



# JOIC

JERSEY OFFICE OF THE  
INFORMATION COMMISSIONER



JERSEY OFFICE OF THE INFORMATION COMMISSIONER

# 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.

# THE CONTENTS

| PAGE NO. |  | SECTION NO. |
|----------|--|-------------|
| 4 - 5    | <b>2023 HIGHLIGHTS</b>   | 1           |
| 6 - 9    | <b>THE JERSEY DATA PROTECTION AUTHORITY</b><br>→ Our Role<br>→ Our Vision<br>→ Our Purpose<br>→ Our Values<br>→ 2023 Strategic Outcomes                                  | 2           |
| 10 - 11  | <b>CHAIR REPORT</b>  | 3           |
| 12 - 15  | <b>INFORMATION COMMISSIONER'S FOREWORD</b>   | 3           |
| 16 - 25  | <b>THE JERSEY DATA PROTECTION AUTHORITY</b><br>→ Governance, Accountability & Transparency<br>→ Authority Members<br>→ Governance Report<br>→ Authority Sub - Committees | 4           |
| 26 - 29  | <b>PRINCIPAL AND EMERGING RISKS</b><br>→ Summary of Principal Risks  | 5           |

| PAGE NO. |  | SECTION NO. |
|----------|--|-------------|
| 30 - 35  | <b>PERFORMANCE REPORT</b><br>→ 2023 Enforcement Activities<br>→ Complaints & Inquiries   | 6           |
| 36 - 51  | <b>2023 CASE DATA &amp; ENFORCEMENT</b><br>→ Investigation Process<br>→ Public Statements<br>→ Breach Reporting  | 7           |
| 52 - 61  | <b>COMMUNICATIONS, ENGAGEMENT AND OUTREACH</b><br>→ Youth & Education Outreach<br>→ Connecting with the Community<br>→ Connecting with Organisations<br>→ Media & Public Relations | 8           |
| 62 - 63  | <b>ENVIRONMENTAL, SOCIAL &amp; GOVERNANCE</b>  | 9           |
| 64 - 67  | <b>PEOPLE &amp; ORGANISATIONAL DEVELOPMENT</b>   | 10          |
| 68 - 72  | <b>FINANCE OVERVIEW</b>  | 11          |
| 74       | <b>AUDITED FINANCIAL STATEMENTS</b>  | 12          |

# 2023 HIGHLIGHTS

**215**  
Self Reported  
Data Breaches

Jersey formally announced as host nation for the 46th Global Privacy Assembly



**Expanded Youth & Community Engagement & Outreach**

**Personal Information safety sessions**  
delivered to a 1/5 of the Island's young people

**OVER 80%**  
of attendees at JOIC events reported they benefitted from the session



**71%**  
of Amicable Resolution cases resolved informally



**7366**  
Organisations registered

**1671**  
representatives from data controllers attended JOIC events

Increase in complaints received regarding unfulfilled Subject Access Requests and inappropriate sharing of personal information



Our Privacy Force superhero characters were shortlisted for a Global Privacy Assembly Award







# THE JERSEY DATA PROTECTION AUTHORITY

## OUR ROLE

The Jersey Data Protection Authority (the **Authority**) is an **independent** statutory body established 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 (the **DPJL 2018**) and the Data Protection Authority (Jersey) Law 2018 (the **DPAJL 2018**).
- Influencing attitudes and behaviours towards privacy and processing of personal information, both locally and internationally.
- Providing advice and guidance to Island businesses and individuals and making recommendations to the Government of Jersey in response to changes in international data protection laws.

The Information Commissioner has separate responsibility for regulating the Freedom of Information (Jersey) Law 2011 (the FoI Law). This includes encouraging public authorities to follow good practice in their implementation of that law (including adherence to the relevant code of practice) and helping to promote transparency by supplying the public with information about the law and advice and guidance on how to exercise their rights.

## OUR VISION

Our vision is to create an island culture whereby the protection of personal data and privacy becomes instinctive, with individuals and organisations taking a proactive approach to embed such protection throughout their daily activities and business planning.

## OUR PURPOSE

To provide those who interact with Jersey organisations and the Government of Jersey with the highest standard of personal data protection.

## OUR VALUES

Our values are hugely important to us, they create our identity and inform how we operate. We created our values to be more than words on a page, using them to guide decisions, select behaviours and drive continuous improvement in our service. Our values apply to us all, regardless of rank and flow through each area of our service, every day.

### VALUES

## WE ARE FAIR.



We treat people equally, without favouritism or discrimination. We are impartial in our activities and free from bias or dishonesty. We are competent, reliable and respectful. Our decisions are open, honest and rationalised by a sound evidence base to promote integrity and trust.

### VALUES

## WE ARE COLLEGIAL.



We share responsibility, including being honest and fair in our conduct towards others. We are willing to be judged on our performance. We work together to achieve our strategic outcomes. A collaborative approach allows us to work effectively together or individually. We communicate clearly, actively listen to others, take responsibility for mistakes, and respect the diversity of our team. We demonstrate impartiality and accountability.

### VALUES

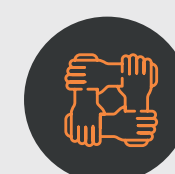
## WE ARE ENERGETIC.



We are enthusiastic and approach our activities with vigour and vitality.

### VALUES

## WE ARE RESPECTFUL.



We respect those we work and liaise with; this means that we actively listen to others and behave considerately towards others. We have self-respect and make responsible choices in what we say and do, to reach personal and organisational outcomes. We treat others in the way we want to be treated.



# STRATEGIC OUTCOMES

## 01 Achieving and maintaining the highest standard of data protection in Jersey.



- a. Our purpose demands the highest standards of data protection for our citizens, and those who interact with Jersey, remembering that our Laws (like GDPR) have extra-territorial scope.
- b. It is also important to remember that as a fundamental human right, data protection is intrinsically linked to well-being, mental health, reducing inequalities and improving living standards. All of these areas are key elements of the Island's collective strategy in the coming years.

This outcome covers all areas of our organisation and those who we are here to serve and support. From delivering proactive day to day guidance and

resources, to forging ahead with our outreach and education programmes, to specific enforcement initiatives, such as targeted audits, we are committed to achieving and maintaining the highest standards of data protection. However, we cannot do this alone. We will continue to engage with all sectors of our community, such as charities, government, local businesses and youth groups (including both primary and secondary schools) to reach young people. Our deliverables in this area support our aim to be an exemplar and a source of leadership to our stakeholders. This in turn helps them to understand their role and their responsibilities, so that they too can deliver the highest standards of data protection.

## 02

### Maximising technological and economic opportunities to enhance the Island's reputation as a safe place to host personal data and do business.



- a. Jersey is a unique jurisdiction where regulation (including in respect of personal data) is already entrenched in our society (particularly in the finance sector). It will be critical for our economy to ensure that Jersey remains at the leading edge; monitoring international legislative frameworks, trading corridors and innovation to ensure Jersey can act fast and seize opportunities that both grow and preserve our already strong reputation for data protection and privacy more widely.
- b. Our strong relationships with relevant stakeholders in the digital sector and Government of Jersey have enabled us to participate in a major project on the feasibility of Data Stewardship services in Jersey. These and similar concepts can provide exciting opportunities for Jersey where the Island can be seen as a world leader. We are key stakeholders in those discussions.

Proactively identifying relevant developments in the field of data protection, such as new and emerging technologies, economic or social change, our deliverables in this area start at grassroots level, with the aim of helping our stakeholders to ensure they have solid foundations, minimise risk and are alert to both future threats and opportunities. As a small but agile team, a key focus is on understanding the emerging landscape, working collegially with key change agents and providing thought leadership to facilitate positive change.

This includes our ongoing responsibility to maintain an awareness of regulatory and legal changes which may impact on privacy and data protection in Jersey and to contribute to our ability to navigate new privacy frontiers.

## 03

### Protecting our future generations by putting children and young people first.



- a. Given the exponential advances and uses of technology, it is critical, now more than ever, that we take steps to educate children on how online behaviours can affect their opportunities in later life and equip them with the tools to protect themselves against the many harms associated with growing-up in a digital environment, including educating on social media use, online gaming and the darker sides of the internet.
- b. Equally, many of these young people will be our future digital innovators. It is incumbent upon us to help them embrace technological innovation in a safe way, and work with them to improve their own broader skills so as to ensure that Jersey remains not only a safe place to live, but also an exciting, attractive and progressive Island in which to do business.

Highlighting children is not at the exclusion of adult populations within our community. We respect all members of our community whilst recognising that some populations may be at higher risk and need greater protection. Our role as regulator is to ensure that we target our support accordingly and apply the Law in a fair and consistent manner, protecting those who need it most.

In working towards this outcome, our deliverables build on our already strong relationships with the Island's schools, through further development and wider roll-out of our education programme. Through specific targeted outreach campaigns, we will continue to raise children's awareness of their data protection rights, whilst alerting them to the potential risks of their online and other activities.

# CHAIR REPORT

## Jacob Kohnstamm

Chair, Jersey Data Protection Authority



On behalf of the Authority, it is once again my pleasure to present to the Minister and members of the States Assembly our Annual Report for 2023. This fulfils our statutory obligation under Article 44 of the DPAJL 2018. This will be my last foreword, with my term as Chair coming to an end during 2024.

I am very thankful for the fact that I was allowed to be the chair of the Authority since 2018. The Authority has come a long way in the five years since its inception in 2018; we have navigated through unprecedented change and seen major growth and development of the Jersey Office of the Information Commissioner (JOIC) in terms of expertise, capacity and headcount. In my last report, I made mention of the departure of Clarisse Grot and David Smith. Whilst they were both significant losses to the Authority, I was very pleased to welcome three new Authority Members in 2023. A qualified lawyer, Stephen Bolinger brings extensive experience in privacy and data protection in the areas of technology, financial services and medical devices. As a former employee of the Dutch Data Protection Authority and current in-house data protection counsel, Paul

Breitbarth brings in-depth knowledge and experience of the General Data Protection Regulation (GDPR) from both a local and international law enforcement perspective. Elizabeth Denham CBE needs little introduction, bringing significant experience spanning 15 years as a data protection regulator. She was Information and Privacy Commissioner for British Columbia before becoming the UK Information Commissioner and oversaw the introduction of GDPR and the UK Data Protection Act 2018. With the addition of this incredible technical expertise to the Authority, we are in good shape to face the challenges that lie ahead.

Aside from the obvious challenges of emerging technologies such as Artificial Intelligence and Facial Recognition Technology, and how we prepare the Island to deal with them, there are also significant matters internally which will be the focus of our attention for 2024. At the top of that list is the matter of Jersey hosting the Global Privacy Assembly Annual Conference in October. For our Authority, and for the Island of Jersey, this is a huge honour of momentous proportions. As our Authority has grown in size over the last six years, it has also grown in stature, becoming recognised for its work on an international stage and participating in privacy discussions on a global scale. Few jurisdictions get the opportunity to host this prestigious event, so it is with great pride that this coming year sees the conference coming to Jersey. The conference will provide the platform for robust and engaging conversation about issues facing many data protection authorities.

The theme for the 2024 conference therefore centres around 'The Power of I'. 'I' can mean many things, but the focus of discussions will be on the eight pillars of information, individuals, independence, integrity, indigenous, intercultural, international and innovation. We intend to explore how these interact with harms, values and enrichment of human lives, how we can respect the power of information and the individual's need to have power and dignity, and who exercises the power. We will also discuss whether current regulatory models are still relevant and fit for purpose, and what the future regulator may look like.

For the last couple of years, I have repeatedly reported about the dilemma of our financial relations with the Government of Jersey, noting that data protection is a fundamental human right. The Authority is a totally independent statutory public authority with a mandate set in law, regulating both the private and public sectors in respect of their data processing activities. We have consistently stated that the current situation of the private sector providing almost 100% of the funding of the Authority is neither acceptable nor fair. The Government of Jersey has now recognised this unsatisfactory position and has provided commitment to the future funding of the Authority. Together with the Government, we are working towards a new model which will see a contribution from Government that reflects around 25% of the JOIC's workload being attributed to Government-related data processing matters. A review of the existing fee model is reaching a conclusion, and a proposal will be provided to Government imminently. However, it is important to note that any change to our existing model will require a change in legislation; as such we will need to follow due process and consult with the wider community of registered data controllers before the matter is placed before the States Assembly for their consideration and approval. We remain hopeful that an acceptable long-term solution can be reached in the very near future.

Finally, it would be remiss of me not to mention the recent positive adequacy finding of the European Commission in respect of third countries, including Jersey. Since Jersey's updated Data Protection laws came into force on 25 May 2018, and with the assistance of the JOIC, the Government of Jersey have been working with the Commission to demonstrate that the Island's data protection framework accords with the standards of the GDPR, providing an adequate level of protection for personal data transferred from the European Union. Data flows to and from Jersey

*“I am very thankful for the fact that I was allowed to be the chair of the Authority since 2018. The Authority has come a long way in the five years since its inception in 2018.”*

are critical to Jersey's entire economy, and in particular the Island's finance industry which relies heavily on the ability to transfer personal data between the EU. Receiving a positive adequacy assessment is of huge importance to Jersey and I must take this opportunity to thank our Government colleagues for their hard work in getting this decision across the line. It is equally important to now maintain that adequacy status, especially given that third countries are subject to continual monitoring against European standards.

To conclude, once again our Authority can expect a busy, but exciting year ahead with plenty of challenges to contend with. In my final year as Chair, I look forward to being involved with the continued development of the JDPA, and hope to see many of you in person at the Conference in October.

## Jacob Kohnstamm

Chair, Jersey Data Protection Authority



# INFORMATION COMMISSIONER'S FOREWORD



**Paul Vane** BA (HONS) SOC POL CRIM (OPEN)  
Information Commissioner

It is with great pleasure that I present my second foreword as Information Commissioner for the Bailiwick of Jersey. I would be lying if I said writing a foreword is easy. Trying to compress a busy year's worth of activities into a few short paragraphs is far from easy!

2023 has been another incredibly busy, yet productive year for our small team as we continue to embed our vision to create a culture in Jersey where privacy becomes instinctive. So, I will do my utmost to summarise our activities and share a snapshot of some of the key areas we have been working on over the last 12 months, together with the frustrations where due to resource and budget limitations we have been restricted from completing mandated activities at the planned level.

Before I go any further however, I must congratulate my team for the hard work and energy each and every one has given over the last year in helping to progress our vision and strategy. When you assess the output from our office, it is easy to think from the outside that we are a

large organisation with unlimited resources. The opposite is true. I always feel extremely proud to receive feedback, particularly from other nations, about how much we achieve with such a small budget and only 19 staff. It is indicative of the passion and drive of every single member of the team to succeed, protect and create better outcomes for the people of Jersey. We strive to be an effective and efficient regulatory authority, whilst balancing carefully our resources, always seeking to adapt and work smarter to achieve as much as possible. We are a progressive and forward-thinking regulator, always looking to the future as we try to grapple with the complexities of regulating privacy in a rapidly changing environment.

I am often asked what is it you do? And why is it so important? The truth is there are serious privacy questions out there which, if not answered, have the potential to cause significant harms and prejudice to individuals, communities and countries. For example, how do you apply data protection regulation to Artificial Intelligence so that it ensures public trust, confidence and protects data whilst not stifling innovation? How do you navigate the myriad of privacy issues arising from humanitarian disasters and global conflicts such as the war in Ukraine, the current unrest in Gaza, or the privacy issues arising from the Covid pandemic? How do you ensure multiple regulatory perspectives are aligned and not in conflict when dealing with online harms, cyber security, competition, health data, and financial services, for example? How do organisations deal with the complexities of data sharing or the safe transfer of data across borders where cultures are different, and privacy rules either differ or are non-existent? These are just a handful of some of the complex issues data protection authorities across the world, including the JDPAs are having to deal with daily. In my view, the role of the regulator is no longer simply to ensure that organisations are compliant with data protection laws; we must also be thought leaders, experts in our field and policy influencers to ensure our future generations are afforded the best protection of their fundamental human right to privacy. To do that properly, and arguably to fully meet our statutory obligations, our Authority must be an integral part of the solution. We must be involved in discussions around new and emerging technologies, have a seat at the table of policy-making discussions where there is an impact on the data protection and privacy rights of individuals, and have a voice on a global stage on future privacy enhancing initiatives.

The importance and power of collaboration, especially in an Island such as Jersey, cannot be underestimated when addressing some of these issues. Jersey provides a unique opportunity to get the right people around the table very quickly and move at pace. An example of this in action can be seen with our involvement in the data stewardship project with Digital Jersey. Experts from Jersey and further afield, including our office, were able to work through some enormously complex issues to get to a position where a data trust could be tested in a safe environment. While we await the conclusion of the testing phase of this project, the outcome could be of significant economic value to the Island whilst ensuring personal data is provided the very highest levels of protection. In short, it could be a game-changer, not only for Jersey but around the globe. However, this is not the only opportunity for Jersey. Providing the ideal test bed for new products and services, Jersey has the ability to be a world leader in many innovative projects. Digital healthcare is another example, and it is not difficult to understand the crossovers between data protection and the provision of digital and online health services to emphasise how important it is for our office be involved in those discussions.

This is why in 2023 the JDPAs has increased its activity on an international scale to ensure we remain relevant and at the forefront of discussions on international developments in data protection. As well as chairing the Global Privacy Assembly working group on data sharing for the public good, we are also represented on working groups on ethics in data protection and artificial intelligence, international development, humanitarian aid and crisis management, international enforcement cooperation and digital education. These are all opportunities to collaborate and have a voice at a global level, increasing knowledge

*“ Our collective purpose is to improve the lives of our citizens and ensure Jersey is a safe place to live and do business.”*

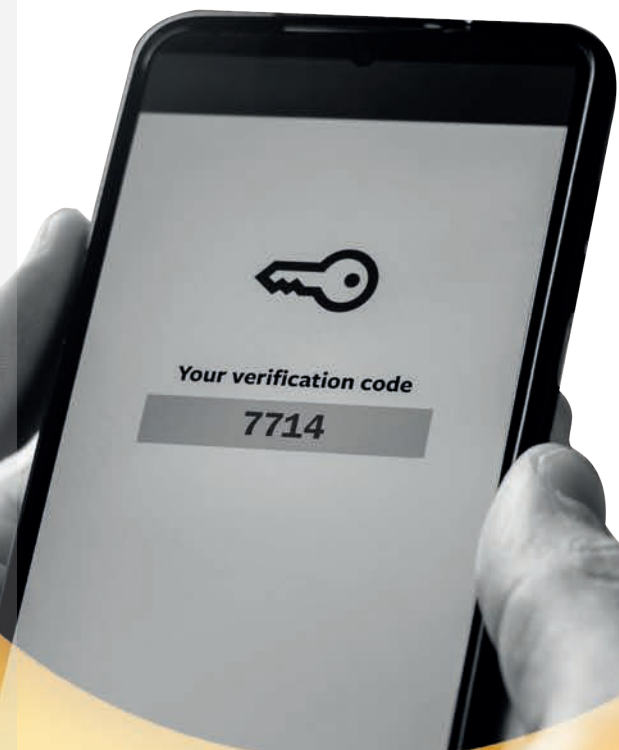
and expertise, and working with other data protection authorities to grapple with some of these increasingly complex issues. An example of the success of these collaborations is our participation in an international enforcement action relating to data scraping by social media companies, which resulted in us co-signing a joint statement with 11 other data protection authorities and issuing an open letter to all social media companies. As a group, we are now working with the social media sector to ensure similar privacy-invasive practices do not continue. More locally, we have increased our collaboration with the other Crown Dependencies, Guernsey and the Isle of Man through the Islands Data Governance Forum, and you will also recall from my foreword last year that Jersey and our office will be the host nation for the 46th Global Privacy Assembly Annual Meeting in 2024. This is not only a huge privilege for our office, but it presents another opportunity for Jersey to showcase all it has to offer and provide an excellent platform for ongoing and future collaboration. We have been working hard in terms of conference planning and programme development and look forward to welcoming many delegates from around the world in October 2024.

Despite our continued successes, we are operating in uncertain times and 2023 has seen some significant challenges. The economic situation is impacting negatively on business



# 95%

**OF 2023 BUSINESS PLAN DELIVERABLES DELIVERED**



growth with organisations de-registering as they cease trading. We have seen 330 de-registrations for 2023, far more than ever before and the trend is continuing into 2024. We are yet to see the full impact of the MoneyVal report which has the potential to impact significantly on administered entities in Jersey, and consequently our registration fee income.

