



Jersey Data Protection Authority Board Meeting

MINUTES

Board Meeting 2 09:00 Monday 7 January 2019 Radisson Blu, Jersey
Chairman Present: Jacob Kohnstamm
Voting Members Present: Gailina Liew Clarisse Girot David Smith
Non- Voting Members Present: Paul Routier MBE -- Advisor Dr Jay Fedorak – Information Commissioner
In Attendance: Paul Vane - Deputy Data Protection Commissioner Anne King - Communications and Operations [Note taker]
Guest Speaker: Christian May - Head of Communications for the Office of the Chief Executive
Apologies: None

	Item	Action
1.0	<p>Call to Order</p> <p>Board discussed minutes' format and naming conventions. Board agreed that the minutes should record items to be actioned and items agreed.</p>	Minutes to record items actioned and agreed.
1.1	Approval of the agenda	Chair approved the agenda.
1.2	<p>Approval of the minutes [2] Board Meeting 29th October 2018</p> <p>The board noted several changes to the draft minutes.</p>	Minutes to be amended as agreed.
1.3	<p>Formal Resolution on the Schedule of Meetings [under article 9 of the Data Protection Authority (Jersey) Law 2018]</p> <p>7 January 2019 (am) 29 April 2019 (pm) 19 August 2019 (am) 2 December 2019</p> <p>The Board agreed to convene only four meetings per year, as it believes it can complete its work with that schedule and it suits the availability of off-island members.</p>	Board agreed four meetings per annum.
2.0	Board Governance, Operations and Procedures	
2.1	<p>Disclosure of Interests</p> <p>Draft policy and register of voting and non-voting members' interests reviewed and amends requested.</p>	Conflicts of interest policy to be amended as agreed.
2.2	<p>JDPA Corporate Governance Protocol.</p> <ul style="list-style-type: none"> Draft protocol needs clarity as to the scope of responsibilities. Governance Protocol and Code of Practice Policies should be merged. Board discussed if the Jersey Data Protection Authority Law identifies if they are involved in Freedom of Information [Fol] appeals and decisions of the Office of the Information Commissioner. 	<p>Governance Protocol and Code of Practice Policies to be merged.</p> <p>Commissioner to investigate how his Fol responsibilities relate to the authority of the JDPA.</p>

2.3	<p>JDPA Code of Practice for Members</p> <ul style="list-style-type: none"> Governance Protocol and Code of Practice Policies should be merged. 	Governance Protocol and Code of Practice Policies to be merged.
2.4	<p>Appointment of Auditors</p> <p>The Government appoints the auditors for the Authority based on recommendations from the Commissioner with assistance of Comptroller and Auditor General. Commissioner to work with Comptroller and Auditor General to identify suitable candidates.</p>	Commissioner to present options at 29 April 2019 meeting
3.0	OIC Update – Commissioner	
3.1	<p>Performance Statistics</p> <p>Commissioner advised the board that the current workload is pushing staff but not overwhelming them. Number of cases has risen from 89 cases in 2017 to 315 in 2018.</p> <p>Board requested reporting of cases in greater levels of detail that measure performance.</p> <p>Board wants office to establish standard operating procedures to ensure that staff deal with all cases effectively and consistently.</p> <p>Board also requested that staff present case studies to give Board an understanding of how the office manages cases.</p> <p>Board is also interested to hear about cases that might warrant sanctions or fines.</p>	<p>Commissioner to report as requested at 29 April 2019 meeting</p> <p>Commissioner to update board on standard operating procedures for 29 April 2019 meeting;</p> <p>Commissioner to identify cases that might warrant sanctions or fines by end of January.</p>
3.2	<p>Budget</p> <p>Commissioner reported a favourable end of year [2018] outcome owing to the delayed office move and staff recruitment.</p> <p>2019 budget noted as sufficient for 2019.</p>	Finance Manager to clarify whether surplus can be carried over to 2019.

3.3	<p>Staffing Update</p> <p>Finance Manager joined December 2018 and is a welcome addition to the office. The Finance Manager is investigating steps required for transition to financial independence.</p> <p>Staff compliment due to increase to 16 by end of 2019 [9 staff as at 1 January 2019] Recruitment of additional staff in communications and policy will commence once there is a clearer picture of moving date into new office premise.</p>	Commissioner to update at 29 April 2019 meeting
3.4	<p>New Office Update</p> <p>There will be modest functional modifications to the new office.</p>	Commissioner to update at 29 April 2019 meeting
3.5	<p>Data Protection Week</p> <p>Communications and Operations Manager presented a brief overview of the week of collaborative activities to mark international data protection day.</p>	
3.6	<p>Draft Strategic Plan</p> <p>Board requested that the paper is redrafted to make it more aspirational, collaborative and reflective of technology [i.e. Fintech]</p> <p>Board discussed priorities of Office of the Information Commissioners goals.</p>	Commissioner to amend draft paper.
3.7	<p>States of Jersey HR & Financial Directions</p> <p>Discussion about the impact of States of Jersey HR & Financial Directions on our office.</p> <p>Board agreed that we adopt a common sense and respectful approach, whilst protecting our independence. To be</p>	

	discussed on a case by case basis by the Chair & Commissioner.	
3.8	Financial Information Board requested monthly summaries of expenditure and quarterly financial reports for each meeting.	Commissioner to provide reports as requested.
4.0	Delegation of Powers from DPA to OIC – Chair/Commissioner Board decided that it was only necessary to issue a simple delegation to the Commissioner of all relevant powers by a resolution. The detailed delegation matrix was not necessary. Board resolved to delegate all powers to the Commissioner, except reserve powers, or the authority to approve spending in excess of 10% of the total annual budget. In accordance with the law, the Board reserved the Authority to exercise any of the delegated powers at its discretion.	Board delegated all but reserved powers or authority to approve spending in excess of 10% of the total annual budget.
5.0	Proposed Revenue Model Update – Deputy Commissioner Chair had sent a letter to the Chief Minister outlining the two most viable options for the new revenue model for the Authority and highlighting the benefits and drawbacks of each. It also noted the importance of dealing with this expeditiously. Deputy Commissioner [DC] is continuing to work with Chief Ministers Office and an industry focus group on one of the models. DC has amended model to reflect Boards instructions from the October meeting.	Commissioner to send to members a copy of the Chair's letter to the Chief Ministers.
6.0	Pan-Island Governance – Chair The Chair provided an update of discussions at the meeting in December of the Chairs and Commissioners of Jersey and Guernsey.	Commissioner to resend email of minutes of the meeting.
7.0	Any other business	

	The Chair signed the lease for the new office space at 5 Castle Street.	
7.1	Board members requested updates relating to any changes in the Data Protection (Jersey) Law 2018 in readiness for Brexit. Board discussed whether there might be any other desirable amendments at this time.	Commissioner to provide a copy of document relating to the proposed amendment.
7.2	Board requested that they receive any topical local and international new items.	Commissioner to provide news items as requested.
7.3	Next meeting the board would like a member of the team to present a case study.	Case worker to provide a case study at 29 April 2019 meeting
8.0	Guest Speaker: Chair welcomed the Head of Communications for the Office of the Chief Executive. We received a high level summary of the work being undertaken in Jersey to ready the island for Brexit Please see presentation attached.	
9.0	The meeting closed at 13:00	