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.
2019

Highlights and achievements

1. Launched a data protection App & new website

2. Hosted data protection lunch & learns from 5 Castle Street

3. Developed and introduced a new revenue model and registration process

4. Team members appointed
   - Junior Case Worker, Finance Officer, Communications Officer, HR Manager, Legal Support, and 2 Authority Members

5. National & international privacy conferences attended by Commissioners & Managers

6. 40% Rise in complaints and data breaches from 2018 to 2019

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

8. Reached over 700 Islanders from organisations and the public during Data Protection Week 2019

9. Successfully assessed & evaluated 256 data breaches

10. Reached 1,721 Island secondary school students via our Young Privacy Ambassador programme

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

Team members appointed: Junior Case Worker, Finance Officer, Communications Officer, HR Manager, Legal Support, and 2 Authority Members.

Rise in complaints and data breaches from 2018 to 2019.
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.

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

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

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

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.
Chair, the Jersey Data Protection Authority (JDPA) Chair, the Jersey Data Protection Authority

The viability of a society and the success of its economy relies in the end on trust. People must be able to trust governments and their agents will act in the public interest. They must be able to trust institutions to manage their personal data. It is our responsibility to ensure that individuals are able to exercise greater control over their personal data. People must be able to trust governments and their agents will act in the public interest. They must be able to trust institutions to manage their personal data.

The focus of our second year was on our transition to independence. The fundamental principles were to deliver just enough funding to enable us to fulfil our statutory role but not so little that we would not be able to undertake any reasonable and proportionate public tasks. An independent authority is crucial for a successful data protection regime, because it is necessary to manage the risk of the Law.

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Our growth has required increased funding and expanded resources, which we have sought to address. An important project in 2019 was developing a new five and registration model. This involved securing consultations with government and industry and the drafting and refining of our proposals. We based our funding largely on a new three-year term that was conducted with government and an independent contractor in 2019. We wanted to ensure that the new system would produce the right amount of funding that reflected data value and ability to pay. We also wanted to improve the registration system to make registration easier and quicker. We believed 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 involved recruiting an additional finance officer to provide an appropriate level of accountability and assist in managing our financial accounts.

We have grown out of our former office space, making it essential that we find alternative premises. Again, this was not a task we undertook lightly. With our move to greater independence from government, we have set up our financial management infrastructure. This involved recruiting an additional finance officer to provide an appropriate level of accountability and assist in managing our financial accounts.

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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 that 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 law.

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.

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.
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 (IOIC).
- It provides direct independent oversight of the IOIC, replacing the States government in this function.

The Authority has the public responsibility to:

- Ensure that the IOIC remains accountable to the people of Jersey, in properly fulfilling its mandate and delivering quality services to its stakeholders.
- Ensure that the IOIC 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 IOIC.

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 IOIC 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.

There are also 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 IOIC 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.
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.

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.

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 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, 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, focusing 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.
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.

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:

1. 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.
2. 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.
3. 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.
4. It must be understandable in the sense that businesses can easily determine what they must pay and how the total was calculated.
5. 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.
6. 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
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.

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The Jersey Data Protection Authority (the ‘Authority’) is the independent public body responsible for enforcing the Jersey Data Protection Law. The Authority is responsible for:-

- Regulating the processing of personal data in order to ensure that personal data is properly protected;
- Providing a complaint resolution service to individuals concerning the processing of their personal data;
- Keeping under review the data protection regime and making recommendations for its improvement;
- Ensuring compliance with the requirements of the Law.

The Authority aims to ensure that controllers, processors and data subjects engage with the Authority and respond to its requests in a timely manner to enable the Authority to carry out its functions.

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 negligent;
- 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 measures implemented for the purposes of data protection;
- How 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.

The Jersey Data Protection Authority (‘JDPA’) will consider:-

- 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.
- Whether the controller or processor took steps to ensure that the personal data breach was as limited as possible in all other effects.
- Whether the controller or processor assessed the risks and the likelihood of them occurring.
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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, IN A MANNER REASONABLE TO THE SITUATION AND THE PROCESSING, TAKE THE NECESSARY MEASURES TO ENHANCE SECURITY AND PROTECT THE PERSONAL DATA SUBJECTS.

Breach Reporting

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.