Although we have achieved 95% of our 2023 business plan deliverables it should be noted that the continuing financial uncertainty arising from the lack of Government funding contribution to our office has resulted in the scaling back of our activities. Some deliverables were not achieved to their full potential or targets fully met. Recruitment was delayed to utilise the staff savings for budgetary purposes. Education and outreach were scaled back on activities in areas such as providing support to vulnerable areas of our community through community groups, plans to engage with parent teachers associations and Project Trident students were put on hold, and the rolling out of additional courtroom challenges and privacy debates has been delayed until 2024. In terms of talent management and succession planning, we did not attend training face-to-face, opting for on-line courses to achieve cost savings, but at the expense of valuable networking and the richness of the training dialogue between delegates.

Although there has been progress in our discussions with Government in respect of our continued funding, the continued uncertainty year on year is of major concern. Whilst we fulfilled our mandate at a basic level, as set out in the DPAJL 2018, we have not had appropriate capacity to monitor the wider developments insofar as they impact on protection of personal data. Thus, we risk becoming a reactive rather than proactive regulator. The knock-on effect should we not see imminent change is that we will be susceptible to a reduction in staff skills and morale due to training cuts, an increased risk of staff turnover, insufficient skilled resources to further data protection technology and innovation in our contribution and delivery to the Outline Economic Strategy for Jersey, and a risk of a reduction in networking following lower attendance at international fora. It is also challenging to form a resilient and considered long-term financial plan when funding discussions remain un-concluded, creating uncertainty throughout the organisation.

The European Commission has recently concluded its positive assessment of Jersey as having an adequate level of protection for the rights and freedoms of individuals in respect of their personal data. However, this position is not guaranteed, and all third countries are subject to continuous assessment from the Commission. As such, and for all the reasons I set out in my opening paragraphs, we must make certain for the good of the Island and its



future economic prosperity that Jersey remains 'adequate' in terms of having an effective data protection regulatory regime. A satisfactory conclusion to the Government funding issue is therefore of paramount importance and must be resolved quickly if we are to remain an effective and efficient regulatory authority.

To conclude, I am hopeful that we can look forward to a successful year ahead with greater stability and further examples of working together to achieve common goals. It is too easy to forget that whilst we operate in different, and sometimes competing environments, our collective purpose is to improve the lives of our citizens and ensure Jersey is a safe place to live and do business. It is incumbent upon all of us as individuals, businesses, Government and regulators to look much further ahead to ensure we provide a safe, sustainable and prosperous Island for our future generations. I look forward to continuing to work together to achieve that outcome.

**Paul Vane**  
Information Commissioner



# THE JERSEY DATA PROTECTION AUTHORITY

The Authority is a statutory body which oversees the protection of personal data. The Authority consists of the Chair, and as per Article 3 of the DPAJL 2018 ‘no fewer than 3 and no more than 8 other voting members’ and the Information Commissioner as an ex officio and non-voting member.

The Chair and voting members are appointed by the Minister. The Information Commissioner is the Chief Executive and:

- a** is responsible for managing the other employees of the Authority.

---

- b** is in charge of the day-to-day operations of the Authority.

---

- c** has the functions conferred or imposed on him or her by the Law and any other enactment.

---

The Information Commissioner, on behalf of the Authority, undertakes the functions of the Authority under the DPAJL 2018 and the DPJL 2018 other than the issuing of a public statement under Article 14 and the making of an order to pay an administrative fine under Article 26 of the DPAJL 2018, or any other function specified by the Authority by written notice to the Information Commissioner.

The Authority is established to undertake a variety of key activities which includes promoting public awareness of risks and rights in relation to processing, especially in relation to children and to raise awareness for controllers and processors of their obligations under the data protection laws. It is also incumbent upon the Authority to report to Government on the operation of the data protection laws and to advise the Minister and the States of Jersey on any amendments that the Authority considers should be made to the laws.

All of the Authority’s functions must be performed independently and free from direct or indirect external influence.

The Authority’s activities regularly involve collaboration with local and international partners, sharing expertise in data protection, regulation and financial services. The Authority has established positive working relationships with local Government, public authorities, private sector stakeholders and international partners characterised by collaboration and respect. The Authority is strongly purpose driven, thus both the strategic outcomes and business planning processes are more than just words on a page. The Authority and in turn data protection are pivotal in helping to engender trust and confidence in the Jersey economy. By safeguarding personal and sensitive information, we contribute to the foundation of trust upon which Jersey’s economy thrives.



**JOIC**  
 JERSEY OFFICE OF THE  
 INFORMATION COMMISSIONER

# GOVERNANCE, ACCOUNTABILITY & TRANSPARENCY

## THE DATA PROTECTION AUTHORITY

The Authority has 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 10 per cent of the operating budget for the JOIC.

The Authority also provides an advisory function to the JOIC. 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.

## DELEGATION OF POWERS

There are other powers and functions that the Authority may exercise under the DPAJL 2018, most notably:

- Enforcing the Law.
- Promoting public awareness of data protection issues.
- Promoting awareness among 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 these other powers and functions to the Information Commissioner.

There are certain functions that the DPAJL 2018 stipulates that the Authority must perform itself, and which cannot be delegated to the Information Commissioner. The most important functions are that only the Authority can decide whether to issue administrative fines and/or public statements 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. Similarly, it is only in cases where because of their gravity or due to some other exceptional circumstances that the Authority will issue a public statement, where it is in the public interest to do so.

## AUTHORITY STRUCTURE AND AUTHORITY REPORT

The Authority is currently comprised of a non-executive chair and five non-executive voting members.

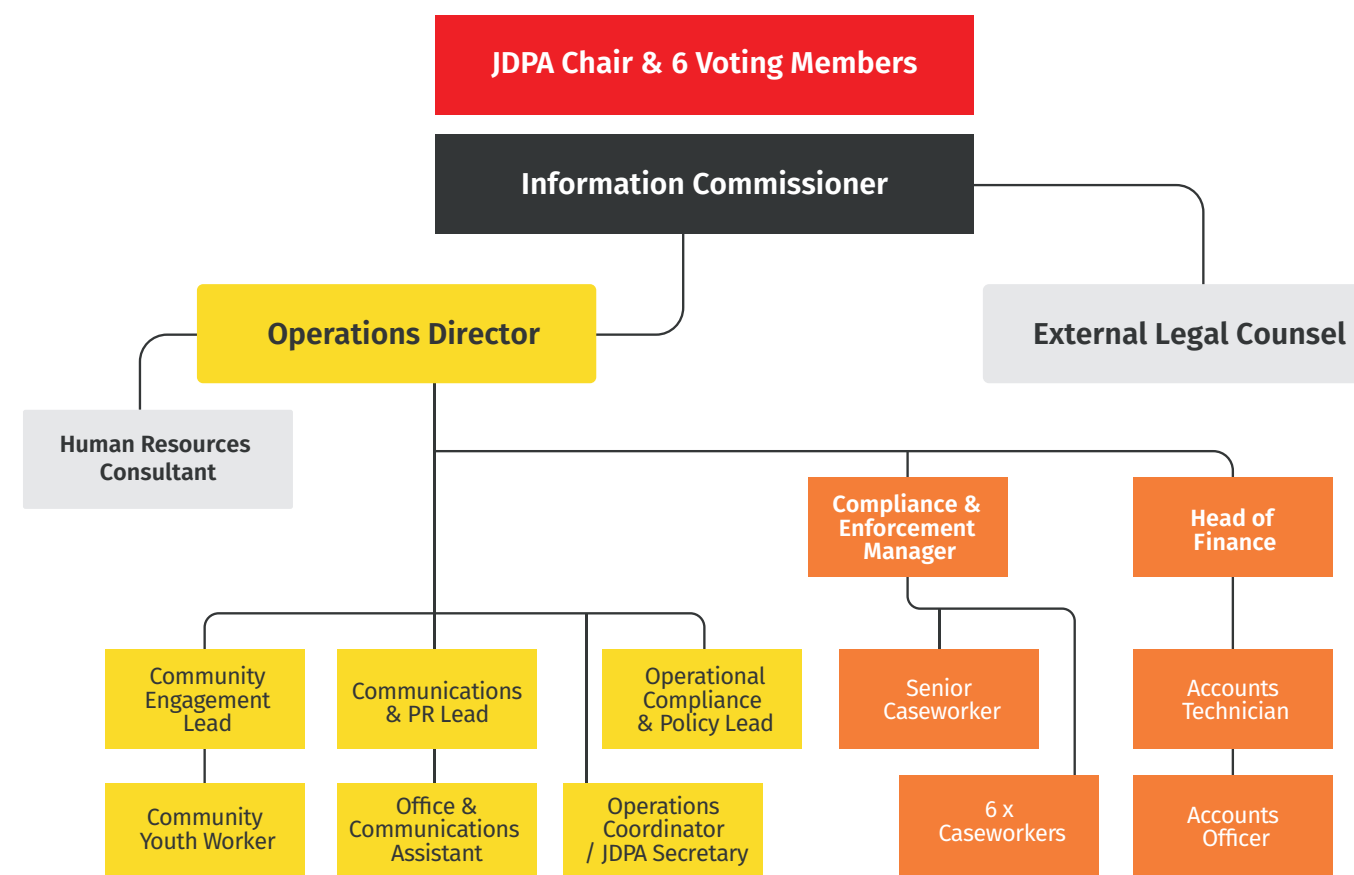
As members are appointed by the Minister, the Chair wrote to the Minister in June 2022 to request he consider appointing Members for a 4-year term of office. Given that Article 3(5) of the DPAJL 2018 also sets out the duration of the term of office of appointed Authority Members:

- (5) Each voting member is appointed for a term of 5 years or such shorter period as the Minister thinks fit in a particular case and is eligible for reappointment up to a maximum period of service of 9 years.

Since the Authority's inception, the Minister appointed Authority Members on a 3-year term. To allow for maximum contribution and stability, a 4-year term was deemed as more suitable, allowing sufficient time to deliver the best value, without risking a lack of diversity in thinking.

The Minister approved this request on 13 November 2023 in R.169 presented to the States Assembly.<sup>1</sup>

The Authority meets at least four times per annum. The Authority operates sub-committees to ensure that relevant matters can be addressed fully, and recommendations taken back to the main Authority meetings.



<sup>1</sup> <https://statesassembly.gov.je/assemblyreports/2023/r.169-2023.pdf>



# AUTHORITY MEMBERS



## CHAIR OF THE AUTHORITY JACOB KOHNSTAMM

**TENURE**  
Jacob has been Chair of the Authority since May 2018. His current period of office expires on 28 October 2024.



## VOTING AUTHORITY MEMBER HELEN HATTON

**TENURE**  
Helen joined the Authority on 1 August 2019 for a period of three years and was reappointed for a second term which is due to expire on 1 August 2025.



## VOTING AUTHORITY MEMBER GAILINA LIEW

**TENURE**  
Gailina joined the Authority in October 2018 for a period of three years and was reappointed for a second term which is due to expire on 28 October 2024.



## VOTING AUTHORITY MEMBER PAUL ROUTIER MBE

**TENURE**  
Paul joined the Authority on 1 August 2019 for a period of three years and was reappointed for a second term which is due to expire on 1 August 2025.



## VOTING AUTHORITY MEMBER DAVID SMITH

**TENURE**  
David joined the Authority in October 2018 for a period of three years and was reappointed for a second term of a further two years until his retirement on 28 October 2023.



## VOTING AUTHORITY MEMBER STEPHEN BOLINGER

**TENURE**  
Stephen joined the Authority on 1 May 2023 for a first term that is due to expire on 30 April 2027.



## VOTING AUTHORITY MEMBER PAUL BREITBARTH

**TENURE**  
Paul joined the Authority as of 1 May 2023 for a first term that is due to expire on 30 April 2027.

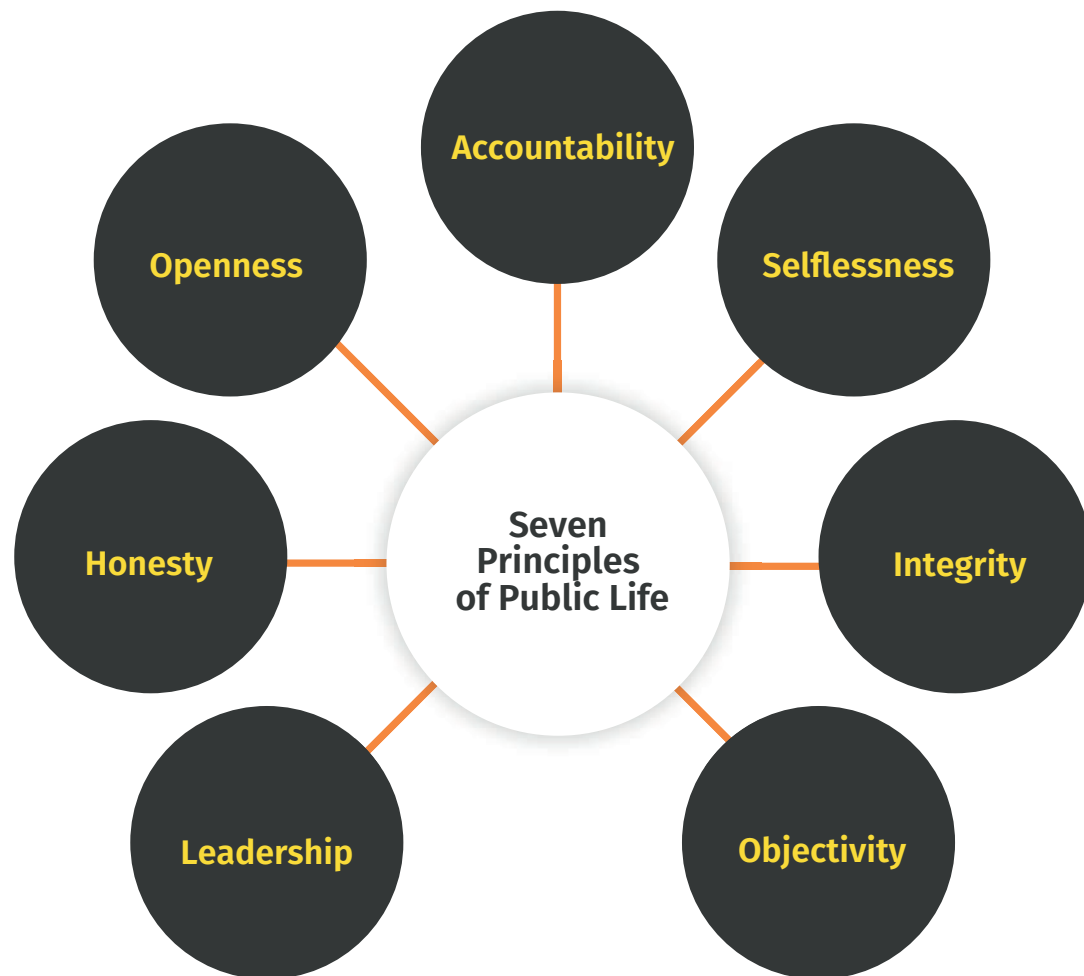


## VOTING AUTHORITY MEMBER ELIZABETH DENHAM CBE

**TENURE**  
Elizabeth joined the Authority as of 1 May 2023 for a first term that is due to expire on 30 April 2027.

# GOVERNANCE REPORT

The Authority is committed to ensuring a high standard of governance and all members are expected to conduct themselves in accordance with the **Seven Principles of Public Life**.



# AUTHORITY SUB-COMMITTEES

## AUDIT & RISK COMMITTEE (ARC)

The voting members who comprise the ARC are:

- Helen Hatton (Chair)**
- David Smith (left on 28 October 2023 meeting date)**
- Paul Breitbarth (joined ARC on the 12 July 2023 meeting date)**
- Christine Walwyn (Co-opted accountant, Non-voting)**

The Audit & Risk Committee’s mandate is to advise and make recommendations to the Authority. The purpose of the ARC is to:

- Assist the Authority in its oversight of the integrity of its financial reporting, including supporting the Authority in meeting its responsibilities regarding financial statements and the financial reporting systems and internal controls.
- Monitor, on behalf of the Authority, the effectiveness and objectivity of external auditors.
- Provide input to the Authority in its assessment of risks and determination of risk appetite as part of the overall setting of strategy.
- Assist the Authority in its oversight of its risk management framework.

## GOVERNANCE COMMITTEE

The voting members who comprise the Governance Committee are:

- Gailina Liew (Chair)**
- Jacob Kohnstamm**
- Elizabeth Denham CBE (joined at Governance Committee meeting on 29 June 2023)**

The Governance Committee’s mandate is to advise and make recommendations to the Authority. The purpose of the Governance Committee is to:

- Keep the Authority’s corporate governance arrangements under review and make appropriate recommendations to ensure that the Authority’s arrangements are, where appropriate, consistent with best practice corporate governance standards.
- Review the balance, structure and composition of the Authority and its committees. Its role also encompasses the selection and appointment of the Authority’s senior executive officers and voting members of the Authority and giving full consideration to succession planning and the skills and expertise required to lead and manage the Authority in the future.

Evaluate the performance of Authority members on a regular basis as described more fully later in this report.

## REMUNERATION & HUMAN RESOURCES COMMITTEE (R&HR)

The voting members who comprise the R&HR Committee are:

**Paul Routier MBE (Chair)**

**Jacob Kohnstamm**

**Stephen Bolinger (joined R&HR on 3 November 2023 meeting date)**

The Remuneration & Human Resources Committee is mandated to advise and make recommendations to the Authority, with the purpose of:

- Assisting the Authority in ensuring that the Authority and Executive retain an appropriate structure, size and balance of skills to support the organisation's strategic outcomes and values.
- Assisting the Authority in meeting its responsibilities regarding the determination, implementation and oversight of remuneration arrangements to enable the recruitment, motivation and retention of employees generally.
- Overseeing arrangements for appointments (including recruitment processes) and succession planning.
- Assisting the Authority by reviewing and making recommendations in respect of the remuneration policies and framework for all staff.

Each Sub-Committee Chair reports back to the Authority, making recommendations for consideration.

The following table sets out the number of full Authority and Sub-Committee meetings held during 2023 and the number of meetings attended by each voting Authority member.

|   | Full Authority | Audit and Risk | Governance | Remuneration & Human Resources |
|---|----------------|----------------|------------|--------------------------------|
| Jacob Kohnstamm   | 4              | -              | 2          | 2                              |
| Helen Hatton  | 4              | 5              | -          | -                              |
| Gailina Liew  | 4              | -              | 2          | -                              |
| Paul Routier MBE  | 4              | -              | -          | 2                              |
| David Smith<br>(retired from Authority & ARC 28 Oct 2023)                                       | 3              | 5              | -          | -                              |
| Stephen Bolinger<br>(appointed to Authority from 1 May 2023 & R&HR 22 May 2023)                 | 3              | -              | -          | 2                              |
| Paul Breitbarth<br>(appointed to Authority from 1 May 2023 & ARC from 12 July 2023)             | 3              | 2              | -          | -                              |
| Elizabeth Denham CBE<br>(appointed to Authority from 1 May 2023 & Governance from 29 June 2023) | 3              | -              | 2          | -                              |
| Christine Walwyn<br>(Co-opted member of the JDPA Audit & Risk Committee from 11 November 2022)  | -              | 6              | -          | -                              |

## 2023 AUTHORITY MEMBERS' REMUNERATION

The Authority Voting Members received, in aggregate, £73,807.80 in remuneration in 2023.

Further details regarding the Authority Voting Member remuneration can be found at page 71.

## JDPA PERFORMANCE EVALUATION AND REAPPOINTMENTS

The Governance Committee has established a comprehensive performance evaluation process for the Authority, consisting of the following components:

### 1 Annual Peer Review

Each voting member conducts a peer review, assessing the performance of every other member. The focus is on evaluating performance against the key attributes expected of a board member.

### 2 Annual Self-Assessment of Skills

Individual voting members undertake an annual self-assessment, evaluating their competence across a broad spectrum of skills, knowledge, and experience essential for fulfilling the Authority's mandate.

### 3 Independent External Review

An independent external review of overall Authority effectiveness, to be conducted every three years.

In 2023, the Governance Committee, with support from the JOIC Executive, initiated a scoping exercise to identify suitable partners to undertake an external review of the Authority.

A local organisation was appointed, and a framework was chosen to evaluate key areas of the Authority's effectiveness, such as governance, communication, leadership, and culture. The process commenced in Q4 2023, and the results will be available in early 2024, reported in the next Annual Report. Due to the addition of three new members in May 2023, the annual skills assessment and peer review is scheduled for early 2024.

## DIVERSITY OF THE JDPA

The Authority is comprised of 7 members, 43% of JDPA members were female and 57% were male in 2023. Members range in age from early 40s to early 70s and represent four different nationalities. Authority members bring a diverse range of experience, formal education and professional qualifications, including expertise in data protection, law, governance, IT, sciences, business, education and teaching.





