




JERSEY DATA PROTECTION AUTHORITY MEETING


5 Castle Street


St. Helier

MINUTES

Authority Meeting 21 9:00 – 11:45, 17 August 2022
Chair Present. Jacob Kohnstamm (JK)
Voting Members Present. Paul Routier (PR) Gailina Liew (GL) Helen Hatton (HH) David Smith (DS) Clarisse Girot (CG)
Apologies - Voting Members.
Non- Voting Members Present. Paul Vane – Information Commissioner (PV) Anne King – Operations Director & Authority Secretary (AK)
In Attendance by Invitation. Christine Walwyn (Co-opted ARC Accountant) for part of the meeting. (CW)
Guest Speaker

Decisions/Approvals	
1.0	Approved - Meeting agenda approved.
2.0	Approved - Minutes of meeting 31 March 2022 minutes approved.
2.0	Approved - If the JDPA Chair is absent for any reason the JDPA voting members, in attendance at the meeting, to elect a meeting chair at the start of each meeting. Assuming that the meeting is quorate.
4.1	Approved - The JDPA approved the Q2 2022 Management Accounts.
5.2	Approved - It was agreed that the new JDPA secretary post v most likely a part time one. The JDPA received a paper from A basis of the discussion. 

	Item	Action
1.0	<p>Call to order and approval of the agenda.</p> <p>The Authority approved the agenda.</p> <p>The Chair reminded those present that this will be the last meeting with Clarisse as member of the Authority; her resignation is regretful but respected that she had to leave the Authority and thanked her for all she did for the Authority.</p>	<p>Decision - Agenda approved.</p>
1.1	<p>Declarations of Interest.</p> <p>GL advised she has been appointed as a NED to a Venture Capital Fund. GL does not foresee any impact unless the company is the subject of a DP investigation.</p> <p>There were no other Declarations of Interest.</p>	<p>Action point – GL to update Registry of Interests for the JDPA.</p>
1.2	<p>Review of Action points from JDPA meeting.</p> <ul style="list-style-type: none"> • The incomplete peer review action point was covered by a verbal report from the Governance Chair at the June meeting. No further action is required. Governance Chair will draft the necessary narrative for the 2022 annual report. • An action to meet with the Minister for the JDPA Chair and GL was omitted from the action points. 	<p>Action point – AK to send 2021 peer review report and 2021 annual report peer review narrative to GL.</p> <p>Action point – AK to arrange 1 hour face to face meeting with the Minister for JDPA Chair and GL.</p>
	Items for Approval	
2.0	<p>Minutes</p> <p>Meeting number 19, 31 March 2022, were approved by the JDPA.</p>	<p>Approved</p> <p>31 March 2022 minutes approved.</p>

	<p>Meeting number 20, 1 June 2022 were reviewed during the meeting and amendments need to be made.</p> <p>PV raised the 'deputy JDPA chair' role with the Authority.</p>	<p>Action point – these minutes were approved subject to amendments in light of points raised.</p> <p>Approved If the JDPA Chair is absent for any reason the JDPA voting members, in attendance at the meeting, to elect a meeting chair at the start of each meeting. Assuming that the meeting is quorate.</p>
3.0	<p>Information Commissioner</p> <p>PV highlighted the background to the IC quarterly report, which gives the JDPA insight into the activities undertaken by the Executive and the JOIC team.</p> <p>The brief of intent identifies the key priorities and their alignment with our strategic outcomes, values and vision.</p> <p>PV updated the JDPA on JOIC's international DP activities with particular reference to the GPA working group 'Data Sharing for the Public Good'. PV explained the group is making good progress. JOIC's role in this group and others is positively received and visible by the internal DP community.</p> <p>PV raised 3 notable topics for discussion with the JDPA.</p> <ol style="list-style-type: none"> 1. The composition of the JDPA. 2. GoJ & JDPA fee project progress. 3. Perception of JOIC Enforcement penalties. 	

The composition of the JDPA.

PV emphasised the need to focus on timely succession planning to ensure that the JDPA has current DP experts.

The JDPA is not a commercial board, its activities are set out in the Data Protection Authority (Jersey) Law 2018. The law sets out the mandate whilst our values set out how we work.

GoJ & JDPA Fee project.

PV stated that good progress was made at the beginning of 2022 however that has slowed significantly, firstly as expected due to Purdah and secondly due to key GoJ personnel leaving the department. Replacements are not yet in place. The absence of key personnel is impacting negatively on progress.

Perception of JOIC Enforcement penalties.



The number of DP cases which reach a fining threshold are few and this is even more relevant in Jersey where the complaints and inquiries due not warrant a fine. It is important for Jersey, finance industry, the community and the EU Commission that the JDPA use their enforcement powers effectively and proportionality and are a tough but fair regulator. Reputation is very important. PV is mindful that success cannot simply be measured on the value and frequency of fines. Whilst a measure not a very good or complete one.


