

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

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## Message from the Commissioner

Against the backdrop of such an extraordinary period in our global history, it can be challenging to focus our minds on routine aspects of our lives. The early weeks and months of the pandemic required us all to concentrate on shifting working patterns and practices, often quite dramatically. But, as with many other organisations, it is essential for this office to respond and adjust to what has been described as the ‘new normal’ as it is clear that we will be living with the virus and its impact for some time to come.



One of the most important projects for this office at the moment is the [new registration regime that will come into effect in January 2021](#) and we are working hard to prepare for the changes, and to help the regulated community to prepare as well.

Our government made the commitment to put in place a robust data protection regulatory framework to ensure a firm foundation for the data economy, as well as ensuring everyone is provided with strong protections and rights around the processing of their personal data. When approving the legislation and tasking our office to oversee its regulation, a decision was also made to move the office to self-funded status.

As with any independent regulator, the question of where the funding comes from is often vexed, with differing opinions about the best option. There are those who cannot see the value of regulation

in this area, and others who recognise its role in our personal lives as well as for the Bailiwick's economic health.

It has taken some time to reach agreement about the best way forward and it was important to ensure robust and democratic oversight of the decision making. Now the decision has been made, it is this office's job to implement the changes efficiently and effectively.

Our priority is to help the regulated community understand the value of protecting the data in their care, and to help individuals understand the rights and protections the Law gives them. To allow our limited resources to be focussed on these key strands of work, we are putting in place a straightforward and cost-effective registration process. Of course, any statutory returns requires some administrative resource, but we have kept this to an absolute minimum.

We have taken this approach because we prefer our regulated community to focus on good data governance, rather than filling in bureaucratic forms. And, of course, if we can keep the registration model simple we can keep its costs down, and the regulated community benefits from low registration fees.

As we reach out across the Bailiwick to ensure everyone working with personal data understands the changes coming next year, we recognise the challenge of getting people to attend to routine administrative tasks, such as registering with us. We are all living in extraordinary times that can, at times, overwhelm us: leaving some of our day-to-day activities unnoticed and undone. But this office cannot afford to pause this work – for the Bailiwick's future economic success we must continue building an effective and independent regulatory regime.

The Bailiwick has committed to strong strategic objectives in the digital sector. Whatever the 'post-Covid' future holds for us all, it is certain that data will play a crucial role. Ensuring we have an effective, independent, and responsive regulatory regime ensures that the Bailiwick can make the most of all opportunities the future brings.

- Emma Martins

Data Protection Commissioner

### **Registration and beyond: changes coming in January 2021**

From January 2021 **all local organisations/businesses/sole-traders** (and all other entities established in the Bailiwick) who are doing anything with personal data will be legally required to register with us, and pay an annual fee, either:

- **£2,000/year** for organisations with **50 or more FTE staff**  
or
- **£50/year** for all other organisations

There are many organisations who may not have this on their radar as they may be currently exempt from registration - [these exemptions are ending on 31 December 2020](#). So we are reaching out to all corners of our regulated community in Guernsey, Alderney, Sark, and Herm to make sure everyone knows what is changing, why it's changing, and most importantly: [what they need to do](#).

The simple act of registering with us does not make you compliant with the law - **how you treat people's data** determines that. In light of this we are looking forward to registering new organisations from January 2021 and supporting them in understanding and engaging positively with their legal duties under the local data protection law.

Meeting these duties benefits organisations directly as it helps build trust and confidence with their customers, service users, staff and any other people whose data they use. And ultimately it helps [avoid data harms that can damage people's lives, careers, and reputations](#).

- Please visit [odpa.gg/2021](https://odpa.gg/2021) for more details, where you will find detailed information such as '*Everything you need to know about: 'ODPA Registration & Levy Regime'*' (below), and a '*Guidance Note: Registration via an ODPA Levy Collection Agent*' (below).

## Routes to registration (from 2021)



I need to register and pay my annual levy to the ODPA - how do I do it?

First answer these 4 questions:

1. Do you employ **50+ Full Time Equivalent (FTE) staff**?
2. Are you **required by law to appoint a Data Protection Officer**?
3. Do you act as an **ODPA Levy Collection Agent**?
4. Are you a **non profit organisation**?



