



2019

← ANNUAL REPORT

Fulfilling the obligations of the Authority under article 44 of the Data Protection Authority (Jersey) Law 2018 and the Information Commissioner under article 43 of the Freedom of Information (Jersey) Law 2011.



CONTENTS

03	2019 HIGHLIGHTS AND ACHIEVEMENTS	25	ANNUAL REPORT OF FREEDOM OF INFORMATION ACTIVITIES Benefits of Effective Freedom of Information The Freedom of Information (Jersey) Law 2011 2019 Operational Performance and Appeals Significant 2019 Decision Notices
05	THE JERSEY DATA PROTECTION AUTHORITY'S ROLE, VISION, MISSION, PROMISE AND 2019 STRATEGIC AIMS	29	PUBLIC AWARENESS, ENGAGEMENT AND EDUCATION The JDPa and the States Assembly The JOIC Events Education National/International Liaison 2019
07	INTRODUCTION View from the Chair View from the Commissioner	35	COMMUNICATIONS AND OPERATIONS Brand Development Relocation Website and App Social Media Media and the JOIC Data Protection Week - January 2019 Awards and Recognition
11	ORGANISATION About the Jersey Office of the Information Commissioner	43	ENVIRONMENTAL POLICY Corporate Social Responsibility
13	GOVERNANCE, ACCOUNTABILITY AND TRANSPARENCY The Data Protection Authority Delegation of Powers Authority Structure Authority Meetings Authority Members Remuneration Accountability Arrangements The JOIC Team	45	FINANCIAL INFORMATION
17	THE NEW REGISTRATION AND FEES MODEL		
19	SUMMARY OF 2019 DATA PROTECTION ACTIVITIES Benefits of Effective Data Protection 2019 Operational Performance Enforcement Breach Reporting		

2019

Highlights and achievements

1



Launched a data protection App & new website

3



Developed and introduced a new revenue model and registration process

2



Hosted data protection lunch & learns from 5 Castle Street

4



7 Team members appointed

Junior Case Worker, Finance Officer, Communications Officer, HR Manager, Legal Support, and 2 Authority Members

5



13

National & international privacy conferences attended by Commissioners & Managers

7



Communicated our DP message to hundreds of Islanders via our public talks programme

6



40%

Rise in complaints and data breaches from 2018 to 2019

8



Reached over 700

Islanders from organisations and the public during Data Protection Week 2019

10



Reached 1,721

Island secondary school students via our Young Privacy Ambassador programme

9



Successfully assessed & evaluated **256** data breaches

11



Developed an independent finance function

12



Jersey Tech Awards win – 'Technology Project of the Year'

13



Shortlisted for the Global Privacy and Data Protection Awards

The Jersey Data Protection Authority's Role, Vision, Mission, Promise and 2019 Strategic Aims



> OUR ROLE

The Jersey Data Protection Authority (JDPA) is an independent statutory authority and its mission is to promote respect for the private lives of individuals through ensuring privacy of their personal information by:

- Implementing and ensuring compliance with the Data Protection (Jersey) Law 2018 and the Data Protection Authority (Jersey) Law 2018, and influencing thinking on privacy and processing of personal information matters on a local and international basis.
- In addition, the Authority is responsible for providing advice and guidance to Island businesses and individuals, and making recommendations to the States of Jersey in response to international data protection legislative changes.
- The Information Commissioner has the separate responsibility to: Encourage public authorities to follow good practice in their implementation of the Freedom of Information (Jersey) Law 2011 and help to promote transparency by supplying the public with information about the Law.

> OUR VISION

A prosperous close-knit Island community that embraces a collaborative and innovative approach to data protection, providing a leading-edge model to other similar jurisdictions.

> OUR PROMISE

To promote the information rights of individuals through a practical and ethical approach to business practice and regulation that supports the delivery of public services, and promotes the social and economic interests of the Island.

> OUR 2019 STRATEGIC OUTCOMES



1

The people of Jersey are provided with a high level of data protection and expert service whilst resources are judiciously and responsibly managed.



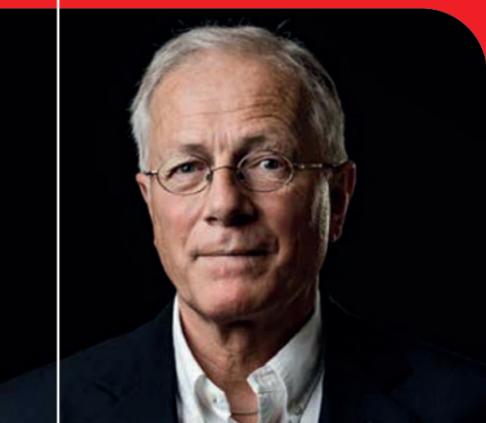
2

The Island's approach to data protection clearly contributes to its reputation as a well-regulated jurisdiction.



3

Jersey is recognised as a world leader, embracing innovation to safely develop and implement digital technology.



Jacob Kohnstamm

Chair, the Jersey Data Protection Authority (JDPa)

> VIEW FROM THE CHAIR

DATA PROTECTION: WHAT IS IT GOOD FOR?

The viability of a society and the success of its economy relies in the end on trust. People must be able to trust that governments and their agents will act in the public interest. They must be able to trust industry to treat them fairly and in accordance with the law. It is important to remember all of this when struggling to comply with data protection laws. The administrative requirements of these laws can sometimes seem onerous and time-consuming. Nevertheless, they are indispensable tools for building trust with members of the public with respect to the management of their personal data.

This becomes even more essential in an era of rapidly advancing technology that poses increasingly higher risks to the rights and freedoms of individuals. New technologies are improving the quality of life in many ways, including facilitating advances in medical treatments. Large volumes of personal data of varying levels of sensitivity being stored in electronic form, however, are increasing the risk of financial loss or personal humiliation through the loss or theft of that data. Breaches of personal data are increasing and undermining public confidence in government and industry. Governments and business must ensure that individuals are able to exercise greater control over their personal data as a basic human right. This is a necessary precursor to restoring public trust.

Good data protection is worth the effort involved in implementing it. As a protestant, King Henry IV of France had to make the great sacrifice of converting to Catholicism to secure the throne.

In explaining the reason he made that sacrifice, he said that to become king in Paris was worth having to submit to Catholic religious practices: 'Paris vaut bien une messe'. Repeating these words would be a suitable response to criticism about administrative burden of data protection: building the trust necessary to enjoy a functioning democracy and prosperous economy 'vaut bien une messe'!

I am pleased to present the second Annual Report of The Jersey Data Protection Authority (JDPa). In the Annual Report last year, I introduced the JDPa and explained its roles and responsibilities. It was an interesting and challenging first year, as we implemented our new governance model and began to exercise our new powers.

The focus of our second year was on our transition to greater independence. Article 52 of the GDPR requires that each supervisory authority must act with complete independence in performing its powers and exercising its tasks. An independent authority is crucial for a successful data protection regime, because it is necessary to secure public trust. Members of the public entrust public authorities and companies with their personal data, and expect these organisations to protect it in accordance with the Law. If there is a breach, they rely on the data protection authority to investigate fairly and impartially and that the outcome will accurately reflect that requirements of the Law.

Our independence is essential because, to retain public trust, we must be free from suspicion that any party might have the power to influence our decisions and actions in their favour. There must be no grounds for the perception of a conflict of interest. We must ensure that decisions about our resources remain separate from the outcome of our decisions. We must be transparent. We must demonstrate to the public and the Government that we manage our resources and our hiring processes to the highest possible standards.

To fulfil the essential pillars of independence and transparency, the Authority is implementing a new system of funding, developing new policies and conducting independent strategic planning.

During 2019, we worked with the Government of Jersey (the Government) to develop a system of funding that would reduce the contribution of the Government from 85% to 33% of total revenue and increase the contributions from registration fees. This provides us with a greater level of financial independence from the Government, while retaining the principle that the Government should make a reasonable contribution in recognition that data protection is a human right.

In developing a new model for the consideration of the States Assembly, the fundamental principles were to deliver just enough funding to enable us to fulfil our statutory responsibilities and strike an appropriate balance between the financial obligations of the Government and industry. We also wanted to ensure that it would distribute the cost burden fairly and proportionately based on data risk and ability to pay and be as simple as possible to understand and as easy as possible to register.

We consulted with members of the business community in developing our initial proposal. We then submitted the proposal to public consultation. We incorporated feedback from the consultation and provided a revised proposal to the States Assembly. The members passed a revised regulation to bring the model into effect for 2020.

Transparency and accountability are essential components of data protection. It is important that we are also transparent and accountable in our operations. Our accountability programme includes developing a strategic plan to guide all of our work. We have identified a series of goals and objectives that we wish to accomplish over the coming years. We subsequently developed a business plan for 2020 to identify specific tasks necessary to achieve those goals and objectives, and we identified performance measures to help everyone to evaluate the extent of our success. The strategic plan and business plan are available on our website. Next year, we will report in the Annual Report on our results.

We also extend transparency and accountability to our enforcement activities. We have been working on an Enforcement Strategy that will outline our approach to investigations, reviews and audits. This will ensure that public authorities, businesses and the public know what to expect as we carry out our enforcement activities.

With respect to enforcement action, we have issued our first public statement. It was in response to the outcome of an investigation into a series of data breaches. We determined that, on balance, the circumstances of the case were grave enough to warrant a public statement, but did not require the imposition of a financial penalty. Nevertheless, data processors and controllers should be aware that we have a range of enforcement options at our disposal, and we will impose fines in appropriate cases.