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 collaboratively, usually professionally, but occasionally, when reporting officers contact our office.

Most reported breaches do not warrant a sanction. However, theJDPA may impose a fine in a case of deliberate, willful, negligent, repeated or particularly harmful non-compliance. It is important to note that failing to report a breach, where required, could result in an enforcement notice.

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. Report breaches to our office in certain cases become 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 provide guidance on 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 to either complete the online form alone or with the support and guidance of our team.

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

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

We issued four formal decision notices in 2019 following the appeals submitted to us. The decision notices relate to the following information regarding:
Æ Information relating to a site visit carried out at the complainant’s home.
Æ Copies of legal advice supplied to the Connétable of St Lawrence and the Rector of St Lawrence.
Æ 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.
Æ 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 presuming 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.
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, and questions and provide feedback. Topics ranged from Data Protection by Design and Biometric Data to specific guidance for the third sector (not for profit and voluntary sector) and the personal information rights of individuals. We also held interactive workshops on such topics as ‘The Rights and Laws 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 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 (JFF) 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 JFF 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 32% 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.

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

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Le Rocquier School
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.

**INTERNATIONAL CONFERENCE OF INFORMATION COMMISSIONERS – JHBONNEUIL, SOUTH AFRICA**

The Commissioner and Deputy Commissioner attended this conference in Johannesburg. Delegates from all over the world share international standards in the application of laws relating to freedom of information.

**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.

**ANNUAL AMIP EUROPEAN CONFERENCE – LONDON**

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

**ASIA PACIFIC PRIVACY AUTHORITIES CONFERENCE – TOKYO**

Authority member Clariace 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. Clariace Girot is based in Singapore and the JOIC was not required to pay her travel expenses.

**BIOPA ANNUAL MEETING – JERSEY, CHANNEL ISLANDS**

The JOIC was proud to host the British, Irish and Islands’ Data Protection Authorities of the UK, Ireland, Jersey (of which Mar, Malta, Guernsey and Bermuda (BIIDPA) annual conference in Jersey. This event provides a platform for sharing best practices among jurisdictions that have strong standards in the application of laws relating to data protection in Jersey. The Commissioner welcomed the delegation to Jersey.

**CONFERENCE OF THE ASSOCIATION FRANCOISE DES AUTORITES DE PROTECTION DES DONNEES – PARIS, FRANCE**

The Commissioner attended the Assemblée Générale and the Conference Annuelle of the Association francophone des autorités de protection des données personnelles (AFAPDP) which unites 27 data protection authorities from all over the world, including Singapore, which has much in common with Jersey. The Commissioner welcomed the delegation to Jersey.

**PRIVACY LAWS AND BUSINESS INTERNATIONAL CONFERENCE – CAMBRIDGE**

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

**SCOTTISH PUBLIC INFORMATION FORUM – GLASGOW**

Upon invitation, the JOIC Compliance and Enforcement Manager attended the Scottish Public Information Forum. The event, titled “Access to Information and the Key Legal Principles”, provided a platform for sharing best practices and ensured consistency with France, other European jurisdictions, and jurisdictions in Africa.

**COMMISSIONERS (ICDPPC) – TIRANA, ALBANIA**

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**PRIVACY AROUND THE WORLD – INTERJURISDICTIONAL REGULATION: PRIVACY SYMPOSIUM 2019 – PRIVACY PROFESSIONALS CANADA INTERNATIONAL ASSOCIATION OF PRIVACY COMMISSIONERS (ICDPPC) - TIRANA, ALBANIA**

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.

**TOGETHER: ACCORDING TO THE LAW – PRE-COMMISSIONERS’ CONFERENCE – CAMBRIDGE**

The Commissioner represented Jersey at the 41st International Conference of Data Protection and Privacy Commissioners in Tirana. This forum, now known as the Global Rights Assembly, provides a valuable opportunity to understand the application of data protection to social media and blockchain technologies, such as Artficial Intelligence and Blockchain.

**ASIA PACIFIC PRIVACY AUTHORITIES SYMPOSIUM 2019 – INTER/REGIONAL REGULATION PRIVACY COMMISSIONERS (ICDPPC) – TIRANA, ALBANIA**

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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.
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.

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.
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.
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 400 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 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 JIC business bank accounts to enable us to complete our separation from central government administration in 2020.

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.