

Latest updates from [The Office of the Data Protection Authority](#)

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## Message from the Commissioner

In our last issue of the newsletter we highlighted the [changes to the data protection registration regime](#) which will be coming into effect in early 2021. We continue to roll out a comprehensive communications programme to ensure that everyone that needs to know about the changes has access to information and support.



One of the biggest challenges for all data protection regulators is the sheer breadth of the regulated community. There is no sector or organisation, however big or small, that does not have responsibility for processing personal data in some way. That in turn means that when we plan a programme of engagement and awareness, our audience is extensive and diverse.

As a small office that requires us to think carefully about how best to communicate both the administrative changes for next year as well as, arguably more importantly, the need to look after personal data well.

What we are doing, now that the registration regime has been approved by government, is working hard to actively engage with those who will be affected most. Whilst not being exempted from the compliance requirements of the law, many small businesses have not had to register with us in the way that larger organisations have. That means that the registration and associated administration will be new for a lot of them from next year.

The Bailiwick is fortunate to have good networks of support across the business community and we are hugely grateful to all those who are working with us to support their members and sectors. The Chamber of Commerce, Digital Greenhouse, GACO, GAT, Association of Guernsey Charities, GFSC, The Guernsey Press, and others have been generous with their time and expertise in supporting us with our communications efforts across the community.

A great deal of effort has been put into making the registration process as straightforward and low cost as possible for everyone. It is our firm belief that the data economy offers very real opportunities to jurisdictions such as ours. For those opportunities to be realised, we need a strong digital strategy from government; relevant and workable legislation in place; and an effective, independent regulatory framework.

Registration fees allow us to deliver on our regulatory duties for the Bailiwick. Doing this well benefits citizens because our rights are upheld. It also benefits our economy because we remain a well-respected and trusted jurisdiction for data. Whilst administrative processes, such as registration, can feel burdensome, I encourage everyone to consider these duties in this wider context.

- Emma Martins

Data Protection Commissioner



**Please help us spread the message: registration and beyond**

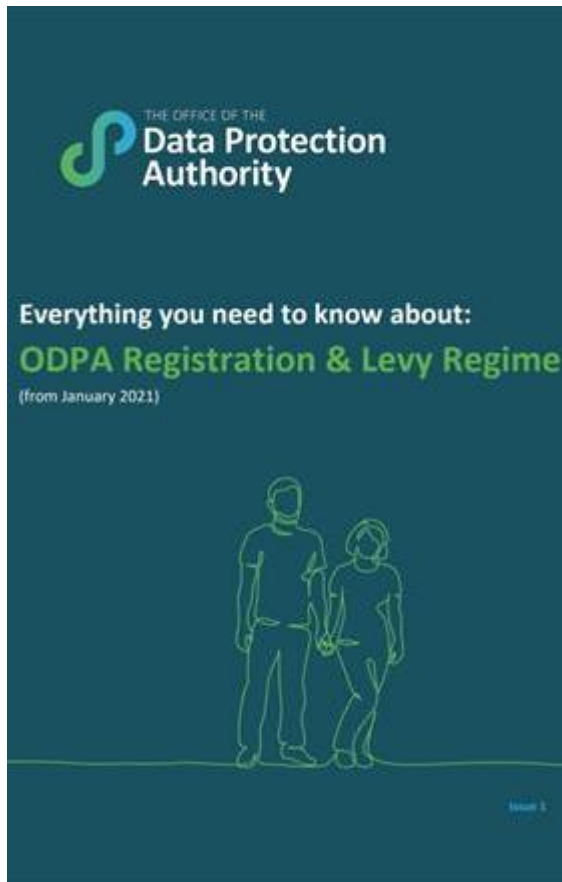
For those of you who are Island FM listeners, you may have heard our message played in recent weeks.

- We have added the audio to this [short video](#), and produced a [summary image](#), if you can **share these on social media to help spread our message further we would be very grateful.**

**Summary:**

If you are based in the Bailiwick of Guernsey and work with people's information then during January and February 2021 you must register with the [Office of the Data Protection Authority](#) and meet your legal duties.

If you care about people then care about their data. Show you care: [visit www.odpa.gg/2021](http://www.odpa.gg/2021).