I am pleased to report that we have established a strong working relationship with the Guernsey Data Protection Authority. This is particularly important as many organisations have a pan-Island presence. Both authorities agree that we should ensure as much consistency as possible in our guidance and approach to enforcement. The people and businesses of the Channel Islands deserve the same high standards of data protection and expect their regulators to take a coordinated approach. Our two commissioners meet regularly. In addition, the Chair of The Guernsey Data Protection Authority Richard Thomas and Commissioner Emma Martins joined the members of the Jersey Data Protection Authority after our Authority meeting in December. Our two authorities have now signed a Memorandum of Understanding to provide a formal framework for our cooperation.

I am also pleased to announce that two new non-executive members joined the Authority in 2019. Both are well-respected members of the Jersey community and bring vital expertise.

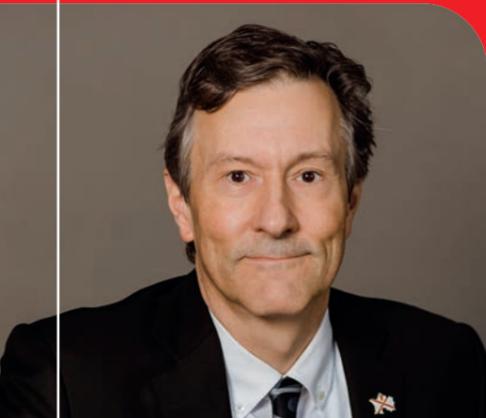
One of the new members is Helen Hatton, renowned as the prime architect of the modern Jersey financial regulatory regime. Helen's professional background involves a wealth of ground breaking financial initiatives. Additionally, she speaks regularly on regulatory compliance and publishes papers on regulatory matters.

The second appointment is Paul Routier MBE. Paul was an elected member to the States of Jersey for 25 years and fulfilled the role as Assistant Chief Minister for some of this time. During Paul's final term of office, he successfully led the debates in the States Assembly on the new data protection laws, which led to the establishment of the Jersey Data Protection Authority. Paul brings an unprecedented wealth of local knowledge to the Authority.

In summary, having taken steps towards greater administrative independence, established new transparency and accountability programmes and completed our recruitment of Authority Voting Members, we are in a good position to move forward in implementing a more mature data protection regime for the people of Jersey.

Jacob Kohnstamm

Chair, the Jersey Data Protection Authority



Jay Fedorak PhD

Information Commissioner
Jersey, Channel Islands

Commîns d'Înformâtion
d'Jèrri, îles d'la Manche

> VIEW FROM THE COMMISSIONER

I am pleased to join Jacob Kohnstamm in presenting our second Annual Report. The year 2019 was again busy, as our workload and office continued to grow. With the new laws instituted in 2018, our enquiries, breaches and complaints increased by 300%. Growth continued in 2019 with respect to complaints and data breaches, albeit at the slower pace of an increase of 40%. To ensure that we can respond to complainants within a reasonable time, we added a new case worker. We also investigated our first major breach. It involved a forensic examination of an IT system and required us to exercise our powers to compel production of evidence. The result involved the JDPa issuing its first public statement.

We also expanded our public education and communications function with the addition of a communications officer. We began the year with a highly successful celebration during Data Protection Week at the end of January. It involved a series of daily events over the course of the week with total participation of about 700 delegates, including almost 300 in a conference at the Jersey Opera House. We have been working on new guidance materials, including toolkits tailored separately for small, medium and large businesses. I am most proud of the data protection awareness sessions that we have been giving in schools throughout Jersey. During 2019, we met with 1,721 students. We were delighted with their level of engagement, and sometimes learned as much from them as they did from us.

Our growth has required increased funding and expanded working space. Our largest and most important project in 2019 was developing a new fee and registration model. This required extensive consultations with government and industry and the drafting and refining of our proposals. We based our funding target on a needs assessment that we conducted with government and an independent contractor in 2017. We wanted to ensure that the new system would produce the right amount of funding that reflected data risk and ability to pay. We also wanted to improve the registration system to make registering easier and quicker. We believe we struck the right balance in the end. We will report next year on the results.

With our move to greater independence from government, we have set up our financial management infrastructure. This included recruiting an additional finance officer to provide an appropriate level of accountability and assist in managing our financial accounts.

We had grown out of our former office space, making it essential that we find alternative premises. Again, we conducted a needs assessment and surveyed the market extensively in search of appropriate space at a cost that would represent a responsible use of public funds. We are pleased to have found ideal space that we were able to secure, with modest renovations, on time and under budget. We have used

our presentation area extensively for the benefit of public presentations and make it available free of charge to outside organisations for data protection events.

With new laws, a new mandate, new employees and a new office, we have rebranded with an enhanced website. We wanted to emphasise our unique Jersey identity. We changed our name to the Jersey Office of the Information Commissioner and adopted a new logo with the letter 'J' prominent. Our new website is easier to use and more informative. We have also redesigned the registration system to make it easier for users. We are proud that our service provider, Corefocus, won a Digital Jersey innovation award for the website redesign.

We have continued to raise our profile through collaborating with local and international partners. We are working with Digital Jersey on a digital sandbox that allows experimentation in information technology innovation involving personal data. We have assisted the Safeguarding Partnership Board on the drafting of a Memorandum of Understanding for the purpose of safeguarding children and adults in Jersey and an Information Sharing Protocol between Safeguarding Partnership Board members and their organisations. We provided information to the Scrutiny Panel considering the draft law governing the Children's Commissioner to ensure that she has sufficient statutory powers to obtain the information to do her job. We also supported her in promoting the privacy rights of children.

Part of our mandate is to create greater international levels of awareness of Jersey and our data protection regime. In June 2019, we hosted the annual meeting of the British, Irish and Islands Data Protection Authorities. This group includes the United Kingdom, Republic of Ireland and group of British and formerly British Islands and small territories: Jersey, Guernsey, Isle of Man, Gibraltar, Malta, Cyprus, and Bermuda. This forum gives us an opportunity to share best practices and ensure consistency of the application of our laws among jurisdictions with common issues, challenges and legal systems. We are also members of two working groups of the Global Privacy Assembly on the subjects of children's privacy and artificial intelligence.

I am pleased to report that we have extended our international reach in 2019 by joining a group of French data protection authorities: l'Association francophone des autorités de la protection des données personnelles (AFAPDP). This organisation includes several European authorities, like Jersey, outside of the EU, as well as Canada, which the EU considers adequate for international transfer of data. It also includes many countries in Africa, a region with which the Government of Jersey is building economic ties. As the UK is not part of this group, our membership helps to demonstrate our independent identity and reduce the chance that we will be collateral damage from Brexit. It also gives us an opportunity to celebrate our Island's French heritage.

As you can see from this brief summary, the data protection environment in Jersey continues to be dynamic. We anticipate that there will be further interesting challenges and development as we move towards complete independence in 2020.

Jay Fedorak PhD
Information Commissioner
Commîns d'Înformâtion



101 1101 00

Organisation

ABOUT THE JERSEY OFFICE OF THE INFORMATION COMMISSIONER

The Jersey Data Protection Authority includes The Office of the Information Commissioner.

The Authority is the independent office responsible for overseeing The Data Protection (Jersey) Law 2018 and The Data Protection Authority (Jersey) Law 2018.

The Office of The Information Commissioner is also responsible for overseeing The Freedom of Information (Jersey) Law 2011.



> THE DATA PROTECTION (JERSEY) LAW 2018

The Data Protection (Jersey) Law 2018 gives citizens important rights including, but not limited to, the right to know what information public authorities and companies hold about them and how they handle that information, and the right to request correction of their information. The Data Protection Law in Jersey helps to protect the interests of individuals by obligating organisations to manage the personal information they hold in a fair, lawful and transparent way, as well as being accountable to their customers and to themselves for their actions.

One of our primary functions is to make individuals aware of their rights and to ensure public authorities and companies are aware of their responsibilities. Another is to conduct investigations into complaints by individuals about public agencies or companies concerning the management of personal data. We also manage the process of registration of public authorities and companies under the Data Protection Law. In addition to investigating complaints that individuals bring to our attention, we can proactively investigate or audit general compliance with the laws.

The EU Data Protection Directive 95/46 required that supervisory authorities be independent and effective. The GDPR extended these requirements to include the power to issue fines and sanctions. Prior to 2018, the Office of the Information Commissioner was a non-ministerial department of the Government of Jersey and subject to Government oversight. From 25 May 2018, the Information Commissioner became accountable to the independent Data Protection Authority in accordance with the new Data Protection Authority Law.

The data protection laws give the Authority and the Commissioner greater responsibilities with respect to public education, conducting investigations, receiving reports of breaches and consulting with public authorities and companies. This has led to a growth in workload that requires additional resources. The Office has grown from four employees at the beginning of the year to nine at the end. Our broader range of skills and resources has facilitated further public education. Growth in the Case Work Team has enabled the Office to keep up with the growing number of complaints.

> THE FREEDOM OF INFORMATION (JERSEY) LAW 2011

The Freedom of Information (Jersey) Law 2011 gives people a general right of access to information held by most public authorities in Jersey. Aimed at promoting a culture of openness and accountability across the public sector, it enables a better understanding of how public authorities carry out their duties, why they make the decisions they do and how they spend public money by requiring the disclosure of information in those areas.

