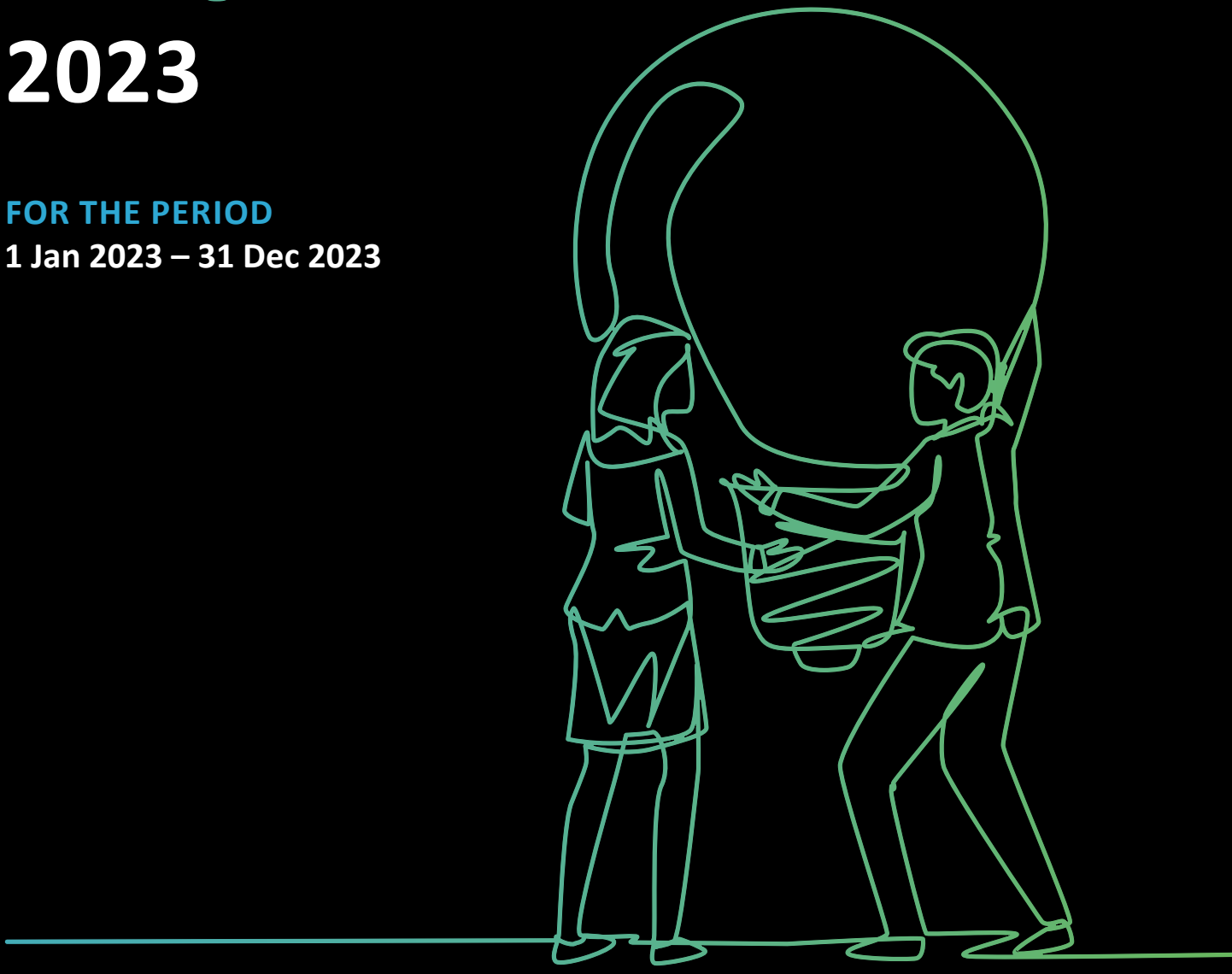
THE OFFICE OF THE
Data Protection Authority

Annual Report 2023

FOR THE PERIOD
1 Jan 2023 – 31 Dec 2023



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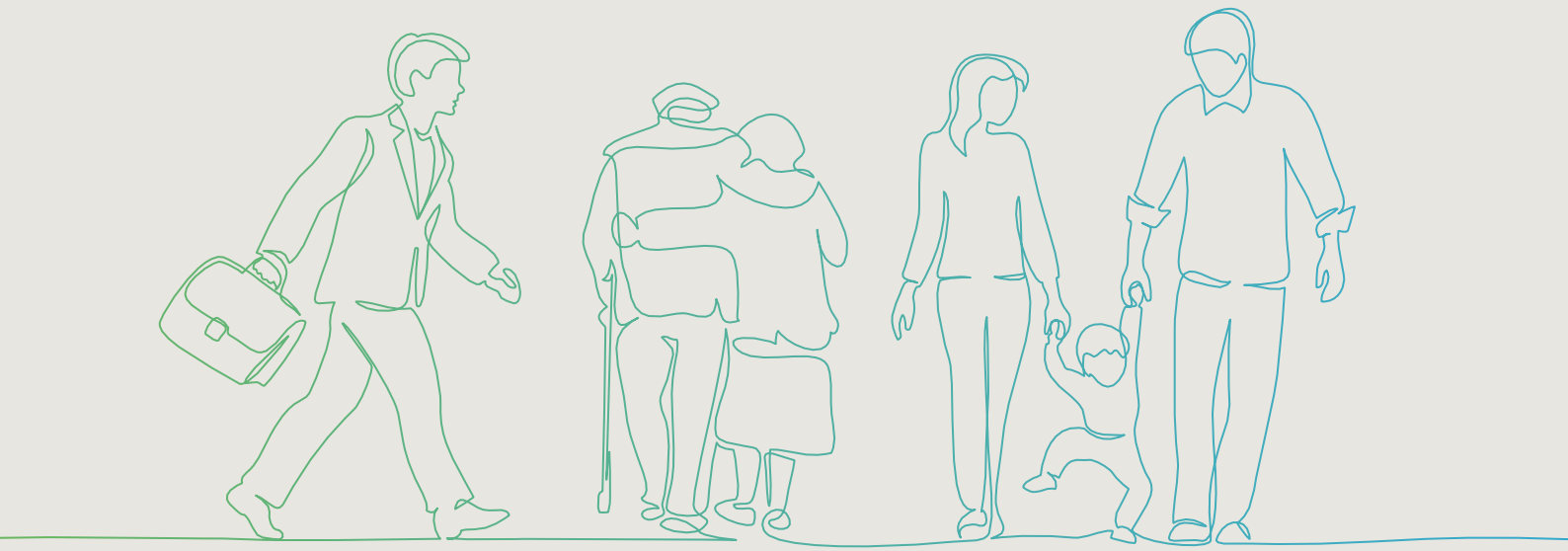
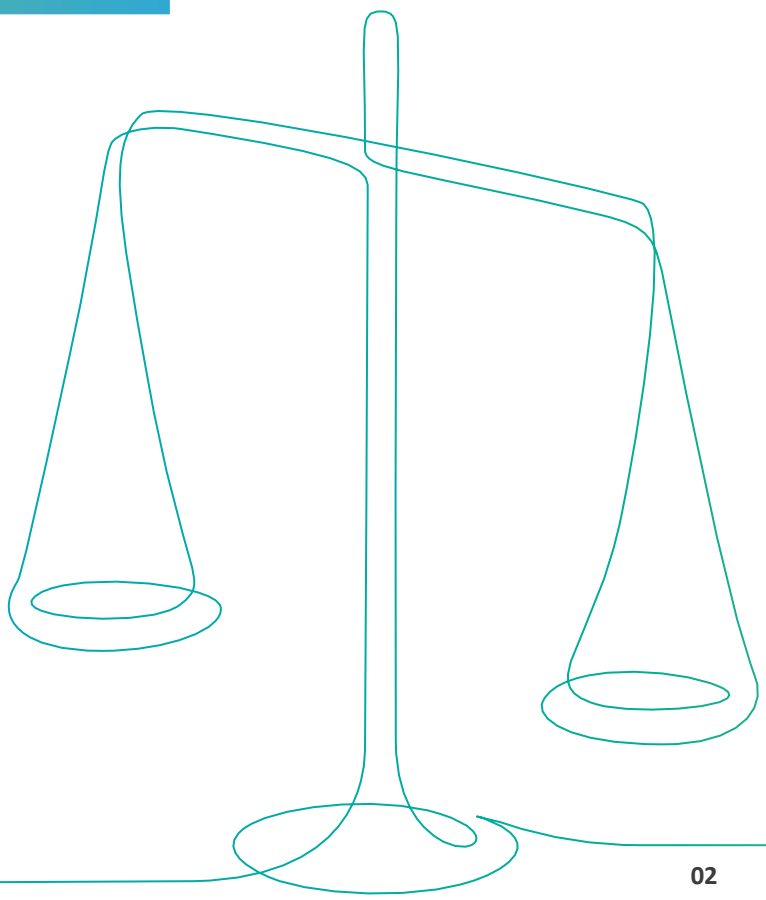


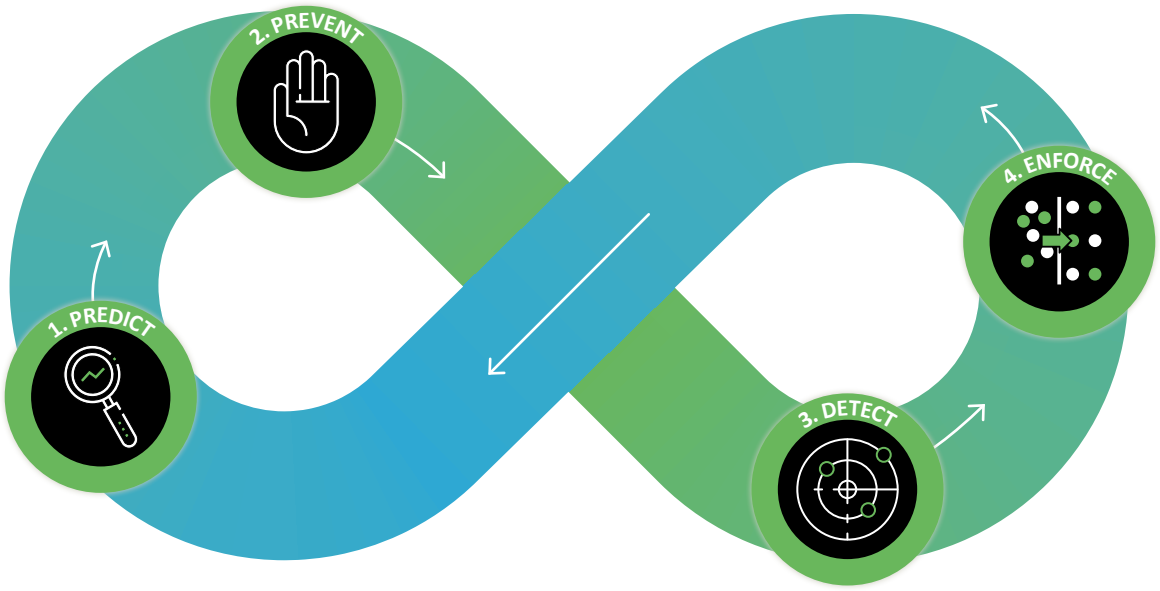
Executive summary

As the Bailiwick of Guernsey's independent supervisory authority for data protection legislation, the ODPA's purpose is to protect people by driving responsible use of personal information, through:

- Helping organisations get it right;
- Deterring harmful information handling;
- Taking enforcement action against significant non-compliance.



To achieve this purpose, and be an effective regulator, the ODPA balances strategic action across four areas in relation to protecting people from data harms:



Summary of 2023 strategic actions

Predict

Intelligence gathered from 'detect' and 'enforce' activities helps predict where the potential for harm is.

12
New guidance notes published to help organisations understand and comply with the law.

Prevent

The ODPA raises organisations' awareness and empowers citizens to try to prevent harm from happening.

1,128
Children/young people attended ODPA Schools Programme sessions (Project Bijou Seeds).

29
Free drop-in sessions held.

35
Public events ODPA staff contributed to.

221
Year 7 children who entered ODPA Schools Programme competition (Project Bijou Seeds).

Detect

When data harms occur individuals can make a formal complaint about an organisation, and controllers/processors can report data breaches.

56
New data protection complaints received.

151
Breaches reported.

16
New investigations opened.

7
New inquiries opened.

Enforce

Enforcement action is the last resort, and cannot undo harms that have occurred. In certain circumstances sanctions are made public so that the whole community can learn from what went wrong. All lessons learnt are fed back into the ODPA's 'predict' activities.

15
Investigations and inquiries ended in a determination that an operative provision has been or is likely to be breached.

9
Sanctions imposed under section 73.

9 controllers issued with: **2** reprimands, **7** orders. [3 of these sanctions met the criteria to issue a Public Statement.]

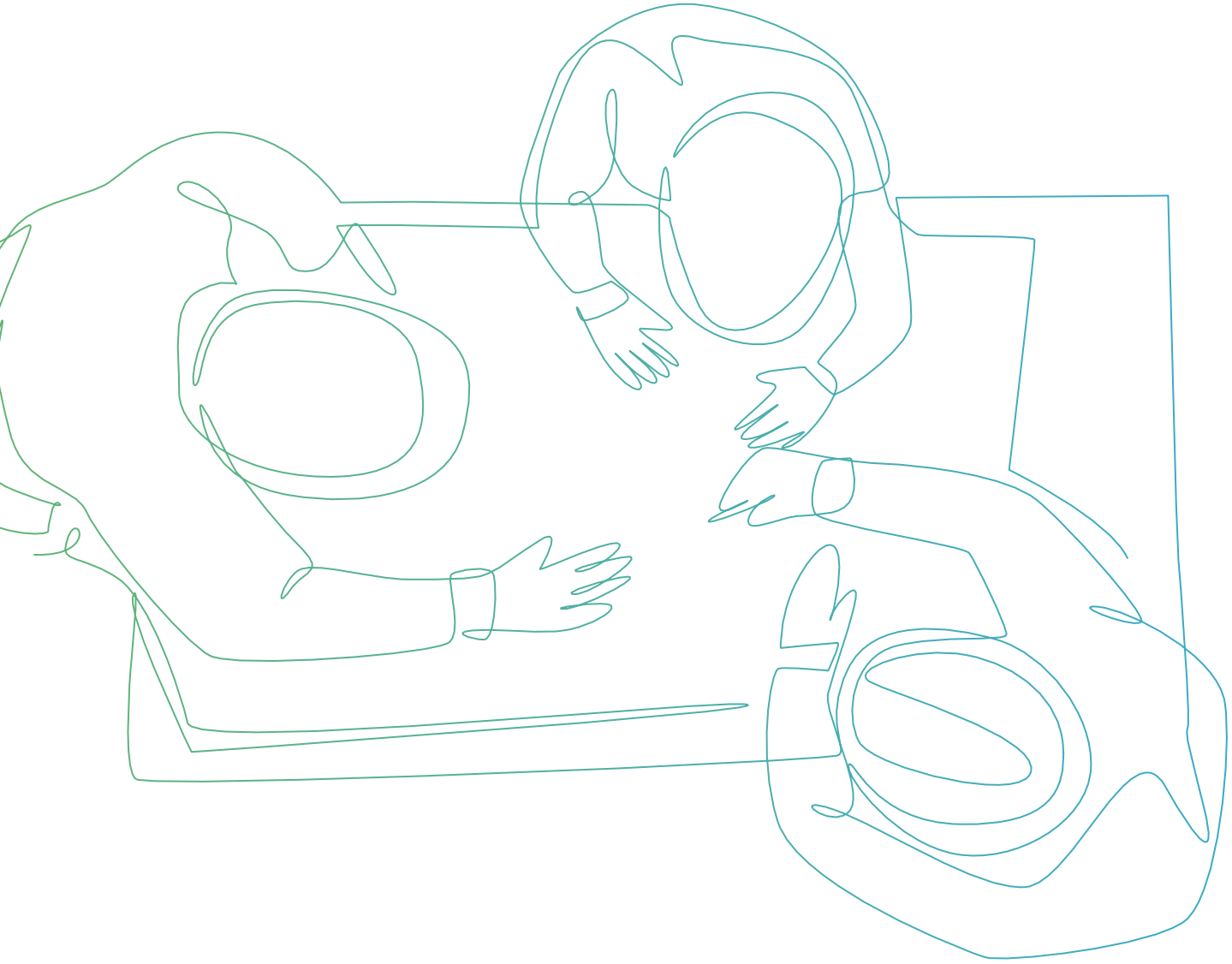
For more detail see 'Purpose and strategic actions' section of this report.

2023 financial summary[1]

£1,653,832 The ODPA's **expenditure**

£1,676,850 The ODPA's **registration fee**[2] income (raised from fees paid by **20,832** registered entities).

£100,000 **Loan repayment** paid to the States of Guernsey for ODPA initial set-up and associated costs



1 For more detail, see the end of this report for the 'Members' report and audited financial statements'.
2 "Registration fee" income is the total amount received via the £50 / £2,000 registration levies paid by controllers and processors established in the Bailiwick of Guernsey, plus the £300,000 aggregate registration fee paid by the States of Guernsey for all its controllers/processors.

Foreword

Richard Thomas CBE

Chairman, The Data Protection Authority
(Bailiwick of Guernsey)

April 2024

2023 can be described as the year when the Guernsey Data Protection Authority came of age. We reached maturity. The year started with the adoption of a new Strategic Plan, for 2023-2026. During the year, as this report testifies, we clocked up a wide range of solid achievements. The year ended with the handover from one Commissioner to another. And it was just into the start of 2024 that the EU's all-important 'adequacy' status was confirmed for the Bailiwick's data protection regime.

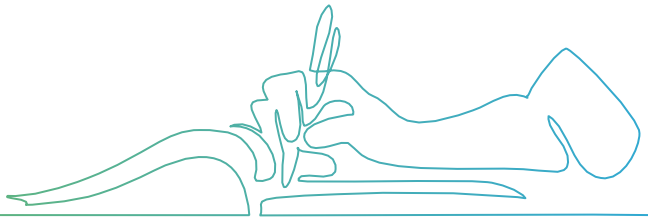
The Authority has a very wide range of statutory responsibilities. Inevitability, priorities have to be set and an overall approach adopted to maximise our effectiveness. The Strategic Plan for 2023-2026 aims to do that. Our fundamental purpose is clearer than ever – to protect people and do this by ensuring responsible use of personal information. The three main elements of this are to help organisations get it right, to deter harmful information handling and to take enforcement action against significant non-compliance. The plan goes on to set out how we achieve these aims, all of which are vital for the Bailiwick's economic and social prosperity.

The detail is elaborated in an annual Work Programme. This annual report essentially records how we delivered this during 2023. To highlight a very few examples:

- organisations were helped by twelve new guidance resources published on our website;
- Project Bijou Seeds and the commencement of the 'Children's Framework' project address the pressing issue of protecting the next generation;
- our numerous public statements, events and website news items remind organisations - across public and private sectors - of the importance and self-interest in avoiding harm to their citizens and customers;
- 16 new investigations, 7 new inquiries and 9 sanctions demonstrate our enforcement role.

Our achievements - in 2023 and the rapid evolution over the preceding years - have depended upon a team with the right skills, the right approaches and the right values. Our Commissioner, Emma Martins, can take great credit for building and inspiring that team. The end of the year saw the completion of her final term of office. It was fitting that - just before standing down - she received international recognition with the Privacy Award for Achievement, referring to the huge contribution she has made to data protection in the Channel Islands and beyond.

The recruitment of a new Commissioner, which started early in the year, was inevitably a major challenge. Having to make a choice from over 20 applicants was no easy task, but we were delighted to appoint Brent Homan, moving from his role as the Deputy Commissioner at Canada's Office of the Privacy Commissioner. Brent brings fresh thinking, but he inherits the leadership of a robust, effective and mature organisation committed to ensuring that - in an increasingly data-driven society - people are treated with dignity, fairness, and respect.



