The Bailiwick of Guernsey
Data Protection Authority

Chair Applicant Pack

Thank you for your interest in this position.

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Background

The Data Protection (Bailiwick of Guernsey) Law, 2017 ("the Law") came into force on 25 May 2018. It has equivalence with the European Union's General Data Protection Regulation ("the GDPR"). The Law applies to all controllers and processors operating in the Bailiwick, across public, private and voluntary sectors. It is of fundamental importance to the Bailiwick's economy and well-being that its arrangements continue to be recognised as "adequate" under the GDPR.

An important feature of the Law was the creation of an independent Data Protection Authority (the "Authority"). The Authority has a range of functions, including to promote awareness of controllers and processors of their data protection duties, to promote public awareness of risks, rules, safeguards and rights in relation to processing, to administer and enforce the Law and to deal with complaints. A full list of the Authority's statutory functions is included as Appendix 1.

Board members of the Authority have ultimate responsibility for these functions as a body corporate, as well as providing strategic oversight and governance. The Authority has delegated the majority of functions to the Commissioner, who is also responsible for operational matters.

The Authority is funded entirely by registration fees and levies and operates independently of the States of Guernsey to provide impartial oversight of the Law. This independence is essential for safeguarding islanders' rights and maintaining the Bailiwick's adequacy status.

The Authority's public branding is the Office of the Data Protection Authority ("the ODPA"). The ODPA website gives further information about the Authority and its activities. Of particular relevance are the Strategic Plan 2026-2029 and the 2025 Annual Report.

Constitution of the Authority[1]

The Authority is comprised of:

a) The Chair
b) No fewer than four and no more than eight other voting members ("Members")
c) The Commissioner, as an *ex officio* non-voting member.

The Chair and other Members must be appointed by resolution of the States of Deliberation from individuals nominated by the Committee *for* Home Affairs ("the Committee").

In determining who to nominate for appointment, the Committee must have particular regard to the need to ensure that Members of the Authority -

[1] Paragraph 1 of Schedule 6 of the Law

a) have the qualifications, experience and skills necessary to exercise and perform the functions of a Member;
b) have a strong sense of integrity; and
c) are able to maintain confidentiality

Prior to nomination by the Committee, applicants must provide information and references to the Committee that are reasonably required in order to prove their suitability for appointment as a Member.

The term of office will be for a period of between four and five years and Members can be re-appointed in accordance with the Law.

An individual is ineligible to be a Member if the individual –

a) is now, or has ever been in the preceding 12 months, a member of the States of Deliberation, the States of Alderney or the Chief Pleas of Sark;
b) is a person employed, whether on a full-time or part-time basis, by the States of Guernsey;
c) is otherwise under the direction and control of the States of Guernsey; or
d) is engaged in any employment, occupation (whether gainful or not) or business, or receives any benefits, that is incompatible with the functions of a Member of the Authority.

Experience

Applicants are asked to demonstrate their expertise in, and experience of, the following:

- Leadership as a non-executive member of a board or committee;
- Meeting management skills at a senior level;
- Sitting on a board as an effective, trusted and respected member;
- Successfully developing and delivering a broad agenda in a professional, public or regulatory organisation;
- Demonstrating an understanding of the Bailiwick's political, governmental and constitutional environment, including the relationship between public authorities, elected representatives and independent statutory bodies, and the ability to navigate these effectively;
- Appreciating the purpose and wider context in which independent regulatory bodies operate and can be effective;
- Building and managing relationships with complex and disparate stakeholders, including the ability to explain complex regulatory policy;
- Leadership of a commercial organisation; and/or
- Working in data protection policy and regulation, or related areas.

It is not necessary to have experience in all these areas.

Personal style and behaviour

Applicants should be able to demonstrate the following characteristics:

- The ability to build consensus to achieve strategic aims;
- The ability to reach well-balanced judgements in an impartial, objective and transparent manner;
- The embodiment of the values set out in the Nolan Principles (Appendix 2);
- The ability to influence others, inspire confidence and command the respect of stakeholders;
- Resilience and determination; and
- A high level of analytical ability, combined with the ability to understand and manage the occasionally competing needs of organisations and individuals.

Propriety

Board Members are required to declare all relevant interests in a public register and to avoid any conflicts of interest.

Members are also bound by the Authority's Code of Practice (Appendix 3) and Corporate Governance Protocol (Appendix 4). Applicants should be able to demonstrate their ability to meet these requirements.

