

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

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Message from the Commissioner

I very much hope that you, your family, friends and colleagues are well. These last few months have been challenging for the whole community but now as we move to the next phase of the Bailiwick's safe exit framework there is a cautious but palpable sense of hope and optimism.



Whilst for the time being our own office remains closed, with all staff working remotely, we are – together with the wider business community – working through the practical and operational steps that will need to be taken as we consider a phased move towards more normal working practices.

Many of us have had to adjust quickly to working in a completely new way and in a new environment. Whilst this affects nearly all aspects of our working lives, the way in which data in our organisations are handled is likely to be significantly different. We have put together a short guidance note to highlight [some key areas that we all need to be thinking about](#) with so many of us working from home and handling data in different ways and we will endeavour to publish further supporting documents as we progress through the next phases.

Of course, the challenges of the coming weeks and months are going to be significant but we must continue to be focused on functioning as efficiently as possible, ensuring the Bailiwick continues to be resilient and as ready as possible as we continue to ease carefully out of 'lockdown'.

The 25 May 2020 saw the second anniversary of our data protection legislation and implementation of the GDPR across Europe. The last two years, although they seem to have flown by, have also taken us all firmly into a new chapter. Data protection and the role it plays in our personal lives and in our economies is increasingly recognised and understood. That is not to say that there is not a great deal of work still to be done, but just that we are now clearly embarked along a road that will lead us to better rights for individuals and a more robust and forward-looking economy.

At our office, we have always been committed to working hard at broadening the conversation about data beyond specific questions of law. The reality is that we need to be flexible to delivering a variety of messages and approaches because of the breadth of the regulatory landscape we are responsible for. We therefore used the [second anniversary of our law to explore the world of data in an imaginative and creative way](#), to seek to encourage more engagement and interest. The more that we all engage and the better we understand the role of data and the importance of protecting it, the more empowered we are and the stronger our society becomes.

Empowering individuals is a key aim of data protection, but it must sit alongside enlightened and compliant businesses. If we are to embrace the opportunities that the data economy offers, we must ensure that the bedrock of activity across all sectors is the protection of our rights. I make no apology for repeating the fact that it is simply not the case that innovation and progress are adversaries to data protection; they are dependent on it.

Our focus remains firmly on delivering on our statutory duties which in turn builds on the strong reputation the Bailiwick has; engendering [trust and confidence](#) in those who are charged with looking after our data and the data of others. Businesses and organisations – whether public or private sector – need trust and confidence to maximise opportunities and benefits today and in the future. That trust and confidence comes when we have informed, engaged and empowered individuals; enlightened and supported government and business; and effective and relevant regulatory oversight. There is no reason why the Bailiwick cannot aim for excellence in all these areas.

- Emma Martins

Data Protection Commissioner

A graphic with a black background. On the left, the text 'Covid-19 Q&A' is written in white and green. Below it, in smaller white text, is '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'. Below that, in smaller white text, is 'If you have a question for our staff please email enquiries@odpa.gg'. On the right side of the graphic is a red, stylized illustration of a coronavirus particle with its characteristic surface proteins.

[Covid-19 Q&A](#)

If you have any questions about data protection issues arising during the Bailiwick's response to the pandemic, please see our updated [Covid-19 Q&A page](#) to answer some questions we have received that may be of use to you.

If you have a question for our staff [please email enquiries@odpa.gg](mailto:enquiries@odpa.gg).

Contact tracing

Local media have asked the ODPA to comment regarding the new data collection requirements for businesses and organisations in light of the move to Phase 4 of the exit and recovery strategy.



[ODPA response to media enquiries regarding contact tracing](#)

When the Bailiwick moved into Phase 4 of its exit strategy on 30 May 2020, new data collection requirements were placed on businesses and organisations who wished to open.

[Our response to media enquiries on this issue can be found here.](#)

Q: Wondering what Covid-19 has to do with data protection?

A. Data is of critical importance during a public health emergency. Many jurisdictions around the world, including the Bailiwick, are using personal data (i.e. who has been where, who has met who, and what their health status may be) to contain the spread of positive cases. For this 'contact tracing' strategy to be effective, people need to have trust and confidence that the organisations collecting their data are doing so accurately, looking after it securely, using it only for the purpose intended and so on. Data protection legislation exists to facilitate personal data being used in a way that benefits us all, and takes account of individual's fundamental right to privacy.