Introduction

Brent R Homan
Data Protection Commissioner
(Bailiwick of Guernsey)
April 2024

Having commenced my term in January 2024, in presenting my first Annual Report as Commissioner, I cannot take credit for the excellent outcomes achieved by the ODPA and its staff in 2023. What this report reveals is a highly effective balance between promoting and enforcing compliance with the Bailiwick's data protection law, through regulatory actions that are seamlessly aligned with the ODPA's Strategic Plan (2023-2026).

Promoting compliance not only assists public and private sector entities in avoiding contraventions of the Law, but empowers the Bailiwick's residents, young and old, with the knowledge and awareness to better protect and exercise their data and privacy rights.

In this area the ODPA focussed its attention where much of the Bailiwick's heart lies – with the protection of its children. 2023 saw not only the launch of our children's book *'Warro'* through readings on World Children's Day, but the kick-off for consultations on a future 'Children's Framework' – aimed at developing an all-Bailiwick strategy towards protecting and advancing the data rights of our youngest and most precious residents. Key guidance was also released to align with Guernsey's ordinance on the prevention of discrimination, and Project Bijou hit full stride with Elizabeth Renieris as the showcase lecturer, exploring whether laws to protect data are actually protecting the people that the data represents.

Notwithstanding the efforts to promote compliant behaviour, there will be contraventions of the Law, that come to the ODPA's attention either through complaints, breach notifications or our proactive monitoring of data protection issues in the Bailiwick. In such instances, **enforcing compliance** results in investigative outcomes that can not only correct non-compliant behaviour with an individual organisation, but deter others from similarly running afoul of data protection laws.

As found within this report, it was a year marked by continuing high levels of both complaints and breach notifications, demonstrating the increasing importance that individuals place on the protection of their rights, and the challenges and threats that organisations face in safeguarding personal information. Key investigative actions included the commencement of an inquiry into the impact of a series of IT outages at the States of Guernsey on the availability of personal information, and the conclusion of an investigation ordering the Committee *for* Health and Social Care to provide the family of a vulnerable adult access to a report detailing physical and emotional abuse.

Introduction *continued*

This is just a sampling of the outcomes found in this report showcasing the efforts of the ODPA in protecting data rights in the Bailiwick. But as we reflect on these accomplishments, let us also peer forward and share our ambitious vision for the Bailiwick as,

> **a model for the global data protection community with a public and private sector that embraces compliance and elevates the level of trust and consumer confidence.**

It is an ambitious yet wholly achievable North Star, that leverages the ODPA's Strategic Plan (2023-2026) and is anchored by the following three regulatory pillars:

1. **Balance** – in ensuring we select the right compliance response for the right situation.
2. **Trust** – which is to be earned by demonstrating integrity, accountability and transparency in all that we do.
3. **Partnership** – both with the stakeholders and Bailiwick residents that we serve, as well as our domestic and international regulatory counterparts.

We will strive to honour those pillars as we tackle contemporary challenges in the Bailiwick and beyond, which include:

1. **Promoting proactive compliance**, such that public and private sector stakeholders embrace a privacy-protective posture before incidents occur,
2. **Elevating awareness of breach risks** which disproportionately harm the Bailiwick's residents, given the intimacy of the jurisdiction, and
3. **Technological innovation**, which on one hand creates exciting opportunities to improve government and commercial services, but on the other, involves unprecedented risks to individual's fundamental rights and freedoms.

They are indeed formidable challenges, but the Bailiwick benefits from an equally talented ODPA staff, and engaged regulated community, that are certainly up to the task.

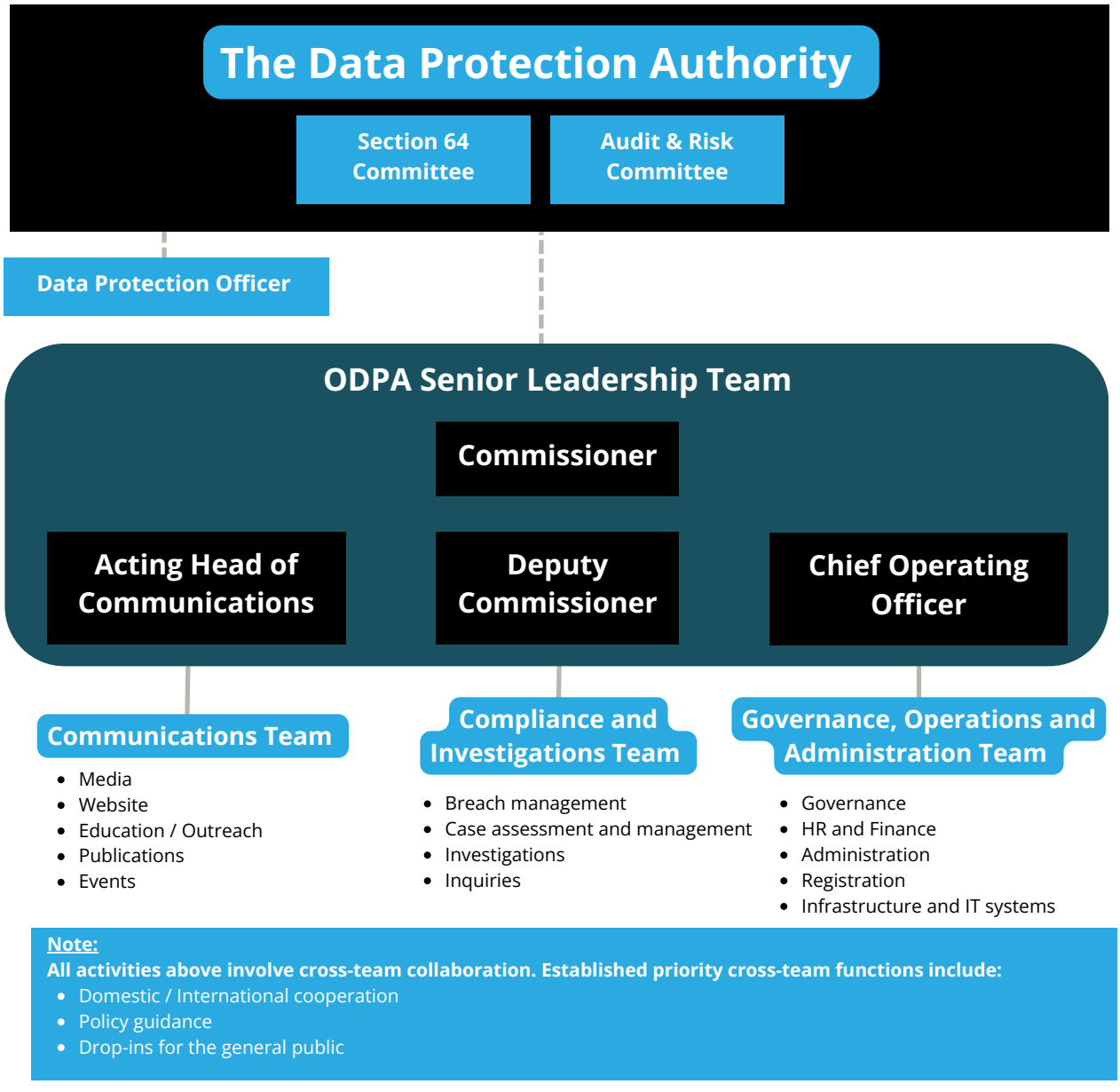
With that, I invite you to explore the Annual Report, and learn more about how the ODPA protected and advanced data rights in the Bailiwick for 2023.

About the Authority

The Data Protection Authority

- Chairman – Richard Thomas CBE
- Voting Member – John Curran
- Voting Member – Christopher Docksey
- Voting Member – Simon Entwisle
- Voting Member – Mark Lempriere
- Voting Member – Dr Jane Wonnacott
- Voting Member – Nicola Wood MBE
- Commissioner as ex-officio and non-voting Member – Emma Martins (term concluded 31 December 2023)
- Commissioner as ex-officio and non-voting Member – Brent R Homan (term commenced 1 January 2024)

Organisational chart, correct at June 2024



Data protection in Plain English

The Authority is committed to helping everyone engage positively and constructively with data protection rights and responsibilities. To do that, information and guidance is presented in a relevant and accessible way. Although it is sometimes necessary to use legal terminology, Plain English is used wherever possible.

Data protection is for all of us, not just for lawyers.

Legal terms	Plain English
 **'Personal data'**	Any information about, or related to an identified (or identifiable) **living human being**. Personal data (or 'personal information') can include factual information about people as well as opinions expressed about people. It can also include anonymised data that could identify people if it was combined with other information.
 **'Complainant'**	An **individual** who lodged a complaint with the ODPA about how their personal data was being (or had been) used.
 **'Controller'**	The **organisation/business** that decided how personal data was to be used, and in the context of complaints, who the complaint was about.
 **'Data subject'**	The **individual** that the data in question relates to.
 **'Data subject access request'**	This is when an individual **uses their legal right** to ask a controller what data is held about them and to seek access to that data.
 **'Lawful processing condition'**	Before a controller starts collecting or using people's data, they must identify and document a 'lawful processing condition' (or 'lawful basis') that can be relied on. Failing to do this makes the activity unlawful. 'Consent' is the most well-known example, but there are many others.
 **'Operative provision'**	This means **any part of the Law** that a controller must comply with.
 **'Self-reported breach'**	This is the act of **completing the ODPA's breach report form** in order to fulfil a controller's legal obligation to let the ODPA know that they have experienced a personal data breach.

More Plain English definitions of key terms can be found at: **odpa.gg/information-hub/glossary**

Case studies

The Authority has a statutory duty to promote awareness of data protection issues. Outlined below are anonymised and simplified case studies of real cases the Authority has dealt with together with what can be learned from them.

Case study #1

Background

An employee sent work data to their personal email addresses so they could work from home. The employer was unaware this was happening. This was despite all employees having access to secure work systems outside the office.

The employee left their job some time later and during routine housekeeping by their employer, following their departure, it became apparent that some of the information their former employee had sent to their personal email address contained highly sensitive information (known as 'special category data') about another employee. The organisation reported this data breach to the ODPA.

Learning points

- The Law states that extra care must be taken with any 'special category data'. This is any information revealing an individual's racial or ethnic origin, political opinion, religious or philosophical belief, trade union membership, genetic data, biometric data, health data, data concerning an individual's sex life or orientation, or criminal data.
- Employees are both the biggest asset and the biggest risk to the data an organisation is handling especially if those employees can place sensitive data outside usual business systems.
- Awareness is key – organisations must make all its employees aware of any policies around how personal data is handled. Hold regular awareness-raising exercises with new, and established, staff to ensure they understand how the policies work in practice, and the implications of ignoring them.
- The organisation took steps after this incident to strengthen restrictions on sending work-related information to employee personal email addresses to ensure that work data could not be emailed to personal email addresses. In addition to this, all employees were reminded of this obligation and additional data protection training was issued.

Case study #2

Background

A device belonging to a construction company was compromised, which resulted in hackers gaining access to the company's email mailbox. When it became aware of the breach, the company immediately contacted all affected customers to inform them that they may be at risk of receiving phishing emails. Following the incident, the company added two factor authentication (e.g. requiring staff members to use a second, trusted, device to complete a secure sign-in) to all its devices.

Learning points

- Acting quickly when you become aware of a breach can make all the difference to the people whose information has been exposed. In this case, the ODPA was encouraged to see the company taking swift and proactive action to protect its customers and contacts from potential financial fraud. This demonstrates the company taking accountability for its data.
- With cybercrime on the increase, it is important to remember that staying one step ahead of criminals requires a dynamic (rather than static) approach to data protection and cyber security. It is not enough to adhere to best practice and then sit back thinking your work is done. Threats should be monitored regularly and responses taken accordingly to mitigate risk.

Case study #3

Background

A Data Protection Officer (DPO) at a local finance company who was new in their job approached the ODPA for guidance on how to raise their colleagues' awareness of data protection. The ODPA invited the DPO to one of its free drop-in sessions to get a better understanding of their needs, and then provided the DPO with a tailored selection of its resources and guidance to share with their colleagues.

Learning points

- Data protection is not a once a year tick box exercise. It is a continuous process that requires awareness to be raised within an organisation in creative ways that people take note of.
- To assist organisations in this task the ODPA has a wealth of free resources available for anyone to make use of including podcasts, webinars, and plain English guidance. In Project Bijou alone, there are resources from over 50 inspiring speakers from around the world that are organised to resemble a free online conference.

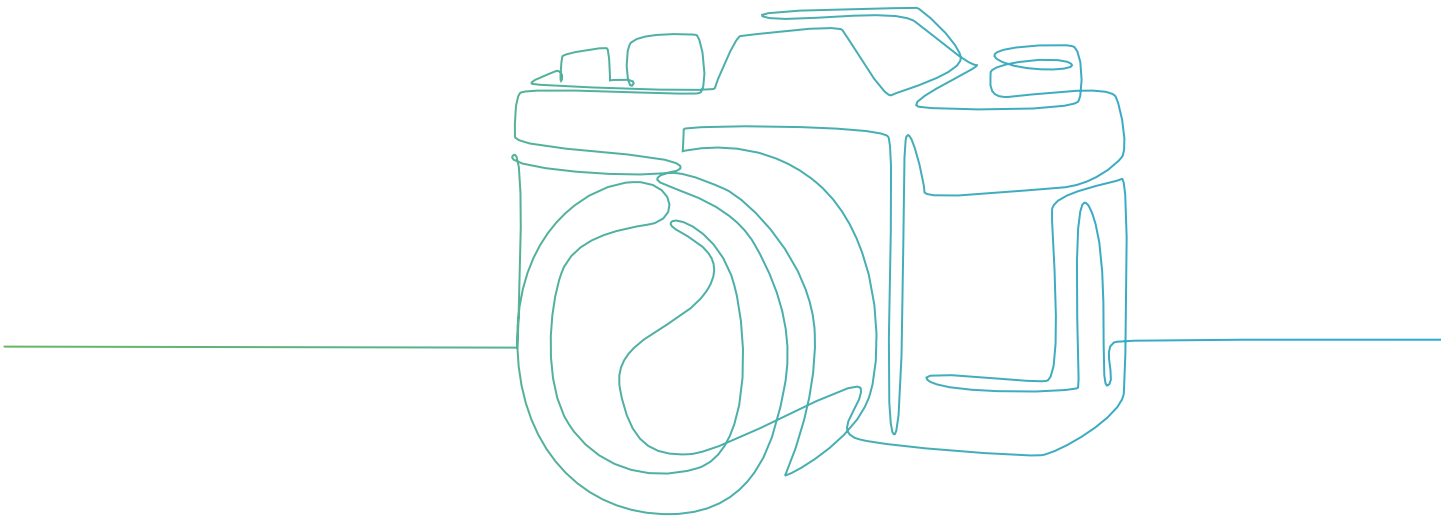
Case study #4

Background

A complaint was made that an individual's former employer was still using photos of them in their marketing materials. This was causing issues at the individual's new employer, as the new employer's customers were led to believe that the individual was still working for the previous employer. This was an issue due to the relatively small, and competitive nature of the sector the companies worked in.

Learning points

- The key learning point from this case is that you must make it easy for someone to withdraw their consent if that's the legal basis you are using to process their personal data. In this case the 'personal data' being 'processed' here is the person's face - their identity - with a clear indication that they are a current employee. In small communities where people recognise each other it is important that your marketing material is up to date.



Case study #5

Background

An individual was concerned that a healthcare provider was confirming patient contact details loudly in front of other patients at the reception desk. The ODPA contacted the organisation's Data Protection Officer to convey the individual's concern.

The Data Protection Officer (DPO) took the concern with the utmost seriousness and assured that they would reiterate to relevant staff, as per their data protection training, the requirement to confirm patient contact details discreetly.

Learning points

- This case is a reminder that discretion is particularly important in healthcare settings, regardless of how innocuous the data being read out may be. Staff who work in healthcare organisations every day can be forgiven for forgetting how sensitive their patients may be about just being present in their clinic, without staff loudly announcing information about them. Again, within a small community like the Bailiwick, staff need to be particularly sensitive to this.
- The DPO involved understood this point implicitly, and responded with decency. This points to their understanding of the data protection principle of accountability.

Case study #6

Background

A health organisation emailed sensitive information relating to several patients to an incorrect and unintended recipient. Fortunately, the incorrect recipient notified the organisation of the error shortly after receipt and deleted the patient data upon request.

Following this incident, the organisation amended its policy so that whenever patient data is to be sent by email it must be password protected. Specifically, the password should be shared with the patient separately to the document where the password is required.

Learning points

- Emails being sent to the wrong person is the most widely reported personal data breach in the Bailiwick. So, it is essential that all organisations put in place working practices that ensure that any personal data contained in emails is afforded appropriate safeguards.
- Staff who are emailing personal data (or, as in this case, special category data) should be encouraged to do a 'pre-mortem' by focussing on what the impact could be if the information they are handling was emailed to the wrong place.
- It is important to maintain a workplace culture that allows for supportive development and learning when things go wrong.

Purpose and strategic actions

Purpose

The ODPA's purpose is to: protect people by driving responsible use of personal information through:

- **Helping organisations get it right.**
- **Deterring harmful information handling.**
- **Taking enforcement action against significant non-compliance.**

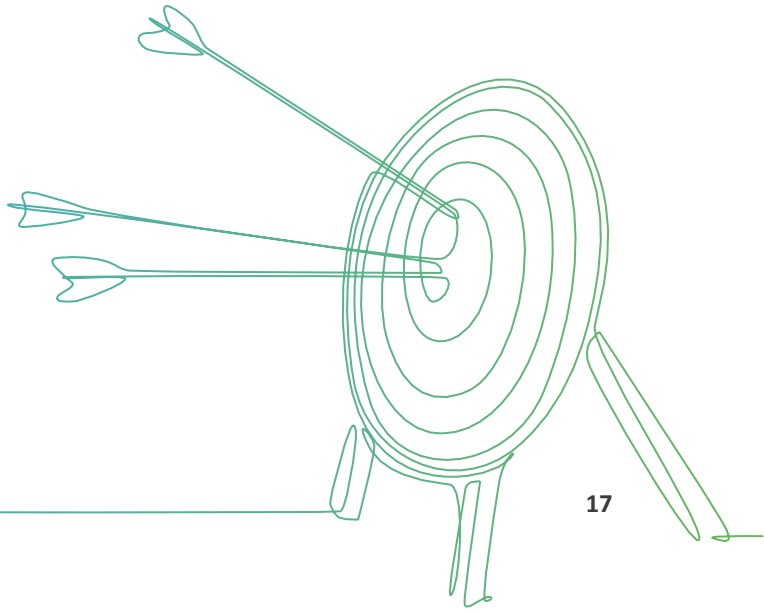
This purpose brings to life the object of the Data Protection Law – to protect people's rights in relation to their information and to provide for free movement of personal information. It enhances the prosperity and well-being of the Bailiwick and its citizens. It supports the Bailiwick's place on the international stage and assists the Islands to embrace and respond to technological and social change.

Strategic actions

The **ODPA Strategic Plan (2023-2026)**[3] sets out how the ODPA intends to achieve its regulatory objectives effectively and independently. Demands are significant and resources are limited so the ODPA must be both ambitious in its aims but realistic about the resources available.

For simplicity, the strategic actions are divided into just two key areas: **education and support** and **enforcement**. To ensure it is best placed to deliver its strategic actions in these areas, the ODPA is also committed to maximising its **operational effectiveness**.

Much thought and hard work goes into how to deliver tangible and positive outcomes for the Bailiwick and its citizens.



3 Available at: www.odpa.gg/about/our-governance/strategy

Presented below is a summary of the progress made on the ODPA work plan 2023[4]:

Audit project

During 2023, the ODPA committed to ensuring that effective and efficient audit support programmes are incorporated into its Governance and Investigations processes.

This work has informed parts of the enforcement orders issued to a number of controllers following a breach determination, to assist them in improving their compliance with the Law's requirements. This also formed part of the support offered to a sector of the education community to proactively improve compliance.

HR and succession planning

As 2023 was a transitional year for the ODPA, it set out to ensure the stable and efficient allocation of resources and skills.

