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*Excellence through ethics*

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## Message from the Commissioner

Welcome to newsletter #34.

Firstly, I would like to thank all those local organisations who have completed their [annual registration](#). We recognise it may not be something welcomed with open arms, but it is critically important in that it allows us to function independently both operationally and financially. If you are new to registration, [you can find out more here](#).



I am increasingly struck by how much more regular conversations around data have become in recent years. Hardly a day goes by without a news story that involves our personal data, relating to anything from breaches, fines, artificial intelligence or facial recognition. This points to a momentous change in the way we are all living our lives – nearly everything we do involves our data. This in turn means that there are vast quantities of it and that the impact on our lives can be far greater if things go wrong.

This increased public narrative is healthy – it encourages us all to engage with the realities of the data-driven world we live in and also, importantly, encourages more transparency and accountability from those who have possession of, and power over, our information.

Developments, such as the [Google Analytics case](#) where we have seen rulings made in Europe that the related data processing violates data protection legislation, shine a spotlight on the nature and scale of data collection practices. That case also highlights the real-world complexity of the data

economy where the transfer of information and data is quick, easy and cheap. Geographic borders are simply not recognised by technology and many of us (in both a professional and personal capacity) will be sending lots of data all over the world by our use of cloud services, social media platforms etc. The perceived ephemeral nature of digital data means that we may not think about the fact that we are actually sending our data to other jurisdictions – often ones which have fewer or even no protections at all.

There are many complexities (social as well as technical) to our digital world but there are two important areas worth highlighting:

1. Firstly, **increased awareness**, by us all, matters because understanding the importance of data and its protection is empowering for citizens.
2. Secondly, and flowing from this increased awareness, **more interest in and scrutiny of, data processing practices will influence industry attitudes** (ie Google are very alive to the recent concerns). I do not claim that this is a perfect solution, because there are a great many issues at play, but it is the start of one. Aligning industry objectives with our own human values needs to start with an open and honest conversation about *who* is doing what, *why* they are doing it and *how* it is affecting individuals and societies.

Here at the ODPa we want to be involved in both these areas - encouraging our local businesses to approach the handling of personal data in both a legal and ethical way as well as [supporting our community to take an interest](#), [find out more](#) and [reclaim control](#). Our strategic objectives are framed around encouraging these things in a meaningful and effective way. One of the most exciting developments for us recently is the [work we are now doing with the Youth Commission](#). Seeing the enthusiasm and engagement of our young people has been humbling and inspiring and I look forward to providing further updates on the fantastic work being done with this initiative throughout the coming year.

- Emma Martins

Data Protection Commissioner

### **[REMINDER: registration window closes on 28 February](#)**

If you are established in the Bailiwick and work with personal data, it's time to renew your annual registration with us.

You can complete this process at any point whilst the registration window is open (from the beginning of January till the end of February), [please visit odpa.gg/registration](#) for more information.

### **[First ODPa/Youth Commission school session held](#)**

To mark Safer Internet Day on 8th February, we ran our [first joint event with the Youth Commission](#) at St Martin's Primary School to talk with their Year 6 group about why it's so important that they interact safely with the online world.

We made the video below for the children. It compares personal data to a child's favourite toy, to help them understand the value of their own personal data:



### [Action we've taken](#)

Since our last newsletter, the Data Protection Authority's section 64 Committee has issued the following public statement on recent enforcement action:

- [Reprimand issued to States of Alderney over personal data breach](#)  
(Published: 1 February 2022)

### [Deputy Data Protection Commissioner joins new Freedom of Information Appeals Panel](#)

Our Deputy Commissioner Rachel Masterton has been appointed onto the [newly formed panel to hear Freedom of Information Appeals](#), brought into being following the Scrutiny Management Committee's policy letter of mid-2021.



Freedom of Information (FOI) promotes government accountability and transparency in decision-making. The appeal panel was set up on 1 January 2022 and aims to provide an independent, fair and transparent appeals process which is accessible to all.

### [Tell us how you feel: Annual Survey](#)

Got 30 seconds? We'd love to hear your (anonymous) responses to [these 4 key questions](#).

### [Free support and advice, and public engagement](#)

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 via the links below:

#### **Support and Advice:**

- [Fortnightly drop-ins](#)
- [Study Visits](#)
- [Events](#) (view [recordings of past events here](#))

- [Podcasts](#)
- [Information Hub](#)
- [Beginner's Area](#) (includes '[The Feel-Good Guide to Data Protection](#)')
- Bi-monthly [breach statistics](#)
- [Newsletters](#)

**Public engagement:**

- [Schools programme](#)
- [Project Bijou](#)

**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: *Runaway Technology – Can Law Keep Up?* by Joshua A T Fairfield

Joshua A T Fairfield is William D Bain Family Professor of Law at Washington and Lee University School of Law.

Law is something central to all areas of our lives, including the protection of data. But how often do we take time to think carefully about the way laws are constructed and the language they use? Probably not often enough. In this book, Fairfield challenges the common narrative of this modern digital age, which is that technology simply 'outpaces antiquated legal institutions'. But he goes on to explain that this is contingent on us using the right language.

*" 'Wait' one might say. 'What's all this about language? I thought this was a book about law!' It is. Law is language, a special kind. It is a language that we need to build, to help us cooperate, in order to deal with the rapid changes introduced by technology".*

Making the reader look at the issue through an entirely different lens feels revelatory. It made me reevaluate my own views on the centrality of law whilst also giving me a greater appreciation that this is something we all need to be involved in – law should not be something separate from or imposed upon us, it should be a reflection of our social norms, values and culture. Highlighting the powerful role geographical, cultural and linguistic influences play in regulatory principles, Fairfield encourages us to be part of a group that produces *"thriving language... values diversity in approach and spreads norms by persuasion, not coercion, building bridging language, the language of shared goals."*

We can create laws capable of keeping up, but we must be active not passive in that process, understanding the importance, and power of the language we use.

Please review what newsletters you want from us



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