Board meetings and activities

The Board holds four formal meetings each year, usually in January, April, July and October, to tie in with quarterly reporting. In addition, the Board dedicates the afternoon before the October meeting to strategic discussion. Additional, exceptional meetings of the Board may be held during the year, where necessary. Examples of such meetings would be if consideration is to be given to issuing an administrative fine following an investigation or inquiry or governance matters that cannot wait until the next scheduled meeting.

Members are also encouraged to take part in additional activity throughout the year. This can be in the form of governance committees, such as the Audit and Risk Committee or by contributing to projects or items on the work plan where the specialised skills or knowledge of Members can assist delivery.

Time commitment, fees, expenses and appointment term

The time commitment is expected to be approximately 18 days a year, including four Board meetings, the strategy afternoon and regular catch-ups with the Commissioner.

The role attracts a fee of £950 per day, in addition to travel and related expenses.

The appointment will be for a period of five years commencing in May 2027.

Recruitment process

Applicants are welcome to discuss the role with the Chair of the Authority, John Curran, who can be contacted at j.curran@odpa.gg.

Applicants should send a CV and covering letter explaining how they meet the requirements of the role and the personal specifications to Lorna Pestana, HR Consultant, at l.pestana@odpa.gg.

The closing date for applications is Friday 4 December 2026.

In accordance with the Law, Members of the Authority are appointed by Resolution of the States of Deliberation after nomination by the Committee *for* Home Affairs. Therefore, it should be noted that applications will be shared with the Committee *for* Home Affairs.

For other information about how your personal data will be used, please review our recruitment data processing notice, available on our website www.odpa.gg.

It is expected that interviews will be held during the week commencing 14 December 2026. The interview panel will comprise the current Chair, a Board Member and representation from the Committee.

The successful applicants will be invited to the April Board meeting and it is expected that appointments will formally take effect from mid-May 2027.

Appendix 1

Statutory Functions under the Data Protection (Bailiwick of Guernsey) Law, 2017

Section	Requirement
37	Prescribed returns of information
38	Controller to notify name and contact details of representative
42	Controller to give notice of personal data breach
43	Authority may require data subjects to be notified (of breach)
44	Authority to maintain and publish lists (high risk processing)
45	Prior consultation where Authority considers breach
46	Authority to be consulted on new legislation
50	DPO to act as contact point for Authority
51	Authority to be given written notice of name and contact of DPO
52	Authority may approve a code of conduct
53	Authority may accredit a body to monitor code
57	Authority may authorise transfer
58	Approval by Authority of binding corporate rules
59	Authority to be notified of transfer authorised under s.59(1)(j)
60	Establishment of Authority
61	General functions of Authority
62	Authority to be independent
63	Power of Authority to issue opinions and guidance
64*	Power of Authority to issue public statements
65	Authority to take steps to develop international cooperation
66	Authority to be regarded as designated (Convention and GDPR)
67	Individual may make a complaint to the Authority in approved form
68	Authority to investigate complaint
69	Authority to conduct inquiries on own initiative
71	Determination on completion of investigation
72	Recommendation and determination on completion of inquiry
73	Sanctions following breach determination - **73(g)***
74*	Administrative fines
82,83	Complainant may appeal
84	Sanctioned person may appeal
85	Authority may bring civil proceedings
108	Authority to be consulted before ordinance recommended
109	Authority to be consulted before making regulation
Sch.6	Data Protection Authority para 13 - annual report*
Sch.7	General powers of the Authority

* Reserved function

Appendix 2

The Seven Principles of Public Life[2] (Nolan Principles)

Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

[2] Guidance on the Seven Principles of Public Life, from the gov.uk website

Appendix 3

Code of Practice for Members of the Guernsey Data Protection Authority (the "Code")

Introduction

1. The Authority is a statutory body created by the Data Protection (Bailiwick of Guernsey) Law 2017 ("the DP Law") which sets out its responsibilities. This Code of Practice sets out the values and standards of behaviour expected of Members of the Authority. It will be reviewed by the Authority at least once during the tenure of each Chair.

Public Service Values

2. Members of the Authority have collective responsibility for the operations of this independent public body. Members should:
    - aim to reach well-balanced judgements in a collegiate, impartial, objective and transparent manner;
    - observe high standards of honesty, probity, integrity, resilience and determination in their deliberations and in their personal conduct on Authority business;
    - engage fully in collective consideration of the issues, taking account of the full range of relevant factors; and
    - be accountable through the Committee for Home Affairs to the States of Deliberation and to the public more generally for the activities of the Authority.