A successful recruitment process resulted in the appointment of a new Commissioner to serve from 1 January 2024. Work was also undertaken to strengthen succession planning within the Board. A new member of the Governance Team was recruited in Q4 2023, and the Communications Team was restructured in Q4 2023.

Governance

To improve the performance of the ODPA in the areas of its Strategic Plan (education and support, enforcement, and operational effectiveness), key indicators are monitored and reported to the Board on a quarterly basis. 2023 highlights include:

- **Enforcement:** To ensure a timely and proportionate response to complaints and self-reported breaches the ODPA set a target of considering 75% of new valid complaints and self-reported breaches within five working days of being received. The ODPA exceeded this in all four quarters for self-reported breaches and in three quarters for complaints.

The shortfall in Q1 was more a function of complaint intake and assessment timings, which were administratively rectified.

	Complaints	Self-Reported Breaches
Q1	69%	82% ✓
Q2	75% ✓	97% ✓
Q3	87% ✓	92% ✓
Q4	75% ✓	97% ✓

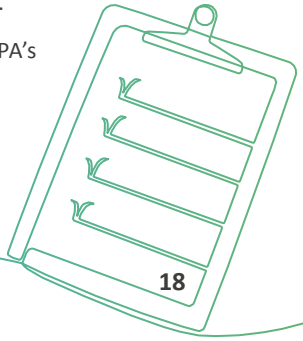
- **Education and support:** To widen conversations around data protection and good practice to improve engagement and drive cultural change, the ODPA set a target of promoting its social initiative, Project Bijou, 30 times a year via social media. This target was exceeded with 37 separate posts.
- **Operational effectiveness:** To ensure that ODPA functions are carried out impartially, objectively, consistently and offer value for money, it is essential to maintain governance and oversight provided by the Board. The ODPA met all its key targets for 2023 by holding four Board meetings, and four Audit & Risk Committee meetings, and independent auditors completed the annual audit.

Annual Survey

A survey of the regulated community was successfully run for the second year. The results found:

- 60% of respondents **felt positive or very positive** about data protection.
- 60% of the respondents rated the ODPA's free support and advice as either **very good or great**.
- 89% of respondents felt they understood the **value of their personal data**.
- 71% of respondents had **not yet** explored the ODPA's social initiative, Project Bijou.

These results helped inform some of the ODPA's work across the year, including efforts to bring a larger audience to Project Bijou.



4 Available at: www.odpa.gg/news/2023.02.07-work-plan.pdf

Children's Framework

In 2023, work started on developing a comprehensive 'Children's Framework' to support the responsible use of children's information.

The aim is to address the legal requirements of The Data Protection (Bailiwick of Guernsey) Law, 2017 as well as align with the relevant principles and provisions outlined in the United Nations Convention on the Rights of the Child (to which the Bailiwick of Guernsey has been a signatory since 2020).

The framework will support and encourage high standards of legal and ethical handling of children's data and encourage a comprehensive and inclusive approach to such processing in the Bailiwick. The framework's intended outcomes are:

1. Production of clear, relevant and practical guidance on how best to look after children's data.
2. Increased awareness and understanding of how important it is to treat children's data responsibly.
3. Promotion of a child-centric approach which normalises high standards of governance for anyone handling children's data.
4. Improved compliance with the Law around the processing of children's data.

Good progress was made during 2023 on developing the framework - an implementation plan was drafted, questionnaires for stakeholders (adults) and children/young people were developed, and the resulting public consultation process began in November 2023.

Post-implementation Law review

The ODPA conducted a review of the Law and several suggestions for amendments were identified.

These were provided to the States of Guernsey to include within their own review. Discussions with the States on law review are expected to continue in 2024.

Annual Report 2022

The Annual Report for 2022 was published along with the financial audit on 8 June 2023.

It was sent to the States of Guernsey's Committee *for* Home Affairs in accordance with the requirements of Schedule 6, paragraph 13 of *The Data Protection (Bailiwick of Guernsey) Law, 2017.*

Strategic Plan (2023-2026)

The ODPA's new Strategic Plan (2023-2026) was published on 6 February 2023.

In the interests of transparency and accountability, it also published an annual Work Plan, and committed to publishing one for each year of the strategy.

Sharing stories through Project Bijou

Project Bijou is a key workstream of the ODPA's education and support activities. It is a social initiative that encourages everyone to share stories, knowledge and experiences related to ethical data use, in a way that benefits everyone. Its aim is to support and nurture positive cultural change around how people and organisations treat people's data.

The highlight of 2023 Project Bijou activities was securing Elizabeth Renieris, an expert on data governance and the human rights implications of new and emerging technologies, to give the **2023 Bijou Lecture**. This was released in May 2023 as part of the ODPA's activities to mark the five-year anniversary of the Law.

The following new contributors were added to the Project during 2023:

1. Joh Harvey - published 12 January 2023
2. Matthew Parker - published 24 May 2023
3. Emma Godfree - published 3 June 2023
4. Ellie Dowsett - published 25 July 2023
5. Judith Ratcliffe - published 24 August 2023
6. Daniele Harford-Fox - published 28 September 2023
7. Kurt Roosen - published 26 October 2023
8. Stef Elliot and Rowenna Fielding - published 20 November 2023

Another highlight was The Islands Data Governance Forum Annual Awards which included (with the ODPA's blessing) a 2023 'Bijou Award'. This was open to anyone who supports the principles of positive, constructive, and collaborative engagement for the benefit of the community. The ODPA's Commissioner was invited to attend the Awards Evening to present the award jointly to Matthew Parker and Joh Harvey.

Outreach to children

The ODPA has a statutory function under section 61 of the Law "to promote public awareness of risks, rules, safeguards and rights in relation to processing, especially in relation to children".

To fulfil this statutory obligation, the ODPA developed an outreach programme for children and young people called 'Project Bijou Seeds'. This is mainly delivered in schools, in partnership with the Youth Commission. Since September 2023, the ODPA and the Youth Commission have a service level agreement in place for this work. There are several aspects to this work. Highlights in 2023 included:

Year 7 postcard competition

(Aim: share and create ideas)

This competition was launched in January 2023. It was inspired by the increasing digitalisation of the world experienced by children, with online content increasingly impacting, and shaping their decisions, choices and future lives. The competition asked children to describe a superpower or super sense that would help them look after personal data. Over 200 children entered the competition and aspects of the ideas submitted by the children inspired some of the imagery used in the ODPA's children's book 'Warro' (more details below).

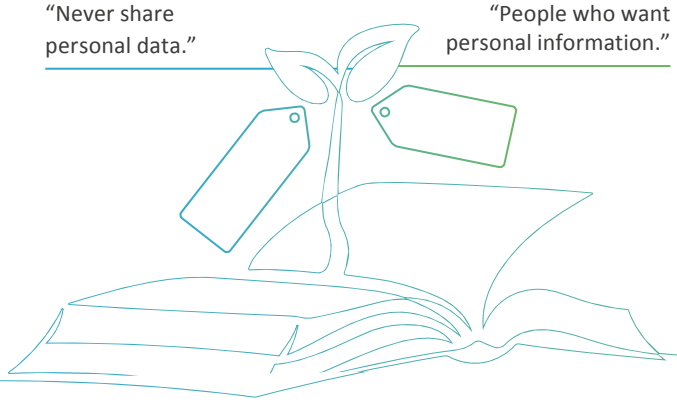
Digital ACE

(Aim: share online safety information)

The ODPA helped organise this event in June 2023, aimed at educating children and their families about online safety. As a qualitative measure of how well the online safety messages were understood, after talking with young people, they were invited to (anonymously) write their 'top tip' on a luggage tag which they could tie to the ODPA 'Data Tree', along with what they think people should worry about more.

Here are ten examples of responses received:

Top tip for taking care of your personal data	What you think people should worry about more
"Don't be friends with people you don't know in real life."	"I worry about someone asking me where I live."
"Be careful of the information you give on the internet. Like when your birthday is."	"Your data belongs to YOU! It's YOURS and SPECIAL! Don't give it away to just ANYONE!"
"Think before you share."	"Embarrassing pictures being shared."
"Once something is online it's there forever."	"AI impersonating people."
"Never share personal data."	"People who want personal information."



Warro book for Year 4

(Aim: introduce ideas via creative media)

ODPA staff wrote and illustrated a book aimed at 7-10 year old children that summarises Bijou Seeds key messages: **Be responsible | Be respectful | Understand your rights | Understand the rules**. A book launch was held in September 2023 at the Guille-Alles Library with a group of Year 4 children. Every child in the Bailiwick Year 4 cohort was given a free copy in the run up to World Children's Day in November 2023 (and in-class readings were given at all local primary schools). Warro is available to purchase from local bookshops as well as from numerous online booksellers. Any profits will go to local charities.

The flying zebra from Warro, inspired by one of the winners of the Year 7 postcard competition winners.

School Sessions Year 8 PSHE

(Aim: develop core knowledge)

These sessions were revised in 2023 to keep them up-to-date with technological changes, with a view to delivering them in 2024.

School Sessions Year 10 PSHE

(Aim: explore and discuss wider implications)

A new session on 'Navigating our Digital World' was developed and trialled in a whole year group in a local secondary school in May 2023. Sessions will be delivered in 2024.

Plain English approach

The ODPA is committed to using clear and accessible language to encourage better engagement and understanding of all aspects of data protection. Some highlights include:

All guidance published during 2023 was written with a plain English approach. A child-friendly data processing notice was produced for the Year 7 postcard competition following ODPA Communications Team and ODPA Data Protection Officer collaboration. This is available on the ODPA website.

The Communications Team delivered 'knowledge sharing' sessions to ODPA team in November 2023 to extend and strengthen plain English approach including in correspondence with controllers and complainants. Recommendations that came out of these sessions will be implemented in early 2024. To formalise the ODPA plain English approach, an internal Style Guide was produced in 2023 to complement the existing Communications Strategy.

Translation of key publication

To ensure more people within the Bailiwick can access the ODPA's key guidance publication 'The Feel-Good Guide to Data Protection', a Latvian edition was published in February 2023. This joins the English and Portuguese editions which were published in 2022.

Communications Strategy refresh

To ensure the ODPA Communications Strategy remained fit-for-purpose and relevant to the regulated community a review was conducted during 2023.

As part of this exercise the Communications Strategy was aligned with the new Strategic Plan (2023-2026), key messages were updated, and actions, outcomes and measures information were added.

Expansion of guidance

The ODPA published guidance on its website in accordance with section 61(1) of the Law in order to help organisations understand the compliance requirements that apply to them.

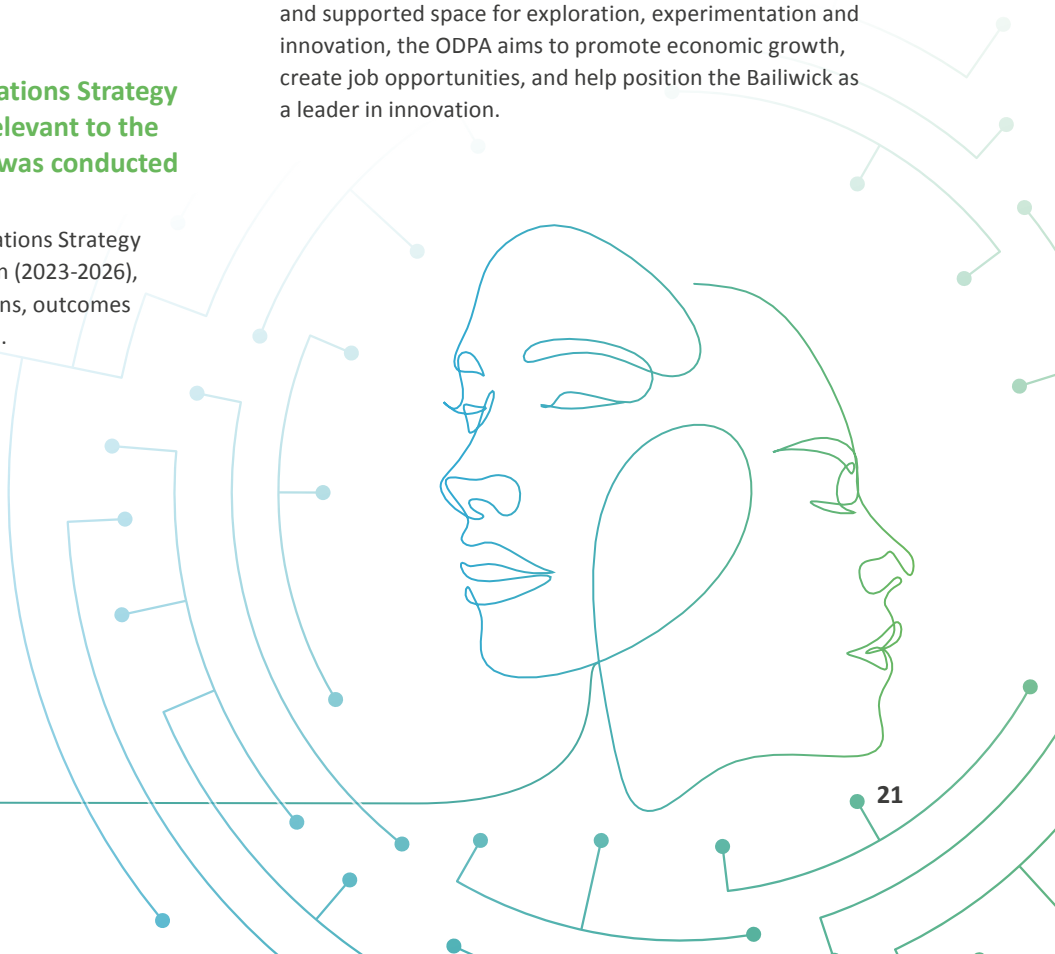
Twelve new guidance resources were produced during 2023:

1. Subject Access Requests (guide for data subjects)
2. Personal data breach reporting
3. Registration and Levy Duties - Regulatory Approach Summary
4. Direct Marketing
5. ICO/ODPA registration clarification
6. Artificial Intelligence
7. Subject Access Requests (guide for controllers)
8. CCTV user guidance
9. Law Enforcement Ordinance (LEO)
10. Data sharing
11. Section 16 (third party info)
12. ESG / Sustainability reporting

Exploring innovative activities

In June 2023 the ODPA gave the regulated community a new route that allows for constructive exploration of innovative practices/activities - the ODPA Sandbox.

It is intended to provide information, support and tools to build products and services that use personal data responsibly, in both a legal and ethical way. By providing a safe, controlled and supported space for exploration, experimentation and innovation, the ODPA aims to promote economic growth, create job opportunities, and help position the Bailiwick as a leader in innovation.



Financial independence through registration fees

Any entities who are established in the Bailiwick of Guernsey that handle information about living people are legally obliged to maintain an annual registration with the ODPA. In 2023, 20,832 entities completed a registration or renewal.

In 2023, the ODPA published several pieces of plain English guidance, in advance of the 2024 registration period, in relation to companies, sole traders, small businesses, landlords, Bailiwick-based processors and Bailiwick-based branches with the aim of providing greater clarity around the requirement to register with the Authority.

Eight companies were taken to the petty debts court to recover unpaid levies from 2023. Two of these provided payment prior to court proceedings taking place and, for the remaining six, judgements were made in favour of the Authority. This reflects the proactive approach to industry non-compliance throughout 2023. The ODPA worked sector-by-sector to raise awareness of the requirement to maintain a registration with the Authority and to ensure sufficient funding is collected to maintain its operating costs. Where appropriate, the ODPA issued Information Notices to compel an organisation to disclose certain information relating to its registration status.

Regulatory policy

A new Case Assessment Policy (to review all complaints received and how they can best be responded to, for the benefit of all involved) was drafted and approved, and in operation from April 2023.

This policy resulted in a measurable improvement in response times as well as ensuring a sharp focus on what outcome the complainant wanted. Work was commenced to review and improve the way the ODPA interacts with complainants and controllers/processors, to improve the experience and seek better outcomes.

Systems improvement

During early 2023, the second phase of a major improvement programme for ODPA systems was completed.

This refined the Case Management System allowing for more streamlined case management and provided capacity to undertake analytics work. It also embedded statutory processes, further strengthening the technical capabilities of ODPA systems.

- **Adoption of automation**: Automated approval methods and automated document generation techniques have been used to improve processes and governance in respect of all regulatory engagement.
- **Registrations**: Further development took place in respect of the registrations system. Most development was minor and aimed to further streamline this process whilst also supporting wider regulatory integration where possible.
- **General System Review**: Streamlining and improvement of how the ODPA communicates with the public and regulated community in respect of regulatory matters is being achieved by centralising client interaction within Microsoft Dynamics CRM and creating new workflows. This in turn will allow for better monitoring when dealing with enquiries from the general public and regulated community and also allow for analysis of those interactions to inform future communications work and/or policy/process development.

Governance review

Scoping work for this workstream is ongoing as meaningful progress was hampered during 2023 due to workload pressures and the need to reallocate resources to emerging priority matters. This will progress in 2024 following expansion of Governance Team.

Data-driven insights

To ensure the ODPA is making intelligent use of relevant information (trends/patterns etc.) to inform all its work, new internal working practices were established during 2023 to make certain that teams had maximum visibility of each other's workstreams.

So that this information is also shared with the public, the ODPA utilised new data visualisation software for key public messaging which is used in its quarterly personal data breach statistics PR activities. Work is also ongoing on ODPA systems to build review and analysis capability.

Website continuous improvement

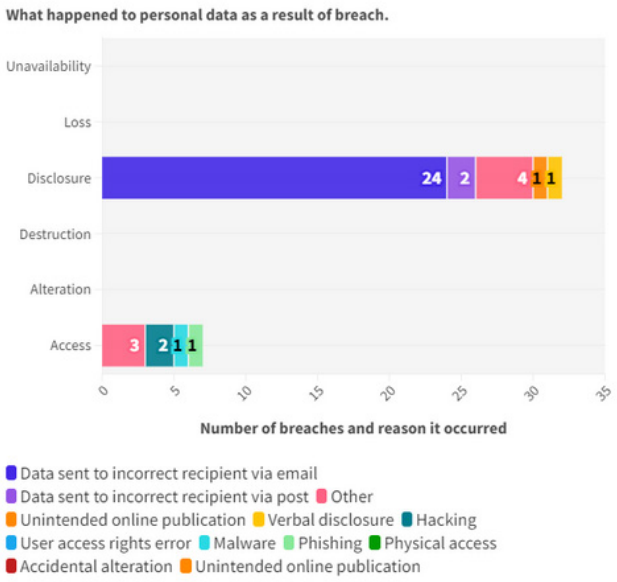
To ensure the website is up to date and fit for purpose, an anonymous user survey was launched in October 2023.

Initial responses provided a clearer picture of what users visit the ODPA website for, what users like or dislike on the website, what they feel is missing, what technical issues they have, and how highly they rate the site. This will help inform the ODPA's ongoing improvements to the site.

Other technical solutions for improving user experience were considered and will be developed in 2024.

Personal data breaches reported to ODPA

Reason breach occurred vs. what happened as a result



Date range: ***Q4 2023***
Total breaches reported: ***39***
Total people affected: ***1,115***

Engagement activities

The Commissioner and Deputy Commissioner are regularly invited to speak at international and local industry events.

