

PUBLIC STATEMENT

Data Controller: The Office of the Financial Services Ombudsman

[This is the name as it appears in our Data Protection Registry, from hereon in referred to as CIFO (the Channel Islands Financial Ombudsman)]

Registration No: 53967

1. This is a public statement made by the Authority pursuant to Art.14 of the DPAJL 2018 following an Investigation by the Authority.
2. Following an investigation commenced on 31 July 2024 pursuant to Art.20 of the Data Protection Authority (Jersey) Law 2018 (**DPAJL 2018**), the Jersey Data Protection Authority (the **Authority**) has determined that The Office of the Financial Services Ombudsman (**CIFO**) has contravened Art.6(1)(d), Art.8(1)(a), Arts.15(1)(a-b), Art.27(1), Arts.28(1)(a-h), Art.28(3)(a) and Art.28(4)(b) of the Data Protection (Jersey) Law 2018 (the **DPJL 2018**).
3. CIFO was issued with a formal Reprimand on 30 May 2025 together with orders to improve its compliance with the DPJL 2018.

Background

4. An individual (the **Complainant**) contacted the Authority in July 2024 to complain about the processing of their information by CIFO, specifically in respect of the response provided to three data subject access requests (**DSAR**), this is the right to access your personal information.
5. The Complainant submitted a DSAR in May 2023, June 2023, and June 2024 (the **First DSAR**, **Second DSAR** and **Third DSAR**) to CIFO requesting all their personal information relating to two complaints investigated by CIFO. Responses were provided to the DSARs; however, the Complainant was unhappy with those responses.
6. CIFO were asked to provide their response to each DSAR, all communications with the Complainant and their data protection policies and procedures to the Authority. The Authority also reviewed the application of redactions, any exemptions considered/used along with information considered not personal data or out of scope.

The contraventions of the DPJL 2018

7. The Authority found although CIFO had responded to all three DSARs and evidenced having processes and procedures in place to respond to a DSAR, they did not adequately meet the obligations under the Law. As the investigation continued and became more in depth, concerns increased regarding the apparent confusion and clear deficiencies in the process.

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8. In respect of the First DSAR:

- a. CIFO failed to ensure that appropriate safeguards for the rights of individuals had been put in place and were therefore in contravention of Art.6(1)(d) of the DPJL 2018.
- b. The Authority considered that, on balance, the current procedure in place for responding to a DSAR appropriately and in a lawful, fair, and transparent manner was not appropriate and in contravention of Art.8(1)(a) of the DPJL 2018.
- c. CIFO confirmed they did not have the appropriate technical resources in place and as a controller of data, CIFO has an obligation to be resourced properly. Accordingly, the Authority made a finding in contravention of Arts.15(1)(a-b) of the DPJL 2018.
- d. CIFO failed to provide a response to the DSAR in accordance with the legal period, in contravention of Art.27(1) of the DPJL 2018.
- e. CIFO did provide personal information to the Complainant, however they did not aide the Complainant's understanding of that information by providing further explanation and therefore in contravention of Arts.28(1)(a-h) of the DPJL 2018.
- f. CIFO overlooked their responsibility to address phone call data when responding to the DSAR, therefore in contravention of Art.28(3)(a) of the DPJL 2018.
- g. The Authority considered that the redactions applied were in part unreasonable, particularly in respect of third-party data and therefore in contravention of Art.28(4)(b) of the DPJL 2018.

9. In respect of the Second DSAR the same contraventions were evidenced as at point 8 a, b, c, e, and g.

10. In respect of the Third DSAR, the same contraventions were evidenced as at point 8 a, b, e, and g.

11. During the investigation, it also came to light that although The Authority had full co-operation from CIFO's DPO (the **Data Protection Officer**) this was insufficient; CIFO themselves highlighted a flawed process in that the DPO did not have sufficient knowledge of their internal case handling process to fulfil the role as DPO sufficiently under Art.25(1)(b) of the DPJL 2018.

Sanctions and orders

12. CIFO evidenced they had processes and procedures in place to respond to a DSAR; however, the Authority considers they did not adequately meet the obligations under the Law. CIFO's approach to individual rights, especially requests to access an individual's information, was unhelpful and functioned as a barrier for the individual.

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13. In its representations CIFO acknowledged that the investigation had been *"a useful learning experience,"* that gave a much *"clearer understanding"* of how they should manage DSARs going forward. They also understood and accepted that their current approach was *"unclear in part and technically defective"* which led to the Complainant having concerns in respect of how their personal information was being managed and DSARs responded to.
14. The Authority considers that CIFO as a controller should have the appropriate resources and technical measures in place, should respond in full to data subjects' rights, and that response should be clear and within the appropriate periods. The responsibility sits with CIFO to have appropriate processes and procedures in place, and that these are sufficient to meet the requirements of the intended purpose.
15. As CIFO is a statutory body, the Authority, and the public, would expect any request made by an individual to be actioned appropriately, in a timely manner and in line with the Law. However, this expectation and lawful line was not reached on this occasion.
16. The lack of importance placed on an individual's right to access their personal information goes far beyond the administrative concerns in this case. The irony is that CIFO is an ombudsman itself and therefore this was considered an aggravating factor. The Authority does note however, that CIFO has fully co-operated with the Authority's investigation.
17. Considering the above factors, the Authority issued a formal reprimand and made a number of orders pursuant to Art.25(3) of the DPAJL 2018 regarding the review of CIFO's process and procedure in relation to responding to a DSAR; ensuring that all members of staff with responsibility for handling a DSAR receive up-to- date training regarding any amendments to the processes and procedures that are appropriate for the role they are carrying out; and the DPO to be upskilled to understand CIFO's processes in order to assist with facilitating individuals rights.
18. Under the provisions of the DPAJL, enforcement action taken against organisations is not permitted to be published unless the Authority considers the disclosure is in the public interest. The Authority determined the threshold was met in this case.
19. Since working with the Authority, CIFO have now completed the orders to a satisfactory standard.

Lessons Learned

20. The Authority intends to send a clear message that the appropriate organisational and technical measures must be in place when organisations respond to a DSAR request.

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21. The findings in this case need to be publicised as this organisation is an ombudsman where consumer interest and protecting individuals' rights is their focus. All organisations must make sure they have the appropriate measures in place to respond to individuals' rights.
22. Any individual within an organisation performing the function of data protection lead/data protection officer, must possess the necessary training, skills, and experience to allow them to fulfil data protection duties. A formal DPO must also be able to independently fulfil their duties and make sure that their DPO duties do not conflict with any other tasks the individual performs. Organisations must also offer adequate support, reporting lines and training for this role to be fulfilled appropriately.
23. The Authority expects full cooperation from organisations, particularly in situations involving formal enforcement and any requests for information to be responded to within the periods set out in Law. Organisations are reminded that any failure to engage or to attempt to obstruct the Authority in the performance of its functions may constitute a criminal offence.
24. This public statement should function as a reminder to all organisations of the need to have appropriate systems, policies, and adequately trained staff to fulfil individual rights.
25. It is important for the wider public to see that the Authority encourages justice and fair treatment for all individuals, in addition to promoting good decision making by public bodies, and that the Authority will use its full range of enforcement powers where considered appropriate.

More Information

More information about how we regulate and enforce the DPJL 2018 can be found in our Regulatory Action and Enforcement Policy [here](#).