Our primary function is to fulfil the second stage of the appeals function - a person dissatisfied with a decision of a scheduled public authority may appeal to the Information Commissioner. The Office fully reviews each appeal submitted and undertakes a thorough analysis of the first appeal, all case material and where applicable drawing on precedents and the public interest test. The Information Commissioner will serve a notice of the decision in respect of the appeal on the applicant and on the scheduled public authority.



101
1101

00

Governance, Accountability and Transparency

The Data Protection (Jersey) Law 2018 established the Jersey Data Protection Authority. The Jersey Data Protection Authority is responsible for appointing Information Commissioners under the Data Protection Authority (Jersey) Law 2018. The Freedom of Information (Jersey) Law 2011 established the function of the Information Commissioner.



> THE JERSEY DATA PROTECTION AUTHORITY

The general purpose of the Authority is to provide administrative and operational oversight of the Office of the Information Commissioner:

- It performs a non-executive function and does not participate in the daily activities of the Information Commissioner's Office (JOIC).
- It provides direct independent oversight of the JOIC, replacing the States government in this function.

The Authority has the public responsibility to:

- Ensure that the JOIC remains accountable to the people of Jersey, in properly fulfilling its mandate and delivering quality services to its stakeholders.
- Ensure that the JOIC provides value for money and complies with appropriate policies and procedures with respect to human resources, financial and asset management, and procurement. This includes formal approval of any single item of expenditure in excess of ten percent of the operating budget for the JOIC.

The Authority also provides an advisory function to the Office. With a balance of expertise in data protection, governance, and local knowledge of the Jersey Government and industry, the Authority provides strategic guidance to the JOIC with respect to fulfilling its mandate effectively and efficiently. At times, the Board may also provide strategic advice with respect to the handling of particular cases.

> DELEGATION OF POWERS

There are other powers and functions that the Authority may exercise under the Law, most notably:

- Enforcing the Law.
- Promoting public awareness of data protection issues.
- Promoting awareness of controllers and processors of their obligations.
- Cooperating with other supervisory authorities.
- Monitoring relevant developments in data protection.
- Encouraging the production of codes.
- Maintaining confidential records of alleged contraventions.

The Authority has delegated all of these other powers to the Commissioner. It reserves the right, however, itself to exercise those functions in particular cases, at its discretion.

There are certain functions that the Data Protection Authority Law stipulated that the Authority must perform without delegating to the Commissioner. The most important is that only the Authority can decide whether to issue fines for contraventions of the Law. While the JOIC will make the official finding in each case as to whether a contravention has occurred, it is the Authority that will determine whether a fine will be applicable and the value of that fine.

> THE JERSEY DATA PROTECTION AUTHORITY STRUCTURE

The Authority is currently comprised of a chair and five Authority members, which the Chief Minister appointed in accordance with the Law in October 2018.





> AUTHORITY MEETINGS

The Authority met on four occasions in 2019. The Authority worked with the Commissioners on key projects, for example, to;

- Develop and finalise the Corporate Governance Protocol.
- Develop and finalise the Strategic Plan 2019 - 2021.
- Review the proposed new revenue model.

> AUTHORITY MEMBERS REMUNERATION

For 2019 the Chair of the Jersey Data Protection Authority was paid £750 per day for his services and the Non-Executive Board Members were paid £600 per day.

> ACCOUNTABILITY ARRANGEMENTS

To function as an effective regulator and to implement the Data Protection (Jersey) Law 2018 requirements, the Authority requires workable and sustainable funding and demonstrable independence. The implementation of the Data Protection Authority (Jersey) Law 2018 and the establishment of an overarching Authority structure helps to achieve this level of independence.

> THE JOIC TEAM

The year 2019 was fundamental for the JOIC, as the new office completed its first year and expanded further.

Recruitment

The team started 2019 with 9 full-time equivalent (FTE) employees and finished the year with 12 FTE employees, following the recruitment of a junior caseworker, a communications officer and a finance officer; see below organisation chart.

In addition, part time legal and human resource (HR) expertise joined the Office during the second half of 2019, on 'contract for services', to support the team.

Policies and Procedures

The Office created its own Employee Handbook during the summer of 2019, to provide the team with key HR policies and procedures. An updated Employee Contract was aligned with the Employee Handbook and reflects changes to local employment legislation.

Team Development

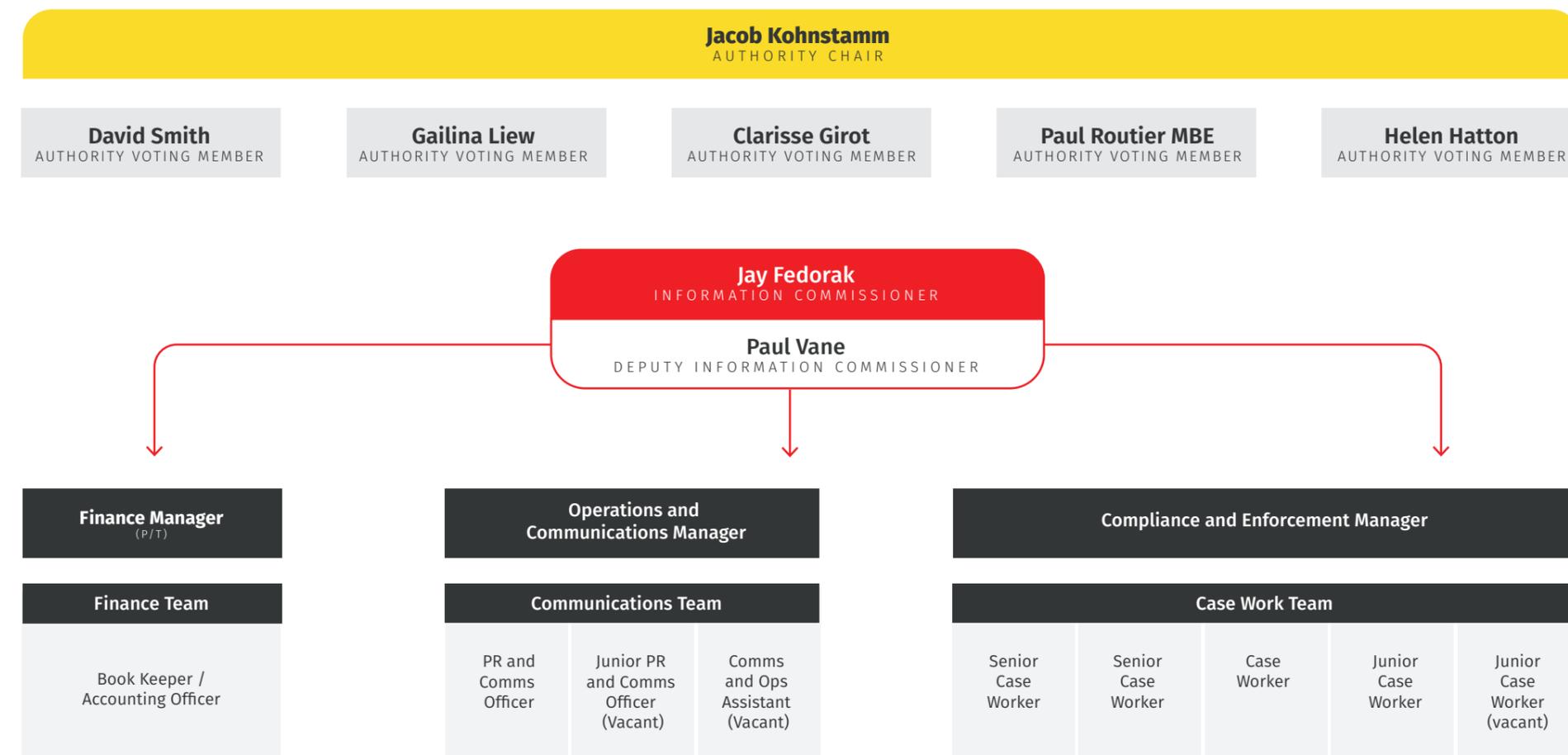
The Office set aside time in October to examine strategic outcomes, identify team strengths and develop the Business Plan.

Further skills development took place during the autumn, focussing on key competencies, such as presentation skills and effective learning techniques. In preparation for the introduction of the new revenue model, the Office held a planning session in November, to address concerns about the forthcoming changes, promote employee wellbeing and ensure a consistent approach to customer service.

HR Governance

As some HR processes and procedures are still undertaken by government, the Office conducted a review in December 2019 to identify potential risks and to prioritise areas of HR activity for the JOIC.

As the Office achieves complete independence from government, it will be important to have a Human Resources plan. Aligning HR practices and procedures with its overall vision, values and strategy, will support the JOIC's aims of attracting, developing and most importantly retaining key talent, as well as ensuring compliance with local legislation and mitigating any risks.



The New Registration and Fees Model

Our largest and most important project in 2019 was developing a new fee and registration model. This required extensive consultations with government and industry and the drafting and refining of our proposals.

We wanted to ensure that the new system would produce the right amount of funding that reflected data risk and ability to pay.



> REVENUE MODEL 2019



Having effective data protection regulation supports Jersey's international reputation as a well-regulated jurisdiction and is crucial for persuading international clients that Jersey is a good place to do business and store data. Jersey currently benefits from the European Commission having assessed its data protection regime as adequate for the purpose of the continued flow of data to and from Europe. Data protection in Jersey incorporates the provisions of General Data Protection Regulation (GDPR) in every essential respect.

The Jersey Laws granted expanded powers and responsibilities for the JOIC. In support of this goal, the Council of Ministers and States Assembly decided to increase the resources of the JOIC.