# PRINCIPAL & EMERGING RISKS

The Authority's primary obligation is to fulfil statutory responsibilities as the independent body promoting respect for private lives. The Authority's strategic outcomes support us in the fulfilment of our mandate.






The strategic outcomes are subject to a number of risks and uncertainties that could, either individually or in combination, impact the operational performance of our team.

We identify and manage these and other risks through our risk management framework which is based on the Authority's low appetite for risk.

Risks are overseen by the Audit and Risk Committee, who monitor risk movements and mitigating actions

and relevance to the strategic outcomes. We continue to monitor political and legislative developments and assess the opportunities and threats to enable us to regulate effectively. Risks are identified and scored against likelihood and consequence parameters to generate a risk matrix that is regularly monitored and used to guide the Authority's strategic thinking and actions.

The following table identifies the principal risks and mitigating actions. The risks are categorised into five main areas:

- 1** Legal & Regulatory 
- 2** Operational 
- 3** Governance 
- 4** Strategic 
- 5** Political 

Since our previous 2022 report our principal risks have been reviewed in light of the political situation in the Ukraine, the Middle East and the current pressures on the financial economy here and in the UK.



# SUMMARY OF PRINCIPAL RISKS

| LEGAL & REGULATORY  | RISK DESCRIPTION  | HOW WE MANAGE THE RISK   |
|---|---|--|
|   | Internal compliance – failing to comply with the Data Protection Authority (Jersey) Law 2018 in terms of case management, process and reasonableness of decisions made.   | <ul style="list-style-type: none"> <li>→ Understand our compliance obligations and what this looks like on a practical level.</li> <li>→ Monitor how we implement and sustain our obligations.</li> <li>→ Put in place effective and ongoing training, staff feedback, internal audits and reviews.</li> </ul> |
| Perception – industry and Government perception that our effectiveness as a regulator is based on our fining actions. | <ul style="list-style-type: none"> <li>→ JOIC focus is on outcome-based regulation.</li> <li>→ Enforcing appropriate and proportional enforcement sanctions.</li> <li>→ Maintaining consistent and compliant investigation, inquiry and audit processes.</li> </ul> |  |

| OPERATIONAL | RISK DESCRIPTION  | HOW WE MANAGE THE RISK  |
|-------------|---|---|
|             | Revenue.<br>Any changes or absence of fee monies or Government funding impacts on our ability to fulfil our regulatory functions. Economic uncertainty impacts on the number of entities trading in Jersey and registering with the Authority.                    | <ul style="list-style-type: none"> <li>→ Maintain liaison with Government to progress fee discussions to contribute financially to the provision of data protection regulation in Jersey.</li> <li>→ Monitor operational costs and revenues closely.</li> <li>→ Monitor entity numbers, liaise with Statistics Unit for data analysis.</li> <li>→ Monitor number of entities deregistering as the economy changes.</li> <li>→ Stakeholder relationships to gauge industry movements.</li> </ul> |
|             | Talent Management, Retention and Succession Planning. Maintaining a capable and knowledgeable team. It is essential that the statutory functions of the Jersey Data Protection Authority are fulfilled to the highest standard to maintain credibility and trust. | <ul style="list-style-type: none"> <li>→ Embedding succession planning throughout the organisation.</li> <li>→ Building skills and knowledge through personal and professional development.</li> <li>→ Human Resources strategy aligns with our strategic outcomes.</li> <li>→ Striving for diversity and inclusion throughout our operational and HR activities.</li> </ul>  |
|             | Asset management, software and hardware security.   | <ul style="list-style-type: none"> <li>→ Achieving proportionate and relevant accredited security standards.</li> <li>→ Testing, maintenance, asset replacement, training.</li> <li>→ Migrating platforms to the cloud, developing enhanced CRM and management information.</li> </ul>  |
|             | Cyber threat and Information Security. The Authority recognises that it is a target for cyber threats.  | <ul style="list-style-type: none"> <li>→ Critical applications are only accessible through secure portals requiring layered authentication.</li> <li>→ We undertake Disaster Recovery exercises to test systems.</li> <li>→ We employ industry best practices as a fundamental part of our cyber security policies, processes, software and hardware.</li> <li>→ Cyber awareness training is ongoing within our team.</li> </ul>  |
|             | Change to AML Legislation and Administered entities in Jersey. Impact on number of entities operating in Jersey.  | <ul style="list-style-type: none"> <li>→ This will be carefully monitored.</li> <li>→ Monitor MoneyVal report.</li> </ul>   |

| GOVERNANCE  | RISK DESCRIPTION  | HOW WE MANAGE THE RISK   |
|---|---|--|
|   | Authority Talent Management and Retention.  | <ul style="list-style-type: none"> <li>→ Annual JDPA skills review.</li> </ul> |
| Poor Stakeholder relations – impacting on inclusion in projects and island decisions. | <ul style="list-style-type: none"> <li>→ Manage stakeholder communications and mapping plan and listen to and measure feedback.</li> <li>→ Genuine engagement and relationships.</li> </ul> |  |

| STRATEGIC   | RISK DESCRIPTION  | HOW WE MANAGE THE RISK   |
|---|---|--|
|   | Greater accessibility & availability of technology in all areas, impacts on ability to keep abreast of developing changes in personal information processing. Impact on detriment to the individual and reputation of JOIC. | <ul style="list-style-type: none"> <li>→ Horizon Scanning.</li> <li>→ Stakeholder management.</li> </ul>   |
|   | Developing relevant management information on data protection trends. The absence of relevant and timely information impacts on service performance, informed decision making and relevant strategic outcomes.              | <ul style="list-style-type: none"> <li>→ Measuring impact of resources in relation to Business Plan and Statutory Obligations.</li> <li>→ Consider most effective options for gathering information and tracking progress / improvement. Outcomes based accountability – who is better off?</li> <li>→ Horizon scanning.</li> <li>→ Create baselines for most vital areas to track.</li> </ul> |
| Hosting GPA International Conference in October 2024. | <ul style="list-style-type: none"> <li>→ Detailed project and financial planning.</li> <li>→ Collaboration with the GPA.</li> <li>→ Managing financial and reputational risk.</li> </ul>                                    |  |

| POLITICAL | RISK DESCRIPTION   | HOW WE MANAGE THE RISK  |
|-----------|--|---|
|           | Maintaining constructive dialogue with the Department of the Economy. Changes in personnel and availability of key personnel impacts our working relationship. | <ul style="list-style-type: none"> <li>→ Monitor relationship.</li> <li>→ Proactive approach to maintaining regular dialogue.</li> </ul>  |
|           | Government funding for Government data protection activities.  | <ul style="list-style-type: none"> <li>→ Frequent reviews.</li> <li>→ Provide activity data.</li> <li>→ Protecting our independence as a key priority.</li> <li>→ Reviewing grant and working agreement.</li> </ul> |
|           | Political unrest and wars in Ukraine and Israel-Gaza.  | <ul style="list-style-type: none"> <li>→ Monitor and liaise with stakeholders.</li> </ul>   |



# PERFORMANCE REPORT



**ANNE KING**  
Operations Director

Part 2 of the DPAJL 2018 sets out the General Functions of the Authority which focusses on the administration and enforcement of our data protection laws, promoting public awareness of risks, rules, safeguards and rights and promoting the obligations of controllers and processors under the laws.

In performing these general functions, it is important for us to understand and measure our impact and effectiveness, allowing us to manage our resources and finances effectively.

## OUR APPROACH TO MEASURING PERFORMANCE

Measuring performance in the business world is not a level playing field. Profit-driven organisations, providing products or services for a fee, find it easier to measure their performance compared to non-profit organisations focussed on changing attitudes and behaviours. Problems often arise from applying 'industrial model' thinking to 'change agent' services. In the 'change agent' model, the number of clients served is not the end product; it is a means to achieve a change in attitudes, behaviours and culture, which is the true end goal of the work. Therefore, the performance measurement method must support and enable the work of the change agent service.

In terms of JOIC's role as a change agent, our method for measuring and monitoring progress toward our strategic outcomes must consider both the quantitative and qualitative effects of our service. We are not only

concerned with the number of cases closed, audits undertaken, or campaigns run; we also strive to shift attitudes and behaviours towards our vision of a culture where 'privacy is instinctive' and islanders are empowered to assert their rights. Our measurement model will aim to also find evidence of progress in these more nuanced areas and determine 'is anyone better off?' as a result of our efforts.

We already include performance measures in many of our activities, and we recognise we can expand our efforts further to include a consistent approach across all areas of our service. The following sections highlight our enforcement activities, case data, breach data, outreach and engagement activities and most importantly the impacts and effectiveness.

## 2023 ENFORCEMENT ACTIVITIES

The Oxford English Dictionary cites enforcement as '*the process of making people obey a law or rule, or making a particular situation happen or be accepted*', the DPAJL 2018 sets out our range of corrective powers. Data protection enforcement occurs across a spectrum. Enforcement is not all about fines; it is a graduated series of responses to engender a change in behaviour which better protects the integrity of both data subjects and data controllers generating compliance and, importantly, trust. Enforcement outcomes are lessons learnt to be shared.

The Authority's Regulatory Action and Enforcement Policy<sup>2</sup>, introduced in 2020, is based on five key principles of enforcement, which supports the outcomes-based approach:

1. **Proportionality**
2. **Targeted**
3. **Accountability**
4. **Consistency**
5. **Transparency**

This policy seeks to promote the best protection for personal data without compromising the ability of businesses to operate and innovate in the digital age.

It helps to engender trust and build public confidence in how Jersey's public authorities manage personal data.



<sup>2</sup> <https://jerseyoic.org/media/l5sfz1s0/joic-regulatory-action-and-enforcement-policy.pdf>



## AUTHORITY SANCTIONS

The Authority has several tools in its enforcement suite, namely:

### A - Reprimand

### B - Warning

### C - Order

### D - Public Statement

### E - Administrative Fine

## B - WARNING

We may issue a Warning when the Authority considers that any intended processing or other act or omission is likely to contravene the DPJL 2018. A Warning is designed to avoid such a contravention. We have not had occasion to issue any Warnings.

## A - REPRIMAND

This is a formal acknowledgment that an organisation has done something wrong and is being rebuked for its conduct. This remains on the record of an organisation and could be considered if further incidents occur in the future. Generally, reprimands are issued in tandem with certain other Orders, but this is not always the case. For example, whilst there may have been a technical contravention of the DPJL 2018 for which the organisation was responsible, they might have taken steps to put things right and rectify the issues that contributed to the contravention and a formal rebuke may suffice.

## C - ORDER

The Authority can make a variety of Orders but we make sure these are proportionate to the actual contravention and actually address and remediate the issues identified. During 2023, the Authority issued a range of Orders including:

- Ordering a controller to delete data captured by the specified contraventions.
- Ordering a controller to provide staff members with appropriate, relevant and role specific data protection training. Requiring the controller to report back to the Authority within a stipulated timeframe, confirming that training had been provided, who it had been provided to and with a copy of the course materials, this for review by the Authority.
- Registering with the Authority.
- Keeping a controller under effective supervision for a period of time whilst they update data protection policies, procedures and IT systems and requiring an update report at the end of that period.
- Directing that a controller should respond to a previously unanswered subject access request or any other data subject right under the DPJL 2018 within a certain timeframe (including providing previously withheld information).
- Keeping a controller under supervision whilst they undertake a wholesale review of both public and employee privacy notices.

## D - PUBLIC STATEMENT

As with everything it does, the Authority approaches the issuing of Public Statements on a proportionate basis and will only issue a Public Statement where, because of the gravity of the matter or for other exceptional reason, it would be in the public interest to do so. It does not identify all parties involved in or otherwise report on every enforcement action taken because that is not what the law provides for. There is a strict test that must be met and the Authority reserves this power for the most serious cases.

## E - ADMINISTRATIVE FINE

The Authority Law provides for substantive administrative fines and sanctions for contraventions of the DPJL 2018, but it is our intention to use these as a sanction of last resort.

In determining whether to impose an Administrative Fine in accordance with Article 26 of the DPAJL 2018, the Authority 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 Authority will consider the need for it to be effective and proportionate, as well as to be a deterrent. To date it has not been appropriate to issue any fines.

It should be noted that the Authority does not have the power to fine a 'public authority' as detailed in Part 4 Article 26. (9) of the DPAJL 2018, this includes the States Assembly, the States of Jersey Police, a Minister etc.

## INFORMATION NOTICE

As part of our investigation process and powers under Schedule 1 of the DPAJL 2018, we have the power to issue an organisation with an Information Notice. This imposes a legal requirement to provide us with any information we consider necessary to assist us in any investigation or inquiry.

An Information Notice requires we give the data controller 28 days to provide the requisite information. This is a lengthy and formal process. Often upon receipt and analysis of the requested information, we have further questions which results in a follow up Information Notice. It will be clear that such exchanges can take a number of months.

Therefore, we tend to use the Information Notice for the more complex/serious cases or where there is reluctance from a data controller to engage with us at an early stage.





# COMPLAINTS AND INQUIRIES

Part 4, of the DPAJL 2018 sets out 'Enforcement by the Authority' detailing how we approach Complaints and Inquiries.

Upon receipt, each complaint and self-reported data breach is evaluated to determine whether or not to investigate or conduct an inquiry, as appropriate. The Authority undertakes this evaluation as soon as is practicable and in any event within eight weeks for complaints and as soon as possible for self-reported data breaches.

In the case of a complaint, once the initial evaluation has taken place the complainant is advised in writing whether or not a formal investigation will take place. The complainant has a 28-day window of appeal at this stage if the Authority decides it would not be appropriate to carry out a formal investigation and it may reject complaints if they fulfil certain criteria set out in the DPAJL 2018.

Once the investigation is underway we provide updates at least every 12 weeks. Any investigation must conclude whether the law has been contravened (Article 23 of the DPAJL 2018) and, if so, must decide whether or not to impose any formal sanction (although it does not have to do so). We will then notify the data controller or data processor of the 'proposed determination' which sets out the findings and includes details of any sanctions it is minded to impose, and they are afforded 28 days to provide any representations on those draft findings and/or sanctions.

We must take into account any representations made before issuing our final determination which will be sent to the data controller or data processor and to the complainant. Both parties have a 28-day period to appeal that final determination to the Royal Court of Jersey but can only do so if our decision is considered unreasonable in the circumstances of the case.

The above process is almost identical in terms of an inquiry although such obviously does not involve a data subject in the same way.

As part of our formal investigation and inquiry process, we have the power to issue a formal 'Information Notice' to compel the production of information and the recipient will usually have 28 days to respond.

In the majority of cases such correspondence is requested and responded to directly by email. This is generally quicker and more efficient as most controllers are willing to cooperate fully with the investigation. This often makes for a good relationship between our office and the organisation we are investigating.

We would make use of the more formal Information Notice where we were experiencing resistance from a controller to provide us with the information requested.





# 2023 CASE DATA & ENFORCEMENT

**STEPHANIE MACNEILL**

*Compliance and Enforcement Manager*



The DPJL 2018 applies to ‘personal data’ meaning any information relating to an identifiable, natural, living person who can be directly or indirectly identified in particular by reference to an identifier.

The definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people. Personal data is at the very heart of most organisations. Data protection legislation is in place to help ensure that all of us are provided with appropriate legal protections and remedies in today’s highly digitised world.

Data protection holds organisations entrusted with personal information accountable, setting standards for how that information is used and as a last resort to provide a framework for enforcement where rules are breached.

Our vision is to create an Island culture whereby **privacy becomes instinctive** with individuals and organisations taking a proactive approach to privacy and data protection by it being embedded throughout their daily activities and business planning. In striving to achieve

this we pride ourselves on making every touch point with a complainant, an enquirer, an organisation reporting a breach or a registration enquiry, an informative and positive experience aimed at fostering a constructive and educational relationship. We also facilitate learning and information exchange, helping us to understand the challenges faced by industry and the frustrations faced by complainants. That said, we do not shy away from exercising our enforcement powers where warranted, or where the organisation at fault has demonstrated wilful neglect or a repeated pattern of behaviour.

Jersey’s economy is dominated by finance activities, accounting for almost 40% of economic activities and employing over 20% of the working population<sup>3</sup>.

Other significant industries in terms of employment are hospitality, public sector, education, health, wholesale, retail and construction.

## INVESTIGATION PROCESS

Each complaint and self-reported data breach (SRDB) is evaluated using a standard framework as set out in Part 4 of the DPJL 2018. The JOIC will also use this framework to conduct an ‘Inquiry’ on its own initiative into a likely contravention of the DPJL 2018, which we may learn about from a whistle-blower or by observing a behaviour relating to the use of personal information by an organisation. The investigation will identify if there has been a contravention of the law.

Upon receipt, each complaint and self-reported data breach is evaluated to determine whether or not to investigate or conduct an inquiry, as appropriate. The Authority undertakes this evaluation as soon as is practicable and in any event within eight weeks for complaints and as soon as possible for self-reported data breaches.

In the case of a complaint, once the initial evaluation has taken place the complainant is advised in writing whether or not a formal investigation will take place.

The complainant has a 28-day window of appeal at this stage if the Authority decides it would not be appropriate to carry out a formal investigation and it may reject complaints if they fulfil certain criteria set out in the Law.

Once the investigation is underway the JOIC provide updates at least every 12 weeks. The investigation must conclude whether the Law has been contravened (Article 23 of the DPJL 2018) and, if so, must decide whether or not to impose any formal sanction (although it does not have to do so). The JOIC will then notify the data controller or data processor of the ‘proposed determination’ which sets out the findings and includes details of any sanctions it is minded to impose, and they are afforded 28 days to provide any representations on those draft findings and/or sanctions.

<sup>3</sup> <https://www.policy.je/papers/jerseys-economy>



The JOIC must take into account any representations made before issuing its final determination which will be sent to the data controller or data processor and to the complainant. Both parties have a 28-day period to appeal that final determination to the Royal Court of Jersey.

As part of our formal investigation and inquiry process, we have the power to issue a formal 'Information Notice' to compel the production of information and the recipient will usually have 28 days to respond.

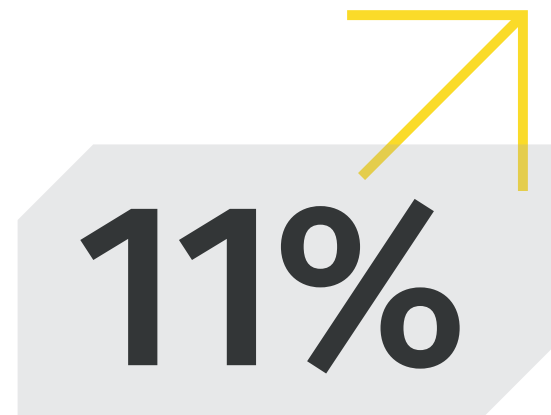
(The above process is almost identical in terms of an Inquiry although an inquiry does not involve a data subject in the same way. 'The Authority may conduct an inquiry on its own initiative into the application of the Data Protection Law' as per Part 4, Article 21 of the DPAJL 2018.)<sup>4</sup>

In the majority of cases such correspondence is requested and responded to directly by email. This is generally quicker and more efficient as most controllers are willing to cooperate fully with the investigation. This often makes for a good relationship between JOIC and the organisation we are investigating.

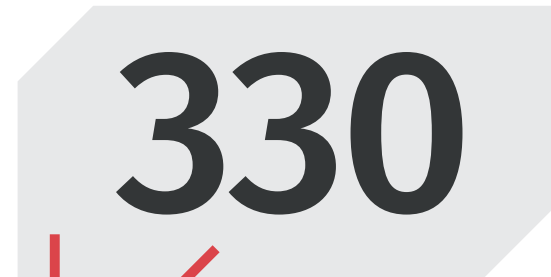
We would make use of the more formal information notice where we were experiencing resistance from a controller to provide us with the information requested.

The number of entities registered with the Authority for the purpose of processing personal information increased by 11%, from 6,634 in 2022 to 7,366 in 2023. This growth is net of deregistrations, as organisations cease trading, in total we had 330 deregistrations in 2023.

We recognise that the following sectors are not yet fully represented in on our public Registry - construction, retail, health, and beauty. We will focus registration activities in these sectors.