Members of ODPA Investigations Team and Governance Team also regularly deliver knowledge-sharing workshops and represent the ODPA at networking events like Digital Greenhouse's 'Meet the Experts'. Details of all these speaking engagements during 2023 are listed below:

January

12 Jan – Data safeguarding masterclass for small businesses

26 Jan – Data Protection: panel discussion with regulators from the islands

27 Jan – Islands Data Governance Forum Conference

February

2 Feb – Protecting your business, protecting people's data: five key steps to take in 2023

9 Feb – Data safeguarding masterclass for small businesses

March

11 Mar – Start up Saturdays – Meet the Experts

14 Mar – GTA Compliance CPD Series 2023 – Session Two: the why and how of data protection

23 Mar – IoD Mid-Term 2023

30 Mar – Data Protection in the Workplace

April

25 Apr – Meet the expert: views from Brussels

27 Apr – How to respond to 'data subject access requests'

May

4 May – GILA Seminar Series: Artificial Intelligence – it's just people actually

15 May – IRMS Conference: Embracing a New Information Generation

18 May – PrivSec Global May panel discussion

19 May – Data Protection for the Third Sector

25 May – Information Commissioner's Workshop run by the Gibraltar Regulatory Authority

25 May – The Bijou Lecture with Elizabeth Renieris

31 May – Walkers Next Generation Event

June

17 Jun – Start up Saturdays – Meet the Experts

22 Jun – Pan-island incident response

24 Jun – Digital ACE

July

3 Jul – AI and personal data: what you need to know

4 Jul – Data Subject Access Requests (DSAR) for charities

24 Jul – NED Forum event: Everything you need to know about data protection and AI

August

5 Aug – Start up Saturdays – Meet the Experts

October

5 Oct – Isle of Man Data Protection Conference

7 Oct – Start up Saturdays – Meet the Experts

12 Oct – Data Protection and Cyber Security Conference: "How does AI fit into Data Regulation?"

12 Oct – Alderney Drop-In

31 Oct – Risk & Regulatory Conference (Collas Crill): The meaning of data protection: past, present and future

November

14 Nov – Global Entrepreneurship Week: Unlocking success, data protection essentials for start-ups

22 Nov – Start up Saturdays – Meet the Experts

20 Nov – Chamber Lunch and Learn: Reflecting on the successes and challenges of data protection with Emma Martins

December

2 Dec – Start up Saturdays – Meet the Experts

The ODPA continued to be represented on the local Caldicott Committee during 2023 with the Deputy Commissioner attending. The Caldicott Committee comprises representatives of local healthcare organisations and is a forum to discuss the governance of clinical information.

Partnership and co-operation

Regulatory collaboration is key for the effective delivery of the ODPA's mandate. Co-operation can expand a regulator's capacity to take actions, and amplify the impacts of those actions. In developing partnerships the ODPA accomplished the following:

May saw the signing of a Memorandum of Understanding (MoU) between the ODPA and the Gibraltar Regulatory Authority. This MoU recognises the increase in circulation and exchange of personal data across borders, the increasing complexity of information technologies and the resulting need for increased cross-border communication and enforcement activities.

The ODPA welcomed the news, in July, that the UK Home Office have given a law enforcement adequacy decision to the Bailiwick. This helps Bailiwick Law Enforcement prevent crime and work with UK authorities during investigations. It also provides UK authorities greater certainty and confidence in the regulatory landscape of the Bailiwick.

In August, the ODPA signed an MoU with the Alderney Gambling Control Commission, reflecting the ever-growing overlap between data protection and other forms of regulation.

The ODPA co-sponsored two resolutions at the 45th annual Global Privacy Assembly (GPA) conference in October. The first GPA resolution co-sponsored by the ODPA concerns global data protection standards and sets out principles to ensure high levels of data protection and privacy worldwide. It recognises that consistent interpretation between jurisdictions is important for maintaining high standards and fostering a clear regulatory environment. The second co-sponsored resolution adopted by the GPA concerns the creation of a GPA library of member guidance and interpretation of key principles of data protection and privacy law.

Casework

The ODPA's Investigations Team caseload during 2023 included assessing 56 complaints from members of the public against local controllers and assessing 151 breaches reported by controllers. The team opened 16 investigations, and 7 inquiries.

A key investigation opened in October 2023 was in relation to data room service outages that affected the States of Guernsey's IT systems between November 2022 – January 2023.

A key investigation to note is:

Safeguarding report issued to vulnerable adult's family following Enforcement Order

In December 2023 the ODPA concluded an investigation into The Committee *for* Health and Social Care (HSC). The family of a vulnerable adult in HSC care had asked to see an internal safeguarding report into alleged physical and emotional abuse. HSC gave the family a heavily redacted version of the report which made it very difficult for the family to understand what had happened and what would be done to protect their family member. HSC released the report, with minimal redactions, after the ODPA served an Enforcement Order.

More details on casework and the sanctions issued during 2023 can be found in the following 'Casework by the Numbers' section.

Casework by the numbers

2023

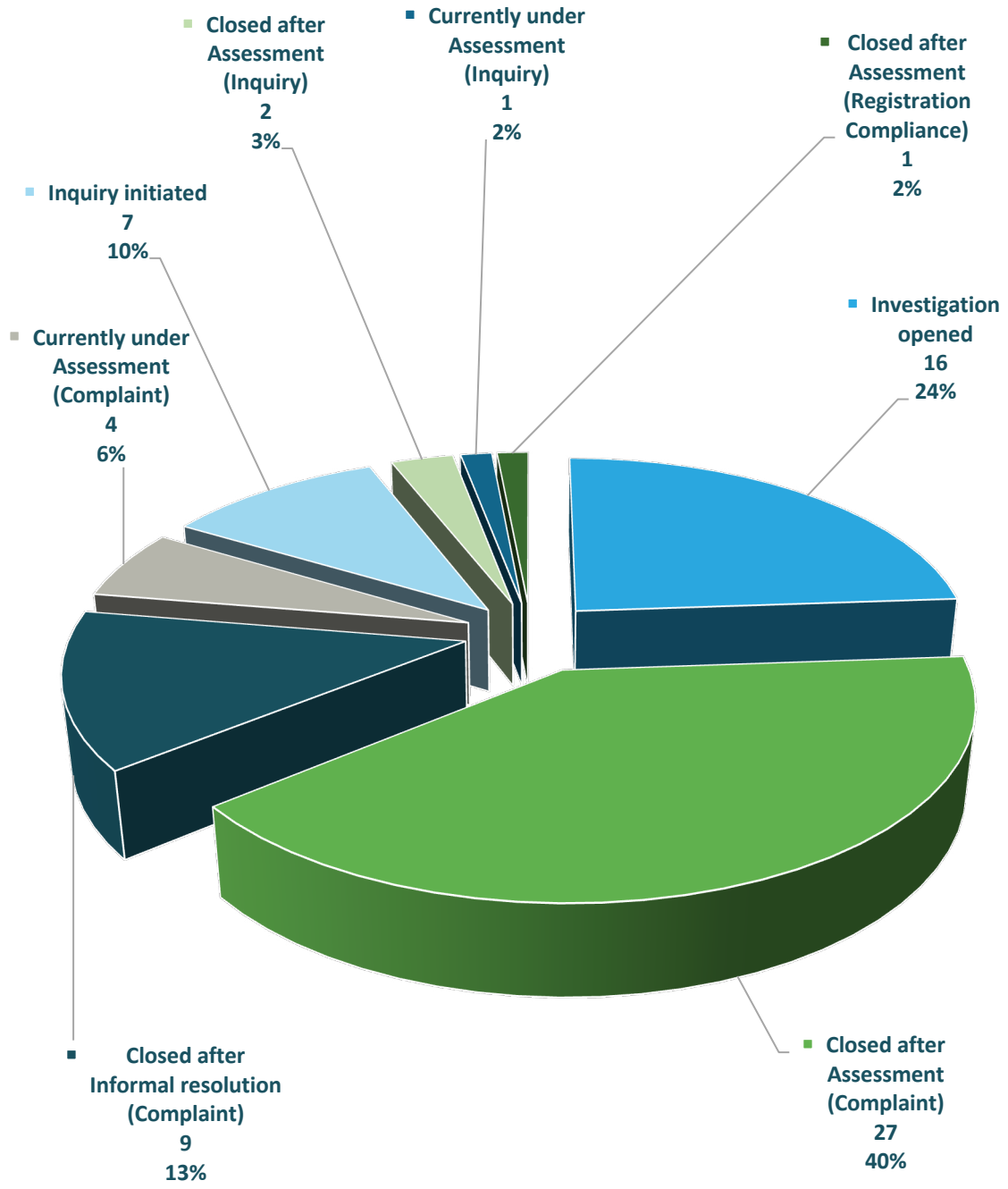
Casework by the numbers (2023)

Explanatory notes

- '**Complaint**' - individuals can lodge a complaint under s67 of the Law if they believe their personal data has not been handled in a way that complies with the Law.
- **'Investigation'** – these are conducted under s68 following the assessment of a individual's complaint submitted under s67 of the Law.
- **'Assessment'** – this is the process of determining how to handle a complaint or whether an inquiry is necessary. Assessments are conducted in accordance with s68 and s69 of the Law.
- **'Inquiry'** – these are conducted under s69 of the Law where the Authority believes there is a need to determine the compliance of processing. Inquiries do not require a complaint to have been made to initiate.
- **'Zero value'** – in charts, where the value for any given field is zero that field is not included on the axis.

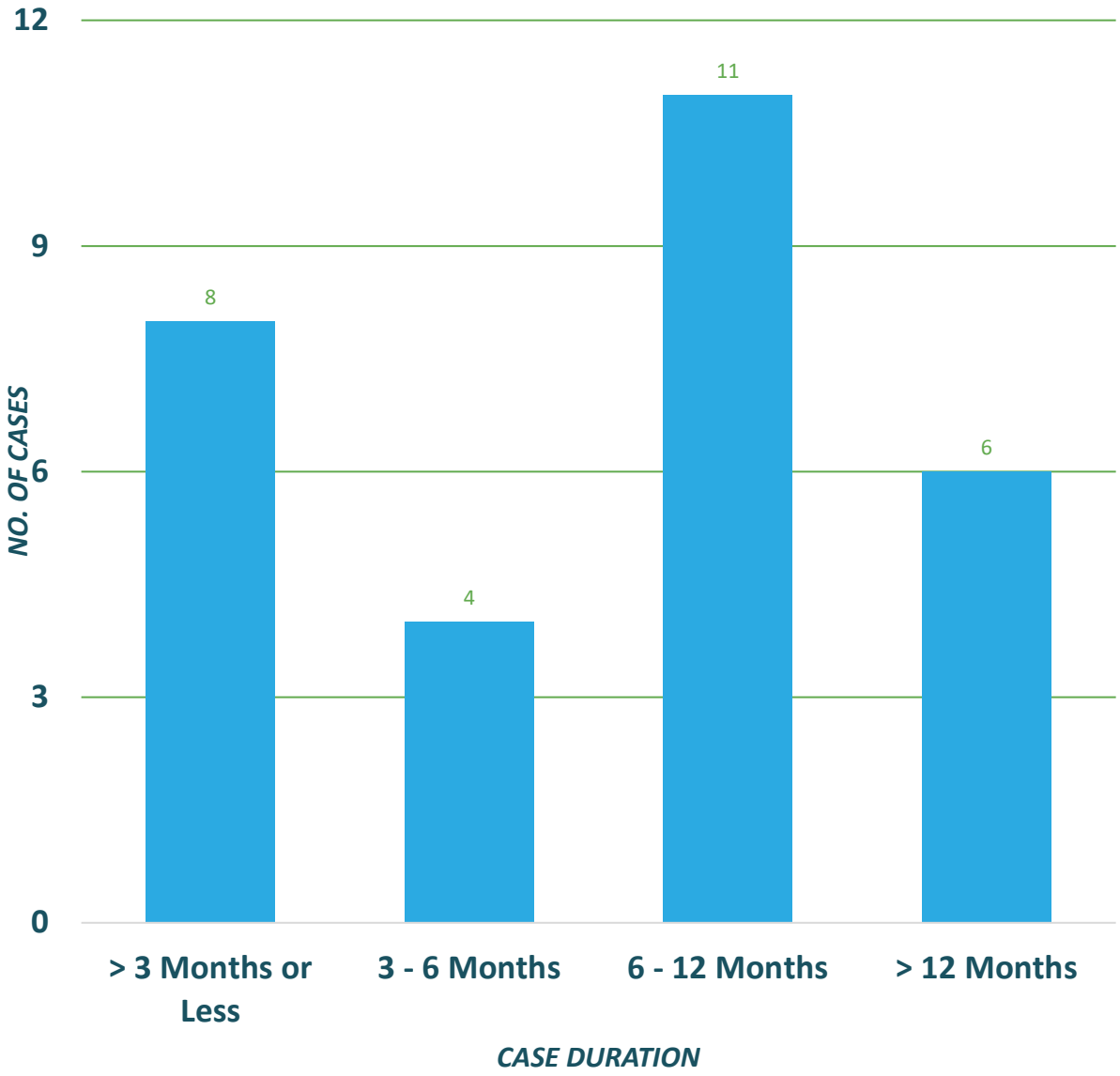
Investigations and Inquiries

Fig. 1 New cases - Assessment outcomes



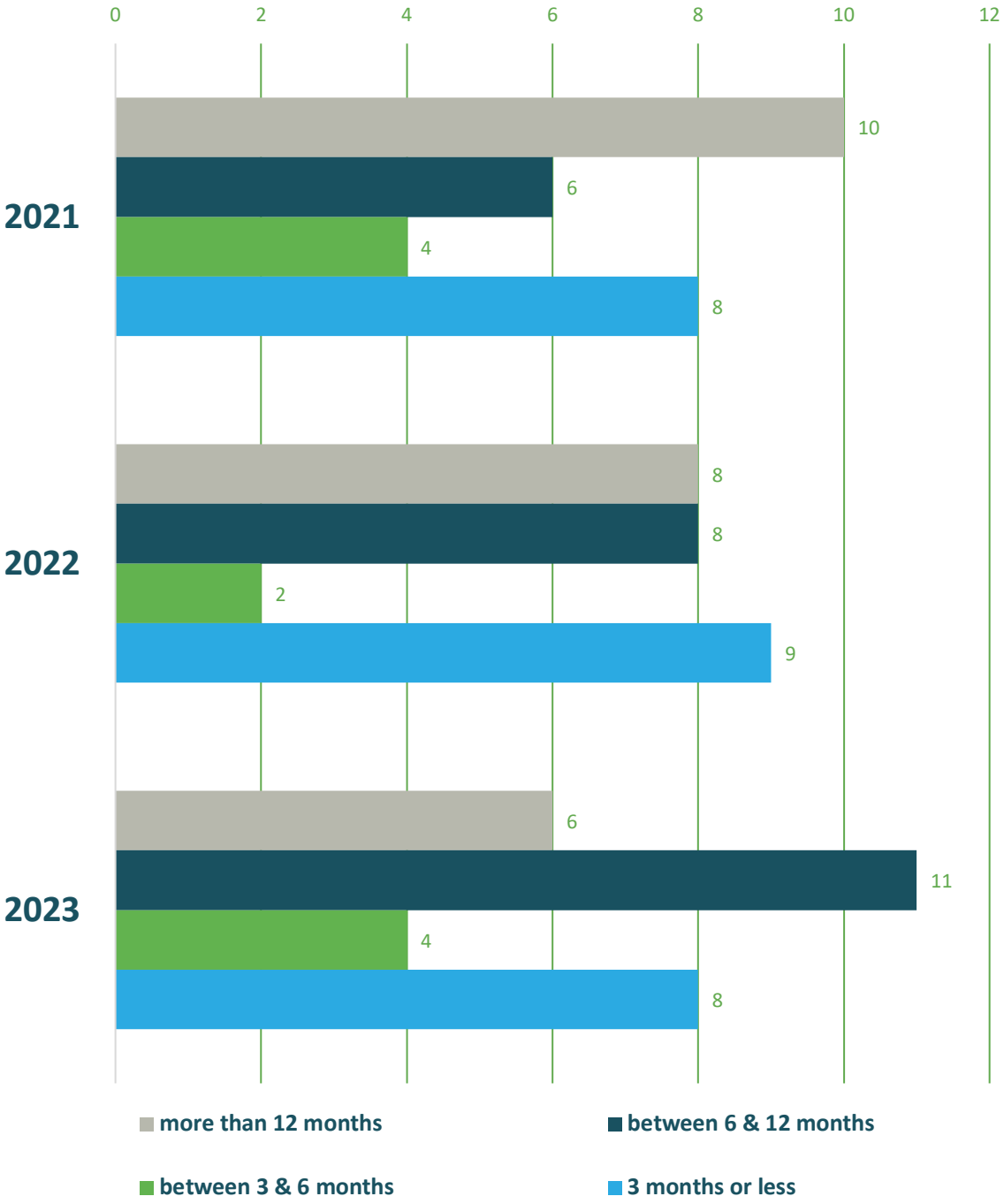
Explanatory note:
Since April 2023, the ODPA has operated in accordance with a new Case Assessment Policy. This seeks to handle complaints in a timely manner and with an emphaisis on better outcomes, such as can be achieved through informal resolutions.

Fig. 2 Aged Cases



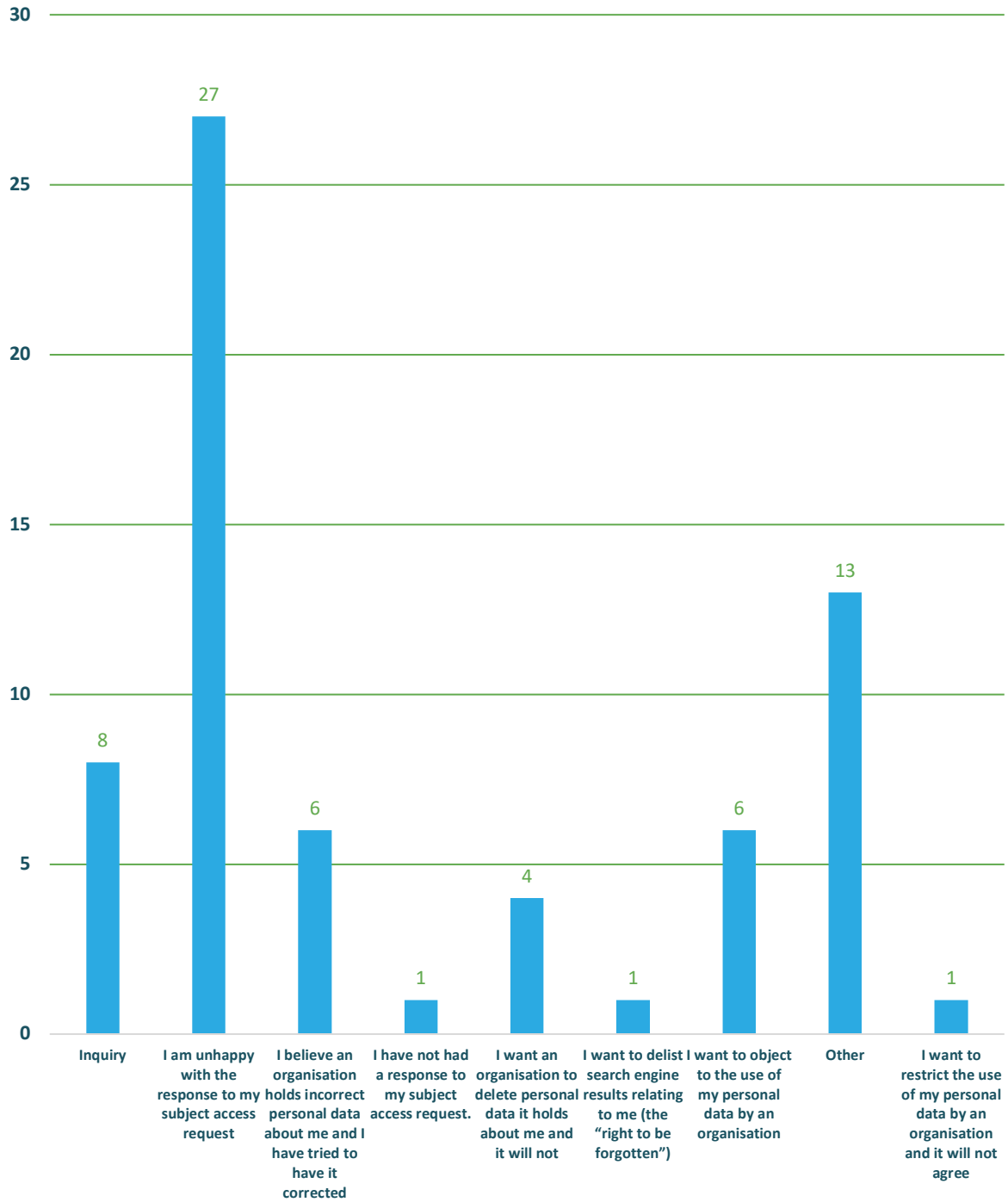
Explanatory note:
The above graph shows how long the active cases as at 31 December 2023 have been open. Enforcement orders were issued in two of the cases that are more than 12 months old with the cases being kept open until those enforcement orders have been complied with.