The GDPR requires that a data protection supervisory authority be independent. To this end, the Government of Jersey created the new Jersey Data Protection Authority with independent oversight and proposed the JOIC adopt a funding model that would make it less reliant on revenue from the Government. The Authority and Government of Jersey officials agreed that 70% of the revenue should come from registration fees from private sector organisations, with the Government contributing the remainder.

The JOIC examined the feasibility of existing and proposed models from other data protection authorities and developed a model that more closely resembles that of the UK and best achieves the desired outcome, whilst also assessing risk and ability to pay. The model underwent a public consultation between 2 May and 11 June 2019, which led to refinements that made it more effective and fair.

Receiving funding from sources outside of Government contributes to the actual and perceived independence of regulators. Fees set in regulations

to laws provide the regulator a greater degree of certainty. A key feature of the European Commission's evaluation of the adequacy of Jersey's data protection regime will be the extent to which it considers the Jersey Data Protection Authority to be independent from Government. Independent funding helps to demonstrate independence

The JOIC's approach aimed to meet the organisation's resource requirements while achieving the following criteria:

- The model must avoid imposing further costs to Government beyond what it has paid in previous years. Regulated businesses rather than the taxpayer should absorb any new costs resulting from the new General Data Protection Regulation.
- The model must be compliant with the GDPR, particularly with the recommendation to replace general requirements to register any processing of personal data with one that considers risk to the rights and freedoms of individuals.
- It must be fair in the sense that the level of fees is commensurate with ability to pay and rates for small and medium sized businesses are reasonable and affordable.
- It must be understandable in the sense that business can easily determine what they must pay and how the total was calculated.
- It should assist businesses to understand their data protection obligations, in that paying an annual fee should remind businesses to comply with the other requirements of the Law.
- It must be as simple and inexpensive to administer as possible.

The Government accepted the revenue model, as revised following the public consultation. The States Assembly passed the necessary amendments to the Data Protection (Registration and Charges) (Jersey) Regulations 2018 on 10 December 2019. The new revenue model came into force on 1 January 2020.

Paul Vane BA(Hons) Soc Pol Crim (Open)
Deputy Information Commissioner



Summary of 2019 Data Protection Activities



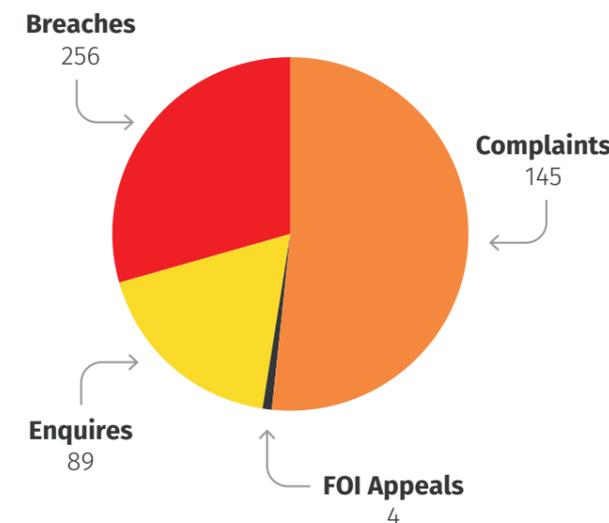
BENEFITS OF EFFECTIVE DATA PROTECTION

- It helps redress imbalance between the individual and the State, but also between the individual and companies that collect, process and communicate their data to third parties.
- It preserves democracy, but also protects the individual in the face of massive technological change and generate trust in the digital economy.

The Jersey Laws apply to both the public and private sectors.

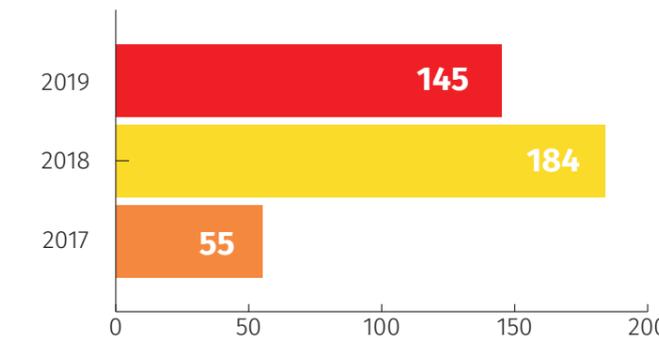
> 2019 OPERATIONAL PERFORMANCE

We have been better able to monitor and interrogate data protection statistics owing to significant improvements in our CRM (Customer Relationship Management System). We introduced more accurate classifications of case types, organisation types, case outcomes and breach reporting.



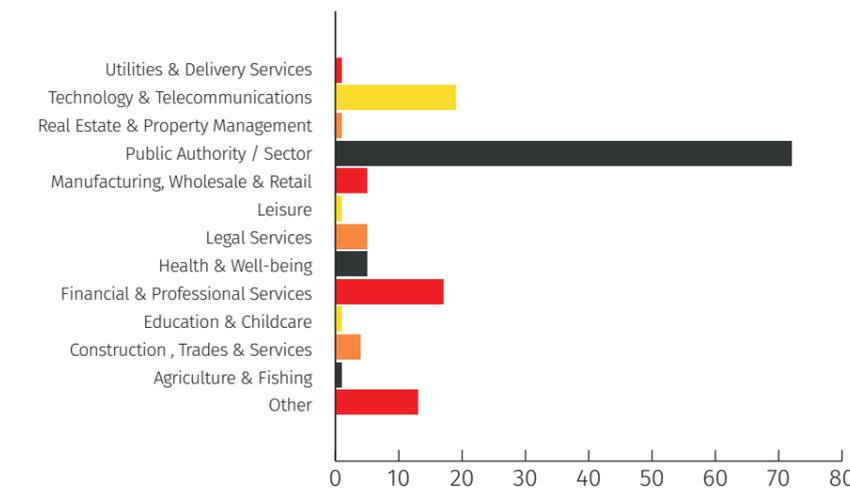
Complaints

Throughout 2019, we continued to enhance all communications with particular focus on raising awareness regarding data protection obligations for businesses and public authorities and regarding rights for individuals.



The above table highlights that the number of complaints received in 2019 has decreased by 27%.

The table below identifies complaints by organisation type. Larger businesses received the majority of the complaints. In accordance with the JOIC's investigation policy, the Compliance and Enforcement Team has a range of investigative powers that it can use in response to complaints. This will depend on the substance of the complaint, the potential for harm to individual(s), any undue delay in making the complaint, and whether the complainant has exercised, or tried to exercise their rights already.





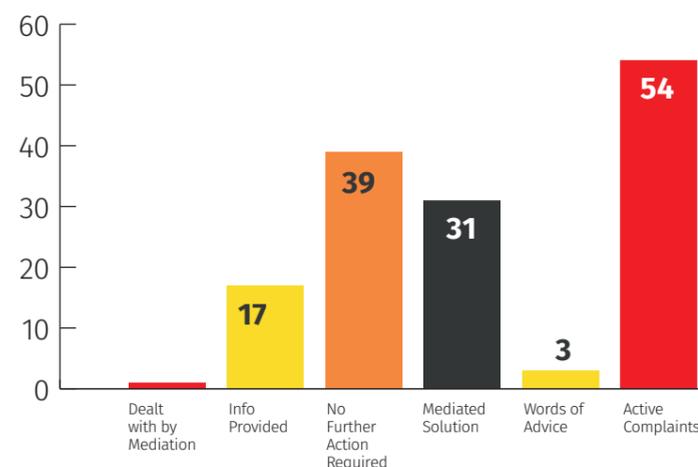
Throughout 2019, we fostered constructive relationships with data controllers and data subjects to ensure that we can all benefit with 'lessons learned' from the complaints. As in 2018, a significant portion of the workload continues to involve responding to general enquiries, the breadth and depth of which varies significantly.

Enquiries

The JOIC received 89 general enquiries in 2019. Enquiries range from simple questions regarding our location and career opportunities to the more complex questions around guidance matters.

ENFORCEMENT

Where we receive formal complaints, we aim to achieve a mutually satisfactory resolution for all parties in conformity with the Law. The chart below shows the outcome of complaints. At the close of 2019, we had 54 active complaints, with just over a quarter of complaints requiring 'No Further Action'. No Further Action means that JOIC's investigation concludes that we were satisfied with the actions taken by the organisation involved to resolve the complaint. We are pleased to note that 35 of the complaints resulted in positive outcomes involving business improvements to processes and procedures to protect personal information.



The Jersey Data Protection Authority did not issue any formal undertakings or enforcement notices in 2019. The circumstances of the cases investigated did not warrant formal enforcement action.

The majority of our 2019 work centred on guiding data controllers and processors through compliance with the legislative requirements. The JOIC published two key enforcement policies:

- A Customer Service Policy.*
- An Investigation Policy.**

In addition, we began to develop our Enforcement Strategy, which we intend to complete in 2020. Following the implementation of this, we will commence work to develop our compliance audit process.

The 2018 Law provides for substantive fines and sanctions for contraventions of the Data Protection (Jersey) Law 2018, but it is our intention to use these as a position of last resort. Our vision is to work collaboratively with the community to educate and guide data controllers, processors and data subjects to reduce breaches, complaints and contraventions. Whenever we apply sanctions, it must be fair and reasonable in the circumstances.