Standards of Conduct

3. Members of the Committee must:

    - observe the "Nolan Principles" which are annexed to this Code.
    - comply with this Code and any protocols or procedures derived from it and ensure that they understand their duties, rights and responsibilities, and that they are familiar with the functions and role of the Authority;
    - not misuse information gained in the course of their membership of the Authority for personal gain or for political purpose, nor seek to use the opportunity of membership to promote their private interests or those of connected persons, firms, businesses or other organisations; and
    - not hold any paid or high-profile unpaid office in a political party and not engage in specific political activities on matters directly affecting the work of the Authority.

4. Communications between the Authority and the Committee for Home Affairs and the States of Deliberation will generally be through the Chair, except where the Authority has agreed that an individual Member should act on its behalf.

Nevertheless, any Authority Member has the right to approach that Committee or the States on any matter (including the conduct of the Chair) which they believe raises important issues relating to their duties as an Authority Member. In such cases the agreement of the other Members of the Authority should normally be sought.

5. Individual Authority Members can only be removed from office in accordance with the relevant provisions of Schedule 6 of the DP Law.

The Role of the Chair

6. The Chair has particular responsibility for providing effective leadership on the issues above. In addition to their specific responsibilities set out in the DP Law, the Chair is responsible for:

    - ensuring that the Authority meets at appropriate intervals, and that the minutes of meetings accurately reflect the decisions taken and, where appropriate, the views of individual Authority Members;
    - representing the views of the Authority to the general public;
    - ensuring that new Authority Members are briefed on appointment; and
    - conducting regular assessments of the performance of each Authority Member.

7. Regular assessments of the performance of the Chair will be carried out by 2 voting Members of the Authority, selected through agreement of all Members.

Handling media relations

8. The Data Protection Commissioner has the main responsibility for fielding media inquiries and issuing press releases. Media interviews will normally be conducted by the Commissioner or (exceptionally) the Chair. Authority Members should liaise with the Commissioner or, in their absence, with the Chair over any request for interviews or lines to take.

9. Likewise, Members should consult the Commissioner or the Chair before commenting on Authority or related matters using social media. The conduct expected within a digital medium is no different to the conduct Members should employ in other methods of communication, such as face-to-face meetings and written correspondence (even when using a personal account).

Handling Information

10. Members should ensure that all information received from or about the Authority is handled with great care. Sensitive or confidential information, whether in electronic or hard copy form, should be kept securely at all times and destroyed or deleted as soon as no longer needed. Particular care is needed with any personal data, where any mishandling could damage the Authority's reputation. This is reinforced by Section 90 of the DP Law ("Duty of Confidentiality").

Conflicts of interests

11. The purpose of the following provisions is to address the specific requirements of Schedule 6 of the DP Law and to avoid any danger of Authority Members being influenced, or appearing to be influenced, by their private or other interests in the exercise of their public duties.

Registration of interests

12. All Authority Members should disclose in the Authority's Register of Interests any direct or indirect personal interest which does or could relate to the Authority's activities or deliberations, which might influence their judgement or which could be perceived (by a reasonable member of the public) as doing so.

13. In particular, Authority Members must disclose details of:

    - any paid employment or occupation;
    - any entity of which they are a member, director or office-holder;
    - relevant personal direct and indirect pecuniary interests; and
    - relevant direct or indirect interests of close family members.

14. Disclosure in the Authority's Register of Interests will be treated as a "general notice" for the purposes of Paragraph 9(2) of Schedule 6 of the DP Law.

15. The Register of Interests should be kept up to date and will be open to public inspection.

Oral declaration of interests

16. An oral declaration of any relevant private or other interest should be made at any Authority meeting if it relates specifically to a particular issue under consideration and should be recorded. Where appropriate, the Member should withdraw, voluntarily or upon request, from the meeting and from discussion of that issue outside any meeting if their participation would involve a conflict of interest or could be perceived (by a reasonable member of the public) as doing so.

Gifts and Hospitality

17. Members should exercise the utmost care in accepting hospitality or gifts where there could be a real or perceived conflict with their membership of the Authority. They should declare all such gifts or hospitality (whether accepted or not).