Fig.2.1 Aged Cases (2021, 2022 and 2023)



Explanatory note:
Improvements in process have meant the number of cases that are older than 12 months have fallen year on year.

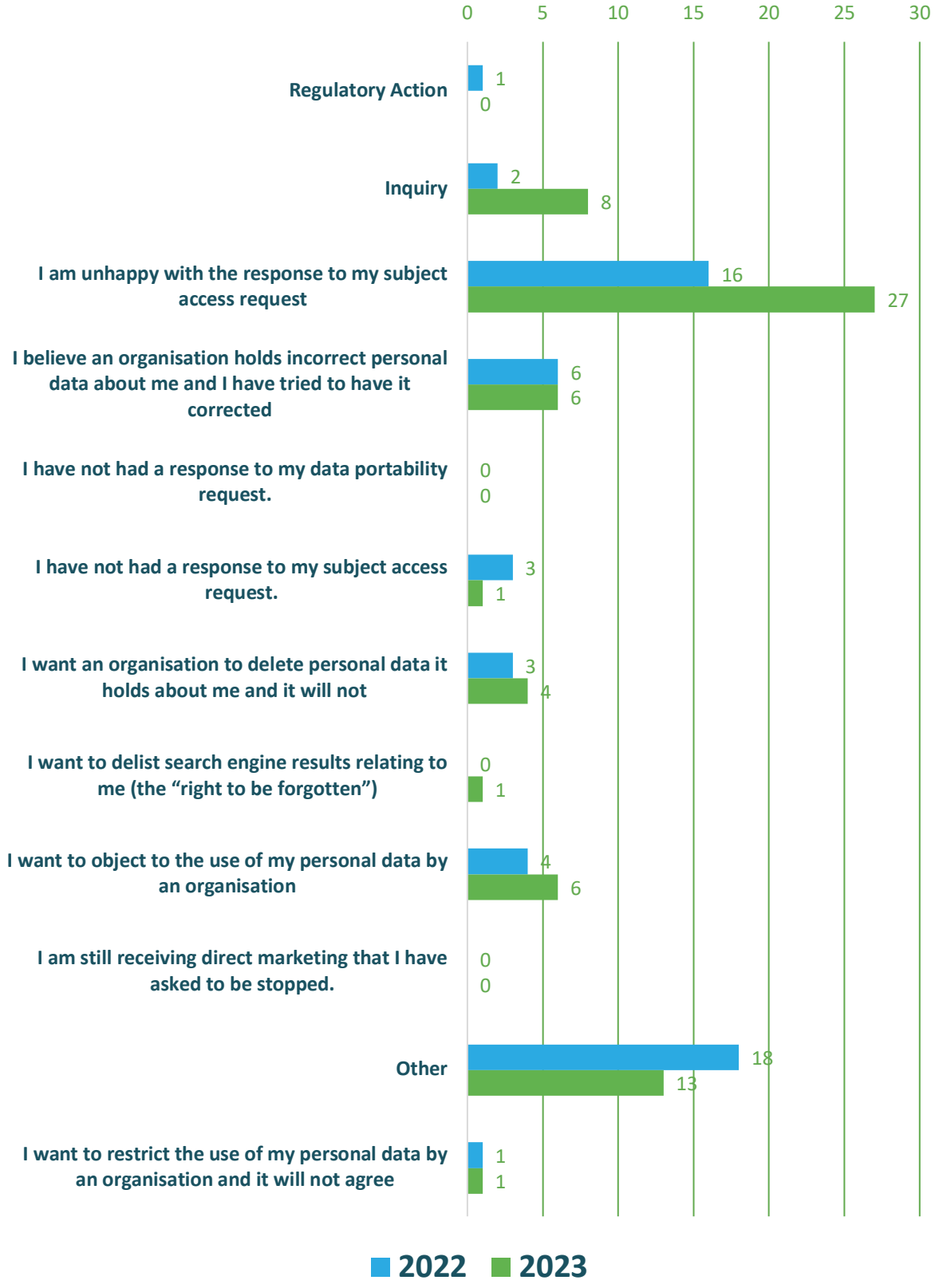
Fig. 3 New Cases - Nature



Explanatory note: 'Other' can often be selected when individuals are unclear which of the possible options best describes their complaint.

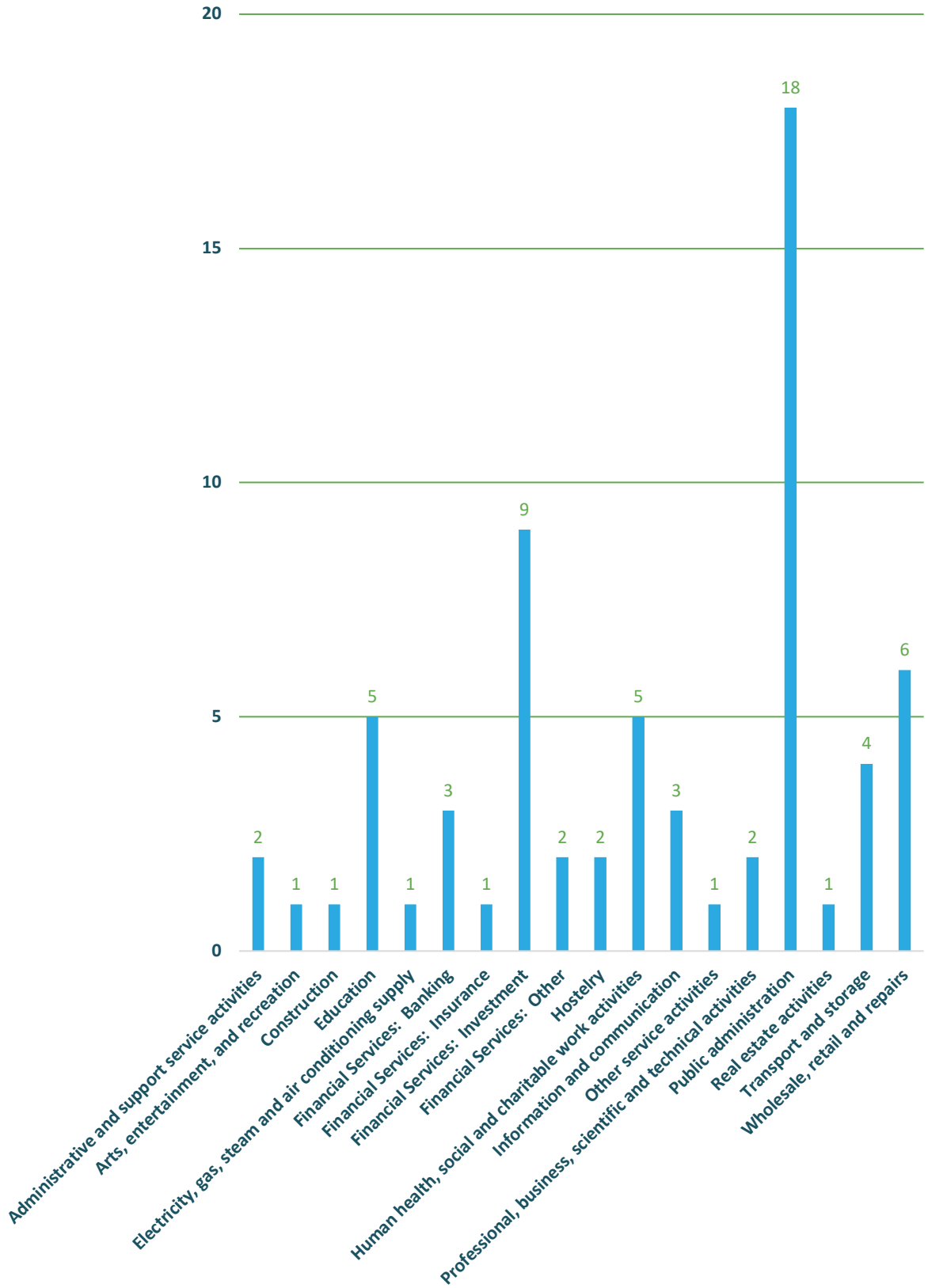
Complaints about the handling of data subject access requests ('DSARs') includes occasions where responses are late and where the content of the response is questioned.

Fig. 3.1 New Cases - Nature (2022 and 2023)



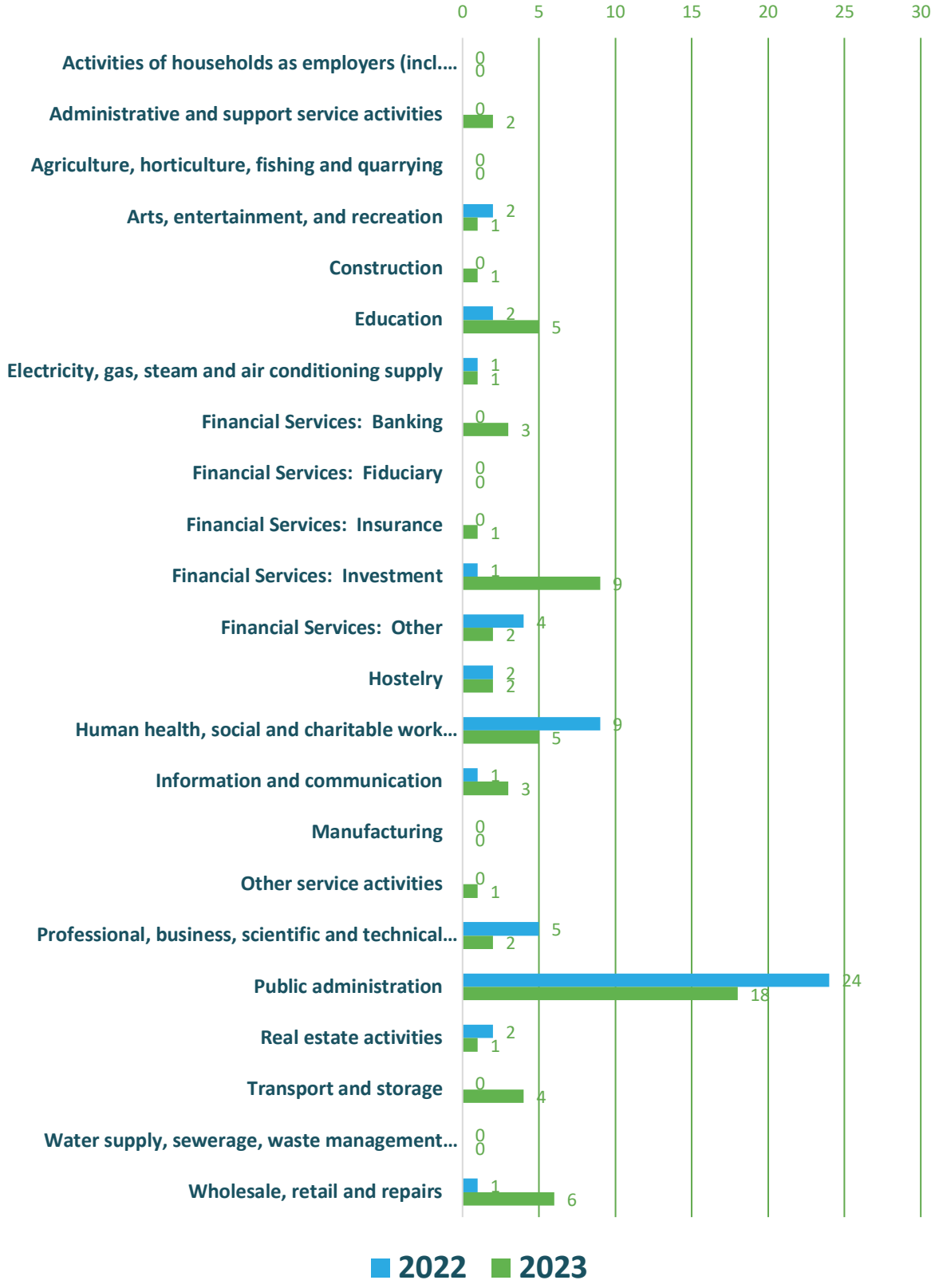
Explanatory note:
Data subject access requests (‘DSARs’) are consistently the source of the most number of complaints.

Fig. 4 New Cases - Sectors



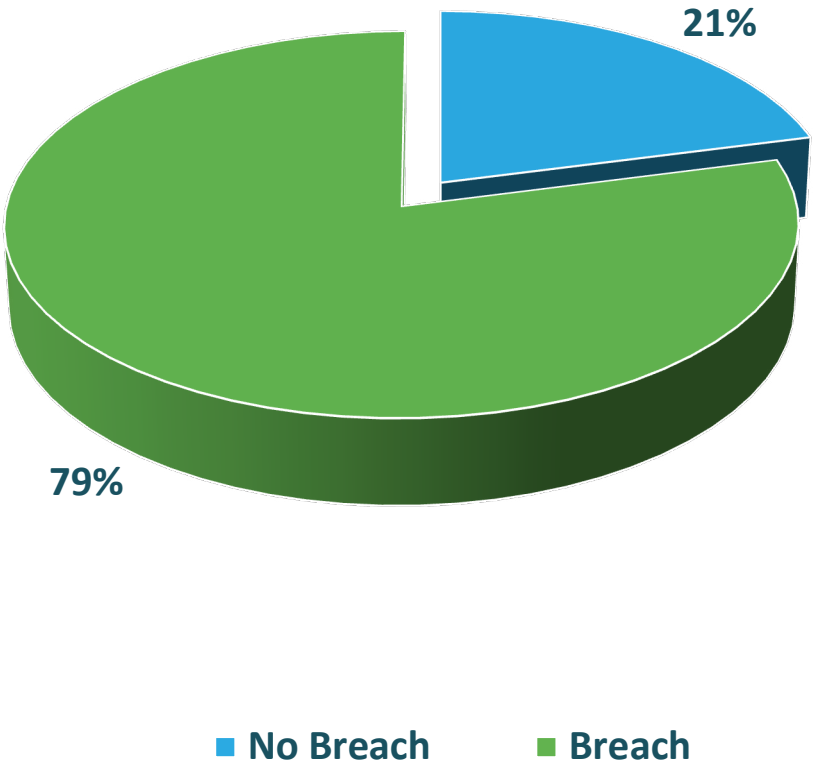
Explanatory note:
As noted at the beginning of this annex no complaints have been received about industry sectors not included in the above graph.

Fig. 4.1 New Cases - Sectors (2022 and 2023)



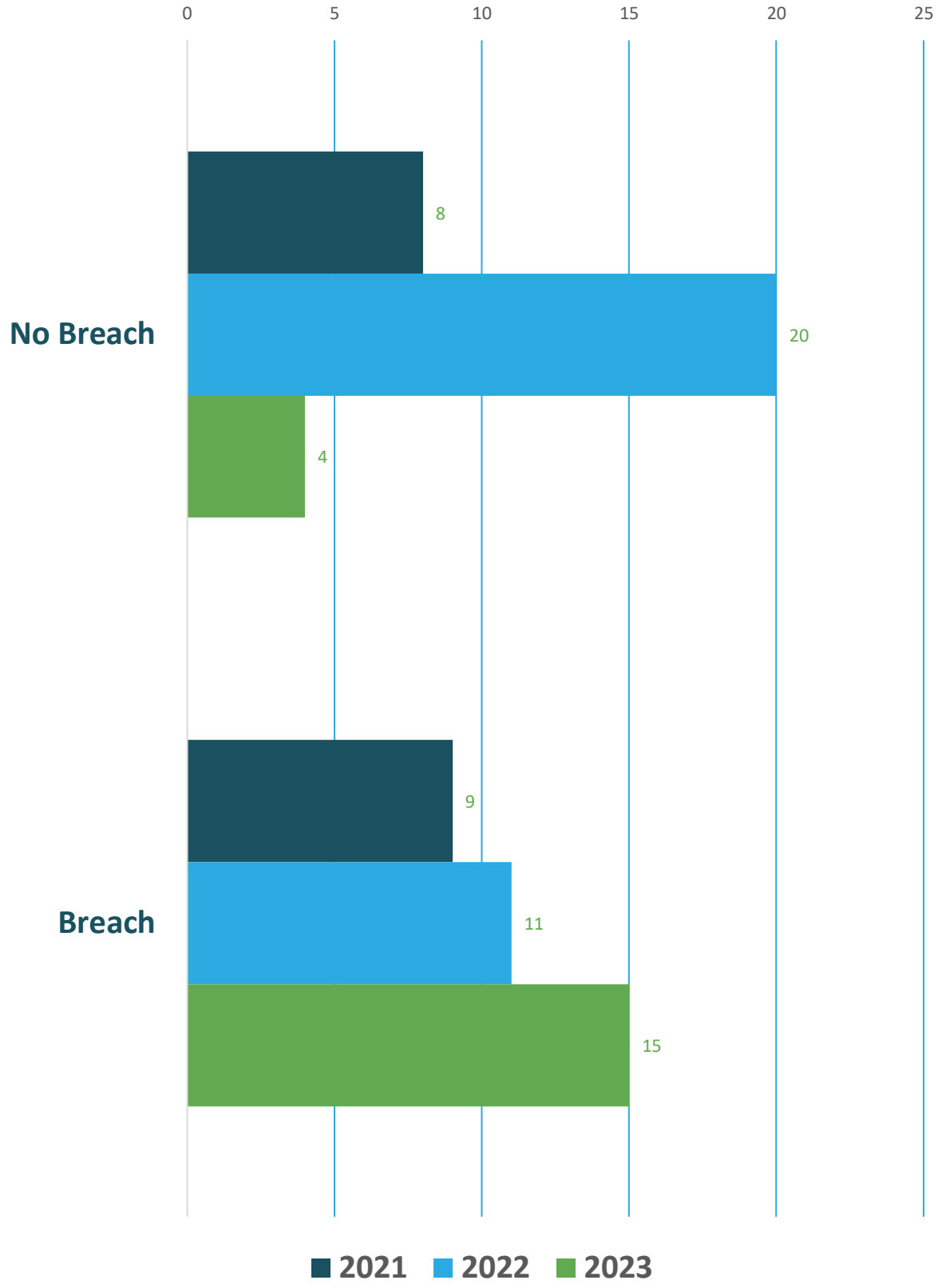
Explanatory note:
By virtue of the often mandatory nature of the processing, the number of individuals whose information is processed, and the variety of processing activities, more complaints about public authorities are received than any other industry sector.