In determining whether to impose an administrative fine in accordance with Article 26 of the Law, the JDPA will consider:

- The nature, gravity and duration of the contravention.
- Whether the contravention was intentional or neglectful.
- The action taken by the controller or processor to mitigate the loss or damage or distress suffered.
- The degree of responsibility of the person concerned and the technical and organisational measure implemented for the purposes of data protection.
- Previous contraventions.
- The degree of cooperation with the Authority.
- The categories of personal data.

In issuing a fine, the JDPA will consider the need for it to be effective and proportionate, as well as to have a deterrent effect.

* View Customer Service Policy: <https://jerseyoic.org/media/m4gfpaob/joic-policy-j1-customer-service-4-aug.pdf>

** View Investigation Service Policy: <https://jerseyoic.org/images/pdfs/JOIC-Policy-J2-Investigation%20policy-3.pdf>

BREACH REPORTING

The Data Protection (Jersey) Law 2018 specifies that 'In the case of a personal data breach, the controller must, without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach in writing to the Authority in the manner required by the Authority, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons'

The breach obligations in the Law require that the notification must –

- (a) describe the nature of the personal data breach including where possible, the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned;
- (b) communicate the name and contact details of the Data Protection Officer or other contact point where more information can be obtained;
- (c) describe the likely consequences of the personal data breach; and
- (d) describe the measures taken or proposed to be taken by the Data Controller to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.

The data controller must document any personal data breaches, including the facts relating to the personal data breach, its effects and the remedial action taken, in such detail as will enable the Authority to verify compliance with this Article.

If the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the controller must communicate the breach to the data subject –

- (a) without undue delay; and
- (b) in clear and plain language describing the nature of the personal data breach; and
- (c) giving the information referred to in paragraph (3)(b) to (d).

Reporting breaches to our office in certain cases became mandatory for data controllers and processors under the 2018 Law. To assist them, we made the reporting process as straightforward as possible. We have collaborated with industry to learn from breaches, ensure meaningful engagement, and promote the highest levels of data security for the public.

We implemented improvements to the online breach reporting form in June 2019 to make it simpler and easier to use. Data controllers have the choice as to navigate the online form alone or with the support and guidance of our team.

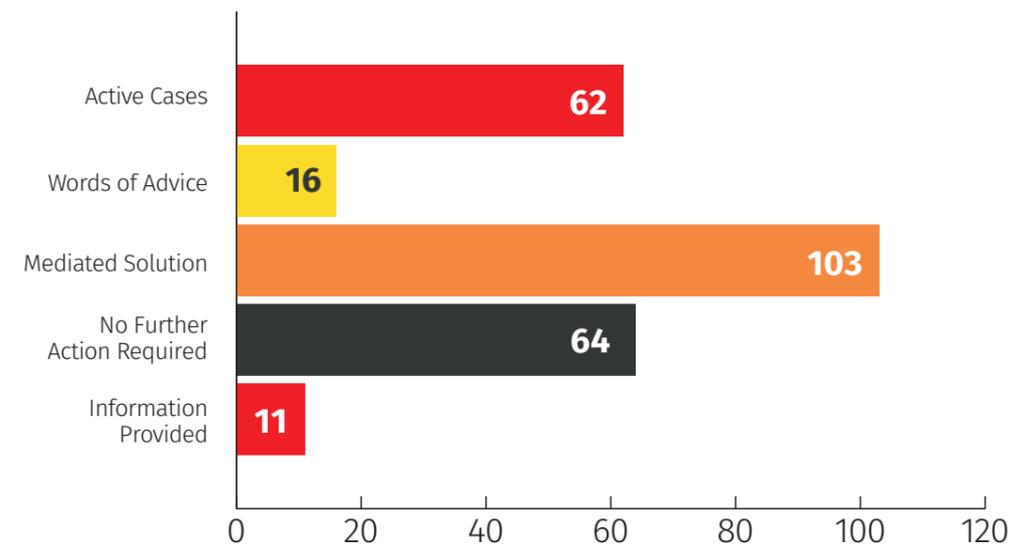
In addition to assisting with reporting, our case workers can support organisations in containing breaches and mitigating the resulting harms. Breaches can be traumatic for employees to manage and carry serious reputational damage for businesses. Our team works sympathetically, yet professionally, when reporting officers contact our office.

Most reported breaches do not warrant a sanction. However, the JDPA may impose a fine in a case of deliberate, wilful, negligent, repeated or particularly harmful non-compliance. It is important to note that failing to report a breach, where required, could result in a severe penalty.

Breach reporting also enables our office to understand existing data protection weaknesses and identify systemic issues.

We received notice of 256 data breaches in 2019. Improvements to our case tracking system has allowed us to analyse and report on the data in greater detail.

We look forward to presenting further statistical analysis in our next annual report.



The chart above indicates that;

- 103 breaches reported in 2019 were resolved by measures and actions implemented by the relevant organisation.
- 64 (25%) of the breaches resulted in 'No Further Action', our investigation concluded that the breach was low risk and therefore not legally reportable to us as a breach. The JOIC were reassured that the organisation has taken the relevant action to mitigate risk and informed us for reference and completeness.
- In only 11 (6%) of breaches did the JOIC ask for specific information relating to how measures have been put in place to mitigate further breaches and risk to data subjects.

It is important to note that most of the breaches reported did not meet the legal threshold for mandatory reporting, because they did not result 'in a high risk to the rights and freedoms of natural persons'. Nevertheless, we encouraged organisations to report breaches to enable us to understand the breach landscape in Jersey to help shape our guidance and advice.



Annual Report of Freedom of Information Activities

BENEFITS OF EFFECTIVE FREEDOM OF INFORMATION

- Improves accountability of Scheduled Public Authorities.
- Promotes good governance and transparency.



> THE FREEDOM OF INFORMATION (JERSEY) LAW 2011

The Freedom of Information (Jersey) Law 2011 (FOI Law), provides the public with access to information held by Scheduled Public Authorities (SPAs). It creates a legal right for individuals to request information from SPAs. The FOI Law covers all recorded information in the custody of a SPA in Jersey. Recorded information includes 'printed documents, computer files, letters, emails, photographs, and sound or video recordings. It includes 'information recorded in any form'.

Schedule 1 of the FOI Law identifies the following as SPAs:

- The States Assembly including the States Greffe.
- A Minister.
- A committee or other body established by resolution of the States or by or in accordance with standing orders of the States Assembly.
- A department established on behalf of the Government of Jersey.
- The Judicial Greffe.
- The Viscount's Department.
- Andium Homes Limited (registered as a limited company on 13th May 2014 under Registration number 115713).
- The States of Jersey Police Force.
- A Parish.

The FOI Law does not give individuals a right of access to their own personal data (information about themselves) such as their health records or credit reference file. The Data Protection (Jersey) Law 2018 is the proper avenue to access their own personal data.

Our role in regulating the FOI Law includes the following functions:

- To encourage public authorities to follow good practice in their implementation of this law and the supply of information;
- To supply the public with information about the FOI Law; and
- To hear appeals.



An applicant who is dissatisfied with a decision of a SPA in responding to their request may, within 6 weeks of the notice of that decision being given or within 6 weeks of the date the applicant has exhausted any complaints procedure provided by the SPA, appeal to the Information Commissioner.

The Information Commissioner must decide the appeal as soon as is practicable but may decide not to do so if the Commissioner is satisfied that:

- The applicant has not exhausted any complaints procedure provided by the scheduled public authority.
- There has been undue delay in making the appeal.
- The appeal is frivolous or vexatious; or
- The appeal has been withdrawn, abandoned or previously determined by the Commissioner.

The Information Commissioner must serve a notice of his or her decision in respect of the appeal on the applicant and on the scheduled public authority. The notice must specify:

- The Commissioner's decision and, without revealing the information requested, the reasons for the decision; and
- The right of appeal to the Royal Court conferred by Article 47.

Each year the Information Commissioner must prepare a general report on the exercise by the Information Commissioner of his or her functions under this Law during the preceding year.

The Commissioner's team also provide informal advice and assistance to both members of the public and SPAs prior to any formal appeal.

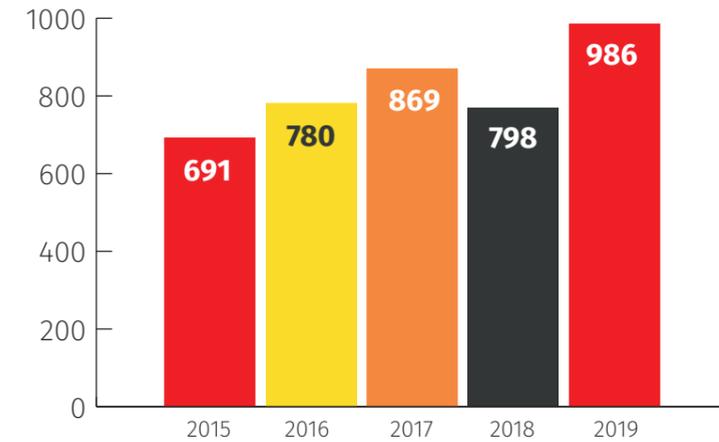




> 2019 OPERATIONAL PERFORMANCE AND APPEALS

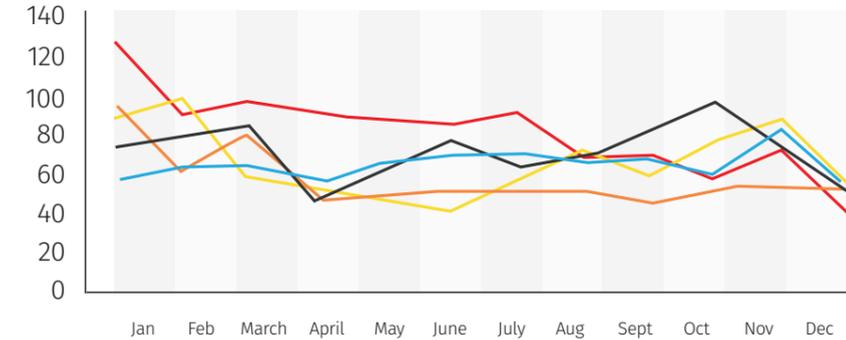
The Central Freedom of Information Unit of the Jersey Government received 986 requests during 2019.

