

Why data protection has a PR problem and why Project Bijou is the solution

Rewind to summer 2018, in hindsight I now see that the seeds of what would become Project Bijou were planted then, in the Guernsey Tourist Information Centre.

Back in 2018, those of us that would become the Office of the Data Protection Authority were squeezed into a L-shaped space of three interconnected offices in the back of the Tourist Centre. We were lucky, the offices had high ceilings, huge windows overlooking the harbour, with window boxes overflowing with flowers. It was in one of these offices, the air full up with traffic noise and summer heat, that I 'got' data protection. All because Emma Martins, my new boss at the time, sat me down as her newest team member and said arguably the six most powerful words in the English language: "Let me tell you a story."

The story she told me, the story that made me 'get' why looking after people's data is so important, cannot be told here. It is too personal, too private, and it belongs to a real human being living in the Bailiwick who still suffers from the harm caused.

The reality of this person's story was a wake-up call to me at the time. I realised that many people, myself included, completely misunderstood what data protection is. So many people were, bizarrely, focussing laser-like on tiny aspects of it (like consenting to marketing emails...) and were entirely ignorant of the bigger picture.

And that picture couldn't be much bigger.

So it's no surprise that we all latched on to these tiny aspects, because we could at least get our heads around them: consent, emails and massive fines. Understood.

But therein lies the problem: because so many people latched on to the same tiny things, the more traction those tiny things got, to the detriment of the overarching purpose of the new data protection laws that were brought in across the EU and the Bailiwick in 2018.

So the result was that the words 'data protection', for so many people, conjured up a mixture of fear, furious eye-rolling, confusion, and sometimes wilful rejection. These negative reactions are an incredibly high hurdle to overcome if you want people to positively engage with the laws and their actual aims in order to prevent harm. If only we had something that could face that hurdle and dissolve it?

Turns out, we do.

If we make use of the same tendency we all have to latch on to things we can get our heads around, but instead of latching on to the wrong things we latch on to, *and obsess about*, the right things: such as protecting human dignity and autonomy, and the law's disarmingly simple purpose.

The law's purpose is to facilitate proper use of people's data in a way that respects the rights people have over information about them. That's it. And yet, so many people see the law as an optional, inconvenient, burden. Not a framework for how to treat our fellow human beings. This detachment from purpose is evidenced by the fact that so many people who were previously dismissive of data protection rightly reach for it when they are wronged. Because when they are wronged they suddenly 'get' it, and they connect to the law's purpose and the protections it gives to us all - not just the 'disgruntled', everyone.

Now imagine if we all 'got' data protection before we, or someone else, was wronged? Might this prevent some wrongs from happening at all? Prevention rather than cure. That is what we hope to achieve within Project Bijou.

We call Project Bijou a social initiative. What we mean by this is, it is our deliberate attempt to help more people to 'get' data protection, by creating a groundswell of people armed with the knowledge, attitude and behaviours that can reach people who are ignorant of the law and what it's there to do. The project is simply a device, a construct, within which we hope to drive positive cultural change. And like us humans, the project is imperfect. But it is a way of, on purpose, getting people to latch on to the right things.

For thousands of years human beings have held on to stories as a way of passing on knowledge for the benefit of our species. Stories carry information into our minds, sparking an emotional response that makes the underlying message stick.

- We need stories that speak to all people.
- We need people who 'get' data protection who are close enough to dis-engaged people, who know what story to tell.
- We need to avoid legalistic language that obscures the law's true purpose, and speak like human beings instead.
- We need a simple route to help us navigate the law's complexities - stories can show us the way.
- We need to understand why the law was written, and what it seeks to achieve.
- We need to share stories that bring us together as human beings, rather than just focusing on procedures, processes, rules, training and paperwork which disconnect us from reality.

Despite the simplicity of data protection laws' purpose, it can often feel like they are getting in their own way. They are long, structured in a complex way, and based around principles rather than clear hard and fast rules. And with good reason: the laws are about people and how they are treated by businesses/organisations which is itself complex and often entirely context-specific. The law's language also disconnects us all from the reality of what it's about:

- **'data subject'** this legal term couldn't be much further removed from what it means: the man/woman/person/child/baby who the data in question is about (or related to).
- **'subject access request'** is simply a person asking *what do you **know** about me / what do you **think** about me / what do you **think you know** about me?*
- **'data protection impact assessment'** sounds arduous, but if we think of it as a process of working out how human beings are going to be affected by something, suddenly that feels more real and more manageable.

That's why we, as the regulator of our local data protection law, are obliged to take account of this disconnect and work to build back in a plain English, human-focussed approach to regulation. Which, again, is why we're doing Project Bijou.

Fastforward to early 2020 – one of my oldest friends introduced me to a friend of his at an event as:

"This is my friend Leanne, she has the most boring job in Guernsey."

My heart sank as my friend's (only half-joking) words formed a hurdle in front of me. The hurdle can feel mountainous at times, and we can probably only get over it one story at a time, perhaps one person at a time.

My friend's observation was entirely at odds with how I feel about my job and illustrated the disconnection between his perception and my reality. I feel privileged to work in this field, with a team of talented, wonderful people who genuinely care about human beings.

I have been fortunate enough to have had an interesting career – my early career in TV had me shoulder-rubbing with celebrities, my later work in a UK government lab had me organising the flight of an atomic clock around the world to demonstrate Einstein's theories of general and special relativity. I mention this here because I've had the opportunity to do some great things in previous jobs, but nothing compares to the feeling of playing a small part in ensuring human beings are treated well, here in the Bailiwick. This does not feel like the most boring job in Guernsey, it does not even feel like work – it feels like an honour.