Fig. 5 Outcome of Investigated Cases Closed



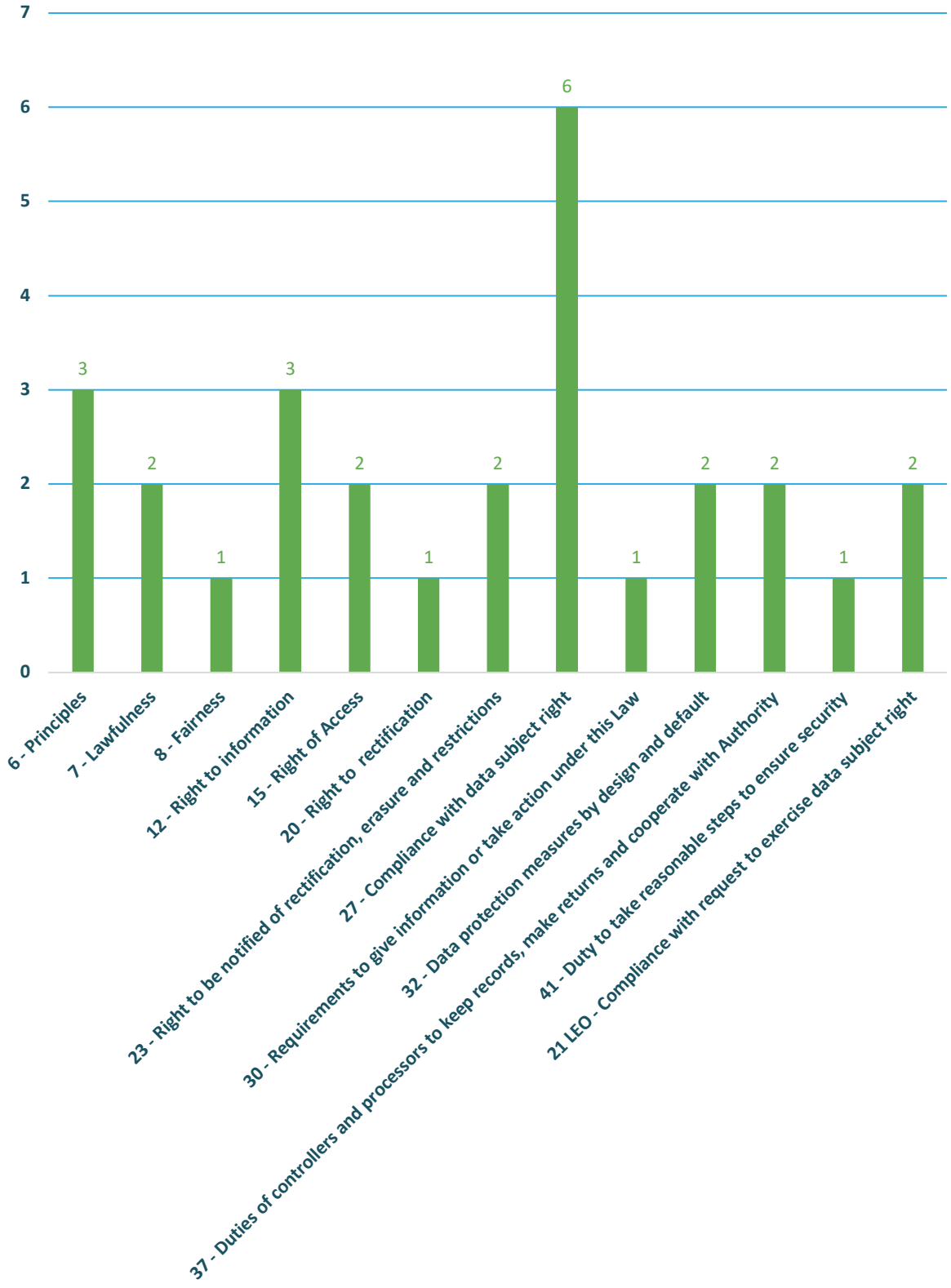
Explanatory note:
The adoption of the ODPA's Case Assessment Policy to seek early resolution (therefore dealing quickly with minor matters) has meant that more focus can be given to serious and/or systemic issues. This means there are a greater proportion of breach determinations issued.

Fig 5.1 Outcome of Investigated Cases Closed



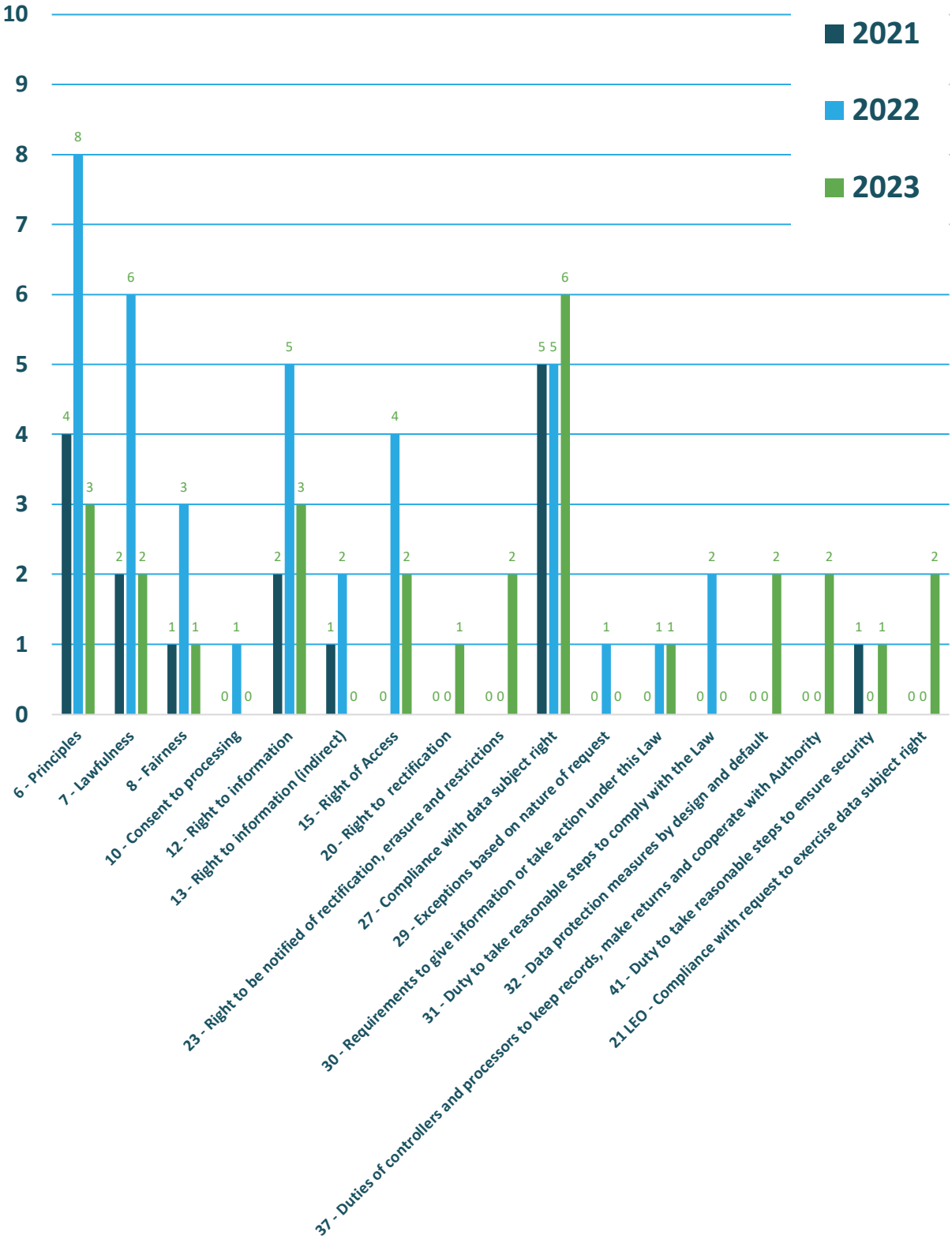
Explanatory note:
This shows a better targeting of resources over the past 3 years, with investigations concentrating on more serious and/or systemic issues.

Fig. 6 Operative Provision Breached (section of Law) (2021, 2022, and 2023)



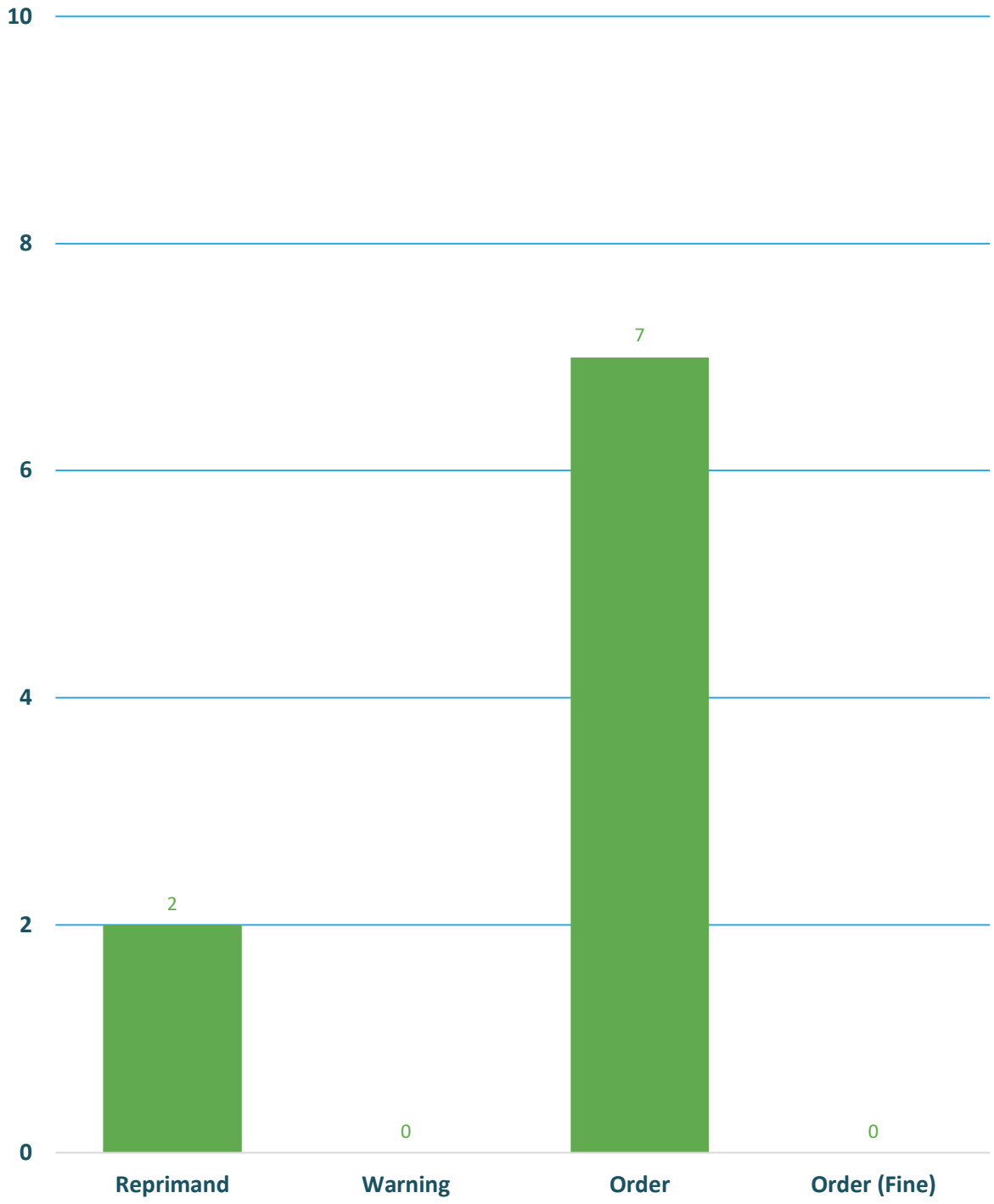
Explanatory note:
The most frequently breached operative provision relates to the response to data subject rights requests, which are often late or incomplete.

Fig. 6.1 Operative Provision Breached (section of Law) (2021, 2022, and 2023)

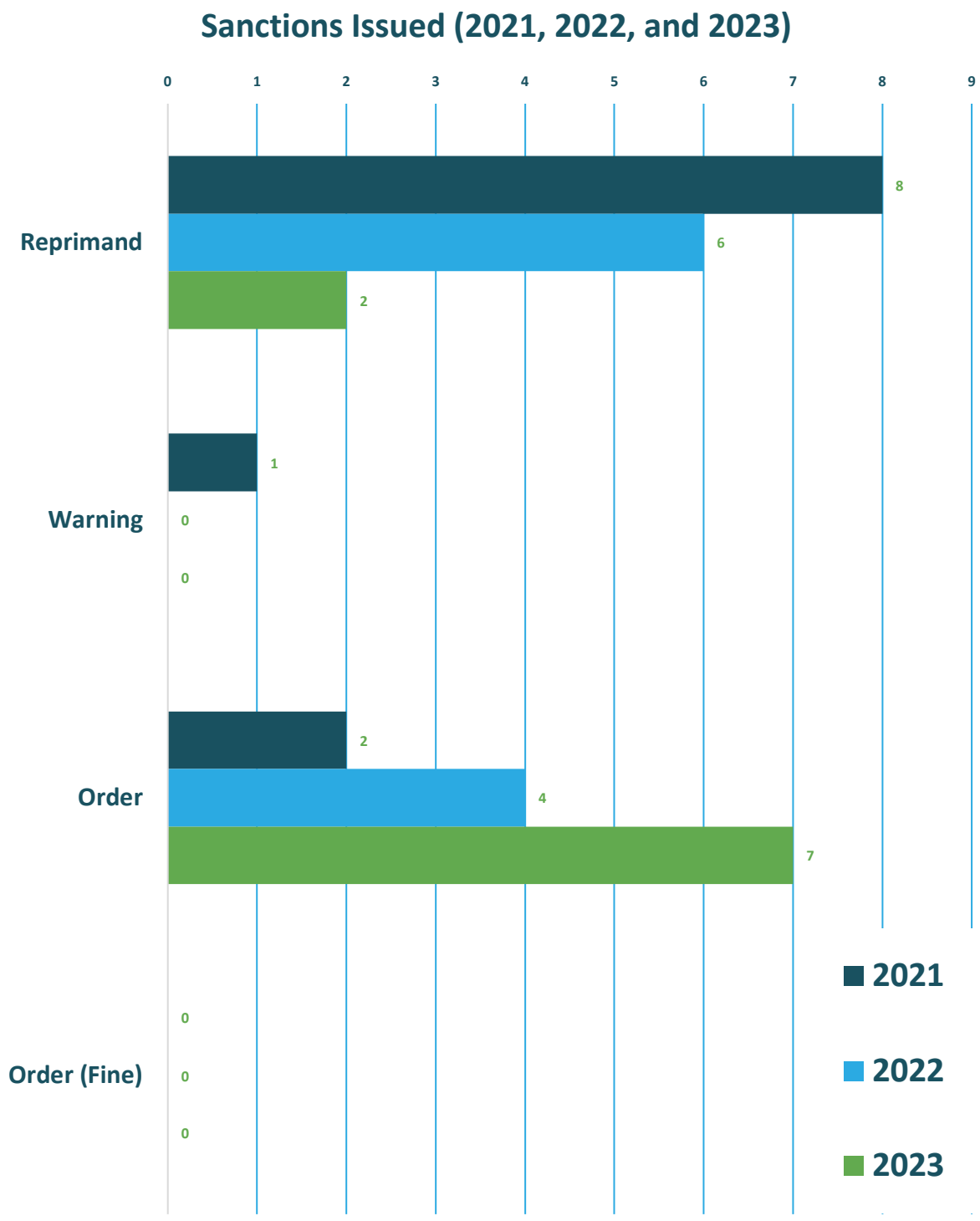


Explanatory note:
The trend of breaches relating to timeliness and completeness issues is broadly consistent over the last 3 years.

Fig. 7 Sanctions Issued



Explanatory note:
Orders may have been issued in 2022, however, the case may not have formally closed until 2023 once the order had been complied with.



Explanatory note:
There is a noticable trend towards issuing 'Orders' rather than 'Reprimands'.

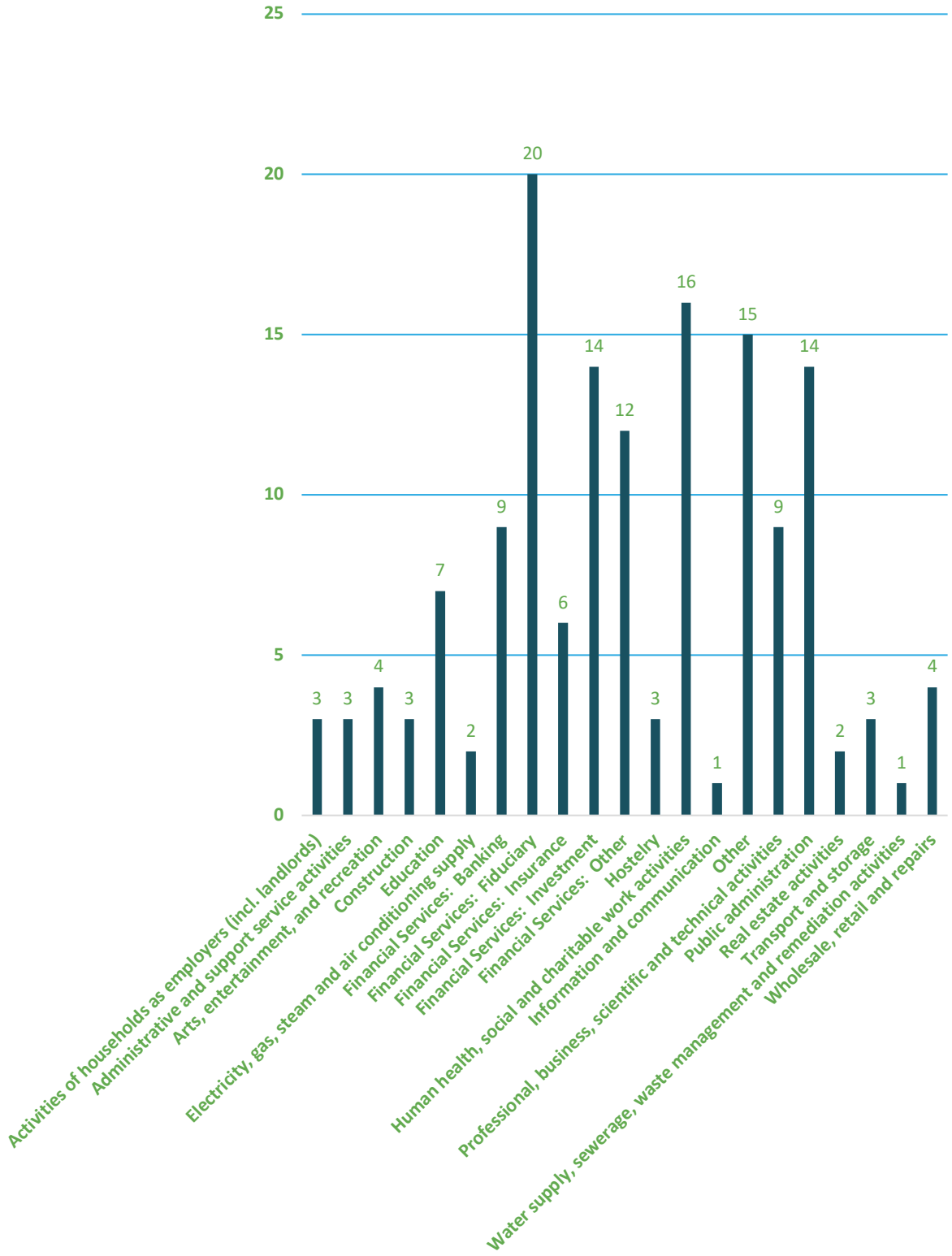
A reprimand is a formal recognition that an organisation has breached the Law in some way.

An order compels an organisation to bring specified practices or processes into compliance with the Law. In simple terms, it is a requirement to 'fix' or 'amend' a process or action that has gone wrong.

The ODPA has recognised that orders are more effective than reprimands and is using this sanction where appropriate.

