses on the design of online digital media platforms and their impact on society. This book is about the power of algorithms and the ways in which the decisions they make reinforce oppressive social relationships and facilitate racial profiling.

So much of the world we all interact with and rely on for our everyday lives, whether it is browsing for holiday inspiration, buying books, chatting on social media, sits invisibly behind the phones and computers we feel so familiar and so comfortable with. It is controlled by companies with little accountability who in turn build in automated decision making on a vast scale. Noble exposes and explores these algorithmic biases and asks us to question the values of those responsible for prioritising these digital decisions.

If you were to sit across the table from a human being that was open about the fact they were discriminating against you because of your gender or the colour of your skin, you would – rightly – be outraged. Why then, when faced with technology that does exactly that, are we not provoked to react in the same way?

This book is written to encourage us all to improve our understanding and awareness of these algorithmic decisions. The author is one of an increasing number of voices forcing new levels of transparency and accountability, especially on large technology companies who have such a tight grip on the information sector.

Noble largely focuses on how the classification and organisation of information affects black and minority ethnic groups and individuals, an issue which should concern each and every one of us. Data is becoming increasingly granular - so we can all be discriminated in ways we are only just beginning to comprehend.

Resources

You can download these resources for your own use below, [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



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