Quorum

18. Members are expected to make every effort to attend meetings of the Authority in order to ensure timely discussion of relevant issues. The Authority's membership currently comprises 6 members. This means that, in accordance with Schedule 6 of the DP Law, the Authority has a quorum of 4. Should a quorum not be possible, the Chair may decide to postpone a meeting or, if urgent business requires it, consider and take decisions by e-mail or tele-conferencing or by circulation of papers.

Personal liability of Authority Members

19. Legal proceedings against individual Authority are likely to be very exceptional.

20. Where an individual Authority Member has acted honestly, reasonably, in good faith, in accordance with their statutory duties and without negligence the Commercial Directors and Officers Liability Insurance Policy is intended to ensure that they will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their Authority functions. This includes the costs of defending proceedings. Authority Members who need further advice should consult the Commissioner or the Chair in the first instance.

21. However, an Authority Member may in some circumstances be personally guilty of an offence under Section 90 of the DP Law ("Duty of Confidentiality") if they unlawfully use or disclose information about an identifiable individual or organisation which was acquired through membership of the Authority. This duty of confidentiality continues after membership.

22. An Authority Member may also be personally liable if they make a fraudulent or negligent statement which results in a loss to a third party, commits a breach of confidence under common law or commits a criminal offence under insider dealing legislation. This is not an exhaustive list and serves as illustrative only.

23. Authority Members who need further advice should consult the Chair or the Commissioner in the first instance and should immediately make such contact as soon as any allegation or claim is made.

October 2024

Appendix 4

Corporate Governance Protocol (the "Protocol")

This Protocol sets out the internal Corporate Governance arrangements for the Guernsey Data Protection Authority (the "Authority").

Introduction

This Protocol sets out the internal Corporate Governance arrangements for the the Authority. The arrangements set out here were adopted by the Authority on 25 May 2018 and were updated in January 2023 and October 2024. They will be kept under review by the Authority.

The Authority is a statutory body created by the Data Protection (Bailiwick of Guernsey) Law 2017 ("the DP Law") which sets out its responsibilities. Part XI of the DP Law (sections 60 - 77) sets out the main functions of the Authority and Schedule 6 sets out various provisions about how the Authority must, or may, conduct itself. Schedule 7 sets out information-gathering and other powers.

The DP Law is the ultimate instrument for corporate governance and this Protocol takes effect subject to its provisions. This Protocol has been adopted to achieve maximum clarity about the role and authority of each participant and their inter-relationships. Some (but not all) of the provisions of the DP Law are repeated in this Protocol in more accessible language. Many of the provisions are elaborated, especially where a discretion is available to the Authority.

The Authority and its Board

The Authority comprises the Chair (who has a casting vote), no fewer than four and no more than eight other voting members and the Data Protection Commissioner (the "Commissioner") as an ex officio and non-voting member. As the governing body, for convenience the members are known as "the Board".

The Authority, through the Board, carries the ultimate responsibility for the discharge of the responsibilities created by the DP Law. The Authority is the guardian of independence, sets the organisation's strategic direction, holds the Commissioner to account and provides the Commissioner with advice, support and encouragement. It also responsible for maintaining the high standards expected of a public body.

The Authority is responsible for appointing (or re-appointing) the Commissioner and (subject to stringent limitations) removing a Commissioner from office.

The Authority has certain other specific responsibilities under the DP Law – e.g. producing the Annual Report, employment of staff, maintaining (and reporting on) proper financial accounts and records.

More general areas of responsibility will include:

- periodic adoption of objectives, strategic / business plans and budgets;
- review of performance against plans;
- regular review of risks facing the Authority;
- allocation of resources, including the approval of any expenditure in excess of £50,000
  overall financial control;
- strategic staffing issues;
- major accommodation issues;
- service standards and performance measurement;
- corporate ethics;
- oversight of the Authority's reputation and standing;
- major policy issues or innovations; and
- consideration of each draft Annual Report, including audited accounts.

Although the distinction is not always easy to draw, the Board – at and between meetings - will aim to focus primarily on strategic and oversight functions, not operational matters. It is the Commissioner who is primarily responsible for day-to-day operations, individual casework and most enforcement decisions.

The Commissioner

The Commissioner holds office for a fixed term which may be renewed by the Authority. The Commissioner is a non-voting member of the Authority and attends all meetings of the Board. The Commissioner is supported by the Senior Leadership Team ("SLT") whose members normally attend all meetings of the Board.