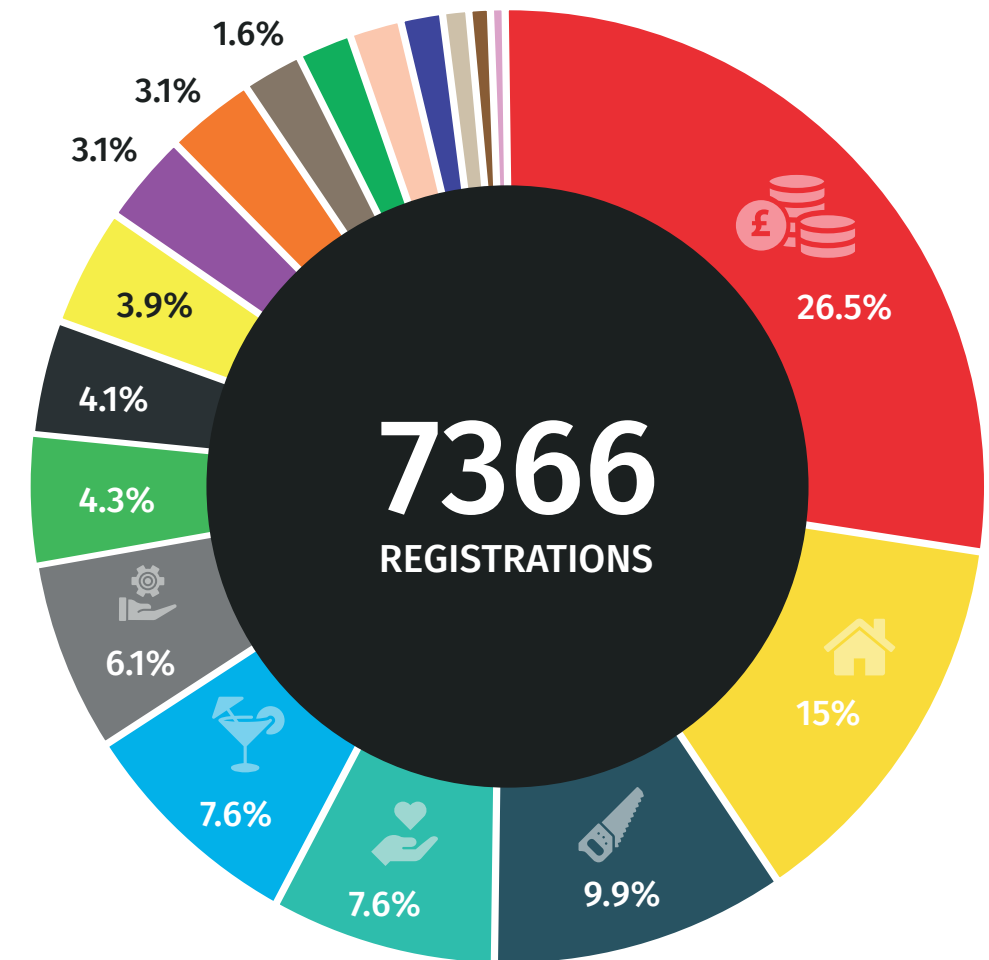
**Increase in entities registered that process personal information**



**Organisations ceased trading and therefore deregistered**

## 2023 ACTIVE REGISTRATIONS BY ORGANISATION

AS AT 31 DECEMBER 2023



- **Financial & Professional Services - 1953**
- **Real Estate & Property Management - 1103**
- **Construction, Trades & Services - 732**
- **Health & Wellbeing - 558**
- **Leisure & Fitness / Hospitality / Tourism - 557**
- **Manufacturing / Whole Sale - 452**
- **Professional Bodies - 315**
- **Charities - 300**
- **Social Clubs & Associations - 289**
- **Technology & Telecommunications - 227**
- **Education & Childcare - 225**
- **Legal Services - 118**
- **Media & Communications - 139**
- **Public Authority / Regulators - 123**
- **Agriculture & Fishing**
- **Utilities & Delivery Services**
- **Animal Husbandry & Welfare**
- **Faith, Worship & Religion**

<sup>4</sup> <https://www.jerseylaw.je/laws/enacted/Pages/L-04-2018.aspx>

Schedule 4 of the DPJL 2018 details the process of enforcement by the Authority in the event it receives a complaint (which can lead to a formal investigation) or conducts an inquiry.

The Authority receives a broad range of contacts. We classify them into the following categories:

→ Enquiries. These range from simple questions regarding our location and career opportunities to the more complex questions around guidance matters. In 2023 we responded to 119 general enquiries.

- Complaints. Complaints are received from individuals concerned about the use of their personal information, non-response to a subject access request or other rights which have not been fulfilled.
- Self-Reported Data Breaches. Under the DPJL, data controllers are required to report 'certain' breaches to the JOIC within 72 hours of becoming aware of the breach unless the breach is unlikely to result in a risk to the rights and freedoms of the individual.

The chart below highlights the number of complaints and self-reported data breaches per sector.

|  | REGISTRATIONS |            | REQUEST FOR AMICABLE RESOLUTION |            | COMPLAINTS |            | SRDB       |            |
|--|---------------|------------|---------------------------------|------------|------------|------------|------------|------------|
|  | Count         | %          | Count                           | %          | Count      | %          | Count      | %          |
| Agriculture and Fishing  | 97            | 1          | 0                               | 0          | 0          | 0          | 2          | 1          |
| Animal Husbandry and Welfare   | 57            | 1          | 0                               | 0          | 1          | 1          | 0          | 0          |
| Charities  | 300           | 4          | 1                               | 7          | 2          | 3          | 19         | 9          |
| Construction, Trades and Services                                      | 732           | 10         | 1                               | 7          | 1          | 1          | 2          | 1          |
| Education and Childcare  | 225           | 3          | 0                               | 0          | 1          | 1          | 20         | 9          |
| Faith, Worship and Religion  | 47            | 0          | 0                               | 0          | 0          | 0          | 1          | 1          |
| Financial and Professional Services                                    | 1953          | 27         | 4                               | 27         | 19         | 24         | 88         | 41         |
| Health and Wellbeing   | 558           | 8          | 0                               | 0          | 3          | 4          | 18         | 8          |
| Legal Services   | 118           | 2          | 0                               | 0          | 0          | 0          | 10         | 4          |
| Leisure and Fitness/Hospitality/Tourism/Travel/Entertainment           | 557           | 7          | 0                               | 0          | 1          | 1          | 8          | 4          |
| Manufacturing, Wholesale and Retail                                    | 452           | 6          | 0                               | 0          | 3          | 4          | 8          | 4          |
| Media, Communication and Advertising                                   | 147           | 2          | 1                               | 6          | 0          | 0          | 2          | 1          |
| Professional Bodies/Professional Associations/Professional Consultancy | 315           | 4          | 0                               | 0          | 5          | 6          | 2          | 1          |
| Public Authority/Sector, Appointed Regulators and Statutory Bodies     | 116           | 2          | 6                               | 40         | 30         | 38         | 23         | 10         |
| Real Estate and Property Management                                    | 1103          | 15         | 0                               | 0          | 1          | 1          | 3          | 1          |
| Social Clubs and Associations  | 289           | 4          | 0                               | 0          | 0          | 0          | 4          | 2          |
| Technology and Tele-Communications                                     | 227           | 3          | 2                               | 13         | 0          | 0          | 2          | 1          |
| Utilities and Delivery Services  | 73            | 1          | 0                               | 0          | 0          | 0          | 3          | 2          |
| Sector not found. (CCTV issues not aligned to an industry sector)      | 0             | 0          | 0                               | 0          | 13         | 16         | 0          | 0          |
| <b>TOTAL</b>   | <b>7366</b>   | <b>100</b> | <b>15</b>                       | <b>100</b> | <b>80</b>  | <b>100</b> | <b>215</b> | <b>100</b> |

Jersey's economy is a blend of business activities, the public sector is the largest single employer on the Island, with over 7,000 public servants, the retail sector employs circa 7,000 people with the Agriculture and Fishing sector employing over 1800 people. Construction, trades and services has in excess of 5,500 employees. Jersey's finance sector is the largest industry, employing more than 13,500 people<sup>5</sup> representing 40% of Jersey's economic output<sup>6</sup>.

Public Authorities (including appointed Regulators and Statutory) is the largest employer and attracted 30 complaints representing 38% of our caseload. They reported 23 breaches (10%) of the overall 215 breaches reported to us in 2023. Finance and Professional Services were the source of 19 complaints (24%) of our compliance caseload. They reported 88 breaches to us. Of note were 19 (9%) breaches from the Charitable Sector and 18 (8%) from Health and Wellbeing.

Since the introduction of the DPJL 2018, the number of complaints has fluctuated year on year, with the self-reported data breaches averaging 210 per annum.

|             | Complaints and Inquiries | Amicable Resolution | Self-Reported Data Breaches |
|-------------|--------------------------|---------------------|-----------------------------|
| <b>2018</b> | 184                      | -                   | 141                         |
| <b>2019</b> | 145                      | -                   | 256                         |
| <b>2020</b> | 140                      | -                   | 229                         |
| <b>2021</b> | 90                       | -                   | 232                         |
| <b>2022</b> | 58                       | 25                  | 188                         |
| <b>2023</b> | 81                       | 15                  | 215                         |

The introduction of the Amicable Resolution process in 2022 provides the opportunity for matters to be resolved amicably with the data controller. Throughout 2023 the appetite for amicable resolution remained strong amongst complainants and data controllers. Of the 15 Amicable Resolution cases opened in 2023, 10 were completed and deemed successful in terms of both parties being satisfied with the outcome. One case was partially unsuccessful and two were deemed unsuccessful and all three cases turned into formal complaints.



**215**

total number of breaches reported in 2023

**38%**

of our caseload were complaints about Public Authorities

<sup>5</sup> <https://www.gov.je/LifeEvents/MovingToJersey/WhyChooseJersey/pages/businessandindustries.aspx>

<sup>6</sup> <https://www.jerseyfinance.je/working-in-finance/#:~:text=Working%20in%20Finance,a%20variety%20of%20different%20sectors>

Complaints generally relate to a mix of topics but predominantly focus on right of access requests, and unauthorised disclosure of personal data. Right of access complaints include a lack of response, refusal to respond, delays and excessive redaction. Unauthorised disclosure ranges from personal data being shared on social media (e.g. Facebook) to being shared with unauthorised third parties. Complaints also included excessive collection, lack of required transparency information (including privacy notice), holding inaccurate personal data and concerns over security. We also received a number of domestic CCTV complaints.

In relation to the 2023 complaints received, there has been an increase in the following two categories:

- I asked for access to/copies of my personal information, and I've not received it/they have withheld it from me.
- My information has been shared and it shouldn't have been.

The first of these refers to dissatisfaction raised by the complainant upon receipt of the information they request as part of the right of access. Complaints of this nature have doubled from 15 complaints in 2022 to 30 such complaints in 2023. Data Controllers and Processors are reporting they are experiencing a substantive increase in the number of the right of access requests, often citing frustration as the spirit of the law is lost in the high volume of requests and often commenting that such are being used for allegedly unlawful/collateral purposes.

We often see overredacting when responding to data subjects, failing to respond to requests or declining to share certain aspects of information expected by the applicant.

# 2023

| COMPLAINTS OPENED PER QUARTER BY TYPE  | TOTAL     |
|--|-----------|
| Uncategorised at time of submission  | 4         |
| Direct marketing   | 2         |
| I asked for access to/copies of my personal information and I've not received it/they have withheld it from me | 30        |
| I asked for my information to be rectified/erased/sent to another controller and my request has been refused   | 8         |
| I don't think my personal data is being/has been kept safe   | 7         |
| My information has been shared and it shouldn't have been  | 25        |
| Other  | 1         |
| Someone has collected my personal data, but I didn't give it to them   | 3         |
| <b>TOTAL</b>   | <b>80</b> |

The complaints received regarding sharing personal information are mostly due to employers over-sharing information, the blind copy function not being used when sending group emails, information being shared without a basis between controllers and ex- employees using personal information without authorisation.

The complaints we have investigated have resulted in a number of sanctions issued, including Reprimands, Orders and Words of Advice. The Orders covered a range of topics from training, policy reviews, implementation of policies, registering with the Authority and ensuring a relevant person is identified within the Data Controller as a Data Protection Lead or Data Protection Officer. The release of further personal information to complainants also formed a significant volume of Orders along with the request to delete personal information inaccurately involved in contraventions.

The complaints received in 2023 were noticeably more complex in their nature, compared to previous years. At the end of 2023, of the 81 complaints received, 75% were still ongoing. As per Part 4, Art. 20(1) of the DPAJL 2018, the Authority 'upon receiving a complaint has 8-weeks in which time to determine whether or not to investigate a complaint'. Part 4, Art. 20(2) of the DPAJL 2018 sets out the basis upon which we investigate or reject the complaint and of those complaints reported to us in 2023, 50% were tipped into a formal investigation.

Following the structured investigations, the Authority issued a blend of Orders, Reprimands and Words of Advice. We monitor the implementation of the Orders to ensure the Data Controller/Processor responds appropriately to the correct standard and within a defined time frame. Depending on the complexity of the Orders, the implementation process can take several months. Of the complaints we formally investigated and closed during 2023, the data controllers involved received multiple Orders per determination.

# 2022

| COMPLAINTS OPENED PER QUARTER BY TYPE  | TOTAL     |
|--|-----------|
| Uncategorised at time of submission  | 9         |
| Direct marketing   | 1         |
| I asked for access to/copies of my personal information and I've not received it/they have withheld it from me | 15        |
| I asked for my information to be rectified/erased/sent to another controller and my request has been refused   | 5         |
| I don't think my personal data is being/has been kept safe   | 4         |
| My information has been shared and it shouldn't have been  | 18        |
| Other  | 4         |
| Someone has collected my personal data, but I didn't give it to them   | 2         |
| <b>TOTAL</b>   | <b>58</b> |

# 2021

| COMPLAINTS OPENED PER QUARTER BY TYPE  | TOTAL     |
|--|-----------|
| Uncategorised at time of submission  | 20        |
| Direct marketing   | 5         |
| I asked for access to/copies of my personal information and I've not received it/they have withheld it from me | 18        |
| I asked for my information to be rectified/erased/sent to another controller and my request has been refused   | 3         |
| I don't think my personal data is being/has been kept safe   | 13        |
| My information has been shared and it shouldn't have been  | 22        |
| Someone has collected my personal data, but I didn't give it to them   | 9         |
| <b>TOTAL</b>   | <b>90</b> |

Data protection is intangible – the following precis of some investigation and enforcement actions highlight the reality of the mishandling of personal information and the potential impact on the data subjects and the data controllers. These cases bring to life the reality of our mandate, powers and remedies.





## COMPLAINT - HEALTH & WELLBEING SECTOR

A customer raised a concern that a staff member had viewed the customer's record without a lawful basis to do so. This was raised on more than one occasion to the manager. The document filing system includes an ability to restrict access by staff members, but the manager did not know that such a functionality existed and took no other meaningful steps to ensure that the customer's information was not accessed, nor any audit carried out.

### SUMMARY OF FINDINGS, CONTRAVENTIONS AND ORDERS

#### FINDING 1

→ Contravention of Art.6(1)(a) and (d) of the DPJL 2018

#### FINDING 2

→ Contravention of Art.8(1)(f) of the DPJL 2018

#### FINDING 3

→ Contravention of Art.14(1)(a) of the DPJL 2018

#### FINDING 4

→ Contravention of Art.21(1) of the DPJL 2018

#### FINDING 5

→ Contravention of Art.21(2)(b) of the DPJL 2018

#### ORDER 1

Data controller to implement training in relation to the use of the document filing system. Specific role related training to be provided to all staff so they are aware of the functionality of the system relevant to their specific role, whether clinical or administrative.

#### ORDER 2

Data controller to implement a bespoke data protection training package so that all staff are fully converse with their obligations under the Data Protection (Jersey) Law 2018.

#### ORDER 3

Data controller to provide evidence of the review and subsequent implementation of policies, procedures and training as stated in Orders 1 and 2.

**A Reprimand was also issued.**

## INQUIRY FOLLOWING DISCOVERY OF A 'FLY-TIPPED BUSINESS NOTEBOOK'

The notebook, found in a bin, contained details of a meeting and background information between an individual and a professional.

### SUMMARY OF FINDINGS, CONTRAVENTIONS AND ORDERS

#### FINDING 1

→ Contravention of Art. 6(1)(d) of the DPJL 2018

#### FINDING 2

→ Contravention of Art. 8(1)(f) of the DPJL 2018

#### FINDING 3

→ Contravention of Art. 15(1)(a) and (b) of the DPJL 2018

#### FINDING 4

→ Contravention of Art. 21(1) of the DPJL 2018

#### ORDER 1

Controller to produce a policy and procedure surrounding the issuing, use, retention, and disposal of handwritten notes.

#### ORDER 2

Controller to implement a training package so that all staff are fully converse with the new policy and procedure. A schedule to be produced to ensure all relevant staff receive appropriate training.

#### ORDER 3

Controller to provide evidence of the implementation of the new policy and procedure and training as stated in Order 1 and Order 2.

**A Reprimand was also issued.**



## A SELF-REPORTED DATA BREACH - LEADING TO AN INQUIRY

### LEGAL SERVICES SECTOR - A SENSITIVE DOCUMENT DISCLOSED TO NON-RELATED PARTIES, IN FULL WITHOUT REDACTION.

The data controller disclosed an extremely sensitive document to the incorrect client (via Outlook autofill). The controller failed to appreciate the sensitivity and potential risks and made assumptions about the recipient in terms of actual access to the document and had not taken sufficient steps to mitigate the risks.

The data controller made various improvements to their systems as the Inquiry was in train, including training and also acted on all recommendations made including advising affected parties.

### SUMMARY OF FINDINGS, CONTRAVENTIONS AND ORDERS

#### FINDING 1

→ Contravention of Art. 8(1)(f) of the DPJL 2018

#### FINDING 2

→ Contravention of Art. 15(1)(a) and (b) of the DPJL 2018

#### FINDING 3

→ Contravention of Art. 20(6)(a) of the DPJL 2018

The Order imposed required the data controller to provide evidence of the implementation of the Document Management System.

**A Reprimand was also issued.**

## PUBLIC STATEMENTS

During 2023 we issued three Public Statements.

### 1. Government of Jersey: Customer and Local Services (CLS) (April 2023)

Following a formal investigation against Customer & Local Services (CLS), the Authority found that CLS had contravened Art.8(1)(a), Art.14(1)(a), Art.14(1)(b), Art.27(1) and Art.28(3)(a) of the DPJL 2018 in that it failed to respond appropriately to certain requests for access to information held by an individual.

CLS were sanctioned with one formal Reprimand in accordance with Art.25(1)(a) DPAJL 2018 and three Orders, which ranged through from a wholesale review of data protection policies and procedures to delivering relevant and timely training for their team and improving technical and organisational measures. CLS were given formal Words of Advice regarding their approach to the original subject access request. We ensured the Orders were carried out within a prescribed timeframe to an acceptable standard.

### 2. Brenwal Limited (Brenwal) (November 2023)

Following an Inquiry commenced on 8 February 2022 pursuant to Art.21 of the DPAJL 2018, the Authority determined that Brenwal Limited had contravened Art.8(1)(a) and Art.12(1) of the DPJL 2018.

The Authority found that Brenwal should not have carried out covert monitoring of Employee A. It was not necessary and they had no lawful basis to do so which was a contravention of Art.8(1)(a). The Authority also found that Brenwal lacked the relevant transparency information required by Art.12(1) and that Brenwal should have, in advance, made their staff aware that they could be subject to monitoring.

Upon publication of a Public Statement, we now publish the infographic (pictured) to clarify the breach, the decision and most importantly, the lessons learned for the data protection community.

Brenwal received a formal Reprimand and four Orders, which ranged from delivering relevant and timely training for their team, a wholesale review of data protection policies and procedures with particular focus on their public and employee privacy notices, and the deletion of all data captured by the contraventions. Brenwal were required to demonstrate to the Authority they had fulfilled the Orders within a prescribed timeframe to an acceptable standard.