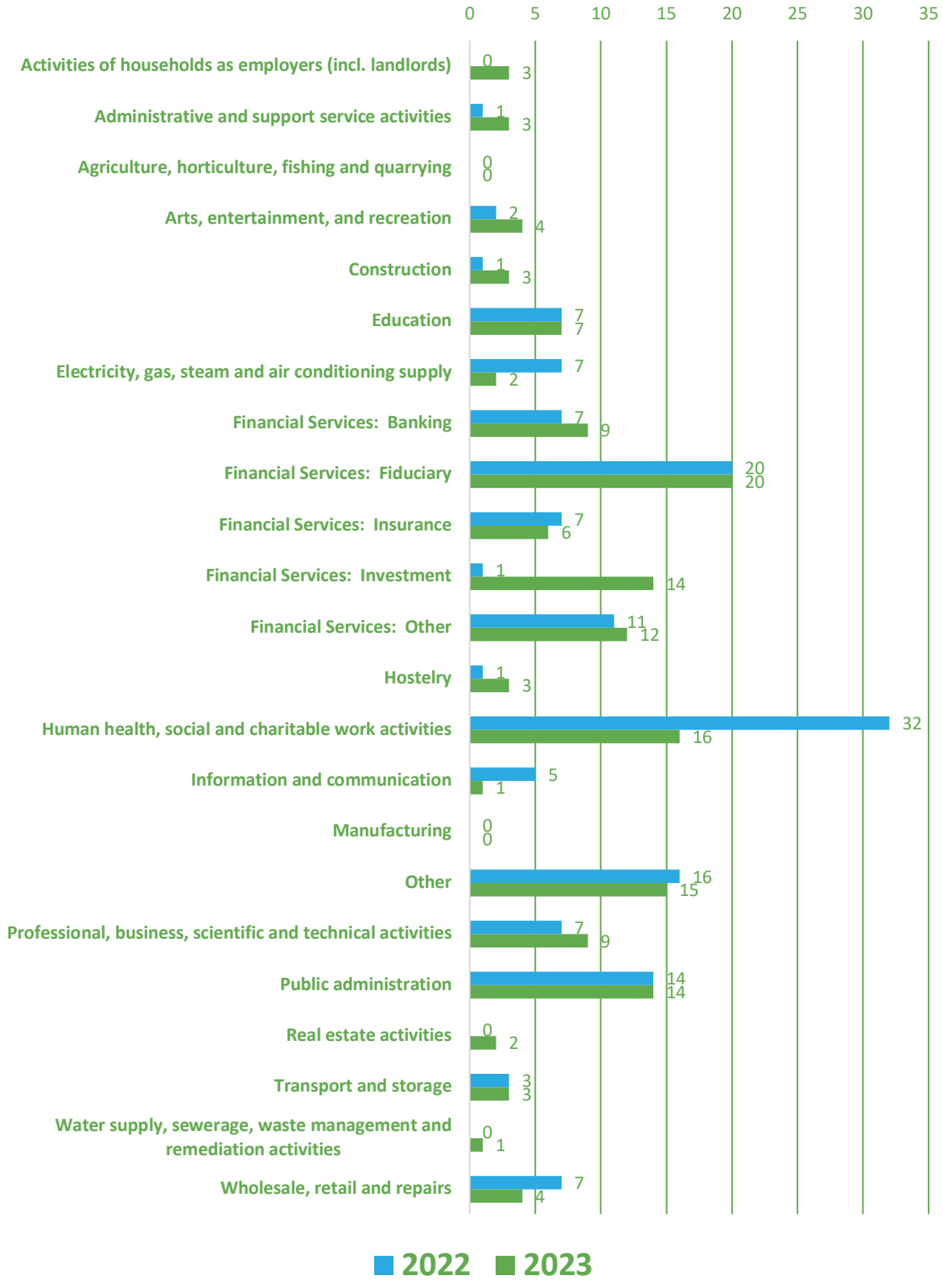
Personal data breaches reported under section 42 of the Law

Fig. 8 - Self Reported Breaches by Sector



Explanatory note:
The industry sectors that have reported the most breaches are fiduciary, healthcare, and 'other'. It is unclear if this is due to a greater number of breaches occurring, or better engagement with breach reporting obligations.

Fig. 8.1 Self Reported Breaches by Sector



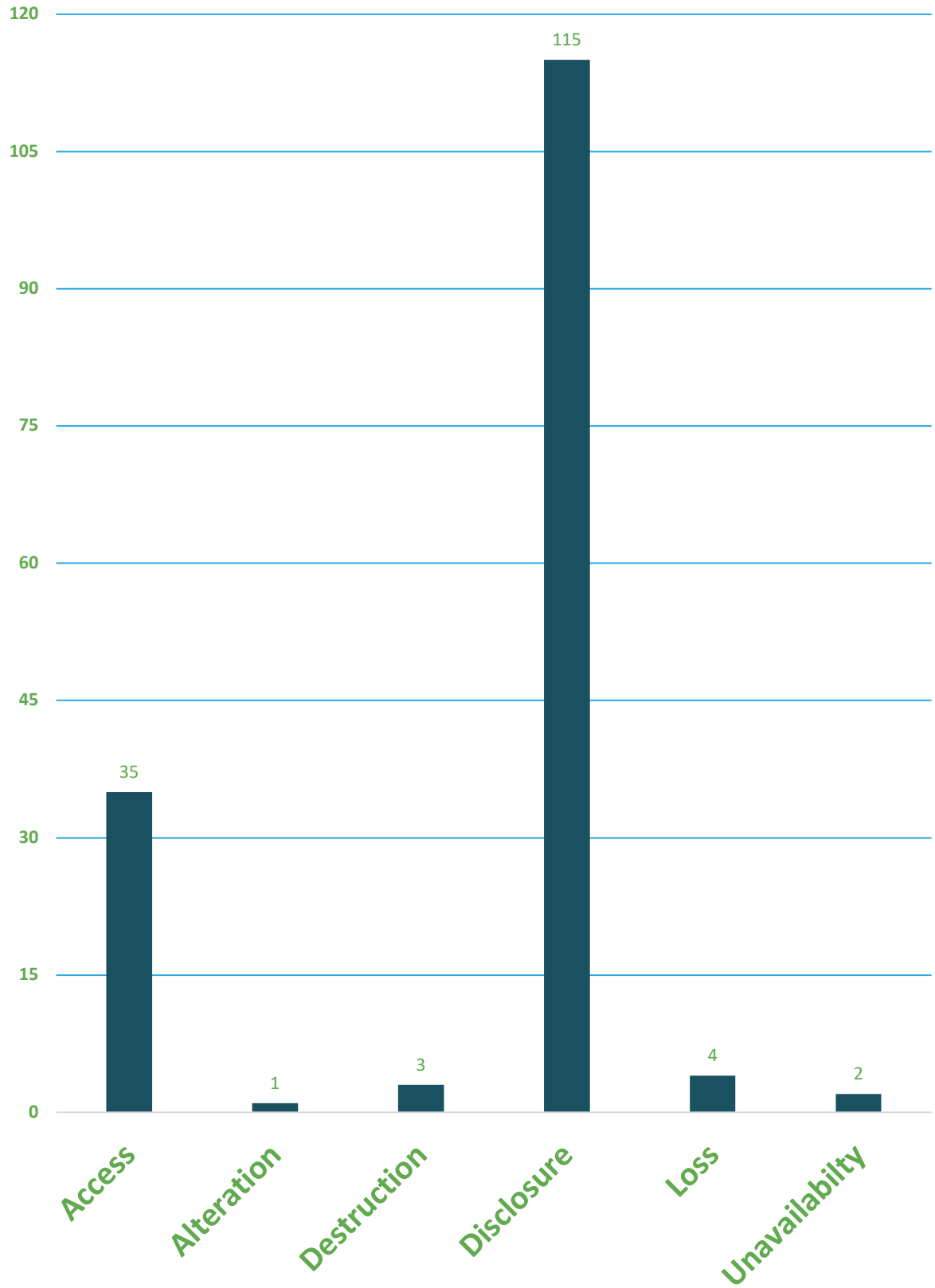
Explanatory note:
Year on year reporting for all industry sectors is broadly consistent. It is unclear if this is due to the number of breaches occurring, or better engagement with breach reporting obligations.

Fig. 9 Table of self-reported personal data breaches ('SRBs') reported showing the cause, number of occurrences of that cause and the outcome.

When reviewing the table below it is important to note that more than one cause may be identified per outcome. (Fig. 10)

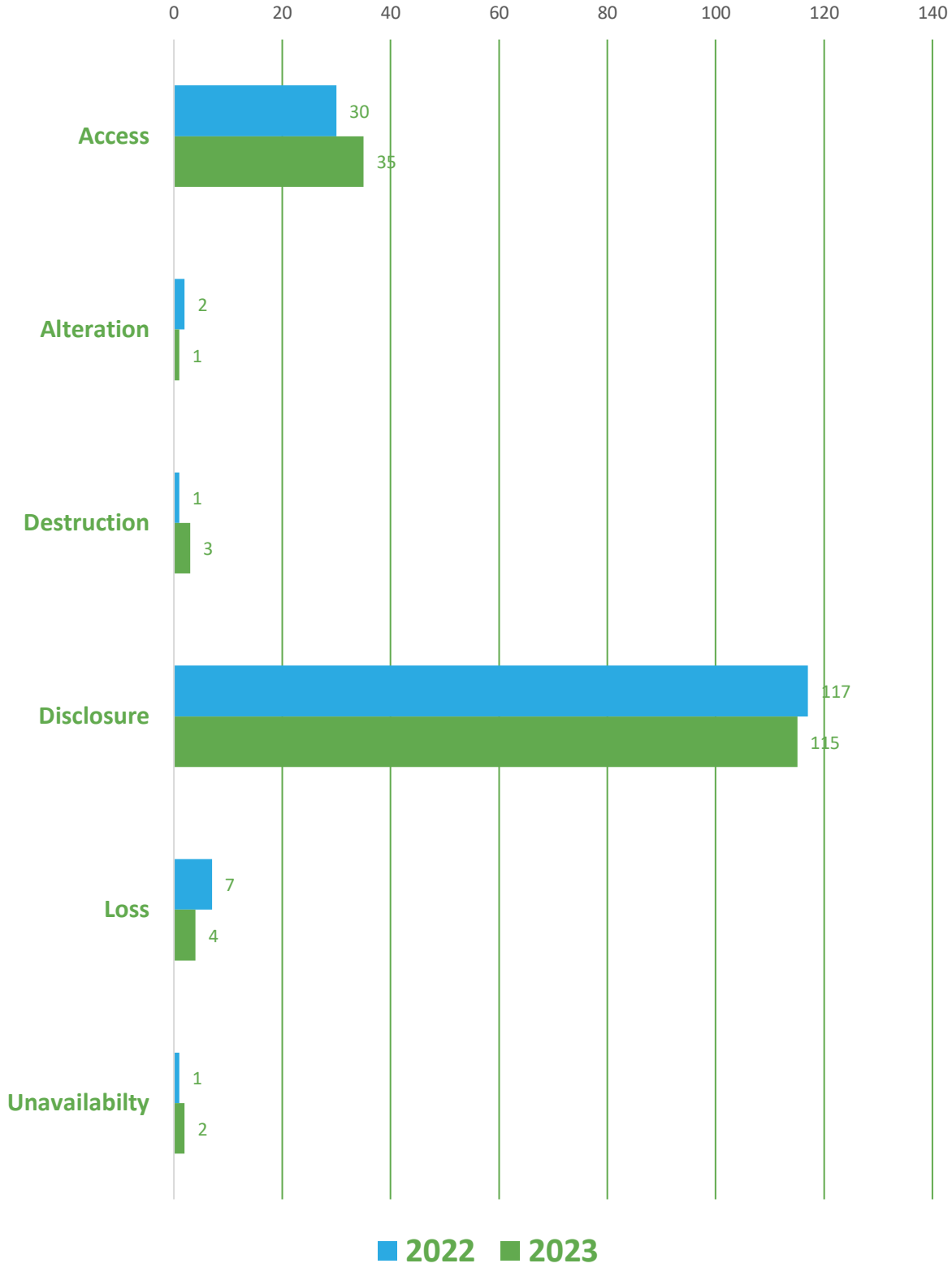
Outcome	<	Cause	>	Occurrences	TOTAL
Access		*E-Waste*		0	38
		Hacking		10	
		Malware		4	
		Other		15	
		Phishing		2	
		Physical Access		3	
		Smishing		0	
		Spearfishing		0	
		User Access Rights		4	
		Vishing		0	
Alteration		*Accidental alteration*		1	1
		Hacking		0	
		Malicious alteration		0	
		Network security compromised		0	
		Other		0	
		Website security breach		0	
Destruction		*Deletion*		1	5
		Destruction of device		0	
		Destruction of record		1	
		Inappropriate disposal of paper		1	
		Other		2	
Disclosure		*Data sent to incorrect recipient - Email*		74	119
		Data sent to incorrect recipient - Fax		0	
		Data sent to incorrect recipient - Post		11	
		Other		23	
		Unintended online publication		7	
		Verbal disclosure		4	
Loss		*Device lost or stolen (encrypted)*		0	4
		Device lost or stolen (unencrypted)		2	
		Other		0	
		Paper lost/stolen		2	
Unavailability		*Other*		1	2
		Physical access unavailable (lost keys)		0	
		Server unavailability		1	
					169

Fig. 10 Self Reported Breaches - Nature



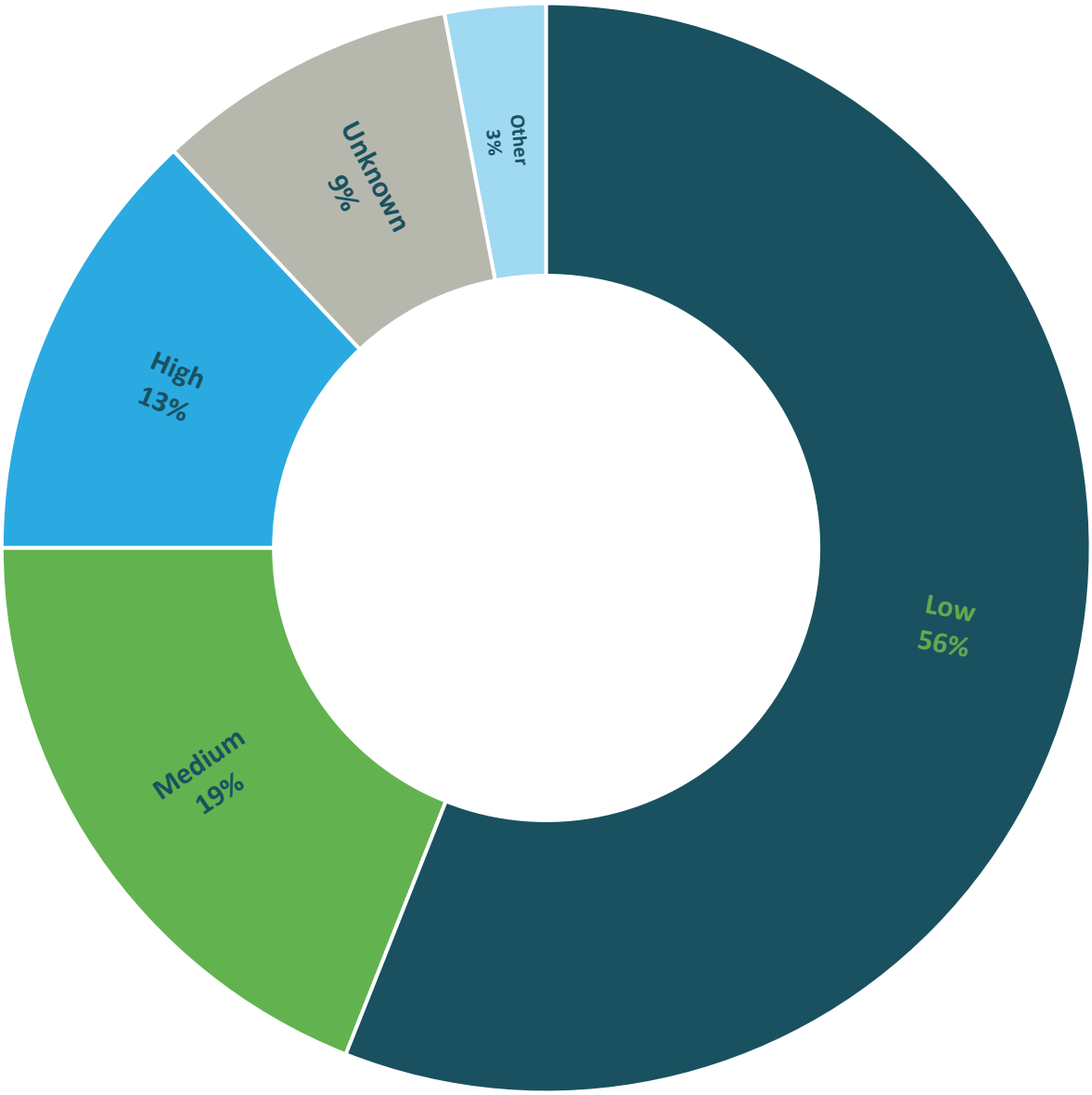
Explanatory note:
Disclosure related breaches account for 70% of all self-reported breaches, with just over 60% of those being due to email errors.

Fig. 10.1 Self Reported Breaches - Nature (2022 and 2023)



Explanatory note:
Year on year reporting is broadly consistent.

Fig.11 Breach Severity



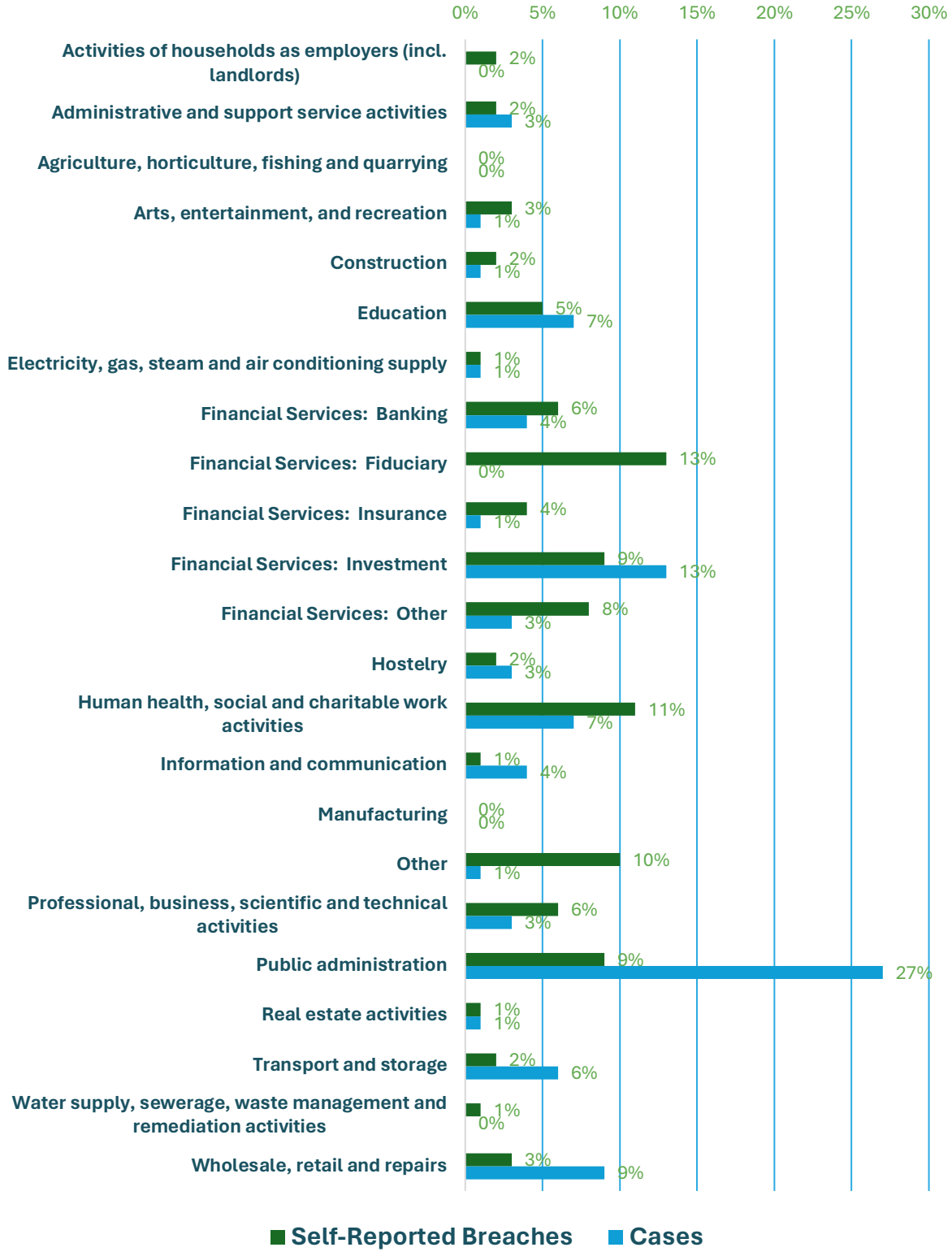
Explanatory note:
This chart shows breach severity as assessed by the organisation reporting the breach. 'Unknown' relates to breaches where the reporter did not know the severity of the breach at time of reporting. 'Other' relates to breaches with narrative in the severity field, rather than a measure.