The chart below indicates all requests received year by year. The slight decline in 2018 corresponds with the States of Jersey election. The gradual increase in requests suggests that awareness of FOI Law is increasing.



Copies of responses to Freedom of Information requests are available on the States of Jersey website;

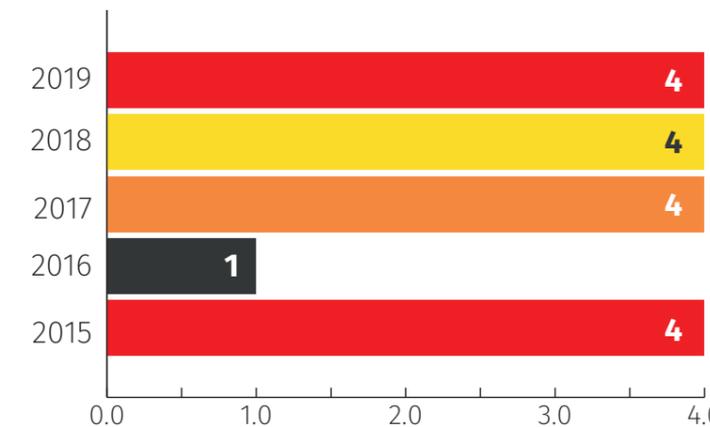
(www.gov.je/Government/FreedomOfInformation/Pages/index.aspx)



Surprisingly, the annual volume of Freedom of Information appeals have remained consistently low. The possible reasons for this are:

- Greater communication between requestors and SPAs.
- Greater public awareness of the FOI Law.
- Increased transparency across SPAs.
- Continued reluctance of applicants to pursue an appeal to our Office.

The table below highlights the number of appeals received by the JOIC.



> SIGNIFICANT 2019 DECISION NOTICES

We issued four formal decision notices in 2019 following the appeals submitted to us. The decision notices relate to the following information regarding:

- Information relating to a site visit carried out at the complainant's home.
- Copies of legal advice supplied to the Connétable of St Lawrence and the Rector of St Lawrence.
- Legal costs incurred by the States Employment Board in respect of their defence of an action commenced by the Jersey Fire and Rescue Service Association.
- Information relating to correspondence that may have passed between the Minister for Home Affairs and other third parties relating to an e-petition created by the complainant.

In each case, the Information Commissioner conducts a formal hearing adhering to the principles of administrative fairness and the laws of natural justice. The Information Commissioner provides the public authority and the applicant with an opportunity to make formal submissions in support of their position. It is essential that both parties make full and complete arguments and provide adequate evidence, as opposed to mere speculation. The Information Commissioner presumes that when making its submissions, each party is providing all relevant material that is available at the time of the assessment.

The Information Commissioner issues a Decision Notice based on the submissions of the parties, the precise wording of the legislation and any relevant case law. The decision is objective and includes adequate reasons. If a party is dissatisfied with the Decision Notice, the only avenue of appeal is to the Royal Court. The Royal Court may review the Information Commissioner's decision to determine whether it was reasonable.



Public Awareness, Engagement and Education



> THE JDPA AND THE STATES ASSEMBLY

Members of the JDPA Board hosted 18 members of the States Assembly on the 30 April 2019. The Board Chair of the JDPA and the Information Commissioner described the roles of the Board and the JOIC in implementing Jersey's data protection laws and outlined the principles behind the proposed model for funding the JDPA.

> THE JOIC EVENTS

One of our most important functions is to raise awareness of the rights of Islanders and the legal duties of controllers and processors. We held 12 topical presentations in the JOIC amphitheatre for organisations and the public. This gave more than 300 Islanders the opportunity to learn more about their data protection rights and responsibilities, ask questions and provide feedback. Topics ranged from Data Protection by Design and Biometric Data to specific guidance for the third sector (the charity, not for profit and voluntary sector) and the personal information rights of individuals. We also held interactive workshops on such topics as 'The Highs and Lows of a Data Protection Officer' to provide guidance for specific groups.

Our Information Commissioner, Deputy Information Commissioner, Communications and Operations Manager and Compliance and Enforcement manager spoke on invitation at a broad range of industry events.

Our senior team presented at a Law at Work briefing for Jersey's care sector, where the attendees needed to understand the relationship between Jersey Care laws and data protection.

The Deputy Commissioner delivered data protection messages tailored to the charities sector, including busting some common myths for the Jersey Community Partnership charity conference.

The Commissioner and Deputy gave detailed presentations at several high-profile cyber security events in the Island's business calendar, on ethical issues of data protection, technical advancements and of course risks.

Individual team members spoke at workshops for human resources and business administration trainees.



The Communications team led 'Making Connections' meetings to enhance the JOIC's working relationships with senior Island bodies and associations such as Jersey Finance, Digital Jersey, the Association of Jersey Charities, Jersey Hospitality Association, Jersey Motor Trades Federation, Jersey Business and Jersey Chamber of Commerce.

Our whole team participate in developing guidance for the Jersey community based on the needs, questions and concerns of our Island.

Our team was proud to represent our office and Jersey Fraud Prevention Forum (JFPF) at the 12th Annual Jersey Boat Show at the end of May 2019, one of the largest outdoor events in the Channel Islands calendar. The JOIC employees teamed up with States of Jersey Police and other local enforcement agencies to promote the work of both our office and the JFPF in seeking to develop a coordinated and strategic approach to the protection of the Island's general public from investment frauds and scams.

> EDUCATION

We have implemented a Young Privacy Ambassador Programme to inform students about privacy rights and empower them to exercise their rights and responsibilities effectively.

This programme contributes to the Jersey school citizenship curriculum. Students learn about the implications of their decisions regarding managing their own personal data, as well as what are rights and responsibilities. Our sessions also help to develop employment skills and knowledge about the current economic and business environment.

During 2019, we delivered sessions to 34% of secondary school students in Jersey aged between 11 and 18. Over the course of the coming years, further sessions will continue to expand the knowledge of students on data protection.

We tailor our sessions to the appropriate age group and make them as engaging as possible, with games, quizzes and lively debate. We explore the following topics:

- Privacy and why it matters.
- Personal information rights.
- Where and how data protection fits into their worlds.



LE ROCQUIER AND
HAUTLIEU SCHOOLS

“ *The team at the JOIC are always professional and knowledgeable in their delivery of information. Our students are engaged and learn from their teachings about personal data and the importance of being informed to make the right choice. Students are able to apply this information to their own lives and put it into real context for potential situations, which is a vital factor when delivering information in Personal, Social and Health Education. The message that students have received is to ensure they are masters of their own destiny and equip with them with the skills to be successful in their own future which supports our faculty’s vision and values. The JOIC facilitates this path to success and we would welcome and encourage any further teachings in the future.* ”

Le Rocquier School



› NATIONAL/INTERNATIONAL LIAISON 2019

The Commissioner and Deputy Commissioner attended key international conferences throughout 2019 promoting collaboration and consistency of enforcement while raising awareness of Jersey as a well regulated data protection jurisdiction.

6 - 8 FEBRUARY

PROVINCE OF BRITISH COLUMBIA ANNUAL PRIVACY AND SECURITY CONFERENCE – VICTORIA, BRITISH COLUMBIA, CANADA

The Commissioner and Deputy Commissioner presented at the three-day conference in Canada that attracted over 1100 delegates and 100 international subject matter experts, many from the United States. It provided an opportunity for a North American audience to learn that Jersey is a good place to do business and store data.



10 - 13 MARCH

INTERNATIONAL CONFERENCE OF INFORMATION COMMISSIONERS – JOHANNESBURG, SOUTH AFRICA

The JOIC Compliance and Enforcement Manager attended this conference in Johannesburg. Delegates from all over the world shared international standards in the application of laws relating to Freedom of Information.

12 - 14 MARCH

INTERNATIONAL ASSOCIATION OF PRIVACY PROFESSIONALS LONDON CONFERENCE

The Commissioner participated on a panel comparing the application of GDPR enforcement powers between the UK, France and Jersey.

25 - 27 MARCH

ANNUAL AMLP EUROPEAN CONFERENCE – LONDON

The Commissioner spoke about the privacy implications of publishing registries of beneficial ownership at the Annual AMLP European Conference, which brings together leading international stakeholders to examine latest strategies and practical measures to combat money laundering and terrorist financing.

23 MAY

ASIA PACIFIC PRIVACY AUTHORITIES CONFERENCE – TOKYO, JAPAN

Authority member Clarisse Girot represented the JOIC at the Asia Pacific Privacy Authorities Conference in Tokyo. The event promotes consistency of data protection enforcement across the authorities of the Asia Pacific, including Singapore, which has much in common with Jersey. Clarisse Girot is based in Singapore and the JOIC was not required to pay her travel expenses.

