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## Message from the Commissioner

As we mark the six month anniversary of the Data Protection (Bailiwick of Guernsey) Law, 2017, we are taking the opportunity to reflect on what has been achieved and what remains to be done.

The intense activity to ensure that the Bailiwick was ready for May 2018 paid off. The [legislation](#) came into force, our office moved to [full independence](#) and a working [Board](#) was in place. Since that time, we have moved into our [own premises](#) and [recruited key staff](#).

We recognise that any effective regulatory oversight requires appropriate resources and having had our implementation funding approved we want to ensure that all expenditure is proportionate and accountable, and we are putting in place new, robust accounting and audit oversight.

Work is also underway to review the way our office receives annual registration fees from local organisations with a view to implementing a new model for 2020.

May 2019 will see the [end of the transitional relief period](#) that the Law provided so we are working hard to deliver our communications strategy to support organisations in achieving full compliance.

In this globalised world, we are necessarily affected by economic and political events from beyond our shores. One of the most significant such issues at this time is [Brexit](#). At the time of writing the situation is still far from certain but we are, as an office, and as a jurisdiction, preparing for all eventualities.

Looking ahead, we are starting work on a new strategic plan that will take us forward from 2019 and we will be drawing on the wealth of experience from our management team, board members and



Chairman in identifying our priorities and working out how best to achieve them.

Our aim is to be an effective and relevant regulator, one that whilst supporting compliance, will respond fairly and proportionately to infringements. Our priority is to ensure our jurisdiction applies the highest standards of governance which benefits individuals as well as the jurisdiction as a whole. In this digital era, there needs to be a race to the top in respect of the standards applied to that most valuable of assets – personal data.

- Emma Martins  
Data Protection Commissioner

## Data protection law change, six months on

We marked the six-month anniversary of the introduction of GDPR and equivalent local legislation by providing an update on our activities since 25 May, as well as an indication of the road ahead.

### The road ahead - end of transitional relief

There are key changes ahead in the next six months - most notably, the end of **'transitional relief'** (the year-long grace period following the introduction of the new Law in May 2018). Nine of the most complex areas of the Data Protection (Bailiwick of Guernsey) Law, 2017 did not fully come into force on 25 May 2018 and are subject to 'transitional relief' until 25 May 2019.

### What does the end of transitional relief mean for organisations?

Local organisations should use the remaining six months of transitional relief to review how the nine areas impact them and fully prepare themselves to be compliant. A good place to start is to read the ODPC guidance note published in June 2018 at [www.odpc.gg/transition](http://www.odpc.gg/transition).

We will be publishing and disseminating further guidance to support local organisations in their preparation for end of transition by March 2019.



### Key statistics: in the six months since 25 May law change

- **454** additional local organisations fulfilled their legal obligation to register with the ODPC
- **400** email enquiries answered by ODPC staff
- **14** speaking engagements by the commissioner and deputy commissioner
- **£667,000** operating budget for 2018
- **2** board meetings held by The Data Protection Authority
- **3** additional staff recruited to ODPC

[READ: 6 month update](#)

[DOWNLOAD: timeline \(May 2018 - May 2019\)](#)

## Update on Brexit implications for data protection locally

Following the publication of the [draft agreement on Britain's withdrawal from the European Union](#) on 14 November 2018 we would like to give the following update:

- Our understanding is that **the UK will remain subject to the GDPR during transition** (so until December 2020) for data related to EU citizens unless



adequacy is recognised before then. This would seem to indicate that transfers of personal data from EU to UK will continue as at present, although we note that the word 'transfer' is absent from that section's text in the draft agreement.

- The draft agreement also gives **21 months for the UK to navigate the adequacy process**, something recognised in the accompanying [Political Declaration document](#) that sets out the relationship between the UK and the EU once the transition period ends.

Following the EU leaders approval of the draft agreement on 25 November, we continue to monitor this position as the agreement makes its way to the UK parliament on 11 December.

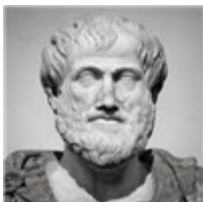
**Read: [Leaving the EU: the data protection implications of a Hard Brexit for UK businesses with EU data flows and clients](#)**



### **[Christmas and keeping children safe through data protection](#)**

The festive season is upon us, and if you're worried that data protection is here to ruin Christmas – fear not.

Here's some **[advice on how to ensure you and/or your organisation protect children's rights](#)**, when sharing photographs/videos of school nativity plays or other festive events.



### **[The philosophy of privacy](#)**

To mark [World Philosophy Day](#) on 15 November, our commissioner published the second in our ongoing series of blog posts exploring data ethics.

Find out why it is imperative that we apply a philosophical approach to matters of privacy:

*"Whatever your profession or interest, let's celebrate World Philosophy Day. For privacy professionals, do not underestimate the importance of wisdom. We must apply philosophical as well as legal analysis to the fast-evolving social, political and technological landscape if we are to engage with them as intelligent human beings."*

**[Read: The philosophy of privacy](#)**



## Event report: ODI Summit 2018 – London, 20 November 2018

*The Open Data Institute (ODI)* is a not-for-profit organisation founded by Sir Tim Berners-Lee and Sir Nigel Shadbolt in 2012 with a mission to connect, equip and inspire data innovation. The aim of this year's *ODI summit* was to explore data's value across all sectors – from commercial business to public services, the arts to charities. Our commissioner Emma Martins attended the summit; this is her report:

Against the backdrop of so many stories around data use and misuse, the conference set out to explore how values can be reflected within data, highlighting the importance of [trust](#), [ethics](#) and equity. It is a theme and narrative which is increasingly common and increasingly urgent.

The conference opened with Radio 4's Aasmah Mir interviewing Sir Tim Berners-Lee and Sir Nigel Shadbolt. There was a recognition of the powerful part data can play as a force for good for individuals, societies and the world - from the environment to humanitarian efforts and healthcare; as well as acknowledgement of the damage done to trust and confidence after recent data scandals. Trust lost is hard to win back and we need to understand the vital role values play in conversations around data because technology is not neutral: it is embedded with the values of its creators - good and bad.

Conferences such as these are increasingly centering their discussions around ethics and values in ways which we have not seen before. It is a recognition that the data driven world we are in does not lend itself to a singular response - it cannot be left to developers, to business, to law, to individuals - it must be a combination of effort from all of the above.

The newly appointed chair of the [Centre for Data Ethics and Innovation](#), Roger Taylor also spoke about the importance of exploring how data-driven technologies can be used for the benefit of society, which we will be following with interest. Data is at the heart of the economy and indeed all aspects of our lives. The question is how can we exploit that data, to good ends, without exploiting people? We should not view innovation and regulation as a trade-off. That is a false dichotomy. But the innovation needs to be done mindful of the humans at its heart.

And in an entertaining and thought-provoking reminder of the human, [Mr Gee, a poet commissioned](#)

by ODI, [read his specially written data related poetry](#). Who would have thought it would be possible to seamlessly blend academia and the arts so beautifully, but the ODI did just that.

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