The Data Protection (Bailiwick of Guernsey) Law, 2017  
("the Law")

### Registration via an ODPa Levy Collection Agent (from January 2021)

Starting in January 2021 there is an opportunity for certain entities to become an ODPa Levy Collection Agent (LCA) allowing them to register other entities with the ODPa. This opportunity was created by The Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment No. 2) Regulations, 2020.

This guidance note explains what you need to know about how this additional route to registration with the ODPa will work:

#### What is an LCA?

An LCA can declare and pay the ODPa levies on behalf of other entities. They are a collection point for the levy only. LCAs are not legally responsible for compliance with data protection law for any of the entities they collect the levy from.

#### What is the aim of LCAs?

The presence of LCAs from 2021 aims to:

1. Provide a useful 'second route' into ODPa registration for certain organisations.
2. Make 'bulk' registration for several entities possible, in a straightforward way.
3. Assist in raising awareness of the legal requirement to register with the ODPa.

#### Who can be an LCA?

Any organisation registered with and/or regulated by the Guernsey Financial Services Commission can register with the ODPa as an LCA.

#### Who can appoint an LCA?

You can appoint an LCA to register and pay your levy to the ODPa, unless you answer 'yes' to any of these 4 questions:

1

### How to register multiple entities with the ODPa (from 2021)

If you are registered with, or regulated by, the GFSC you may wish to take advantage of the [opportunity to become an ODPa Levy Collection Agent \(LCA\) in January 2021](#). If so you will need to prepare for this prior to the Christmas break. This opportunity may be of particular interest to local corporate service providers who currently register other entities with the ODPa.

See [odpa.gg/2021](http://odpa.gg/2021) for more details.



### Registration and beyond: how to feel good about data protection



### EVENT: Registration and beyond: how to feel good about data protection

(13 January 2021 8am-9am)

This is an introductory event for anyone who is new to data protection and wants to understand an organisation's legal duties in this area.

[Book your free place at: www.odpa.gg/events](http://www.odpa.gg/events)

\* PLEASE NOTE: this is an in-person event, please only book a place if you are based in Guernsey \*

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### **[ODPA launches outreach programme to all Bailiwick schools](#)**

In November 2020 [we launched our outreach programme in local schools](#).

We play [this video](#) at the start of our school outreach sessions, to give children a quick overview of data protection and to introduce the concepts that the session covers.

[www.odpa.gg/schools](http://www.odpa.gg/schools)

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### **[Enforcement order and reprimand issued to Guernsey Police](#)**

Following a complaint from a member of the public The Data Protection Authority for the Bailiwick of Guernsey has determined that Guernsey Police has breached section 6(2)(a) of the Law.

[READ: public statement](#) (issued 20 October 2020)

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### **[Fine issued to Trinity Chambers LLP over data release issues](#)**

Following a complaint from a member of the public The Data Protection Authority has fined Trinity Chambers LLP £10,000 for sending files on email and in the post which included highly confidential and sensitive personal details relating to the complainant and their family without appropriate security.

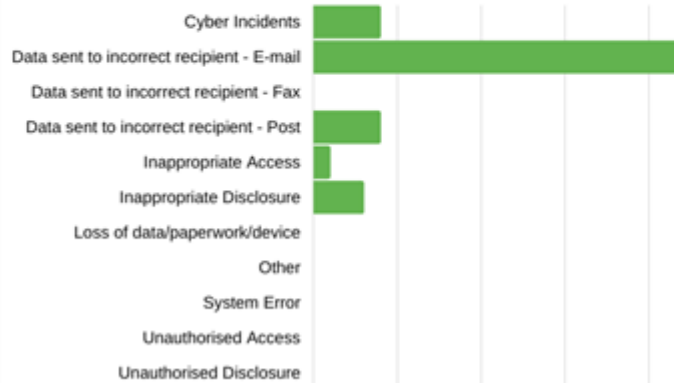
[READ: public statement](#) (issued 6 November 2020)

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## Number of personal data breaches reported to ODPa by category

- Date range: 1 Sep - 31 Oct 2020
- Total breaches reported: 34

[odpa.gg](http://odpa.gg)



### ODPA confirms data breaches still at low levels, mostly accidental

Thirty-four personal data breaches were reported to us in the two months leading up to 31 October 2020, the vast majority of which were classified as accidental.