The JDPA Chair asked PV to prepare a paper/communication to narrate how we will fine and proportionality.


Action point – The JDPA Chair asked PV to prepare a paper/communication to narrate how and when we will impose a fine and the relevant proportionality.



Action point – The Executive to evaluate the suitability of the quarterly IC report as the basis for wider communication.



	<p>The JDPA Chair thanked PV and the JDPA members for a good discussion. Members commended PV for his report.</p> <p>The JDPA suggested that PV's report could be the basis of broader communication and stakeholder engagement.</p> <p>The JDPA raised the following items</p> <ul style="list-style-type: none"> • The Children's Code – PV explained that a change in Children's Commissioner has impacted on progress in this area. • Data Stewardship – DS questioned if the issue of data as an asset has been addressed. HH proposed that her involvement in the project may help to identify other options. • SCCs update – once the consultation is closed and comments reflected where possible in the SCCs. PV confirmed that he had delegated authority from the JDPA to formally adopt the addendum to the SCCs and he committed to ensuring that his decision to do so was properly recorded. The addendum would also be sent to the JDPA for information. 	 <p>Action point – The Executive to approach the Children's Commission again to pursue.</p> <p>Action point – PV to raise HH's involvement with the Data Stewardship project group.</p> <p>Action point – Updated SCCs for formal adoption and to email JDPA for information.</p>
<p>4.0</p> <p>4.1</p>	<p>Authority Governance, Operations and Procedures</p> <p>Committee updates and recommendations from each Committee Chair.</p> <p>Audit & Risk</p> <p>HH (ARC Chair) noted that ARC happy with the new management accounts format. ARC report there are no financial issues of note. ARC reviewed financial statement of each project.</p>	

	<p>ARC recommended the Q2 report to the JDPA for approval.</p> <p>The Executive presented a paper on the litigation fund. ARC Chair noted it was a useful paper but asked the Executive to check the paragraph regarding insurance cover.</p> <p>Risk Matrix – this has been updated to take into account any strategic impacts of rising inflation. This was predicted low impact as only in relation to wages and costs.</p> <p>ARC Chair met CW and recommends her to the JDPA as the ad hoc Chartered Accountant, with relevant public sector experience, to attend ARC as required. The GoJ are in the process of accepting the ad hoc role.</p> <p>The JDPA Chair thanked ARC for presenting ARC as a new ad hoc member of ARC.</p> <p>4.2 Remuneration and HR Committee</p> <p>PR (RHRC Chair) reported that the Committee has not met since the previous JDPA meeting in June. R&HR is due to meet in November.</p> <p>RHRC recommend that Private Medical Insurance (PMI) is introduced. This is a decision for the IC. IC to keep the JDPA informed.</p> <p>4.3 Governance</p> <p>GL (GC Chair) confirmed that the Governance Committee had not met since the previous JDPA meeting.</p>	<p>Approved</p> <p>The JDPA approved the Q2 2022 Management Accounts.</p> <p>Action point – Executive to check the insurance policy regarding litigation.</p> 
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5.0	Items for Discussion	
5.1	<p>Authority Succession Plan</p> <p>The JDPA discussed the importance of recruiting for CG and DS's replacements at the same time. The JDPA require at least two members who are current in DP with experience of a larger DPA, international experience, EU Commission, GDPR and global knowledge. This current knowledge could be achieved as a combination of the two members experience/knowledge. The don't necessarily each have to meet all these requirements individually.</p> <p>The JDPA discussed the balance in membership between local and international knowledge/experience.</p> <p>The JDPA Chair will be involved in the members recruitment.</p>	<p>Action point – Candidate pack to go to Chair for approval. Recruitment process to culminate in interviews Feb 2023.</p>
5.2	<p>JDPA Secretary</p> <p>The JDPA agreed that they require a member of the JOIC team to</p> <ul style="list-style-type: none"> • Take the minutes for the main meeting and sub-committees. • To facilitate agenda compilation. • To facilitate the completion of action points. 	<p>Approved - It was agreed that a new post was needed, albeit most likely a part time one. The JDPA received a paper from Anne that formed the basis of our discussion.</p> <p>Action point – The Executive to draw up a job specification to be circulated to the JDPA members for comment.</p>

6.0	Items for Information Purposes	
6.1	JDPA Calendar The JDPA acknowledged the calendar contents.	
6.2	Case Review There was insufficient time to review the case beyond the written submission.	
	CW Joined the meeting. The JDPA Chair welcomed CW as a co-opted member of ARC. CW provided a brief review of her background which ranges from PWC, Government, BBC and audit risk management.	
	The meeting ended at 12:30	
	JDPA Working Lunch. CG gave an informal update on the Global Perspective of Data Protection.	
	The Authority held an in-camera session.	