So, does public health trump privacy during a pandemic? **Read this case study [Covid-19 meets Privacy: A case study for Accountability](#)** (published by the Centre for Information Policy Leadership [CIPL], April 2020) which argues for both public health and privacy.

You may also find this **CIPL observation (June 2020) of interest: [Looking Beyond COVID-19: Future Impacts on Data Protection and the Role of the Data Protection Authorities](#)** of interest as it explores "the main impacts, challenges and opportunities of the COVID-19 crisis on organisations, data protection authorities and individuals through the lens of data protection in the post-COVID-19 world."

Good data governance does not prevent effective and valuable use of data, it makes it possible.

[Commissioner 'encouraged' by consistent breach reporting trend](#)

Thirty personal data breaches were reported to us in the two months leading up to 30 April 2020, with the majority occurring through people accidentally sending personal data to the wrong person either by post or email.

[READ PRESS RELEASE AND STATISTICS HERE](#)



Awareness and engagement

We hope to reschedule all the [events](#) we had planned for this year as soon as we can, along with reinstating our popular [fortnightly drop-ins](#).

We are very keen to continue building on our awareness and engagement activities, 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](#).



ODPA reflects two years on from game-changing law

25 May 2020 marked the second anniversary of the day the EU's GDPR and the Bailiwick's local data protection law came into force. To mark this occasion we put together this selection of content exploring the breadth and complexity of our relationship with personal data, and its protection:

- If you want to find out more about the context and aim of the EU's GDPR, [please read this beautifully-written blog](#) from our Authority Member Christopher Docksey: *The GDPR two years on: doing the right thing with data*.
- If art inspires you, please reflect on this [beautiful drawing 'A Child in Data'](#) (shown above) from a 13 year old local student depicting a child releasing their personal data as though blowing bubbles.
- This [simple poem](#) explores how all-encompassing data is and why it should matter to every one of us.
- This [short story](#), by our communication and outreach officer Kirsty Bougourd, is a fictionalised personal account of why data protection emerged out of the Second World War atrocities made possible by the Nazi regime's use of census data.
- For those looking to learn from the past, you can see what [trends and insights](#) we have gathered from examining the personal data breaches reported to us between May 2018-May 2020.
- Catch up with [our podcasts](#) which explore a number of themes such as the important [role of culture](#), [cyber security](#) and managing [your digital footprint](#).
- Read the [joint statement made by the European Commission](#) to mark the anniversary.

[READ FULL BLOG POST ONLINE](#)

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](#)

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: *One Can Make a Difference* by Ingrid E. Newkirk



We are all, at this time, facing challenges to our personal and professional lives that few could have ever anticipated or prepared for. But it has also been a time when the most powerful things to have emerged is a sense of community and a shared understanding about what we all need to do in the face of the pandemic.

So against that backdrop we are, this month, exploring a book that is a little different. Not directly related to data or privacy, but a book about the power of individuals to effect real and meaningful change.

Ingrid Newkirk is the founder and president of People for the Ethical Treatment of Animals (PETA), the world's largest animal rights organisation. In this book, she has collected the wisdom, stories and insight of fifty people who have, in some way, changed the world. There is a wonderful diversity of contributor, some of whom are famous household names (Sir Paul McCartney, Kevin Bacon and His Holiness the Dalai Lama to give you a flavour) and some of whom are not. Newkirk brings these people who, on the face of it have little in common, together because there is one important common thread – the fact that they show how simple actions by individuals can have a powerful impact and

can lead to real change.

Although at this particular time many people may be feeling a sense of uncertainty and of powerlessness, the way in which our own local community has come together in the face of the crisis has shown us that we can all make a difference by the way we conduct ourselves and the way we treat others.

Those of us working in data protection and beyond, may sometimes feel overwhelmed by the scale and challenge of what lies ahead. We may not be household names, but the principle still stands – **your actions matter and you can make a difference.**

“I hope this book brings you hope, courage, and inspiration, that it helps you examine your own ability to bash through those brick walls and encourages you to cast aside any doubts, hesitation, or perceived limitations you may be harbouring. May it prove to you that you are bound by nothing at all and that the future, and your life, can be what you make it.” - Ingrid E. Newkirk.



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