27 - 29 JUNE

BIIDPA ANNUAL MEETING – JERSEY, CHANNEL ISLANDS

The JOIC was proud to host the British, Irish and Islands' Data Protection Authorities of the UK, Ireland, Cyprus, Jersey, Isle of Man, Malta, Gibraltar and Bermuda (BIIDPA) annual conference in Jersey. This event provides a platform for sharing best practices among jurisdictions that have strong political and economic ties to Jersey. The Minister for Economic Development, Tourism, Sport and Culture welcomed the delegation to Jersey.

1 - 3 JULY

PRIVACY LAWS AND BUSINESS INTERNATIONAL CONFERENCE – CAMBRIDGE

The Commissioner spoke about how Jersey has implemented GDPR at a conference including broad representation from the private sector in the UK.

13 AUGUST

INTERNATIONAL ASSOCIATION OF PRIVACY PROFESSIONALS CANADA PRIVACY SYMPOSIUM 2019 – INTERJURISDICTIONAL REGULATION: PRIVACY AROUND THE WORLD – VICTORIA, BRITISH COLUMBIA, CANADA

The Commissioner spoke about GDPR and Jersey at this IAPP event at Royal Roads University, Victoria, British Columbia, Canada. As the Commissioner was in Victoria on vacation, the JOIC was not required to cover his travel expenses.

16 - 17 SEPTEMBER

CONFERENCE OF THE ASSOCIATION FRANCOPHONE DES AUTORITES DE PROTECTION DES DONNEES PERSONNELLES – DAKAR, SENEGAL

The Commissioner attended the Assemblée Générale and the Conférence Annuelle of the 'Association francophone des autorités de protection des données personnelles' (AFAPDP) which unites 27 data protection authorities of 24 countries that are members of the "Organisation Internationale de la Francophonie" (OIF).

By a resolution of the Assemblée Générale, Jersey became a voting member of the association. This forum enables Jersey to build relationships and ensure consistency with France, other European jurisdictions, as well as many authorities in Africa.

26 SEPTEMBER

SCOTTISH PUBLIC INFORMATION FORUM – GLASGOW

Upon invitation, the JOIC Compliance and Enforcement Manager delivered the keynote address at the Glasgow meeting of the Scottish Public Information Forum. The event, titled 'Access to Information and Democratic Accountability' was the JOIC's most important contribution to International Right to Know Day.

10 - 11 OCTOBER

PDP ANNUAL DATA PROTECTION COMPLIANCE CONFERENCE - LONDON

The Deputy Commissioner and a member of the Compliance and Enforcement team attended the 18th Annual Data Protection Compliance Conference in London. The conference provided an opportunity to share best practices and ensure consistency of the application of GDPR in the UK and Jersey.

21 - 24 OCTOBER

INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS (ICDPPC) - TIRANA, ALBANIA

The Commissioner and Deputy Commissioner represented Jersey at the 41st International Conference

of Data Protection and Privacy Commissioners in Tirana. This forum, now known as the Global Privacy Assembly, provides a valuable opportunity to understand the application of data protection to social media and new digital technologies, such as Artificial Intelligence and Blockchain.

22 NOVEMBER

INFORMATION LAW AND POLICY ANNUAL LECTURE AND CONFERENCE 2019:

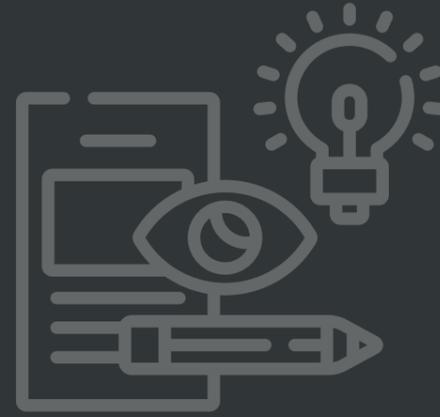
DIGITAL RIGHTS IN BREXIT: CHANGES AND CHALLENGES LONDON

The Commissioner spoke about Digital Rights, Brexit and data protection in Jersey to a conference of legal scholars and practicing lawyers at the Institute of Advanced Legal Studies, University of London.



Communications and Operations

With new laws, a new mandate, new employees and a new office, we have rebranded with an enhanced website. We wanted to emphasise our unique Jersey identity.



> BRAND DEVELOPMENT

The centrepiece of the new JOIC logo is a keyhole, which represents both the protection of personal data and access to information with the right key. This represents the core mandate of the JOIC.

The JOIC are the independent regulatory authority that promotes respect for privacy and information rights of individuals.

The sweeping J of the logo represents Jersey and wraps around the keyhole to act as a shield, helping to 'protect' the information and rights of the individual.

The JOIC's new colours grew from the original colours of the old OIC gold and red which in turn came from the flag of Jersey and the Government of Jersey colour palette. The introduction of the orange was incorporated to tie in with the 2018 'Think GDPR' campaign and to give the branding a more youthful, modern feel.





> RELOCATION

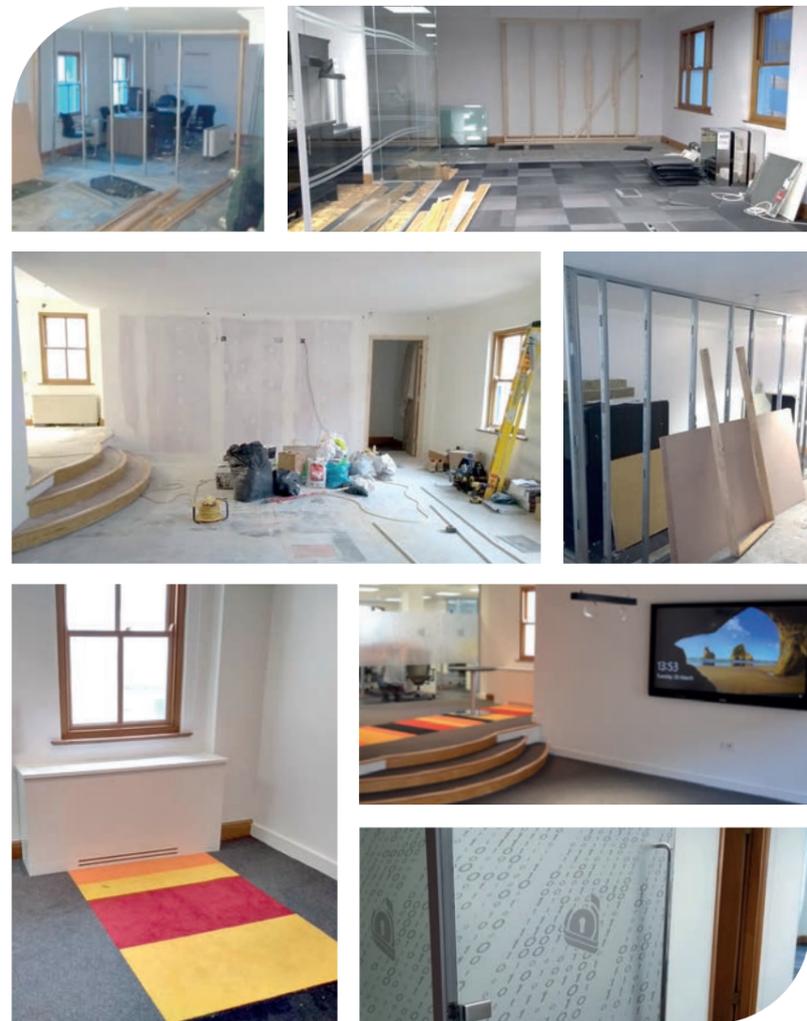
Our original office space was adequate for the small number of employees we had prior to 2018 but could not accommodate the team required to meet our new responsibilities under GDPR. We embarked on a lengthy process to ensure we found the right space at the lowest possible cost. We created an office space to serve the data protection community. Our facilities are versatile offering a seminar area and technical services for up to 30 guests. The board room can host up to 16 guests, for visiting regulators, the Authority and a wide variety of other meeting requirements including members of the public wishing to discuss cases confidentially.

In February 2019, work commenced on refurbishing the new office at 5 Castle Street, St. Helier.

Individual employees headed up teams to plan and implement:

- Technical and security requirements.
- Furniture and equipment.
- Branding and signage.
- Environmental issues.
- Storage requirements and office move logistics.

The team moved into a vibrant carefully planned and designed office suite on 25 April 2019. Careful planning, design and project management delivered an on time and on budget office.