The Commissioner's specific responsibilities include:

- acting as Chief Executive of the Authority, providing leadership to ensure its effective and efficient management;
- managing the staff of the Authority and all day-to-day operations of the Authority;
- ensuring propriety of all expenditure;
- ensuring that each year the expenditure of the Authority does not exceed the financial resources available to it; and
- acting as the principal public face of the organisation.

In accordance with Paragraph 6 of Schedule 6 of the DP Law, the Commissioner "*may exercise or perform, on behalf of the Authority, and in its name, any function of the*

Authority other than a reserved function." A function exercised or performed by the Commissioner is "*deemed for all purposes to have been excised or performed by the Authority*". This includes fulfilling the (mandatory) duties imposed upon the Authority and exercising any of the (discretionary) powers available to the Authority.

Paragraph 6 is expressed to be "*subject to any policies, procedures and specific directions issued by the Authority*". The Authority has not, however, issued any such policies, procedures or directions to limit the powers of the Commissioner.

Reserved Functions

Under the DP Law the functions of the Authority which may not be exercised or delegated by the Commissioner are:

- issuing a public statement under section 64 of the DP Law ("…*gravity of the matter or other exceptional circumstances*…".);
- order to pay an administrative fine;
- making of the Annual Report; or
- any other function specified by the Authority by written notice given to the Commissioner.

Staff

Members of staff are employed by the Authority and are recruited and managed by the Commissioner. The Commissioner will consult the Chair before proceeding with:

- recruitment of a Deputy Commissioner;
- significant changes to staff terms and conditions, salaries or pension arrangements
- significant disciplinary action;
- dismissal of any member of staff (with an exception for gross misconduct or similar behaviour where circumstance does not allow for discussion prior to action).

The Commissioner may, by written notice, also delegate any specified function to any employee in accordance with the DP Law. This does not require the involvement of the Authority. In accordance with a written Notice of Delegation, the Deputy Commissioner will be able to deputise for the Commissioner and exercise any of their functions. The Deputy Commissioner attends all meetings of the Authority.

Proceedings of the Authority's Board

In accordance with the DP Law, the Board resolved on 25 May 2018 to meet four times a year. An annual schedule of meetings will be established.

The quorum for Board meetings is the nearest whole number above half voting members (not including the Chairman or the Commissioner). The DP Law provides that any decision is made by a majority vote, with neither Chair nor Commissioner voting. In the event of a tie the Chair has a casting vote.

An agenda and supporting papers will be circulated to the Board at least one clear week in advance of the meeting. Special arrangements will be made where papers contain personal data or sensitive enforcement or similar information. All matters requiring substantial decisions should usually appear on the agenda and be supported by short papers including the necessary information upon which to base a decision. There may be pressing circumstances where this cannot happen.

At each regular meeting of the Board, the Commissioner or a member of the SLT will normally provide a written or oral report on recent current and prospective activities and issues, and a written report with management accounts to summarise the budgetary situation.

The DP Law requires proper minutes to be kept.

The Code of Practice for Members covers conduct at meetings, disclosure of interests (at meetings and in a **public Register**) and the handling of information, including personal data.

The DP Law also provides that business may be transacted by circulation of papers and that written resolution approved by a majority of the Board is as valid as if passed at a meeting.

Board Committees

The Board has established the following Committees:

1. **Audit and Risk Committee** – which primarily (1) oversees the Authority's financial reporting processes to ensure the balance, transparency and integrity of financial information, (2) reviews the effectiveness of internal financial controls and (3) reviews the risk management process. Its full role, authority and procedures will be set out in the ODPA Risk and Audit Charter.
2. **Section 64 Committee** - to which (in accordance with Paragraph 14 of Schedule 6 of the DP Law) the Board has delegated power to make public statements under section 64 of the DP Law.

Role of Board Members between regular meetings

If a Board Member identifies an issue – whether from Board papers or otherwise – which causes them to have serious concerns, they will normally raise this directly with the Commissioner or Chair as appropriate as soon as possible.

If a Board Member believes that an issue to be discussed at a regular Board meeting is likely to generate significant controversy which is not obvious (or absent) from the papers, they will aim to alert the Chair in advance. The Chair will decide whether/how to alert other members of the Board and the Commissioner according to the circumstances.

Relationship with the Guernsey States of Deliberation

Although some funding is received from the States of Deliberation as a statutory levy in accordance with the DP Law, it is important that the Authority is – and is seen to be – independent from the States of Guernsey. A separate Memorandum of Understanding sets out the relationship between the Authority and the States of Guernsey acting through the Committee *for* Home Affairs.