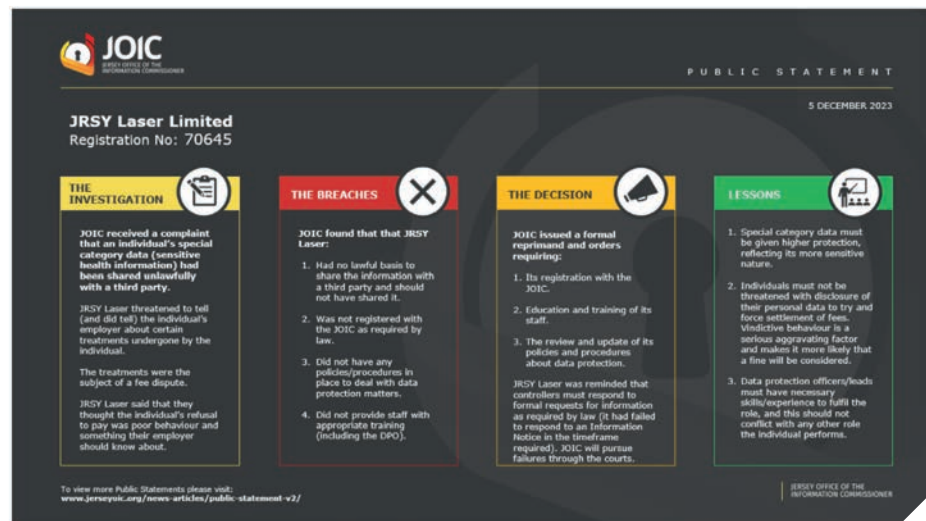


### 3. JRSY Laser Limited (JRSY Laser) (December 2023)

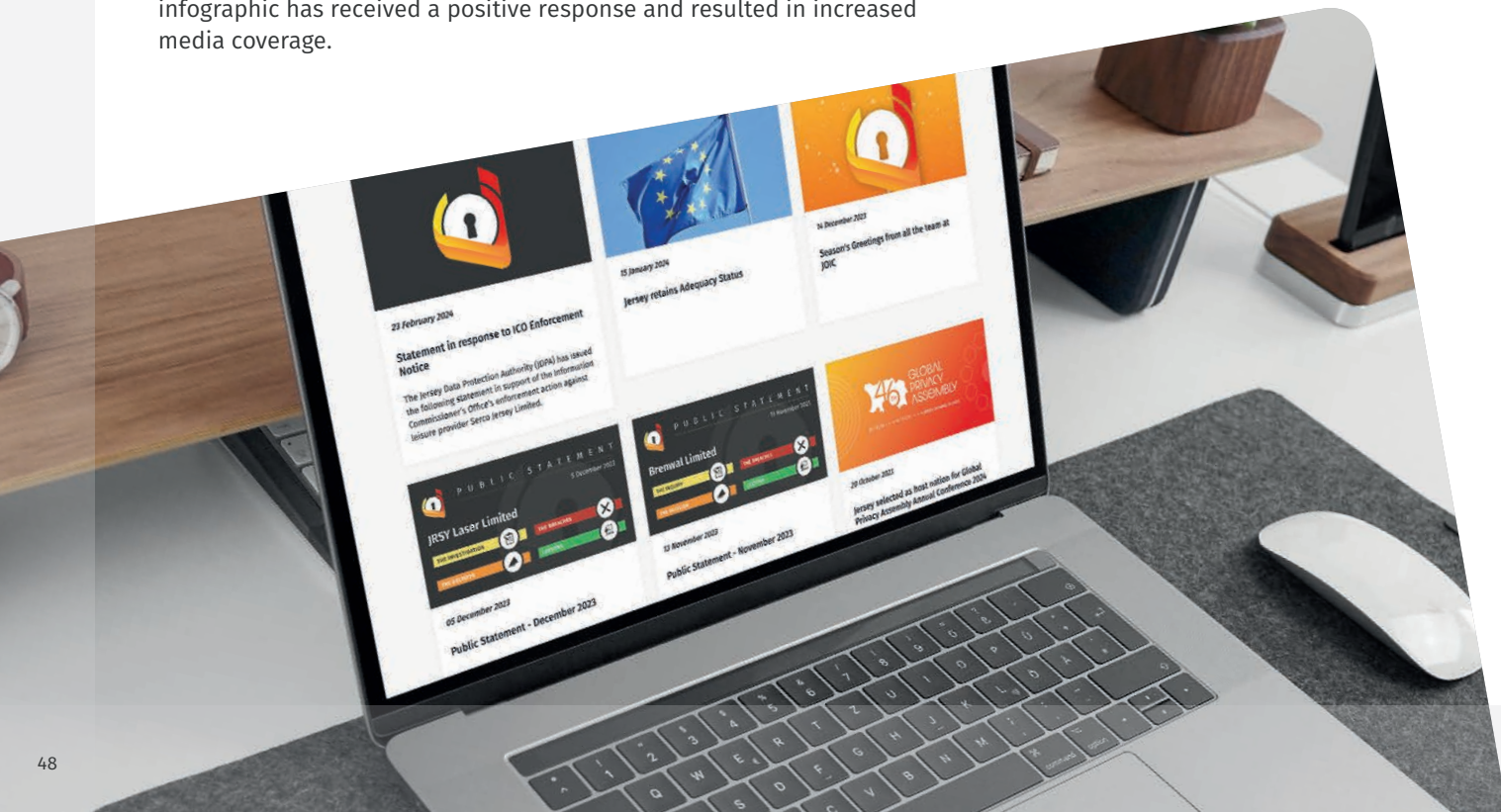
Following an investigation commenced in September 2021 pursuant to Art.20 of DPAJL 2018, the Authority determined that JRSY Laser Limited (JRSY Laser) had contravened Art.6(1)(b), Art.6(1)(c) and Arts.8(a)(b) and (f) of the DPJL 2018.

The Authority found that JRSY Laser should not have shared the information about the data subject's treatments (medical data), nor the fee dispute with either the data subject's employer or the receptionist and there was no lawful basis for sharing that information. The processing of the data subject's information in this way was also incompatible with the original purpose for which it was collected. The sharing of the information was therefore in contravention of Art.8(1)(a) and Art.8(1)(b) of the DPJL 2018.

JRSY Laser were sanctioned with one formal Reprimand in accordance with Art.25 (1)(a) DPAJL 2018 and three Orders, which ranged from registering with the Authority, to allocating a Data Protection Lead within the business, to undertaking relevant and timely training for their team. JRSY Laser had to demonstrate to the Authority they had fulfilled the Orders within a prescribed timeframe to an acceptable standard.



We introduced the new infographic (pictured above) as part of our continuous improvement programme and following feedback from several parties including the data controllers and media who requested easy to follow, top-level information about the breaches and Authority findings. As part of our review we decided to include a 'lessons learned' section to educate the public and other Data Controllers/Processors about what they must/must not do should they be faced with similar issues. The new high level summary infographic has received a positive response and resulted in increased media coverage.

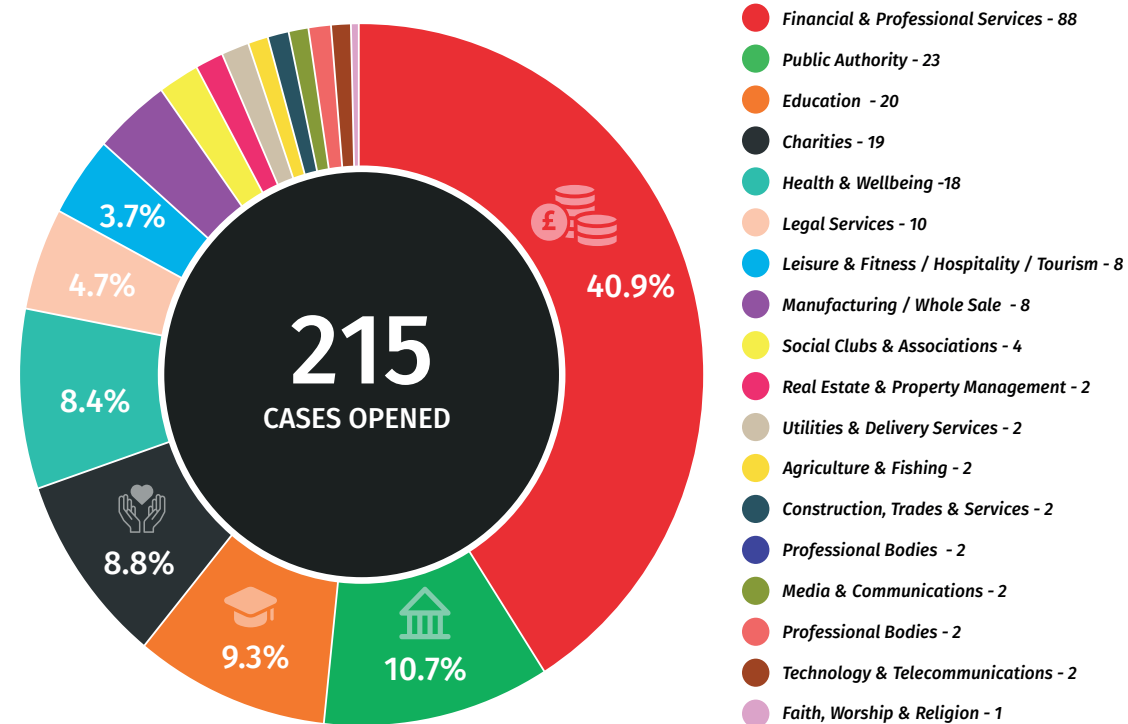


# BREACH REPORTING

Under the DPJL 2018 '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' (Article 20).

In relation to breaches we also have an obligation under Art 11 1. (e) of the DPAJL 2018 'to promote the awareness of controllers and processors of their obligations under this Law and the Data Protection Law'.

## 2023 SRDB CASES OPENED BY ORGANISATION TYPE



Investigating self-reported data breaches represented a significant proportion of our Compliance and Enforcement caseload during 2023.

The chart above highlights that 40.9% of the breaches reported to us were from the financial and professional services sector. It should be noted that this sector has a culture of reporting and monitoring breaches throughout their activities.

Due to the severity, nature of the data (for example, special category data) and the possibility of repeat breaches following the submission of a self-reported breach, we may

open a formal Inquiry. Four Inquiries were commenced following the submission of self-reported data breaches in 2023, the entities involved were from a mix of Government Departments, Health and Wellbeing, Leisure and Fitness/Hospitality/Tourism/Travel sectors. At the time of writing, one of these Inquiries is ongoing and one has resulted in a breach determination with 9 contraventions, 5 Orders and a Reprimand. One Inquiry resulted in close monitoring and the implementation of updated data protection policies and procedures. The fourth Inquiry focussed on the creation and implementation of a newly drafted Acceptable Use Policy in terms of mobile phone use.

From our records it is evident that over 50% of the reported breaches were unlikely to 'result in a risk to the rights and freedoms of natural persons'. However, we are not discouraging organisations to report breaches as this enables us to understand the breach landscape in Jersey to help shape our guidance and advice.

As previously noted, we take every opportunity to educate and support any organisation reporting a breach. Breaches can be traumatic for organisations to manage and can carry serious reputational damage for businesses. The JOIC team works sympathetically, yet professionally, when responding to breach reports.

Most reported breaches do not warrant the conducting of a formal regulatory response and/or the imposition of a formal sanction. However, the Authority may impose an Administrative 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.

# 2023

| Self Reported Data Breaches Opened per Quarter, by Breach Type | Q1        | Q2        | Q3        | Q4        | TOTAL      |
|--|-----------|-----------|-----------|-----------|------------|
| Destruction  | -         | -         | -         | 1         | 1          |
| Lack of Availability / Access                                  | -         | 1         | 1         | 3         | 5          |
| Loss   | 2         | 3         | -         | 2         | 7          |
| Unauthorised Access  | 11        | 11        | 12        | 19        | 53         |
| Unauthorised Disclosure  | 51        | 35        | 41        | 22        | 149        |
| <b>TOTAL</b>   | <b>64</b> | <b>50</b> | <b>54</b> | <b>47</b> | <b>215</b> |

**Specifically:**

- 149 self-reported data breaches were due to unauthorised disclosure (emails sent and received in error) but in all circumstances, the breaches were appropriately mitigated, presenting no risk to the data subject.
- Of the remaining 66 incidents there were a number of different issues including malware, phishing attacks, lost data and other processes leading to breaches. In all circumstances, the breaches were appropriately mitigated, presenting no risk to the data subject.



SRDBs due to emails sent and received in error.

## ENFORCEMENT AUDITS

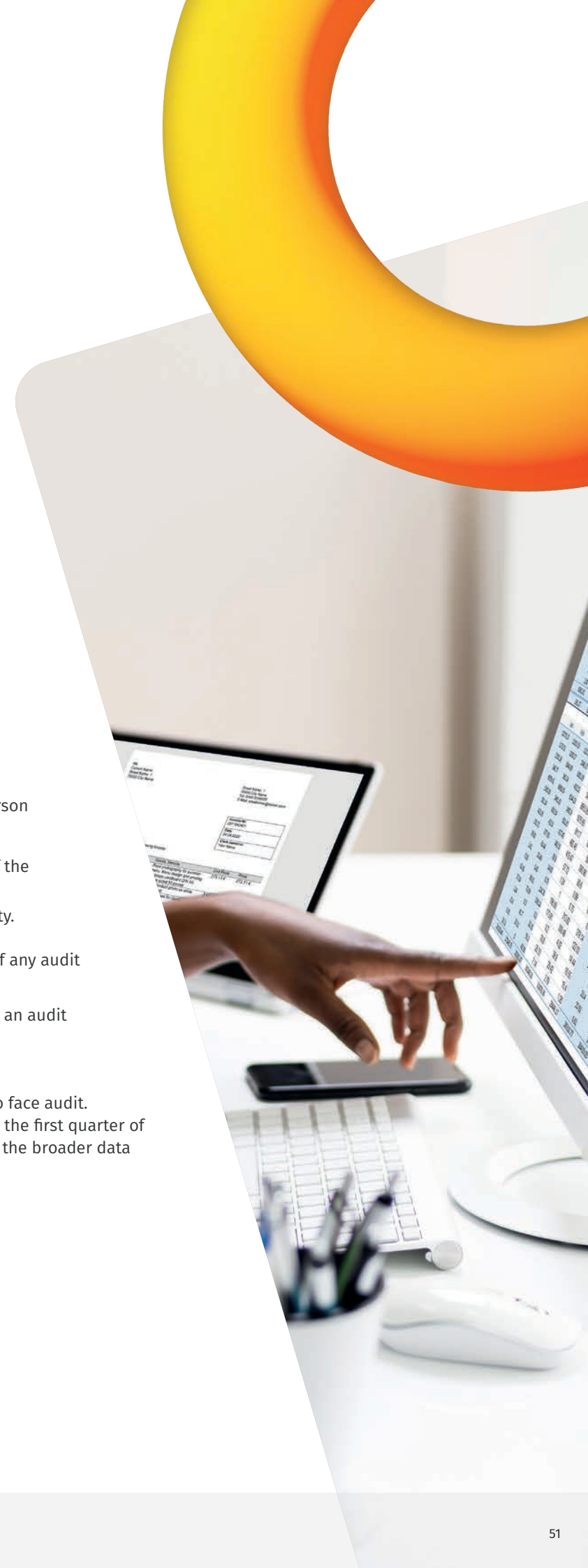
Enforcement audits contribute to our Strategic Outcome - 'Achieving and maintaining the highest standard of data protection in Jersey'. The primary purpose of an enforcement audit is to provide the Authority with an insight into the extent to which the audited entities are complying with the particular areas audited and highlight any deficient areas in their compliance.

We will be executing risk-based enforcement audits, commencing with a virtual desk-top approach and if necessary, developing into a face-to-face audit. We will also be undertaking remedial audits to track progress and the effectiveness of implementing the recommendations.

Article 22(7) of the DPAJL 2018 details our power to conduct or 'require data protection audits'.

- (1) The Authority may –
  - (a) conduct a data protection audit of any part of the operations of the controller or processor; or
  - (b) require the controller or processor to appoint a person approved by the Authority to –
    - (i) conduct a data protection audit of any part of the operations of the controller or processor, and
    - (ii) report the findings of the audit to the Authority.
- (2) The Authority must specify the terms of reference of any audit carried out under sub-paragraph (1).
- (3) The controller or processor concerned must pay for an audit required under sub-paragraph (1)(b).

In 2023 we conducted one very complex and detailed face to face audit. We are finalising the audit report with the data controller in the first quarter of 2024. Thereafter we will publish the lessons learned to help the broader data protection community.





# COMMUNICATIONS, ENGAGEMENT & OUTREACH

**SARAH MOORHOUSE**

Communications & Public Relations Lead



Communications, Engagement and Outreach activity for 2023 was focused around winning the hearts and minds of Islanders with our vision to create an Island culture whereby the protection of personal data and **privacy becomes instinctive**.

Through specific, targeted campaigns, we engaged with the Jersey community to embrace a collaborative and innovative approach, in line with our strategic outcomes to achieve and maintain the highest standards of data protection in Jersey and protect Islanders including those more vulnerable and future generations.

We raised awareness of local data protection law, obligations and individual rights and increased our education offering for young people, to include youth clubs and scout groups Islandwide.

We delivered personal information safety sessions to more than 2500 young people in primary and secondary education, youth clubs and scout groups, whilst 1671 individuals attended JOIC events, including our Let's Go DPO sessions. It is pleasing that feedback from our outreach sessions shows 80% of attendees benefitted from attending and we continue to monitor and respond to, attendee feedback.

## YOUTH & EDUCATION OUTREACH

Given the rapid advances in technology, it is critical we take steps to educate children about how online behaviours can affect their opportunities in later life and provide them with the tools to protect themselves against the harms associated with a digital environment, including social media, online gaming and the darker sides of the internet.

Our engagement with children and young people was strengthened during 2023 with the addition of a Community Youth Worker. This appointment built on strong, existing working relationships with Island secondary schools and enabled us to develop our Young Privacy Ambassador Programme with more in-depth workshops including privacy debates, assemblies and bitesize sessions. It also enabled us to enhance our work with the Government of Jersey Education Department to develop an approach for Key Stage 2 staff to support the rollout of age-appropriate personal information safety sessions for children and young people.

The Community Youth Worker's activities also included personal information safety sessions at youth cafes, as well as guidance sessions with local youth work professionals, to reinforce our key messages.

*“ Kelly and Sue created a rapport with the students from the moment they arrived and the session was highly engaging and interactive. Our students loved it.”*

*“ Given our experience of working with the team at JOIC, I would highly recommend them to other schools.”*





# CONNECTING WITH OUR COMMUNITY

When working to create an Island culture whereby the protection of personal data and privacy becomes instinctive, establishing a trusted connection with all sectors of our community is essential.

As a fundamental human right, data protection is intrinsically linked to wellbeing, mental health, reducing inequalities and improving living standards. Therefore, educating and empowering our community, including adult populations and those that may need greater protection, to understand how to protect their personal information, was the focus of our community outreach activities for 2023.

Unfortunately, budget requirements and delays in recruitment meant outreach activities had to be scaled back towards the end of the third quarter. We were, however, pleased to provide data protection guidance workshops and seminars to a number of community groups, including those more vulnerable, providing information about the principles and spirit of local data protection law, as well as raising awareness about individual rights and JOIC tools, resources and support available. These were complemented with drop-in sessions at Jersey Library, community pop-up stands in St Helier, attendance at Jersey family attractions such as aMaizin' Adventure Park and a presence at Government of Jersey's Children's Day.

## ARE YOU A PRIVACY SUPERHERO?

Despite being a regulator, we are far from regular and our Privacy Superheroes 'The Privacy Force' were officially launched during Data Protection Week 2023.

On a mission to inspire all sectors of our community to share responsibility for protecting their personal information, our Privacy Superheroes exist to help drive a change in culture and behaviour and encourage islanders of all ages to take more control of their personal information and privacy and become real life privacy superheroes.

The Privacy Force was created to make data protection more accessible for Islanders and spark a privacy conversation, reminding Islanders when they are providing their personal information in exchange for goods and services, to take a moment to follow this advice and be a privacy superhero:

- H** Have the courage to ask why someone wants your personal information.
- E** Educate your peers about protecting their personal information.
- R** Remember you have rights under the Data Protection (Jersey) Law 2018.
- O** Optimise your privacy settings to help you stay safe online.

The Privacy Superhero campaign also urges the Island's data protection community to play their part to ensure they look after the personal information of staff, customers and volunteers in line with local data protection law and contact us if guidance or advice is required.

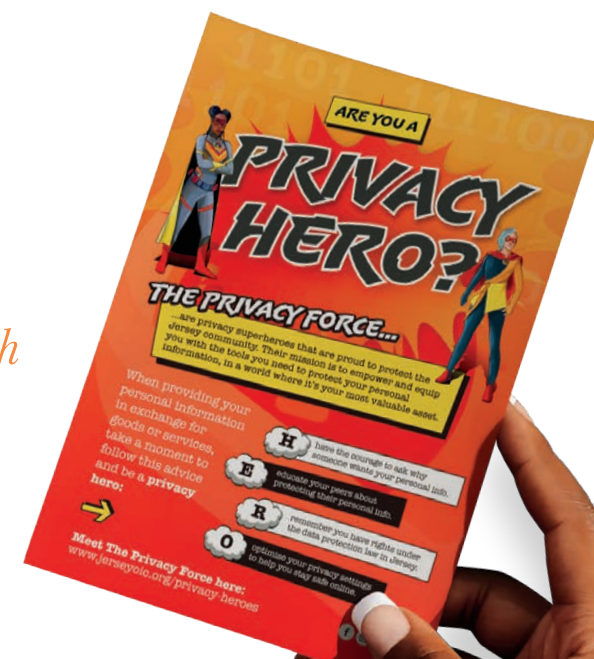
We were delighted our Privacy Superhero campaign was shortlisted in the Education and Public Awareness category of the Global Privacy Assembly's (GPA)

international awards for 2023, which gave more than 130 data protection authorities from around the world the opportunity to submit their examples of good practice in privacy and personal data protection. The shortlist included submissions from the Australia, Mexico, Bermuda and Philippines data protection authorities and the judging panel, the Global Privacy Assembly Executive Committee, commented competition for 2023 was 'very strong'.