[READ: press release](#) (20 November 2020)

### 'The Feel Good Guide to Data Protection' published

In October 2020 we published '[The Feel-Good Guide to Data Protection](#)'.

It is for those of you who are new to data protection and want an easy and enjoyable introduction that will help you get your organisation/business up to speed, and inform/empower you as a citizen.

It has been written to help you engage with data protection in a positive way, to see:

- its value to individuals,
- its benefits to business,
- and its place in human society.

[DOWNLOAD: The Feel-Good Guide to Data Protection](#)



### Emma Martins' Review of 2020

We are thankful to the team at Business Brief for giving our commissioner Emma Martins the opportunity to address the Bailiwick's business community throughout 2020 via a regular column.

Here is Emma's final column of 2020, her review of this extraordinary year.

[READ: A Review of 2020](#) (Business Brief Dec 2020 issue)



### Deputy Commissioner's speech to new States assembly members

On 16 November 2020, our deputy commissioner Rachel Masterton gave a presentation to members of the new States of Guernsey assembly.

[READ: transcript of Rachel's talk](#)



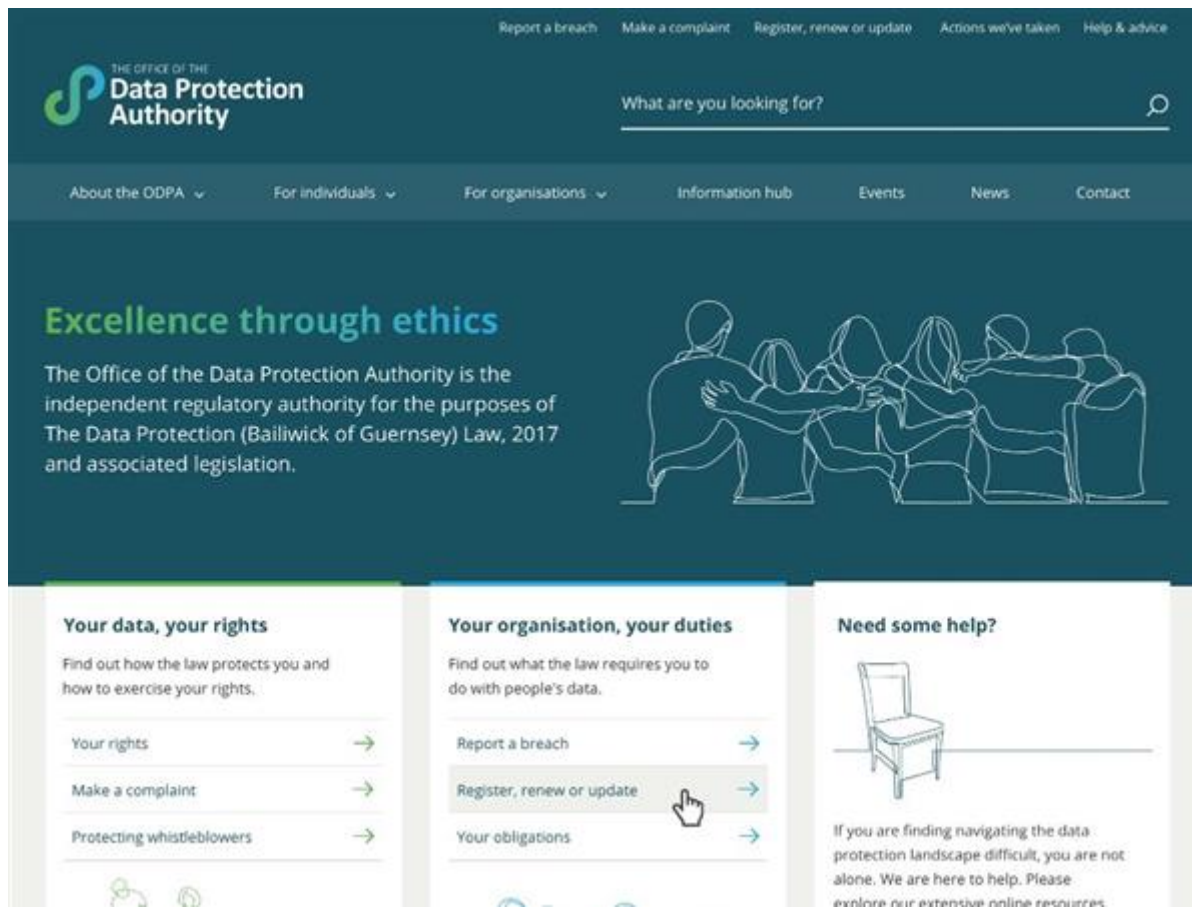
## New website coming in January 2021

odpa.gg will look and feel different in January 2021.

### What's changing?

1. Improved **registration** module
2. Improved **breach reporting** mechanism
3. Improved **complaints form**
4. New **information hub**
5. Improved '**search**' function
6. Improved **navigation**

Below is a preview of what the **new homepage** looks like:



### Free advice, guidance, and resources (for organisations and individuals)

We know the data protection landscape can seem difficult to navigate sometimes, and we are here to help. We regularly publish guidance and resources to support all organisations in their own approach to compliance with our local data protection law.

You can access our broad range of [online resources and guidance](#) (small selection featured below) in a wide range of formats from formal written guidance documents, leaflets, checklists, posters, infographics, blogs, and podcasts.



You can access free advice from ODPa staff via our popular [drop-in sessions, events](#) (returning in 2021), and study visits.

If you would like to find out more and/or apply for a study visit please call us on 742074 or email us at [enquiries@odpa.gg](mailto:enquiries@odpa.gg).

**The Seven Data Protection Principles** (poster)



**Why you should care about data protection** (leaflet)



**How to avoid five common breach scenarios**



**Trends and Insights: two years of personal data breach statistics**  
(May 2018 – May 2020)