> WEBSITE AND APP

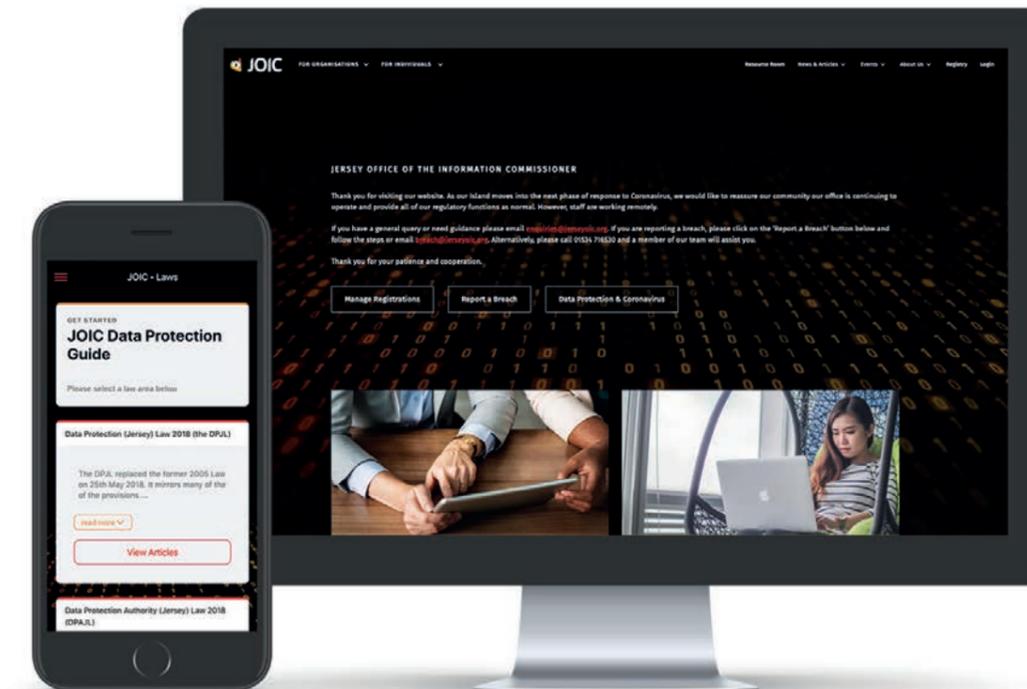
It became clear that we needed to update our website and make it easier to use. With both our private and business lives being increasingly lived 'online' we believe that data protection needs to be even more accessible to all sectors of society.

Our objective in redesigning the website was to be able to provide relevant information to individuals and businesses within two 'clicks' of landing on it. We also wanted to make the process of breach reporting simpler and faster for those having to report. At this time, we were redesigning our registrations process to make it simpler and easier to use.

We also developed a JOIC Resource App for the public and organisations to provide them easy access to resources and guidance about our data protection laws and their relationship with the GDPR. The App operates fully offline and enables readers to bookmark articles for future viewing.

Our App cross-references the articles of the Jersey Laws with the GDPR. By clicking on a specific article, the user has access to the associated portions of the GDPR or the recitals, plus any relevant guidance that we have issued.

We are the first regulator to launch a mobile app, accessible on all hand-held and mobile devices. We developed it with the help of a specialist team on a coding programme at Digital Jersey (www.digital.je), our Island's government-backed economic development agency and industry body dedicated to the growth and attraction of Jersey's digital sector on the international stage. Our technical support team has refined, tested and improved it since its initial design. Our app adds value to our existing online platform www.jerseyoic.org, improves accessibility and increases stakeholder engagement.





> SOCIAL MEDIA

The JOIC implemented four channels of social media in 2019, to reach as many as possible with agile and timely messaging.

We use Twitter, Facebook, LinkedIn and Instagram to connect with very different sectors of Jersey's community including business, charity and individuals.

We tailor audience-specific messaging, imagery and video content to make our messages stand out.

> MEDIA AND THE JOIC

Local media coverage has helped further our communication goals during 2019. The Information Commissioner and Deputy Information Commissioner have shared their expertise in many local publications including Business Brief and Connect on subjects such as 'GDPR one year on' and 'Data Privacy, Transparency and Public Register of Beneficial Ownership'.

Our Commissioners, along with our Compliance and Enforcement Manager and the Communications and Operations Manager appeared on BBC Jersey, ITV Channel Islands and Channel 103 on data protection subjects.

Jersey's media organisations frequently report on our media releases, including on such topics as Getting Personal – Personal Information Rights talk, JOIC focus on CCTV, Major privacy concerns with facial recognition technology, Jersey joins global privacy sweep and Social Settings Matter - Safeguard your family to keep your personal information, personal.

As part of our role in the Jersey Fraud Prevention Forum, The JOIC joined Jersey Financial Services Commission and States of Jersey Police to issue media releases on items such as the European lottery scam warning in July 2019.



> DATA PROTECTION WEEK - JANUARY 2019

Our Office was proud to organise and host Jersey's first 'Data Protection Week' in January 2019. With over 700 delegates attending, it was a great success.

Our Office collaborated with local experts in the field of data protection to attract a wide audience including consumers, professionals from a variety of sectors, business owners and charities.

One of our key themes was trust. Our key messages for businesses and individuals to emerge from the week included:

- Don't be blinded by data, there is great guidance out there - use all the resources which are available to help you.
- Tackle data protection step by step, in manageable chunks.
- Respecting data should be part of organisational culture - from the board to front line employees.
- Don't be complacent - data protection is an ongoing concern which needs regular review and revision.
- Making a cyber-security and breach plan is one thing, but be sure to test them before you need them for real.
- Individuals need to become their own information commissioner and take responsibility for safeguarding their own data.
- Good data protection is a journey, not a destination - it requires continuous attention, vigilance and commitment.
- Everyone needs to play their part, including the Authority, the Government, businesses, associations and the public.
- Data is an asset, just like a financial asset or property - as with all other valuable assets, it is essential to keep it secure and to nurture its value.

We plan to make this an annual event in our Island calendar for organisations and individuals.

> AWARDS AND RECOGNITION

In October 2019, Corefocus, the Jersey-based IT Consultancy that developed our new website and app, received a Jersey Tech Award for the work.

Corefocus won the Technology Project of the Year award for the project Corefocus and the Jersey Office of the Information Commissioner Operational Reorganisation Project.

The Jersey Tech Awards celebrate digital excellence in the Island and are the main technology awards in the local calendar. Under the project, the Corefocus team delivered the following in just 42 days:

- Scope and analyse the JOIC's requirements.
- Build a new interactive secure website and brand.
- Transform the registration process.
- Implement a case management system.
- Design workflow for registration, breach, complaint and payment procedures.
- Create a bespoke user centric resource room.
- Design a Mobile App providing intuitive comparison between GDPR and the Data Protection (Jersey) Law 2018.

The project was a joint effort between Corefocus, our JOIC team and specialist web designers, which achieved the following:

1. Instant access (two clicks) to secure, relevant and transparent content.
2. Tailored user experiences for organisations and individuals.
3. Easily-updatable content and process flows.
4. The JOIC communications team to be able to easily manage and upload content.
5. Public and social engagement in Data Protection and the JOIC.

Shortlisting recognition from International Conference of Data Protection and Privacy Commissioners (**ICDPPC**) Global Privacy and Data Protection Awards - August 2019

During the Summer of 2019, the JOIC submitted two categories of entries to the ICDPPC Global Privacy and Data Protection Awards. We were delighted that, against formidable opposition from significantly larger privacy authorities, our two projects were shortlisted;

- Education.
- Innovation.

> EDUCATION

We submitted our work delivering our education programme in Island schools in the 'Education and Public Awareness' category. See page 31.

> INNOVATION

We also submitted an entry for our App which cross references the articles of the Jersey laws with the GDPR. See page 38.

The Global Privacy Assembly first met in 1979 as the International Conference of Data Protection and Privacy Commissioners. The Assembly has been the premier global forum for data protection and privacy authorities for more than four decades. The Assembly provides leadership at international level in data protection and privacy by connecting the efforts of more than 130 data protection and privacy authorities from around the world.



Environmental Policy

We are committed to protection our environment and are seeking membership in the Government of Jersey's 'Eco Active Business Network'.



The Eco Active Business Network is an environmental management scheme for organisations on the Island. Joining the network demonstrates our commitment to lowering the environmental impact of our organisation.



The JOIC is committed to:

- Improve efficiency.
- Reduce running costs.
- Prevent waste.
- Improve business reputation.
- Demonstrate compliance with environmental legislation.
- Reduce the risk of causing pollution or other negative environmental impacts.

> CORPORATE SOCIAL RESPONSIBILITY

Our team thoroughly enjoyed swapping computers and desks for shovels and spades during 2019 to support the excellent work of Jersey Hospice Care as part of our Corporate Social Responsibility Programme.

Split into groups and led by our Commissioner and Deputy Commissioner, our team spent time cleaning out planters and water features, clearing driveways and planting shrubs in the gardens at Clarkson House.

Jersey Hospice Care supports over 1,000 people every year and provides a holistic approach to care incorporating physical, emotional and social aspects. More than 450 people give their time to volunteer for the charity every year and our team was exceptionally proud to also be supporting their work.

Throughout 2019 our team also raised money for Comic Relief, held a cake sale for Macmillan Cancer Support (Jersey) and wore odd socks to 'Sock it to Lymphoedema' in support of Lymphoedema Awareness Week.



Financial Information

The States of Jersey provided the Office with a base budget for 2019 that it established as part of its routine budget development process in 2018.



> Financial challenges, achievements and successes for 2019 were as follows:

- Developed an independent finance function by bringing financial processes in house such as bank reconciliations, budget reporting, accounting adjustments, financial approvals, accounts payable authorisations and purchase card authorisations.
- Recruited a finance officer in the second half of the year to strengthen our internal controls.
- Chose finance software, Business Central and developed it with our IT provider to enable us to bring accounts receivable and accounts payable functions in house.
- Implemented consistent salary structures to attract talent, develop and retain employees and enable succession planning.
- Opened the JOIC business bank accounts to enable us to complete our separation from central government administration in 2020.



The Financial Statements of the Jersey Office of the Information Commissioner can be viewed online by:

[CLICKING HERE](#)





JOIC

JERSEY OFFICE OF THE
INFORMATION COMMISSIONER

2nd Floor, 5 Castle Street,
St. Helier, Jersey, JE2 3BT

+44 (0) 1534 716 530

www.jerseyoic.org