COMMISSIONER



*“The assembly was entertaining and informative. One particular highlight was the JOIC chant and the superhero character, which added a fun element but did not overshadow the importance of the key message around keeping personal information safe.”*





## 'BRINGING LAW TO LIFE' COURTROOM CHALLENGE

Our Courtroom Challenge initiative to 'bring data protection law to life' continues to increase in popularity and attract interest from sixth form providers. Primarily offered to students in years 12 and 13, the challenge gives young people the opportunity to be involved in a mock privacy trial court case requiring attendees to explore certain aspects of data protection law whilst developing life skills and personal values. Whilst we would have liked to have run more, we delivered two courtroom challenges to local schools during 2023, with further sessions booked for 2024.

### Session objectives include:

- To bring privacy and data protection law to life.
- To equip young people with the decision-making tools to make a judgement when it comes to privacy and personal information.
- To increase respect for personal information, among young people.
- To help young people to understand privacy in an ethical context.
- To create a team of young privacy ambassadors ready to be curious, question and feel empowered.

### Student benefits include:

- Learning to interpret data protection law and see how it interacts with real life.
- Providing extra-curricular experience for UCAS applications, curriculum vitae, references and interviews.
- Networking with industry, meeting JOIC staff and key professionals who may be able to assist with career path guidance.
- Developing presentation and communication skills.



*"This experience has been invaluable for our students. The work of the JOIC is highly valued by our organisation."*

## CONNECTING WITH ORGANISATIONS

In line with our strategic outcome to achieve and maintain the highest standard of data protection in Jersey, we take a pro-active approach to promoting awareness of the obligations of local data protection law to the data protection community, via a mix of in-person events, webinars and workshops.

Our outreach efforts are tailored to suit the requirements of small, medium and large organisations as well as charities, clubs and associations and aim to provide guidance and support to attendees on their data protection journey, navigating the law. These sessions provide the opportunity for us to highlight our mandate, philosophy and expectations and give attendees the opportunity to engage, ask questions and enhance levels of understanding.

Guests from a broad range of industry sectors attended our Data Protection Week 2023 'Privacy by Instinct' roundtable discussion to hear more about our vision and consider an Island whereby our community is empowered to make informed privacy decisions versus a surveillance society whereby individuals are commercialised. The event explored how, as an Island, organisations could work together to drive cultural and behavioural change.

### LET'S GO DPO!



JERSEY OFFICE OF THE INFORMATION COMMISSIONER

Set up to provide those working within data protection in Jersey the chance to network, identify and explore common experiences and engage with our office in a safe and confidential environment, our Let's Go DPO network now comprises 100 loyal members and is growing in popularity. Topics for the 2023 interactive Let's Go DPO! events included a focus on data protection impact assessments and a workshop and question and answer session exploring subject access requests, to celebrate the five-year anniversary of the Data Protection (Jersey) Law 2018.

Attendee feedback indicates members benefit from the face to face nature of these sessions and opportunity for discussion with JOIC senior leaders, as well as the chance to explore common themes.



*"The content was engaging and relevant to my role"*

*"I will ensure to attend more often and reach out if I have any queries"*

*"I certainly took away useful pointers"*

*"The JOIC's Let's Go DPO sessions are very well delivered"*

*"I will ensure to attend more often and reach out if I have any queries"*





## BOARD SUPPORT SQUAD

The Board Support Squad initiative, launched to provide organisations the opportunity to work with subject matter experts from our office in a safe and confidential environment to stress the data protection practices in their organisation, gained further momentum throughout 2023. JOIC senior leaders met with Island leaders in person to explore how executives are held to account when it comes to data protection, as well as risk appetite, considering the impact any regulatory action could have on an organisation. These sessions help Boards and Non-Executive Directors to navigate the data protection landscape and understand both board and manager data protection risks and responsibilities.

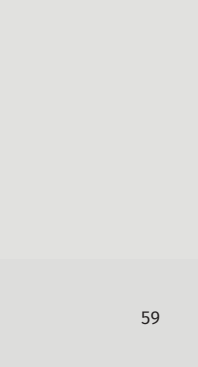
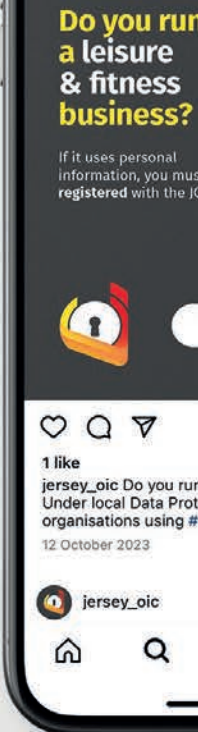
Feedback from all sessions has been positive and we look forward to providing further sessions during 2024.

## MEDIA & PUBLIC RELATIONS

The focus of our media coverage, liaison and public relations for 2023 was increased awareness of our established brand and to continue publishing highly engaging content to convey our key messages. With campaigns aimed at both organisations and individuals, we provided regulatory and enforcement updates and interviews with our senior leaders, as well as links to guidance notes, checklists, toolkits, videos and other resources available on our website.

Social media engagement and performance was monitored (individual tracking was not activated) to enable us to shape and improve future content. Our social media presence enabled us to update our audiences in real time and local newspaper and magazine coverage allowed for more in depth features and interviews highlighting our mandate and philosophy, compliance guidance, the announcement of new members appointed to the Jersey Data Protection Authority and community engagement and awareness updates.

We also worked with local media organisations to issue scam warnings and specifically, the importance of staying vigilant and safeguarding personal information. These warnings were increased during the final quarter of the year following Storm Ciarán.





# STAKEHOLDER COLLABORATION

We continue to engage with local, national and international stakeholders to support our vision to be an exemplar and source of leadership. This approach helps us to cascade our key messages to ensure those that are processing personal information understand their responsibilities under the law and are equipped with the relevant tools and guidance required to support them in delivering the highest standards of data protection.

Local stakeholder collaboration during 2023 included a 'No Nonsense Guide to Privacy' briefing for small to medium enterprises run in partnership with Jersey Chamber of Commerce, a Data Protection for Health and Social Care Providers webinar held in partnership with Jersey Care Commission and a session run in partnership with Jersey Finance exploring the importance of data protection to ensure Jersey remains a safe place to live and do business.

We were pleased to take part in the Islands Data Governance Forum's Data Protection and Cyber Security Conference as well as partner with Jersey Cyber Security Centre for their cyber incident response exercises held as part of Cyber Security Awareness Month. We also provided face to face data protection guidance to local sports organisations as part of Jersey Sport's Support for Sport event.

We are part of the Jersey Cyber Security Task Force and members of the Jersey Fraud Prevention Forum, a group of local agencies that work together to protect the Jersey community from frauds and scams.

The JOIC senior leadership team continues to attend speaker engagements on request to provide regulatory expertise and guidance around data protection and privacy themes and encourage organisations to adopt a 'privacy first' approach in all their activities.



# NATIONAL & INTERNATIONAL WORKING GROUPS

Our team continues to dedicate time to contribute to national and international working groups to discuss shared themes, collaborate and foster key working relationships.

We are proud members of the British, Irish and Islands' Data Protection Authorities (BIIDPA) regional network of privacy commissioners that meets annually, with open collaboration throughout the year.

The Information Commissioner sits on the executive committee of the Global Privacy Assembly, an international forum that seeks to provide data protection and privacy leadership at international level by connecting more than 130 privacy authorities around the world. The Information Commissioner also chairs the Global Privacy Assembly's Data Sharing for Public Good working group and JOIC senior team members contribute to other GPA working groups such as the International

Enforcement Working Group, the Digital Economy Working Group, the Digital Education Working Group, the Ethics in Data Protection and Artificial Intelligence Working Group and the International Development, Humanitarian Aid and Crisis Management Working Group.

We are members of the Global Privacy Enforcement Network, a group of privacy enforcement authorities that discuss the practical aspects of privacy law enforcement co-operation, share best practice and support joint enforcement initiatives and awareness campaigns. Our senior team also attends and contributes to the International Conference of Information Commissioners and the International Association of Privacy Professionals.

Involvement with these working groups acknowledges our commitment to support a global regulatory environment with consistently high standards of data protection.

# 46TH GLOBAL PRIVACY ASSEMBLY



GLOBAL PRIVACY ASSEMBLY

28 | 10 | 24 ———> 01 | 11 | 24 ———> JERSEY, CHANNEL ISLANDS

*“ As Jersey’s Information Commissioner, I am honoured and extremely proud that my office, and our Island, has been selected to host the Global Privacy Assembly Meeting for 2024. Whilst this is primarily a data protection and privacy conference, this is a real opportunity to showcase Jersey and everything our Island has to offer. I very much look forward to welcoming my international counterparts to our beautiful island.”*

**Paul Vane** BA (HONS) SOC POL CRIM (OPEN)  
Information Commissioner



We are honoured the future of international data protection and privacy regulation will be discussed in Jersey in 2024, as we host the 46th Global Privacy Assembly, one of the largest and most prestigious events in the global privacy calendar.

The 'The Power of i' is the overarching theme for the conference, centred around the core pillars of Individuals, Innovation, Information, Integrity, Independence, International, Intercultural and Indigenous.

The conference will highlight and explore the significance of the eight themes, which are intrinsically linked to encompass the harms, values and enrichment of our human lives. It will establish and explore how we can respect and balance the power of information with the need for citizens across the world to have power, control and dignity over their personal information. The discussions will question whether current regulatory

models are still relevant and fit for purpose, asking what the future of data protection and privacy regulation looks like and how do we safeguard our future generations.

The conference aims to create a roadmap for the future, both short-term and long-term, to improve individuals' ability to self-manage their data, achieve greater equity in data sharing, and foster better behaviours and culture around the use of personal data.

**The 46th Global Privacy Assembly will take place from Monday 28 October 2024 to Friday 1 November 2024 and we're delighted to be working with local partners to showcase Jersey to an international audience. More information is available at [www.gpajersey.com](http://www.gpajersey.com).**



# ENVIRONMENTAL, SOCIAL AND GOVERNANCE

As proud members of the Government of Jersey's Eco Active business network, we are committed to taking action to manage our impacts on the environment.



As Eco Active members, we have an 'Eco Active Champion' within our office dedicated to drive action and change and are committed to:

- 1 **Improving efficiency.**
- 2 **Preventing waste.**
- 3 **Reducing the risk of causing pollution or other negative environmental impacts.**

We strive to improve energy efficiency and awareness among staff and take a proactive approach to office recycling. Staff are encouraged to take part in beach clean sessions, review their modes of transport to move to more ecofriendly practices and improve their energy awareness at home as well as work.

We are committed to:



Conducting regular reviews and office walk arounds, to identify where energy can be saved.



Having energy saving lighting in place across our workplace and switching off computers, monitors and communal equipment at the end of each day.



Using 100% recyclable printer paper.



# 100

## PEOPLE & ORGANISATIONAL DEVELOPMENT



Our organisational development approach aims to create a flexible and innovative organisation, capable of addressing challenges and identifying opportunities in the ever-changing field of data protection.

In recent years, this has become more challenging due to the ongoing impact of Covid, economic fluctuations, and shifts in the workforce, influenced by generational changes.

Our people and organisational development initiatives are vital to developing our workforce and enhance our overall organisational effectiveness. This section describes our main initiatives in 2023 and how these align with our core values and strategic outcomes.

### WORKFORCE COMPOSITION

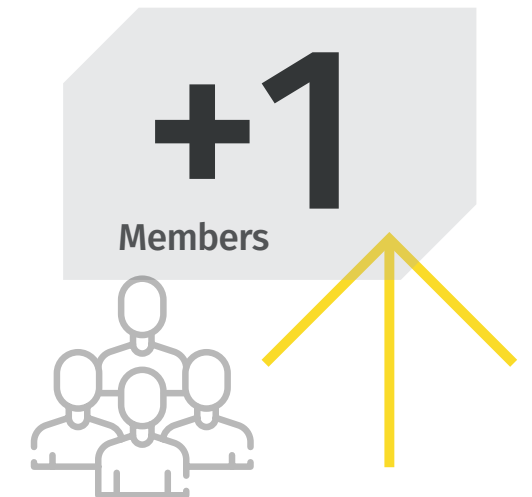
#### JERSEY DATA PROTECTION AUTHORITY

Two Voting Members left the Jersey Data Protection Authority in 2023 and they welcomed three new Voting Members:

- Stephen Bolinger
- Paul Breitbarth, and
- Elizabeth Denham CBE

All three members were recruited for their extensive knowledge, skills and experience in data protection and regulation.

The Authority ended 2023 with a headcount of 7 members, including the Chair. This was one more member than the year before. In total, 43% of JDPa members were female and 57% were male in 2023.



90%  
Female employees

#### JERSEY OFFICE OF THE INFORMATION COMMISSIONER

As at the end of 2023 there were nineteen (18.4 FTE) permanent employees within the JOIC. This represented a 10% increase in headcount on the year before.

Two new roles were phased into the Communications and Outreach team in 2023, to enable greater engagement with schools and community groups. In total, 90% of the JOIC's employees were female and 10% were male in 2023. The JOIC senior leadership team is comprised of 4 permanent employees, 75% female and 25% male, supported by 2 external consultants. The average length of service of a JOIC employee in 2023 was 3.5 years.

## EMPLOYEE DEVELOPMENT

As the JOIC is a relatively young and specialised organisation, our emphasis on employee development has remained a top priority. Constrained budgets in 2023 posed challenges in providing learning experiences, particularly for off-Island courses and conferences, crucial for enhancing knowledge and networking. To overcome this we explored alternative methods, including online attendance. Throughout this period, we committed considerable time and effort to foster a culture of learning and continuous improvement. Key initiatives included:

### JOIC's in-house learning and wellbeing programme:

This delivered over 20 short sessions covering various relevant themes, from technical insights to professional development and wellbeing.

### Leadership Development:

In November 2023 we launched a new development programme for 5 JOIC employees at the start of their leadership journey. The Shine Programme is a bespoke programme, based around 12 organisational outcomes such as personal responsibility, resilience, adaptability, decision-making, productivity and performance and delivering change.

The programme is a key initiative, designed to cultivate and retain key talent. It deploys methodologies such as coaching, action learning, and reflective practice. Through these approaches, participants enhance their capacity to fulfil their role responsibilities and effectively lead others.

### Role specific training and qualifications:

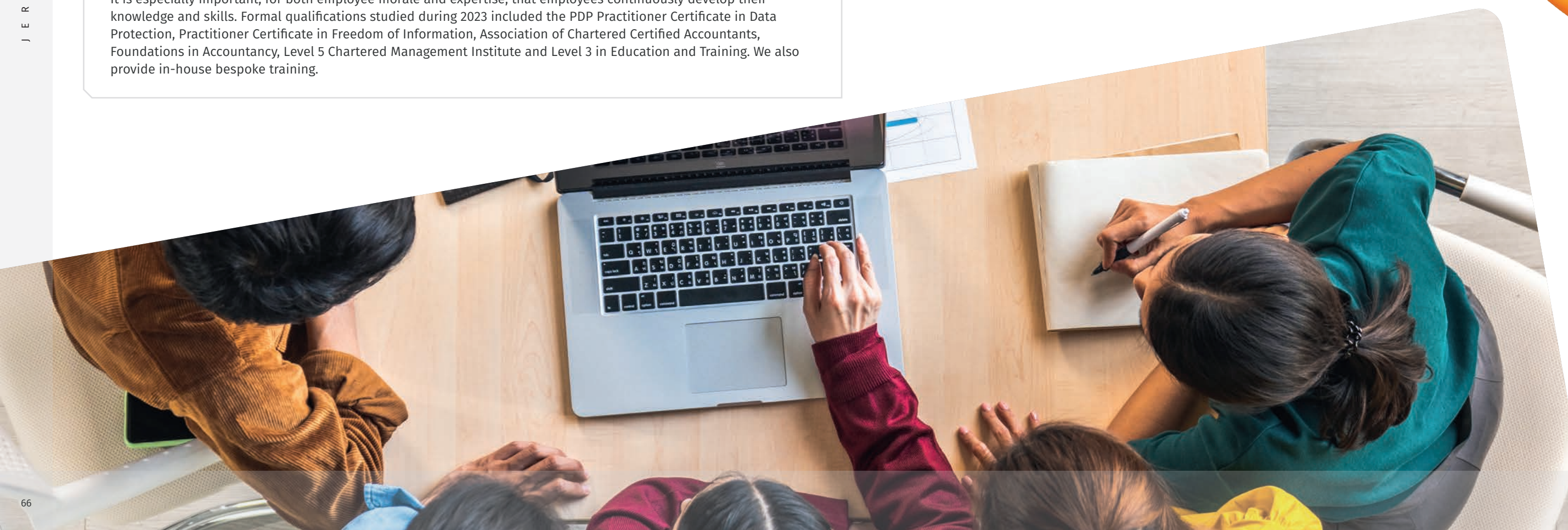
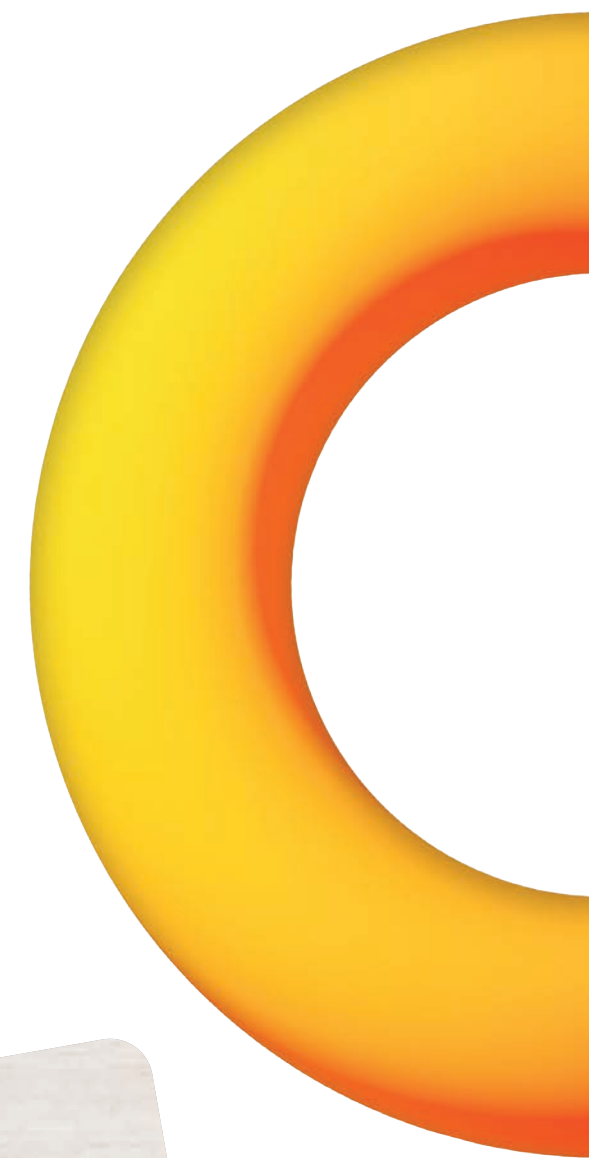
It is especially important, for both employee morale and expertise, that employees continuously develop their knowledge and skills. Formal qualifications studied during 2023 included the PDP Practitioner Certificate in Data Protection, Practitioner Certificate in Freedom of Information, Association of Chartered Certified Accountants, Foundations in Accountancy, Level 5 Chartered Management Institute and Level 3 in Education and Training. We also provide in-house bespoke training.

## EMPLOYEE ENGAGEMENT

Key to fostering employee motivation and retention is a proactive approach to employee engagement (or satisfaction). In 2023, our focus was on understanding what employees enjoy about working for the JOIC and where they would like to see improvements. We also facilitated employee feedback on policies and procedures related to hybrid working and our health and wellbeing offering. Regular employee engagement helps to develop the organisational culture and reinforce the JOIC's values. We are Fair, Respectful, Energetic and Collegiate. The full employee engagement survey takes place every 2 years.

## SUCCESSION PLANNING

In anticipation of the Authority Chair's retirement in 2024, we established a succession planning process tailored for use within the Authority. The aim of this process is to aid the Authority in maintaining an optimal structure, size, and skill balance. It will also support the organisation in maintaining continuity and effectiveness, even when members depart due to completed tenure, resignation, or retirement.