If you answered **YES to any** questions, you *must* take:

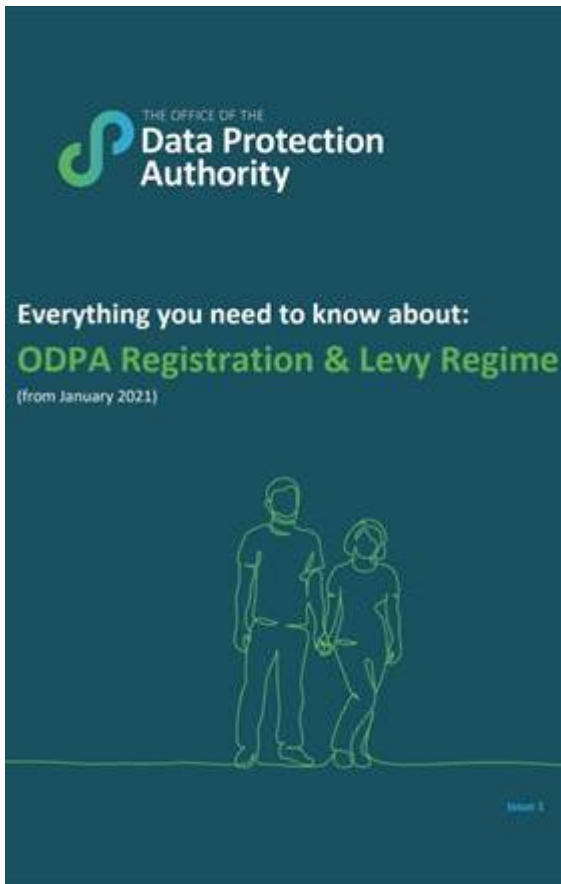
- **Route 1: Register direct with ODPA**



If you answered **NO to all** questions, you can *choose* from either:

- **Route 1: Register direct with ODPA, or**
- **Route 2: Register via an ODPA Levy Collection Agent**

Find out more at: [odpa.gg/2021](https://odpa.gg/2021)



The Data Protection (Bailiwick of Guernsey) Law, 2017 ("the Law")

**Registration via an ODP A Levy Collection Agent (from January 2021)**

Starting in January 2021 there is an opportunity for certain entities to become an ODP A Levy Collection Agent (LCA) allowing them to register other entities with the ODP A. This opportunity was created by The Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment No. 2) Regulations, 2020.

This guidance note explains what you need to know about how this additional route to registration with the ODP A will work.

**What is an LCA?**

An LCA can declare and pay the ODP A levies on behalf of other entities. They are a collection point for the levy only. LCAs are not legally responsible for compliance with data protection law for any of the entities they collect the levy from.

**What is the aim of LCAs?**

The presence of LCAs from 2021 aims to:

1. Provide a useful 'second route' into ODP A registration for certain organisations.
2. Make 'bulk' registration for several entities possible, in a straightforward way.
3. Assist in raising awareness of the legal requirement to register with the ODP A.

**Who can be an LCA?**

Any organisation registered with and/or regulated by the Guernsey Financial Services Commission can register with the ODP A as an LCA.

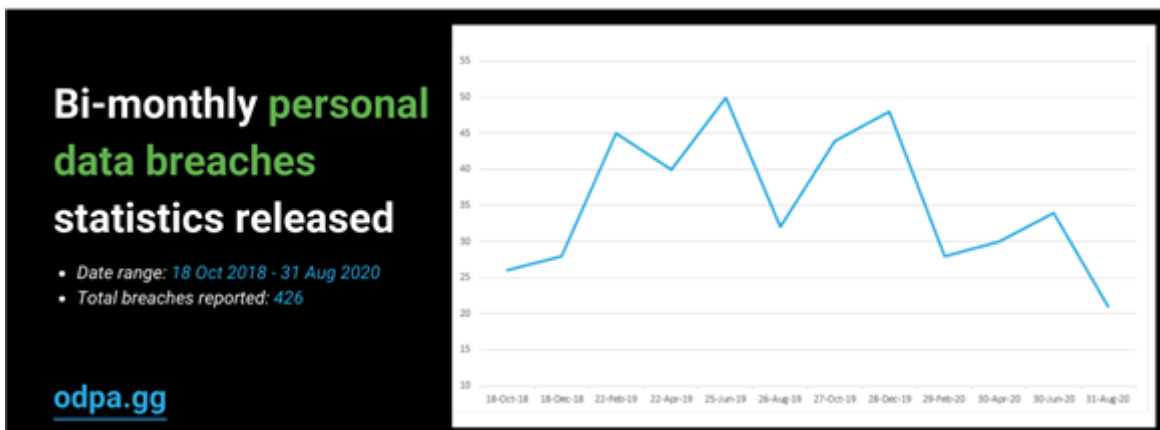
**Who can appoint an LCA?**

You can appoint an LCA to register and pay your levy to the ODP A, unless you answer 'yes' to any of these 4 questions:

**How to register multiple entities with the ODP A (from 2021)**

If you are registered with, or regulated by, the GFSC you may wish to take advantage of the [opportunity to become an ODP A Levy Collection Agent \(LCA\) in January 2021](#). If so you will need to prepare for this prior to the Christmas break. This opportunity may be of particular interest to local corporate service providers who currently register other entities with the ODP A.

