



9 BASIC DATA PROTECTION CONCEPTS



Guidance for Organisations

This document is purely for guidance and does not constitute legal advice or legal analysis. It is intended as a starting point only, and organisations may need to seek independent legal advice when renewing, enhancing or developing their own processes and procedures or for specific legal issues and/or questions.





9 Basic Data Protection Concepts

Data protection is about ensuring people can trust you to use their personal data fairly, responsibly and in accordance with the law.

If you collect information about individuals for any reason other than your own personal, family or household purposes, you need to comply with the **Data Protection (Jersey) Law 2018 (DPJL)**.

The DPJL takes a flexible, risk-based approach which puts the onus on you to think about and justify how and why you use personal information and what you do with it.

The DPJL gives individuals rights about how you use their information.

The Jersey Office of the Information Commissioner (JOIC) regulates data protection (and freedom of information) in Jersey. We offer advice and guidance, promote good practice, carry out audits and advisory visits, consider complaints, monitor compliance and take enforcement action where appropriate.

In brief

What is data protection?

Data protection is about the fair, lawful and proper use of information about people. It's part of the fundamental right to privacy – but on a more practical level, it's really about building trust between people and organisations. It's about treating people fairly and openly, recognising their right to have control over their own identity and their interactions with others, and striking a balance with the wider interests of society.

It's also about removing unnecessary barriers to trade and co-operation. It exists in part because of international treaties for common standards that enable the free flow of data across borders.

Data protection is essential to innovation. Good practice in data protection is vital to ensure public trust in, engagement with and support for innovative uses of data in both the public and private sectors.

We all have our part to play in ensuring that Jersey maintains its reputation as a safe place to do business and that cares about data protection.

Does it apply to me?

Yes, if you have information about people for any business or other non-household purpose. The law applies to any 'processing of personal data', and will catch most businesses and organisations, whatever their size.

You will not need to comply if you only use the information for your own personal, family or household purposes – e.g. personal social media activity, private letters and emails, or use of your own household gadgets.

Why don't you tell me exactly what to do?

Every organisation is different and there is no one-size fits-all answer. Data protection law doesn't set many absolute rules. Instead it takes a risk-based approach, based on some key principles. This means it's flexible and can be applied to a huge range of organisations and situations, and it doesn't act as a barrier to doing new things in new ways.



However, this flexibility does mean that you need to think about - and take responsibility for - the specific ways you use personal data. Whether and how you comply depends on exactly why and how you use the data - and there is often more than one way to comply. This is a key principle of data protection law, known as the accountability principle.

What is 'personal data'?

In short, personal data means any information about a particular living individual who can be identified from that information. This might be anyone, including a customer, client, employee, partner, member, supporter, business contact, public official or member of the public.

It doesn't need to be 'private' information – even information which is public knowledge or is about someone's professional life can be personal data.

It doesn't cover truly anonymous information – but if you could still identify someone from the details, or by combining it with other information that is available to you, it will still count as personal data.

It only includes paper records if you plan to put them on a computer (or other digital device) or file them in an organised way that allows easy identification of the individual (e.g. a file dedicated to Joe Bloggs).

What is 'processing'?

Almost anything you do with data counts as processing; including collecting, recording, storing, using, analysing, combining, disclosing or deleting it.

What is a 'controller'?

A controller is the person that decides how and why to collect and use the data. This will usually be an organisation but can be an individual (e.g. a sole trader). (If you are an employee acting on behalf of your employer and on their instructions, the employer is still the controller.) The controller must make sure that the processing of that data complies with data protection law.

In this guide, we generally use the term 'organisation' or 'you' to mean the controller.

What is a 'processor'?

A processor is a separate person or organisation (not an employee) who processes data on behalf of the controller and in accordance with their instructions. Processors have some direct legal obligations, but these are more limited than the controller's obligations. This could be an external accountant/IT supplier for example.

What is a 'data subject'?

This is the technical term for the individual whom particular personal data is about. In this guide we generally use the term 'individuals' instead.

What is JOIC's role?

The JOIC is the independent regulatory authority that promotes respect for privacy & information rights of individuals for data protection in Jersey.