# FINANCE OVERVIEW

**CLAIRE LE BRUN**  
Head of Finance



Strategic financial planning builds resilience and enables continuity of service allowing stability through the organisation and providing clarity on the direction of travel to deliver the business and strategic objectives. This is important for any organisation but is of particular importance to an independent, public regulatory authority with a mandate to deliver.

The delivery of our statutory mandate along with the Authority's contribution to maintaining Jersey's Adequacy status and the Outline Economic Strategy for Jersey requires timely and fair annual financial contributions from Government of Jersey.

These contributions were not forthcoming during the 2023 financial year which impacted on planned activities and business plan deliverables. It is challenging to form

good strategic financial plans when funding discussions take a long time to conclude, balancing budgets and controlling costs are only one part of the Authority's public obligation, the Authority also needs to focus on outcomes in the community to be able to measure its impact and determine its effectiveness as a regulator. More certain levels of funding will lead to improved services for the members of the community who will benefit from them the most.

## FINANCIAL SUMMARY 2023

| Budget Area           | Budget to Q4 | Actual to Q4 | Variance         |
|-----------------------|--------------|--------------|------------------|
| Income                | £2,609,813   | £2,439,474   | -£170,339        |
| Staff                 | £1,722,669   | £1,575,088   | +£147,581        |
| Non-Staff             | £887, 144    | £1,133,798   | -£246,654        |
| <b>Total Variance</b> |              |              | <b>-£269,412</b> |

## INCOME

| Budget Area | Budget for the full year 2023 | Actual as at 31.12.23 | Surplus/ Deficit |
|-------------|-------------------------------|-----------------------|------------------|
| Grant       | £250,000                      | £155,419              | -£94,581         |
| Fees        | £2,359,813                    | £2,275,510            | -£84,303         |
| Interest    | £0                            | £8,545                | +£8,545          |

## GOVERNMENT FUNDING

As of the end of the fourth quarter, a partial grant was received solely for the Freedom of Information (FoI) mandated activities provided to the Government of Jersey by the Information Commissioner and the FoI team which is made up of JOIC employees. The grant was paid under a new Partnership Agreement which is focussed solely on FoI funded activities.

The Data Protection grant remained unpaid in 2023, with discussions continuing into 2024 over the level of contribution to be provided by the Government of Jersey.

It has been difficult to be fully effective in delivering on the statutory obligations when the funding level is uncertain. JOIC worked efficiently throughout the financial year to prudently manage its spending which had the effect of reducing the year end deficit seen in the financial summary.

## REGISTRATION FEE INCOME

Fee income totalling £2,275,510 has been received which represents 96.4% of the budgeted fee income set for the year (2022: £2,244,480, 102% of budget).

The budget that was set at the start of the year included an income target of an additional 7% in registration fee income compared to the prior year and this target proved difficult to reach partly due to the number of deregistrations (330 deregistrations during 2023).

There were 6,634 entities registered with the Authority in 2022. In 2023 the number of entities registered increased by 11% to 7,366. It should be noted that some registrations are fee exempt.

The below table shows a comparison of fees in each fee band at year end for 2022 and 2023.

|                                    | Current year 2023 | Prior year 2022   | % +/-         |
|------------------------------------|-------------------|-------------------|---------------|
| Full time equivalent employees fee | £524,010          | £491,930          | +6.52%        |
| Past year revenues fee             | £90,400           | £81,650           | +10.72%       |
| Proceeds of crime fee              | £110,050          | £113,350          | -2.91%        |
| Administration services fee        | £1,506,600        | £1,515,800        | -0.61%        |
| Special category data fee          | £44,450           | £41,750           | +6.47%        |
| <b>Total</b>                       | <b>£2,275,600</b> | <b>£2,244,480</b> | <b>+1.39%</b> |

## REMUNERATION AND STAFF

The below table shows the Authority remuneration and time commitments for the Members which remains unchanged from the previous year. The rate was subject to an external review during 2021. The findings were submitted to the Minister, who approved the following:

| Role                               | Time Commitment | Day Rate | Annual Remuneration per Authority member for the relevant contribution |
|------------------------------------|-----------------|----------|--|
| Authority Chair                    | 18 days p.a     | £950     | £17,100  |
| *Committee Chair and Voting Member | 15 days p.a     | £750     | £11,250  |
| Voting Member                      | 12 days p.a     | £750     | £9,000   |

There are no other payments made to the Authority Members. Authority Members are independent contractors and do not constitute an employee for the purposes of the Employment (Jersey) Law 2003 or other local legislation.

Total Staff costs for the year were underspent at year end.

| Budget 2023 | Actual 2023 | Variance |
|-------------|-------------|----------|
| £1,722,669  | £1,575,088  | £147,581 |

There were 21 roles recorded in the 2023 budget with 19 of these in post at year end. Recruitment was delayed through the year to utilise the staff savings to offset the variances created through a reduction in funding in the year.

Staff costs include the Information Commissioner's salary\*

| Commissioner Salary 2022 | Commissioner Salary 2023 | % increase on 2022 |
|--------------------------|--------------------------|--------------------|
| £143,693                 | £152,208                 | 5%                 |

\* The figures above include employer Social Security and Pension contributions. The grade offered to the Information Commissioner is 10.3 on the JOIC pay scale and this was increased by 5% for cost of living from 1 January 2023.





## NON-STAFF COSTS

Operations were under constant review to enable costs to be kept under control. Budgets were revisited and prudent spending controls were put in place to minimise the year end deficit created through reduced funding. This action, whilst necessary, put added pressure on an already tight budget which was set conservatively with value for money at the forefront of all budget decisions to enable objectives and deliverables to be met in a timely, cost-effective manner throughout 2023.

| Budget 2023 | Actual 2023 | Variance  |
|-------------|-------------|-----------|
| £887,144    | £1,133,798* | -£246,654 |

\*includes project expenditure which falls outside of the operating budget. Operating budget variance +£44,697

Had spending continued as budgeted, JOIC would have had significant losses to report at year end.

While JOIC were able to take some preventative measures to offset the reduced funding, this approach to planning and operations is not sustainable. A commitment for future funding from Government spanning several financial periods is being sought in 2024.

# AUDITED ACCOUNTS

**JERSEY DATA PROTECTION  
AUTHORITY (JDPA)  
AUDITED FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 DECEMBER 2023**



**JERSEY DATA PROTECTION AUTHORITY (JDPA)  
AUDITED FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 DECEMBER 2023**

| <b>CONTENTS</b>   | <b>Page</b> |
|---|-------------|
| General Information                                     | 1           |
| Authority report  | 2           |
| Statement of Authority's Responsibilities               | 3           |
| Independent auditor's report to the Minister            | 4- 7        |
| Statement of Comprehensive Income and retained earnings | 8           |
| Statement of Financial Position                         | 9           |
| Notes to the Financial Statements                       | 10 - 14     |

**JERSEY DATA PROTECTION AUTHORITY (JDPA)  
AUDITED FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 DECEMBER 2023**

**GENERAL INFORMATION**

**Members of the Authority**

|                  |  |                                  |
|------------------|--|----------------------------------|
| Jacob Kohnstamm  | Chair  |                                  |
| Elizabeth Denham | Voting Member                                | (appointed 22 March 2023)        |
| Paul Breithbarth | Voting Member                                | (appointed 22 March 2023)        |
| Stephen Bolinger | Voting Member                                | (appointed 22 March 2023)        |
| David Smith      | Voting Member                                | (Appointment ended October 2023) |
| Gailina Liew     | Voting Member                                |                                  |
| Paul Routier MBE | Voting Member                                |                                  |
| Helen Hatton     | Voting Member                                |                                  |
| Paul Vane        | Information Commissioner (non-voting member) |                                  |

**Registered Office**

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

**Banker**

HSBC  
15-17 King Street  
St Helier  
Jersey  
JE2 4WF

**Independent Auditor**

Baker Tilly Channel Islands Limited  
2nd Floor  
Lime Grove House  
Green Street  
St Helier  
Jersey  
JE2 4UB

**JERSEY DATA PROTECTION AUTHORITY (JDPA)  
AUDITED FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 DECEMBER 2023**

**AUTHORITY REPORT**

The Authority present their report and the audited financial statements of the Jersey Data Protection Authority (JDPA) (The "Authority") for the year ended 31st December 2023.

**Incorporation**

The JDPA was incorporated in Jersey under the Data Protection Authority (Jersey) Law 2018 ("DPAL") on 25 May 2018.

**Corporate governance and delegation of authority**

The JDPA, through the Authority, carries the ultimate responsibility for the discharge of the responsibilities under the DPAL. The JDPA operates under the name of the Jersey Office of the Information Commissioner (JOIC).

The JDPA is the guardian of independence, sets the organisation's strategic direction, holds the Commissioner to account and provides the Commissioner with advice, support and encouragement. It ensures that JOIC provides value for money and complies with appropriate policies and procedures with respect to human resources, financial and asset management, and procurement.

The JDPA has the authority to appoint (or re-appoint) the Commissioner or remove the Commissioner from office. The JDPA has very limited operational responsibilities and these do not include day-to-day operations, individual casework or most enforcement decisions. The Authority has the ability to delegate functions to the Commissioner, but cannot delegate the following functions: this power of delegation; the function of reviewing any of its decisions; the issuing of a public statement under Article 14 of the DPAL; the making of an order to pay an administrative fine or the preparation of the Annual Report. By an Authority Resolution of 7 January 2019, the JDPA delegated all of its functions to the Commissioner, in accordance with Article 10, except 'Reserved Functions'. In performing the 'Reserved Functions' the Authority will have the assistance of the Commissioner.

**Results**


The financial statements provide an overview of the Jersey Data Protection Authority's income and expenditure for 2023.

**Going Concern**

The Authority consider, given that there is sufficient budget in place to fund mandated activities, the use of the going concern basis is appropriate for the current period and at least 12 months from the date of signing these financial statements.

**Auditor**

The Comptroller and Auditor-General exercised her power under Article 43(3)(a) of the Data Protection Authority (Jersey) Law 2018 (as defined by the Comptroller and Auditor General (Jersey) Law 2014), to appoint Baker Tilly Channel Islands Limited as auditor of the authority for 5 years to include the financial statements from the year ended 31st December 2018 to 31st December 2023. This appointment was extended for an extra year, which was authorised and agreed.

**APPROVED**  
  
.....  
Paul Vane  
Information Commissioner  
on behalf of the JDPA

.....  
Date  
18th April 2024

**JERSEY DATA PROTECTION AUTHORITY (JDPA)  
AUDITED FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 DECEMBER 2023**

**STATEMENT OF AUTHORITY'S RESPONSIBILITIES**

The JDPA is responsible for preparing the Authority's report and the financial statements in accordance with applicable law and regulations.

The Data Protection Authority (Jersey) Law 2018 requires the Authority to prepare financial statements for each financial period. Under that law, the Authority have elected to prepare the financial statements in accordance with United Kingdom Accounting Standards, including Section 1A of the Financial Reporting Standards 102, the Financial Reporting Standard in the United Kingdom and Republic of Ireland ("FRS 102 1A") (collectively, United Kingdom Generally Accepted Accounting Practice ("UK GAAP"). The Authority must not approve the financial statements unless they are satisfied that they give a true and fair view of the state of affairs of the Authority and of the surplus or deficit for that period.


In preparing these financial statements, the Authority is required to:

- select suitable accounting policies and then apply them consistently;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable accounting standards have been followed, subject to any material departures as disclosed and explained in the financial statements; and
- prepare the financial statements on a going concern basis unless it is inappropriate to presume that the JDPA will continue in business.

The voting members are responsible for keeping adequate accounting records that are sufficient to show and explain the JDPA's transactions and disclose with reasonable accuracy at any time the financial position of the Authority and enable them to ensure that the financial statements comply with the Data Protection Authority (Jersey) Law 2018. They are also responsible for safeguarding the assets of the JDPA and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities

The JDPA at the date of approval of this report confirm that:

- So far the Authority are aware, there is no relevant audit information of which the Authority's auditor is unaware; and
- each Authority member has taken all steps that they ought to have taken as a member to make themselves aware of any relevant audit information and to establish that the JDPA's auditor is aware of that information.

**APPROVED**  
  
.....  
Paul Vane  
Information Commissioner  
on behalf of the JDPA

.....  
Date  
18th April 2024



# Independent auditor's report

To the relevant Minister of the Government of Jersey (the "Minister") on behalf of Jersey Data Protection Authority and the Comptroller and Auditor General

## Opinion

We have audited the financial statements of Jersey Data Protection Authority (the "Authority"), which comprise the statement of financial position as at 31 December 2023, and the statement of comprehensive income and retained earnings for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements:

- give a true and fair view of the financial position of the Authority as at 31 December 2023, and of its financial performance for the year then ended in accordance with United Kingdom Accounting Standards, including Section 1A of FRS 102, The Financial Reporting Standard applicable in the UK and Republic of Ireland ("UK GAAP"); and
- have been prepared in accordance with the requirements of the Data Protection Authority (Jersey) Law 2018 (the "Law").

## Basis for Opinion

We conducted our audit in accordance with International Standards on Auditing (UK) (ISAs) and applicable law. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Authority in accordance with the ethical requirements that are relevant to our audit of the financial statements in Jersey, including the FRC's Ethical Standard, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

## Key Audit Matters

Key audit matters are those matters that, in our professional judgement, were of most significance in our audit of the financial statements of the current period and include the most significant assessed risks of material misstatement (whether or not due to fraud) identified by us, including those which had the greatest effect on: the overall audit strategy; the allocation of resources in the audit; and directing the efforts of the engagement team. These matters were addressed in the context of our audit of the financial statements as a whole, and in forming our opinion thereon, and we do not provide a separate opinion on these matters.

| Key audit matter   | Identified audit risk per the Audit Planning Letter  | Key observations communicated to those charged with governance  |
|--|--|---|
| <p><b>Revenue</b><br/>Revenue recognised during the reporting period may be incorrectly allocated or materially misstated.</p> <ul style="list-style-type: none"> <li>• Accounting policies in Note 3</li> <li>• Note 4 and Note 6</li> </ul> <p>Revenue for the year was £2,439,474 (PY: £2,495,671).</p> | <p>Revenue derived from registrations made with the authority and renewals, or grant income, being materially misstated.</p> | <p>We have obtained an understanding of the process, from initial registration or renewal through to the income being recognised and received, including walkthroughs and detailed controls testing.</p> <p>We undertook substantive analytical procedures to assess the completeness of the reported income.</p> <p>We have reviewed the agreements, correspondence and conditions related to funding received from the Government of Jersey (GOJ), to ensure that the appropriate level of income is recognised in the reporting period.</p> <p>In addition, we have reviewed post balance sheet minutes of the Members of the Authority and correspondence to ratify the 2023 government grant approval which was subsequently agreed to the supporting invoiced.</p> <p><b>Freedom of Information (Fol) grant audit procedures:</b></p> <p>We have obtained an understanding of the Fol grant through discussions with management and review of the agreement. We have agreed receipt of grant to Bank and recalculated the clawback mechanism assessing if this will be applicable in 2023 for accuracy of the amount disclosed in the financial statements.</p> <p>We have assessed the correlating expenses, including assumptions made, for the Fol grant for reasonableness and performed a re-calculation.</p> <p>We reviewed the disclosure requirements for the Fol grant under FRS 102 and discussed requirements with a Technical Director.</p> <p><b>We have no issues to report from our testing.</b></p> |

## Our Application of Materiality

Materiality for the financial statements as a whole was set at £42,000 (PY: £37,000), determined with reference to a benchmark of total revenue/expenses, of which it represents 1.8% (PY: 1.8%).

In line with our audit methodology, our procedures on individual account balances and disclosures were performed to a lower threshold, performance materiality, so as to reduce to an acceptable level the risk that individually immaterial misstatements in individual account balances add up to a material amount across the financial statements as a whole.

Performance materiality was set at 70% (PY: 70%) of materiality for the financial statements as a whole, which equates to £29,000 (PY: £26,000). We applied this percentage in our determination of performance materiality because we have not identified any significant corrected misstatements or material uncorrected, misstatements in the prior year audit. We also based the percentage on results and experience in the prior year audit and understanding of the entity therefore we deem the likelihood and effects of misstatements to be low.

We have reported to the Audit and Risk Committee any uncorrected omissions of misstatements exceeding £2,000 (PY: £1,000), in addition to those that warranted reporting on qualitative grounds.

## Conclusions relating to Going Concern

In auditing the financial statements, we have concluded that the Board of Member's use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work we have performed, we have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the Authority's ability to continue as a going concern for a period of at least twelve months from when the financial statements are authorised for issue.

Our responsibilities and the responsibilities of the Board of Members with respect to going concern are described in the relevant sections of this report.

## Other Information

The other information comprises the information included in the annual report other than the financial statements and our auditor's report thereon. The Board of Members are responsible for the other information contained within the annual report. Our opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in our report, we do not express any form of assurance conclusion thereon. Our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements, or our knowledge obtained in the course of the audit, or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work performed, we conclude that there is a material misstatement of this other information, we are required to report that fact.

We have nothing to report in this regard.

## Responsibilities of the Board of Members

As explained more fully in the statement of Authority's responsibilities set out on page 3, the Board of Members are responsible for the preparation of financial statements that give a true and fair view in accordance with UK GAAP, and for such internal control as the Board of Members determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Board of Members are responsible for assessing the Authority's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Authority or to cease operations, or has no realistic alternative but to do so.

The Board of Members are responsible for overseeing the Authority's financial reporting process.

## Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

The extent to which our procedures are capable of detecting irregularities, including fraud, is detailed below:

- Enquiry of management to identify any instances of non-compliance with laws and regulations, including actual, suspected or alleged fraud;
- Reading minutes of meetings of the Authority;
- Reading compliance reports and key correspondence with regulatory authorities;
- Review of legal invoices;
- Review of management's significant estimates and judgements for evidence of bias;
- Review for undisclosed related party transactions;
- Using analytical procedures to identify any unusual or unexpected relationships; and
- Undertaking journal testing, including an analysis of manual journal entries to assess whether there were large and/or unusual entries pointing to irregularities, including fraud.

A further description of the auditor's responsibilities for the audit of the financial statements is located at the Financial Reporting Council's website at [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities).

This description forms part of our auditor's report.

## Other Matters which we are Required to Address

We were appointed by the Comptroller and Auditor General on 4 March 2020 to audit the financial statements. Our total uninterrupted period of engagement is 6 years.

The non-audit services prohibited by the FRC's Ethical Standard were not provided to the Authority and we remain independent of the Authority in conducting our audit.

Our audit opinion is consistent with the additional report to the audit committee in accordance with ISAs.

## Use of this Report

This report is made solely to the Minister in accordance with Article 43 of the Data Protection Authority (Jersey) Law 2018. Our audit work has been undertaken so that we might state to the Minister those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Authority and its Minister, as a body, for our audit work, for this report, or for the opinions we have formed.



Sandy Cameron

For and on behalf of Baker Tilly Channel Islands Limited

Chartered Accountants

St Helier, Jersey

Date: 18 April 2024



**JERSEY DATA PROTECTION AUTHORITY (JDPA)  
AUDITED FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 DECEMBER 2023**

**STATEMENT OF COMPREHENSIVE INCOME AND RETAINED EARNINGS**

|  | Notes | 2023<br>£               | 2022<br>£               |
|--|-------|-------------------------|-------------------------|
| <b>Income from activities</b>                    | 4     | 2,275,510               | 2,244,728               |
| <b>Operating expenses</b>                        |       |                         |                         |
| Data Protection                                  | 5     | (2,645,941)             | (2,099,564)             |
| Freedom of Information                           | 17    | (62,945)                | -                       |
| <b>Surplus on ordinary activities</b>            |       | <u>(433,376)</u>        | <u>145,164</u>          |
| <b>Other income</b>                              |       |                         |                         |
| Government grant - Data Protection               | 6     | 85,419                  | 250,000                 |
| Government grant - Freedom of Information        | 17    | 70,000                  | -                       |
| Interest   |       | <u>8,545</u>            | <u>943</u>              |
|  |       | 163,964                 | 250,943                 |
| Taxation   | 7     | -                       | -                       |
| <b>Deficit for the year</b>                      |       | <u><b>(269,412)</b></u> | <u><b>396,107</b></u>   |
| <b>Retained Surplus as at 1st January 2023</b>   |       | <u><b>1,947,991</b></u> | <u><b>1,551,884</b></u> |
| <b>Retained Surplus as at 31st December 2023</b> |       | <u><b>1,678,579</b></u> | <u><b>1,947,991</b></u> |

The JDPA's turnover and expenses all relate to continuing operations. There are no recognised gains or losses other than those shown above.