Fig. 12 Number of people affected by breaches vs. risk

9,908,525 total people affected by 2023 SRBs.

Risk (count of breaches reported)	**Total people affected**
High (15)	128
Medium (23)	415
Low (75)	9,906,423
Other (5)	27
Unknown (8)	1532
	9,908,525

Fig.13 Cases Received vs Self-Reported Breaches by Sector



Explanatory note:
It is of note that it appears that organisations that report more breaches themselves are subject to fewer complaints, demonstrating perhaps that an open approach in relation to breaches lessens the chance of complaints being made.

The European Communities (Implementation of Privacy Directive) (Guernsey) Ordinance, 2004 ('IPD')

There was 1 case (69 Inquiry) being investigated under IPD legislation, the Bailiwick equivalent of the UK's Privacy and Electronic Communications Regulations and the EU's E-Privacy Directive at the end of 2023.

Section 69 Inquiries

There were 9 ongoing inquiries as of the end of 2023.

Powers exercised under Schedule 7 of the Law

The ODPA issued 20 Information Notices during 2023.

Audited Financial Statements

2023

The Data Protection Authority

Members' Report and Audited Financial Statements

Year Ended 31 December 2023

The Data Protection Authority

Authority Information

Members	Richard Thomas CBE (Chairman) John Curran Christopher Docksey Simon Entwisle Mark Lempriere Nicola Wood Jane Wonnacott Emma Martins (Non-voting member) (retired 31 December 2023) Brent Homan (Non-voting member) (appointed 1 January 2024)
Registered office	St Martin's House Le Bordage St Peter Port Guernsey GY1 1BR
Auditor	Grant Thornton Limited St James Place St James Street St Peter Port Guernsey GY1 2NZ

The Data Protection Authority

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Members' Report
For the Year Ended 31 December 2023

The members present their report and the financial statements for the year ended 31 December 2023.

Members' responsibilities statement

The members are responsible for preparing the Members' Report and the financial statements in accordance with the requirements of The Data Protection (Bailiwick of Guernsey) Law, 2017 ("the Law") and generally accepted accounting practice.

The members are responsible for keeping proper financial accounts and adequate accounting records that are sufficient to show and explain The Data Protection Authority's ("ODPA" or "Authority") transactions to enable them to ensure that the financial statements comply with the Law and associated legislation. They are also responsible for safeguarding the assets of the Authority and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Principal activity

The Data Protection Authority is the independent regulatory authority for the purposes of the Data Protection (Bailiwick of Guernsey) Law, 2017 and associated legislation.

Results

The deficit for the year is set out in detail on page 6 and 7.

Members

The members who served during the year were:

Richard Thomas CBE
Simon Entwisle
John Curran
Christopher Docksey
Mark Lempriere
Nicola Wood
Jane Wonnacott
Emma Martins (Non-voting member) (retired 31 December 2023)

On 31 December 2023 Emma Martins' term of office as the Data Protection Commissioner came to an end.

On 1 January 2024 Brent Homan's term of office as the Data Protection Commissioner commenced.

Disclosure of information to auditor

Each of the persons who are members at the time when this Members' Report is approved has confirmed that:

- so far as the member is aware, there is no relevant audit information of which the Authority's auditor is unaware, and
- the member has taken all the steps that ought to have been taken as a member in order to be aware of any relevant audit information and to establish that the Authority's auditor is aware of that information.

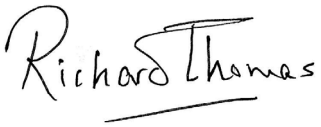
Independent auditor

The auditor, Grant Thornton Limited, has expressed a willingness to continue in office.

Going concern

The members confirm their assumption that the ODPA is a going concern, and that no material uncertainty exists in this report. The assumption is based on the relationship which the ODPA has with the States of Guernsey which is established in law. Given projected cash flows, it is the expectation of the Members that no loan repayment (see note 8) will be made in 2024.

This report was approved by the members on 25 April 2024 and signed on its behalf.



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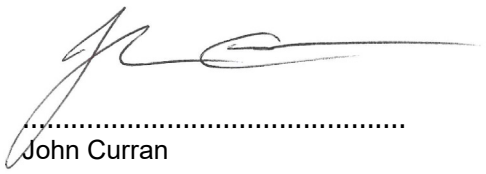
Richard Thomas CBE (Chairman)



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John Curran

Independent Auditor's Report to the Members of The Office of the Data Protection Authority

Opinion

We have audited the financial statements of The Data Protection Authority (the 'Authority') for the year ended 31 December 2023 which comprise the Income and Expenditure Account, the Statement of Other Comprehensive Income, the Balance Sheet, the Statement of Changes in Reserves and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements:

give a true and fair view of the balance sheet of the Authority as at 31 December 2023, and of its financial performance for the year then ended; and

are in accordance with United Kingdom Generally Accepted Accounting Practice including Financial Reporting Standard 102 'The Financial Reporting Standard applicable in the UK and Republic of Ireland', Section 1A 'Small Entities' (FRS 102 Section 1A).

Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs) and applicable law. Our responsibilities under those standards are further described in the 'Auditor's responsibilities for the audit of the financial statements' section of our report. We are independent of the Authority in accordance with the International Ethics Standards Board for Accountants' International Code of Ethics for Professional Accountants (including International Independence Standards) (IESBA Code), together with the ethical requirements that are relevant to our audit of the financial statements in Guernsey, and we have fulfilled our other ethical responsibilities in accordance with these requirements and the IESBA Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Other information

The members are responsible for the other information. The other information comprises the information included in the annual report but does not include the financial statements and our auditor's report thereon.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements, or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Independent Auditor's Report to the Members of The Office of the Data Protection Authority (continued)

Responsibilities of members for the financial statements

The members are responsible for the preparation of the financial statements which give a true and fair view in accordance with FRS 102, Section 1A, and for such internal control as the members determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the members are responsible for assessing the Authority's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the members either intend to liquidate the Authority or to cease operations, or have no realistic alternative but to do so.

Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, we exercise professional judgment and maintain professional scepticism throughout the audit. We also:

Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control.

Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.

Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Authority's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Authority to cease to continue as a going concern.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Independent Auditor's Report to the Members of The Office of the Data Protection Authority (continued)

Use of our report

This report is made solely to the Authority's members, as a body, in accordance with section Paragraph 12 of Schedule 6 of the Data Protection (Bailiwick of Guernsey) Law, 2017. Our audit work has been undertaken so that we might state to the Authority's members those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Authority and the Authority's members as a body, for our audit work, for this report, or for the opinions we have formed.

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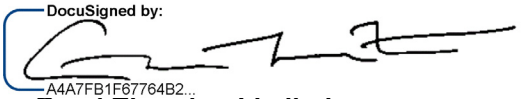
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Grant Thornton Limited
Chartered Accountants
St Peter Port, Guernsey

Date: 25 April 2024

Income and expenditure account
For the Year Ended 31 December 2023

	2023 £	2022 £
Income	**1,676,850**	1,513,900
Administrative expenses	**(1,653,832)**	(1,457,647)
Operating surplus	**23,018**	56,253
Effective interest	**(54,710)**	(45,840)
(Deficit)/surplus for the financial year	**(31,692)**	10,413

The results above derive from continuing activities.

The notes on pages 10 to 16 form an integral part of these financial statements.

Statement of Other Comprehensive Income
For the Year Ended 31 December 2023

	2023 £	2022 £
(Deficit)/surplus for the financial year	**(31,692)**	10,413
Other comprehensive income		
Loan amortisation	**8,693**	131,894
Total comprehensive (loss)/income for the year	**(22,999)**	142,307

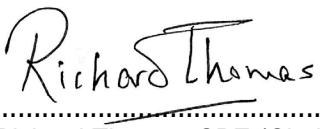
The notes on pages 10 to 16 form an integral part of these financial statements.

Balance Sheet
As at 31 December 2023

	Note		2023 £		2022 £
Fixed assets					
Intangible fixed assets	5		**52,812**		100,155
Tangible fixed assets	6		**20,693**		45,227
			73,505		145,382
Current assets					
Prepayments and sundry debtors		**77,743**		47,848	
Cash at bank		**385,684**		113,083	
		463,427		160,931	
Creditors: amounts falling due within one year	7	**(346,959)**		(89,124)	
Net current assets			**116,468**		71,807
Total assets less current liabilities			**189,973**		217,189
Creditors: amounts falling due after more than one year	8		**(629,820)**		(634,037)
Net liabilities			**(439,847)**		(416,848)
Reserves					
Deficit			**(439,847)**		(416,848)
Total reserves			**(439,847)**		(416,848)

The financial statements have been prepared in accordance with the provisions of FRS 102 Section 1A - Small Entities.

The financial statements were approved and authorised for issue by the members and were signed on the members' behalf by:



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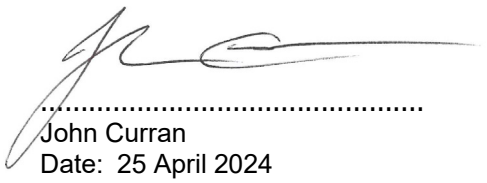
Richard Thomas CBE (Chairman)
Date: 25 April 2024



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John Curran
Date: 25 April 2024

Statement of Changes in Reserves
For the Year Ended 31 December 2023

	Other comprehensive income	Income and expenditure account	Total reserves
	£	£	£
At 1 January 2022	**205,499**	**(764,654)**	**(559,155)**
Surplus for the financial year	**-**	**10,413**	**10,413**
Loan amortisation	**131,894**	**-**	**131,894**
At 1 January 2023	**337,393**	**(754,241)**	**(416,848)**
Deficit for the financial year	**-**	**(31,692)**	**(31,692)**
Loan amortisation	**8,693**	**-**	**8,693**
At 31 December 2023	**346,086**	**(785,933)**	**(439,847)**

The notes on pages 10 to 16 form an integral part of these financial statements.

Notes to the Financial Statements
For the Year Ended 31 December 2023

1. Accounting policies

1.1 Basis of preparation of financial statements

The financial statements have been prepared under the historical cost convention and in accordance with Section 1A of Financial Reporting Standard 102 ("FRS 102"), the Financial Reporting Standard applicable in the UK and Republic of Ireland.

The presentation currency of these financial statements is Sterling with all amounts rounded to the nearest whole pound.

The preparation of financial statements in compliance with FRS 102 requires the use of certain critical accounting estimates. It also requires management to exercise judgment in applying the Authority's accounting policies. These judgments are set out in more detail in note 2.

The following principal accounting policies have been applied:

1.2 Income

Annual notification fees are recognised to the extent that it is probable that the economic benefits will flow to the Authority and the income can be reliably measured. Income from annual notification fees is measured at the fair value of the consideration received or receivable. Income from annual notification fees is recognised on an accrual basis.

Deferred income represents amounts received for registration fees in respect of future periods.

1.3 Intangible assets

Intangible assets are initially recognised at cost. After recognition, under the cost model, intangible assets are measured at cost less any accumulated amortisation and any accumulated impairment losses.

All intangible assets are considered to have a finite useful life. If a reliable estimate of the useful life cannot be made, the useful life shall not exceed ten years.

Website development costs are amortised over their useful economic life which is estimated as four years.

1.4 Tangible fixed assets

Tangible fixed assets under the cost model are stated at historical cost less accumulated depreciation and any accumulated impairment losses. Historical cost includes expenditure that is directly attributable to bringing the asset to the location and condition necessary for it to be capable of operating in the manner intended by management.

Depreciation is charged so as to allocate the cost of assets less their residual value over their estimated useful lives.

1. Accounting policies (continued)

1.4 Tangible fixed assets (continued)

Depreciation is charged so as to allocate the cost of assets less their residual value over their estimated useful lives.

The estimated useful lives range as follows:

Leasehold improvements	- Over the remaining period of the lease
Furniture and fittings	- 20% straight line
Office equipment	- 20% straight line

The assets' residual values, useful lives and depreciation methods are reviewed, and adjusted prospectively if appropriate, or if there is an indication of a significant change since the last reporting date.

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount and are recognised in profit or loss.

1.5 Debtors

Short term debtors are measured at transaction price, less any impairment.

1.6 Financial instruments

The Authority only enters into basic financial instruments transactions that result in the recognition of financial assets and liabilities like trade and other debtors and creditors and loans from third parties.

Debt instruments (other than those wholly repayable or receivable within one year), including loans and other accounts receivable and payable, are initially measured at the present value of the future cash flows and subsequently at amortised cost using the effective interest method. Debt instruments that are payable or receivable within one year, typically trade debtors and creditors, are measured, initially and subsequently, at the undiscounted amount of the cash or other consideration expected to be paid or received. However, if the arrangements of a short-term instrument constitute a financing transaction, like the payment of a trade debt deferred beyond normal business terms or financed at a rate of interest that is not a market rate or in case of an out-right short-term loan not at market rate, the financial asset or liability is measured, initially, at the present value of the future cash flow discounted at a market rate of interest for a similar debt instrument and subsequently at amortised cost.

Financial assets that are measured at cost and amortised cost are assessed at the end of each reporting period for objective evidence of impairment. If objective evidence of impairment is found, an impairment loss is recognised in the Income and expenditure account.

For financial assets measured at cost less impairment, the impairment loss is measured as the difference between an asset's carrying amount and best estimate of the recoverable amount, which is an approximation of the amount that the Authority would receive for the asset if it were to be sold at the Balance Sheet date. If there is a decrease in the impairment loss arising from an event occurring after the impairment was recognised, the impairment is reversed. The reversal is such that the current amount does not exceed what the carrying amount would have been, had the impairment not previously been recognised. The impairment reversal is recognised in the Statement of Comprehensive Income.

1. Accounting policies (continued)

1.7 Cash at bank

Cash at bank is represented by current bank accounts and deposits with financial institutions repayable without penalty on notice of not more than 24 hours.

1.8 Operating leases

Rentals paid under operating leases are charged to the Income and expenditure account on a straight line basis over the lease term.

1.9 Administrative expenses

Administrative expenses are measured at transaction price and accounted for on an accruals basis.

1.10 Finance costs

Finance costs are charged to profit or loss over the term of the debt using the effective interest method so that the amount charged is at a constant rate on the carrying amount. Issue costs are initially recognised as a reduction in the proceeds of the associated capital instrument.

2. Significant judgments in applying accounting policies and key sources of estimation uncertainty

In the application of the entity's accounting policies, which are set out in note 1, the members have made judgments, estimates and assumptions about the carrying amounts of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. The resulting accounting estimates will, by definition, seldom equal the related actual results.

The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are addressed below:

Notional interest rate

The loan from the States of Guernsey has been advanced on an interest free basis. In line with the requirements of FRS 102 the liability is measured at the present value of the future payments discounted at a market rate of interest for a similar debt instrument. The members have therefore had to consider what the appropriate market rate of interest would be. The members consider that if they had borrowed the funds from a bank then a market rate of interest would be 4% above base. This rate has been used to calculate the notional interest charge on the loan which is included in the income and expenditure account of £54,710 for year ended 31 December 2023 (2022: £45,840).

As the loan has been provided on an interest free basis, any change to this notional rate will impact on the amortisation period, but does not have any impact on the total repayment amount.

3. Employees

The average monthly number of employees, including directors, during the year was 12 (2022: 12).

4. Taxation

The Authority is exempt from the provisions of the Income Tax (Guernsey) Law, 1975 as amended.

5. Intangible assets

	Website development £
Cost	
At 1 January and 31 December 2023	**188,370**
Amortisation	
At 1 January 2023	**88,215**
Charge for the year	**47,343**
At 31 December 2023	**135,558**
Net book value	
At 31 December 2023	**52,812**
At 31 December 2022	100,155

6. Tangible fixed assets

	Leasehold improvements £	Furniture and fittings £	Office equipment £	Total £
Cost				
At 1 January 2023	**50,701**	**1,762**	**112,541**	**165,004**
Additions	**-**	**-**	**1,305**	**1,305**
Disposals	**-**	**-**	**(35,446)**	**(35,446)**
At 31 December 2023	**50,701**	**1,762**	**78,400**	**130,863**
Depreciation				
At 1 January 2023	**35,683**	**1,367**	**82,727**	**119,777**
Charge for the year	**8,453**	**341**	**16,931**	**25,725**
Disposals	**-**	**-**	**(35,332)**	**(35,332)**
At 31 December 2023	**44,136**	**1,708**	**64,326**	**110,170**
Net book value				
At 31 December 2023	**6,565**	**54**	**14,074**	**20,693**
At 31 December 2022	15,018	395	29,814	45,227

7. Creditors: amounts falling due within one year

	2023 £	2022 £
Trade creditors	**18,583**	14,506
Deferred rent	**4,002**	12,007
Sundry creditors and accruals	**24,374**	12,845
Deferred income	**300,000**	-
Amounts payable to the States of Guernsey (note 9)	**-**	49,766
	346,959	89,124

8. Creditors: Amounts falling due after more than one year

	2023 £	2022 £
Amount payable to the States of Guernsey (note 9)	**629,820**	634,037

In accordance with the loan agreement dated 15 November 2021 between The Data Protection Authority and The States of Guernsey, the loan is interest free and unsecured. Under the terms of the loan, annual loan repayments equal the annual surplus of The Data Protection Authority with £100,000 due on 30 June in the year and any balance due by 31 March in the following year. The loan agreement states that the loan is to be repaid in full by no later than 31 March 2027, which may be extended by mutual agreement between the Parties.

As the loan has been advanced on an interest free basis then in accordance with the requirements of FRS102 it has been accounted for as a financing transaction. Financing transactions are measured at the present value of the future payments discounted at a market rate of interest. The members consider that the market rate of interest for this loan would be 4% over the Bank of England base rate. The present value of the future loan repayments are disclosed in note 9.

9. Amounts payable to the States of Guernsey

Present value of loan repayments:

	2023 £	2022 £
Amounts falling due within one year	**-**	49,766
Amounts falling due between 1 and 2 years	**122,290**	53,206
Amounts falling due between 2 and 5 years	**507,530**	447,070
Amounts falling due after more than 5 years	**-**	133,761
	629,820	683,803

10. Commitments under operating leases

At 31 December 2023 the Authority had future minimum lease payments due under non-cancellable operating leases for each of the following periods:

	2023 £	2022 £
Not later than 1 year	**41,235**	82,471
Later than 1 year and not later than 5 years	**-**	41,235
	41,235	123,706

11. Controlling party

The members are of the opinion that there is no ultimate controlling party.

12. Post Balance Sheet events

On 1 January 2024 Brent Homan's term of office as the Data Protection Commissioner commenced.

On 20 March 2024 the ODPA signed Heads of Terms for the lease of a property known as Lefebvre Court. The lease is for 10 years with a lease commencement date of 1 May 2024. The annual rental will be £81,100.

Detailed Statement of Income and expenditure account (unaudited)
For the Year Ended 31 December 2023

	2023 £	2022 £
Income	**1,676,850**	1,513,900
Administrative expenses	**(1,653,832)**	(1,457,647)
Effective interest	**(54,710)**	(45,840)
(Deficit)/surplus for the year	**(31,692)**	10,413
Income		
Annual notification fees	**1,676,850**	1,513,900
Administrative expenses		
Salaries and other staff costs	**868,901**	783,389
Recruitment and relocation fees	**31,803**	3,200
Members fees	**56,602**	60,105
Project costs	**32,150**	68,056
Rent, rates and premises expenses	**127,571**	123,784
Legal and professional	**234,357**	107,724
Communication costs	**19,976**	41,470
Travel	**51,700**	32,706
IT costs	**115,459**	117,847
Office and sundry expenses	**25,749**	21,779
Insurances	**16,382**	19,664
Amortisation	**47,343**	47,343
Depreciation	**25,725**	30,643
Loss/(gain) on sale of tangible assets	**114**	(63)
	1,653,832	1,457,647

THE OFFICE OF THE
Data Protection Authority

Excellence Through Ethics.

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