**Six data protection myths busted**



**Eight steps to protect yourself from identity theft and scams**



**Featured podcast: Registration and beyond: 2021 changes**

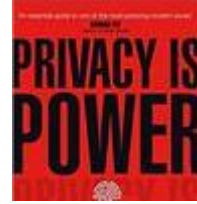
In this our 12th podcast, Emma Martins explains to Kirsty Bougourd the changes to ODPa registration from 2021, and how it's really just the first step in a journey towards looking after personal data well.

- [Listen to: Registration and beyond: 2021 changes \(17m 13s\)](#)
- Access all ODPA 'Data Protection Tea Break' podcasts: via [Apple Podcasts](#) or [SoundCloud](#)
- Got a suggestion for a podcast? [Let us know at communications@odpa.gg](mailto:communications@odpa.gg).

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### Suggested reading:

Each month our commissioner provides suggested reading to help you make sense of and safely navigate our data-driven society.



This month's choice is *Privacy is Power – Why and how you should take back control of your data* by Carissa Véliz

Véliz is an Associate Professor at the Faculty of Philosophy and the Institute for Ethics in AI, and a Tutorial Fellow at Hertford College, University of Oxford. For every depressing headline about yet another data breach or exploitative data practice, there are examples of how some of the world's best brains are contributing to (and shaping) this area in a positive way. That is something to celebrate. The writing style of this book points to the author's ease around philosophical and ethical discussions and asks us to challenge the apathy around some of the infringements to data privacy we are seeing across the globe.

Highlighting the extraordinary scale and impact of the digital surveillance world we now find ourselves in, it is a stark reminder that the way in which this data are used is about so much more than selling us more stuff. It is about manipulating and persuading us in ways that are often in plain sight, yet sometimes obscure. Being nudged into buying things we may not want or need is bad enough, but if we are being pushed to think and behave in ways that others have determined, that is extremely disturbing. With the clue in the title, Véliz encourages us to reclaim some of that power and gives the reader the gift of infectious energy and optimism to help us on the way!

*"It's too late to prevent the data economy from developing in the first place – but it's not too late to reclaim our privacy. Our civil liberties are at stake. The decisions we make about privacy today and in the coming years will shape the future of humanity for decades to come."*



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