The notes on pages 10 - 14 form part of these Audited Financial Statements

**JERSEY DATA PROTECTION AUTHORITY (JDPA)  
AUDITED FINANCIAL STATEMENTS  
AS AT 31 DECEMBER 2023**

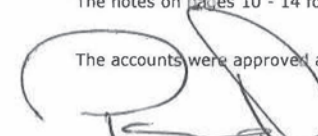
**STATEMENT OF FINANCIAL POSITION**

| ASSETS   | Notes | 2023<br>£               | 2022<br>£               |
|--|-------|-------------------------|-------------------------|
| <b>Non-current assets</b>                              |       |                         |                         |
| Tangible assets  | 8     | 16,789                  | 22,768                  |
| Intangible assets                                      | 9     | <u>73,367</u>           | <u>90,029</u>           |
|  |       | 90,156                  | 112,797                 |
| <b>Current assets</b>                                  |       |                         |                         |
| Trade and other receivables                            | 10    | 144,383                 | 43,989                  |
| Cash and cash equivalents                              | 11    | <u>1,667,814</u>        | <u>1,885,109</u>        |
| <b>Total Current assets</b>                            |       | <u>1,812,197</u>        | <u>1,929,098</u>        |
| <b>TOTAL ASSETS</b>                                    |       | <u><b>1,902,353</b></u> | <u><b>2,041,895</b></u> |
| <b>CREDITORS - amounts falling due within one year</b> |       |                         |                         |
| Trade and other payables                               | 12    | (219,987)               | (93,904)                |
| Deferred Income  | 13    | <u>(3,787)</u>          | <u>-</u>                |
|  |       | <u>(223,774)</u>        | <u>(93,904)</u>         |
| <b>TOTAL NET ASSETS</b>                                |       | <u><b>1,678,579</b></u> | <u><b>1,947,991</b></u> |
| <b>EQUITY</b>  |       |                         |                         |
| Share Capital  | 14    | -                       | -                       |
| Reserve - Retained surplus                             |       | 1,671,525               | 1,947,991               |
| Restricted Reserve - Freedom of Information            |       | <u>7,054</u>            | <u>-</u>                |
| <b>TOTAL EQUITY</b>                                    |       | <u><b>1,678,579</b></u> | <u><b>1,947,991</b></u> |

The financial statements on pages 10 to 14 have been prepared in accordance with the Data Protection Authority (Jersey) Law 2018 and Section 1A of Financial Reporting Standard 102.

The notes on pages 10 - 14 form part of these Audited Financial Statements

The accounts were approved and authorised for issue on 27th March 2024 by the Authority and signed on its behalf by:

  
.....  
Paul Vane  
Information Commissioner  
on behalf of the JDPA



**JERSEY DATA PROTECTION AUTHORITY (JDPA)  
AUDITED FINANCIAL STATEMENTS**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 DECEMBER 2023**

**1. General Information**

The Jersey Data Protection Authority (JDPA) (the "Authority") was created by the Data Protection (Jersey) Law 2018 on 25 May 2018 and is responsible for the registration and regulation of Data Protection in Jersey. This law transferred all responsibilities for registration and regulation of Data Protection prescribed as the duty of the Minister or other States bodies to this new Authority. The Authority is a body corporate and its registered office is 2nd Floor, 5 Castle Street, St Helier, Jersey, JE2 3BT.

**Basis of accounting**

The financial statements have been prepared on the going concern basis, under the historical cost convention. The Authority has applied the small entities regime under FRS 102(1A), which allows qualifying entities certain disclosure exemptions. The Authority has taken advantage of the exemption from preparing a statement of cash flows under paragraph 7.1b.

**Functional and presentational currency**

The financial statements are prepared in Pounds Sterling (GBP or £) which is the functional and presentational currency of the Authority.

**2. Statement of compliance**

The financial statements have been prepared in compliance with Section 1A of Financial Reporting Standard 102 (FRS 102) 'The Financial Reporting Standard applicable in the UK and Republic of Ireland' issued by the Financial Reporting Council and the Data Protection Authority (Jersey) Law 2018.

**3. Summary of Accounting Policies, Estimates and Significant judgements**

The principle accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all years presented, unless otherwise stated or a new or amended accounting standard is applied.

The preparation of financial statements requires the use of certain accounting estimates. It also requires management to exercise its judgement in the process of applying accounting policies. Accounting estimates involve management's judgement of expected future benefits and obligations relating to assets and liabilities (and associated expenses and income) based on information that best reflects the conditions and circumstances that exist at the reporting date. There have been no changes to the accounting estimates from the previous financial period.

**Going concern**

The Authority consider, given that there is sufficient budget in place to fund mandated activities, the use of the going concern basis is appropriate for the current period and for 12 months from the date of signing these accounts.

**Provisions**

Provisions are recognised when the Authority has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will be required to settle the obligation in future and the amount of the obligations can be reliably estimated.

**Economic useful lives of intangible and tangible fixed assets**

The Authority's fixed assets are depreciated on a straight-line basis over their economic useful lives. Useful economic lives of equipment are reviewed by management periodically. The review is based on the current condition of the assets and the estimated period during which they will continue to bring an economic benefit to the Authority.

**Revenue recognition**

**Registration fees**

Under the terms of Data Protection Authority (Jersey) Law 2018 registrations made to the Authority are valid for one year. The registration fees are non-refundable and fall due each year on 1st January. Income from registrations is recognised when it is earned. Deferred revenue represents revenues collected but not earned as of December 31. This is primarily composed of revenue from conference ticket sales which occurs in future periods.

**Operating Expenses**

Expenses are accounted for on an accruals basis.

**Employment benefits**

**Pension costs**

As the Authority is an admitted body, past and present employees have been eligible to accrue post-employment benefits under the provisions of two possible defined benefit pension schemes, namely the Public Employees Contributory Retirement scheme ("PECRS") or the Public Employees Pension Fund ("PEPF").

The assets are held separately from those of the Government of Jersey and the responsibility to discharge accrued liabilities are held by those Funds. The Authority is not responsible to fund any deficit or to maintain the specific level of the pension assets to meet pension liabilities. In light of this, the scheme is accounted for as though it is a defined contribution scheme, with the annual cost to the authority taken to be equal to the employer's pension contributions payable to the scheme for the accounting period. The contributions are charged to operating expenses as and when they become due.

Contribution rates are determined on a triennial basis by an independent qualified actuary, so as to spread the costs of providing benefits over the members' expected service lives. The main purposes of the valuations are to review the operation of the scheme, to report on its financial condition and as noted, to confirm the adequacy of the contributions to support the scheme benefits. Copies of the latest annual accounts of the scheme, and Government of Jersey, may be obtained from 19-21 Broad Street, St Helier JE2 3RR or online at: <http://www.gov.je/Working/WorkingForTheStates/Pensions/PublicEmployeePensionFund/Pages/PublicServicePensionPublications.aspx>

**Interest receivable**

Interest receivable is accounted for on an accruals basis.

**JERSEY DATA PROTECTION AUTHORITY (JDPA)  
AUDITED FINANCIAL STATEMENTS**

**NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 31 DECEMBER 2023**

**Government Grant**

Grants are recognised in other income in the year the related costs are incurred by the Authority for which the grant is intended to compensate. For grants which are received by the Authority for compensation for expenses or deficit which have already been incurred, the grant is recognised in income when it is received or receivable.

**Tangible assets**

Tangible assets consists of office equipment which is stated at historical cost less accumulated depreciation. Cost includes all costs directly attributable to bringing the asset to working condition for its intended use. Depreciation is calculated on the straight-line method to write-off the cost of equipment to their estimated residual values over their expected useful lives as follows:

- Office equipment 3 years
- IT equipment 3 years

The useful lives and depreciation methods used are reviewed regularly and any adjustments required are effected in the charge for the current and future years as a change in accounting estimate. Gains and losses on disposal of equipment are determined by reference to their carrying amounts and are taken into account in determining net profit. Repairs and renewals are charged to the statement of profit or loss and other comprehensive income when the expenditure is incurred. The carrying values of the plant and equipment are reviewed for impairment when events or changes in circumstances indicate the carrying values may not be recoverable. If any such indication exists, and where the carrying values exceed the estimated recoverable amounts, the plant and equipment are written-down to their recoverable amounts. One full year of depreciation is charged in the year of acquisition. Items with a value in excess of £1000 whether singularly or in aggregate are capitalised.

The Authority's policy is to review the remaining useful economic lives and residual values of property, plant and equipment on an ongoing basis and to adjust the depreciation charge to reflect the remaining estimated useful economic life and residual value.

**Intangible assets**

Externally acquired intangible assets (Website and software) are initially recognised at cost and subsequently amortised on a straight-line basis over their useful economic lives of 5 years. The carrying amount of each intangible asset is reviewed periodically and adjusted for impairment where considered necessary.

Due to the revenue generation, regulatory function and API connection to Dynamics CRM, an expert opinion was sought on the useful economic life and 5 years was considered to be appropriate and in line with the Digital Strategy for the JDPA.

Intangible assets (Website and software) held solely for the GPA conference are initially recognised at cost and subsequently amortised on a straight line balance basis over their useful economic lives of 16 months.

The Authority's policy is to review the remaining useful economic lives on an ongoing basis and to adjust the amortisation charge to reflect the remaining estimated useful economic life and residual value if appropriate. One full year of amortisation is charged in the year of acquisition.

**Financial assets**

Basic financial assets, including trade and other receivables and cash and bank balances are initially recognised at transaction price, unless the arrangement constitutes a financing transaction, where the transaction is measured at the present value of the future receipts discounted at a market rate of interest. Subsequent measurement shall be at fair value with the change in fair value recognised in profit or loss.

Financial assets are derecognised when (a) the contractual rights to the cash flows from the asset expire or are settled, or (b) substantially all the risks and rewards of the ownership of the asset are transferred to another party or (c) despite having retained some significant risks and rewards of ownership, control of the asset has been transferred to another party who has the practical ability to unilaterally sell the asset to an unrelated third party without imposing additional restrictions.

**Trade and other receivables**

Trade and other receivables are initially recognised at their fair value and are carried at their anticipated realisable values. An allowance is made for impaired trade and other receivables based on a review of all outstanding amounts at the year-end. Bad debts are written-off during the year in which they are identified. Subsequent measurement will see the change in the realisable value recognised in profit or loss.

**Cash and cash equivalents**

Cash and cash equivalents comprises of cash in hand.

**Financial liabilities**

Basic financial liabilities, including trade and other payables are initially recognised at transaction price, unless the arrangement constitutes a financing transaction, where the debt instrument is measured at the present value of the future receipts discounted at a market rate of interest. Financial liabilities are derecognised when the liability is extinguished, that is when the contractual obligation is discharged, cancelled or expires. Subsequent measurement shall be at fair value with the change in fair value recognised in profit or loss.

**Trade and other payables**

Trade payables are obligations to pay for goods or services that have been acquired in the ordinary course of business from suppliers. Accounts payable are classified as current liabilities if payment is due within one year or less. If not, they are presented as non-current liabilities. Trade payables are recognised initially at transaction price and subsequently measured at amortised cost using the effective interest method.

**Contingencies**

Contingent liabilities, arising as a result of past events, are disclosed when it is possible that there will be an outflow of resources but the amount cannot be reliably measured at the reporting date. Contingent liabilities are disclosed in the financial statements unless the probability of an outflow is remote.

Contingent assets are disclosed in the financial statements, but not recognised, where an inflow of economic benefits is probable.

**Reserves**

Unrestricted reserves include surplus funds arising from registration fees. The use of the reserves for business operations or one off projects must be approved by the Authority. Restricted reserves include grant funding, where a restricted reserve is in place the funds contained within it can only be used for the intended purpose.



**JERSEY DATA PROTECTION AUTHORITY (JDPA)  
AUDITED FINANCIAL STATEMENTS**

**NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 31 DECEMBER 2023**

**4. Income from activities**

Income from activities is made up of registration fees under the terms of Data Protection Authority (Jersey) Law 2018. The registration fee income in the year was £2,275,510 (2022: £2,244,728)

**5. Operating expenses - Data Protection**

|  | 2023             | 2022             |
|--|------------------|------------------|
|  | £                | £                |
| Staff including Commissioner and Deputy Commissioner | 1,550,930        | 1,182,210        |
| Services and Communications                          | 789,450          | 676,687          |
| Administrative Expenses                              | 25,040           | 22,564           |
| Audit and accountancy fees                           | 26,254           | 17,750           |
| Premises and Maintenance                             | 172,493          | 131,054          |
| Bank charges   | 11,152           | 9,999            |
| Depreciation and Amortisation                        | 70,622           | 59,300           |
|  | <u>2,645,941</u> | <u>2,099,564</u> |

**6. Government grant**

The Government Data protection grant provided in the year was £85,419 (2022: £250,000). Any net deficit of the Authority's operating costs is financed by the Government of Jersey under the Partnership Agreement. The current partnership agreement has been extended until 30 June 2025. This amount was fully outstanding at year end.

The Government provided a grant for Freedom of Information activity in the year £70,000 (2022: £0). This grant payment is subject to a separate Partnership agreement. Refer to note 17.

**7. Taxation**

Article 42 of the Data Protection Authority (Jersey) Law 2018 provides that the income of the Authority shall not be liable to income tax under the Income Tax (Jersey) Law 1961.

**8. Tangible assets**

|                                  | 2023             |               |                |
|----------------------------------|------------------|---------------|----------------|
|                                  | £                |               |                |
|                                  | Office equipment | IT equipment  | Total          |
| <b>Cost</b>                      |                  |               |                |
| As at beginning of year          | 49,530           | 62,052        | 111,582        |
| Additions in the year            | -                | 11,209        | 11,209         |
|                                  | <u>49,530</u>    | <u>73,261</u> | <u>122,791</u> |
| <b>Accumulated depreciation</b>  |                  |               |                |
| As at beginning of year          | 40,800           | 48,014        | 88,814         |
| Depreciation charge for the year | 4,572            | 12,616        | 17,188         |
|                                  | <u>45,372</u>    | <u>60,630</u> | <u>106,002</u> |
| <b>Net book value</b>            |                  |               |                |
| As at 31 December 2023           | <u>4,158</u>     | <u>12,631</u> | <u>16,789</u>  |
| As at 31 December 2022           | <u>8,730</u>     | <u>14,038</u> | <u>22,768</u>  |

**9. Intangible assets**

|                                 | 2023                 |                        |                |
|---------------------------------|----------------------|------------------------|----------------|
|                                 | Website and Software | GPA Conference Website | Total          |
| <b>Cost</b>                     |                      |                        |                |
| As at beginning of year         | 229,238              |                        | 229,238        |
| Additions in the year           | 17,730               | 20,822                 | 38,552         |
|                                 | <u>246,968</u>       | <u>20,822</u>          | <u>267,790</u> |
| <b>Accumulated amortisation</b> |                      |                        |                |
| As at beginning of year         | 139,209              |                        | 139,209        |
| Charge for the year             | 49,394               | 5,820                  | 55,214         |
|                                 | <u>188,603</u>       | <u>5,820</u>           | <u>194,423</u> |
| <b>Net book value</b>           |                      |                        |                |
| As at 31 December 2023          | <u>58,365</u>        | <u>15,002</u>          | <u>73,367</u>  |
| As at 31 December 2022          | <u>90,029</u>        | <u>-</u>               | <u>90,029</u>  |

**10. Trade and other receivables**

|                  | 2023           | 2022          |
|------------------|----------------|---------------|
|                  | £              | £             |
| Trade Debtors    | 7,000          | 20,517        |
| Other Debtors    | 9,359          | -             |
| Grant receivable | 85,419         | -             |
| Prepayments      | 42,605         | 23,472        |
|                  | <u>144,383</u> | <u>43,989</u> |

**JERSEY DATA PROTECTION AUTHORITY (JDPA)  
AUDITED FINANCIAL STATEMENTS**

**NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 31 DECEMBER 2023**

**11. Cash and cash equivalents**

The Authority has £1,667,814 at the end of the year (2022: £1,885,109) £7,054 (2022: £nil) is within a restricted account which can only be used for Freedom of Information activities. All balances are cash and are held in the Authority's own bank accounts.

**12. Trade and other payables**

|                              | 2023             | 2022            |
|------------------------------|------------------|-----------------|
|                              | £                | £               |
| Accruals and trade creditors | (219,987)        | (93,904)        |
|                              | <u>(219,987)</u> | <u>(93,904)</u> |

**13. Deferred Income**

|                         | 2023           | 2022     |
|-------------------------|----------------|----------|
|                         | £              | £        |
| Conference ticket sales | (3,787)        | -        |
|                         | <u>(3,787)</u> | <u>-</u> |

**14. Share capital**

The JDPA was incorporated in Jersey under the Data Protection Authority (Jersey) Law 2018 and has no share capital.

**15. Related Party Transactions**

The Related Party Transactions for the JDPA solely relate to the Authority remuneration.

| Authority Remuneration         | 2023           | 2022           |
|--------------------------------|----------------|----------------|
|                                | £              | £              |
| Information Commissioner       | 124,252        | 118,335        |
| Chair                          | 17,291         | 17,093         |
| Voting member (Non Executives) | -              | 4,500          |
| Voting member (Non Executives) | 11,250         | 11,250         |
| Voting member (Non Executives) | 4,500          | 9,000          |
| Voting member (Non Executives) | 11,250         | 11,250         |
| Voting member (Non Executives) | 11,250         | 11,250         |
| Voting member (Non Executives) | 6,134          | -              |
| Voting member (Non Executives) | 6,132          | -              |
| Voting member (Non Executives) | 6,000          | -              |
|                                | <u>198,059</u> | <u>182,678</u> |

Key management personnel includes the Commissioner and the Voting Members who together have authority and responsibility for planning, directing and controlling the activities of the JDPA.

All amounts paid to key management personnel were in line with the contractual agreement and entirely related to remuneration for the above described services.

The JDPA has recognised £85,419 (2022: £250,000) as grant income from the Government of Jersey. The JDPA is accountable to the Government of Jersey by means of the Partnership Agreement.

**16. Controlling Party**

The JDPA was incorporated in Jersey under the Data Protection Authority (Jersey) Law 2018 and works as an independent Authority.

As such, it is not considered to have a controlling party.

**JERSEY DATA PROTECTION AUTHORITY (JDPA)  
AUDITED FINANCIAL STATEMENTS**

**NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 31 DECEMBER 2023**

**17. Freedom of Information**

**Income**

A grant of £70,000 was received in the year under a partnership agreement between the Information Commissioner and the Government of Jersey with the JDPA receiving the grant on behalf of the Information Commissioner ("Recipient of the Grant"). Freedom of Information (FoI) functions are funded solely by way of this annual funding from the Government of Jersey and the sole purpose of this funding is for FoI related activities only. FoI cash is held in a separately named bank account with £7,054 (2022:£0) at the end of the year.

**Operating expenses**

|  | <b>2023</b>   |
|--|---------------|
|  | <b>£</b>      |
| Staff including Commissioner and Deputy Commissioner | 24,158        |
| Services and Communications                          | 30,975        |
| Administrative Expenses                              | 974           |
| Audit and accountancy fees                           | 550           |
| Premises and Maintenance                             | 4,509         |
| Bank charges   | -             |
| Depreciation and Amortisation                        | 1,779         |
|  | <u>62,945</u> |

The Freedom of Information grant was calculated using an assumption that 3% of operating activity within the JDPA was solely attributable to Freedom of Information functions. This assessment was used to form a baseline for the value of the grant. The agreement with the Government of Jersey contains clearly defined mechanisms to enable additional funding to be requested or for unutilised grant funding to be reimbursed to the Government.

**18. Significant items of Expenditure of note**

The JDPA are hosting the 46th International Global Privacy Assembly (GPA) Conference in October 2024. Due to the size of the event, work commenced on the construction of the website and on the planning and budgeting of the event during 2023. These items are expensed through the Profit and Loss account in 2023. A portion of the retained surplus for the JDPA has been set aside as a cashflow in the interim. The Conference will be funded entirely by ticket sales and event sponsorship so it is expected to have an overall net nil impact on the operating costs for the JDPA.

The following one off items of expenditure were approved by the JDPA and expensed through the Profit and Loss account during 2023 with the intention that these items would be funded by the retained surplus. The approved expenditure supported a Digital Data Stewardship project and improvements to the IT infrastructure in the Jersey Office of the Information Commissioners offices.

|                                  | <b>2023</b>    |
|----------------------------------|----------------|
|                                  | <b>£</b>       |
| Digital Data Stewardship Project | 150,000        |
| IT Infrastructure Project        | 55,538         |
| Jersey International Conference  | 33,581         |
|                                  | <u>239,119</u> |





**JOIC**

JERSEY OFFICE OF THE  
INFORMATION COMMISSIONER

+44 (0) 1534 716 530

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

[www.jerseyoic.org](http://www.jerseyoic.org)