See [odpa.gg/2021](http://odpa.gg/2021) for more details.



**Lowest number of data breaches: less data harms, or less engagement?**

We've published the latest data breach statistics (for the period 1 July - 31 August 2020).

This period's reported breaches are the [lowest on record](#).

Our commissioner Emma Martins commented: "Whilst on the one hand we welcome the low numbers of breaches, we also recognise that our reporting figures are unlikely to reflect the true picture. Some organisations will suffer breaches but not be aware of them, and others may be aware but not report

them. Awareness of, and ability to respond to data breaches is essential for all organisations; not just because there is a legal duty to report them to the ODPa, but importantly because data governance is inextricably linked to business success. Organisations thrive on trust and confidence, so the way they look after people's information is critical in building and maintaining both."

[READ: full press release](#)

### Fine issued to Sure over directory inaccuracies

Following an inquiry conducted under section 69 of the Law, the Data Protection Authority determined that Sure (Guernsey) Limited breached the Law in relation to its collation and publication of *The Bailiwick of Guernsey Telephone Directory 2019/2020*.

[READ: Full public statement](#) (issued 2 September 2020)

### The rise of machine learning

This month's issue of *Business Brief* features an article by our commissioner on [accountability, algorithmic bias, and AI](#).

"Data protection legislation is not a panacea for all the problems of the digital era, but it is a good place to start if we want to build a community, a society and a world that actively works to promote equality and fairness." - Emma Martins



### Free advice, guidance, and resources (for organisations and individuals)

We know the data protection landscape can seem difficult to navigate sometimes, and we are here to help. We regularly publish guidance and resources to support all organisations in their own approach to compliance with our local data protection law.

You can access our broad range of [online resources and guidance](#) (small selection featured below) in a wide range of formats from formal written guidance documents, leaflets, checklists, posters, infographics, blogs, and podcasts.

You can access free advice from ODPa staff via our popular [drop-in sessions](#), [events](#) (returning in 2021), and study visits.

If you would like to find out more and/or apply for a study visit please call us on 742074 or email us at [enquiries@odpa.gg](mailto:enquiries@odpa.gg).

### The Seven Data Protection Principles (poster)



### Why you should care about data protection (leaflet)



### How to avoid five common breach scenarios

### Trends and Insights: two years of personal data breach



**statistics**  
(May 2018 – May 2020)



**Six data protection myths busted**



**Eight steps to protect yourself from identity theft and scams**



**Featured podcast: Origins of Data Protection**

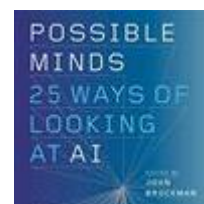
We have recorded 11 podcasts so far, and in [this featured episode](#) of 'Data Protection Tea Break' (recorded in May 2019), our Commissioner, Emma Martins, and Kirsty Bougourd discuss how the atrocities committed during the Second World War led to the development of data protection laws.

- [Listen to: Origins of Data Protection \(15m 26s\)](#)
- Access all ODPa 'Data Protection Tea Break' podcasts: via [Apple Podcasts](#) or [SoundCloud](#)
- Got a suggestion for a podcast? [Let us know at communications@odpa.gov.uk](mailto:communications@odpa.gov.uk).

**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 *Possible Minds 25 Ways of Looking at AI* – Edited by John Brockman



John Brockman specialises in scientific literature and has written a number of books exploring how traditional scientific and intellectual thinking can (and indeed should) inform our daily lives in very practical and tangible ways. In this, his most recent publication, he is not the author but the editor. He brings together 25 scientific minds to present us with a roundtable examination of artificial

intelligence (AI) and its impact on humans and humanity.

The first words of the book are “Artificial intelligence is today’s story – the story behind all other stories”. He is not wrong. Whether it is the way A Level students had their grades calculated, how governments are responding to the pandemic, or the information you are presented with online – AI sits as the beating heart of these (and so many more) aspects of our lives. Sometimes this is obvious, other times less so.

As with most things, it is unhelpful to look at AI as something either good or bad. It can be used for bad things and it can be used for good things and we need to take the time to explore how the technology is being used; by whom and to what end. In this collection of essays, we are presented with a rich array of perspectives from names that may not be familiar but serve to remind us that we have some of the best minds in the world contributing to the hugely important discussions around how data and technologies impact us.

The future direction of AI is not predetermined but we need to take an interest and have a voice if we are to ensure it is underpinned by human values.

“I see the Possible Minds Project as an ongoing dynamical emergent system, a presentation of the ideas of a community of sophisticated thinkers who are bringing their experience and erudition to bear in challenging the prevailing digital AI narrative as they communicate their thoughts to one another. The aim is to present a mosaic of views that will help make sense out of this rapidly emerging field.”



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