



Excellence through ethics

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Message from the Commissioner

Welcome to newsletter #37.



It is hard to believe that it is [4 years](#) since the General Data Protection Regulation came into force across Europe and our own [equivalent legislation](#) came into force here in the Bailiwick.

Time has taken on a rather strange quality during the years of the pandemic, but those years have gone by incredibly fast. We did have data protection legislation in place before that, but May 2018 really was a watershed in the history of data protection regulation.

It forced the issue of data governance to the top of the agenda, if only because of the eye-watering fines that were now in the arsenal of data protection regulators. It is unsurprising that the fines stole the headlines.

So much of life revolves around money and it has certainly been the case for many organisations that data protection has been looked at purely through the lens of economics. As we reflect on the last four years, it is also important to recognise that the narrative is starting to shift. Yes, economics matters and avoiding fines seems an eminently sensible thing for any organization to do. But this goes well beyond economics.

Data is increasingly understood as being inextricably linked to the human condition and therefore matters beyond questions of money. We now understand better how it is about autonomy, dignity, respect, trust and confidence – essentially about what we want and what we expect as human beings.

In this knowledge, how should we, as the regulator charged with looking after the law, approach our responsibilities? This is a question which we have given much thought to.

When we drafted our [Strategic Plan](#), we wanted it to reflect our values and our objectives in a clear, meaningful and accountable way. Now, four years on, we want to take a moment to reflect on all of those things in an honest and objective way. We want to do more of the things that have worked well and improve on the things that have not.

Part of that process is to encourage some feedback from our community by launching a [consultation](#). If you have any thoughts or comments, they would be very welcome. We have always been clear about what we think good regulation looks like and encouraging a more inclusive and relevant community conversation forms a key pillar.

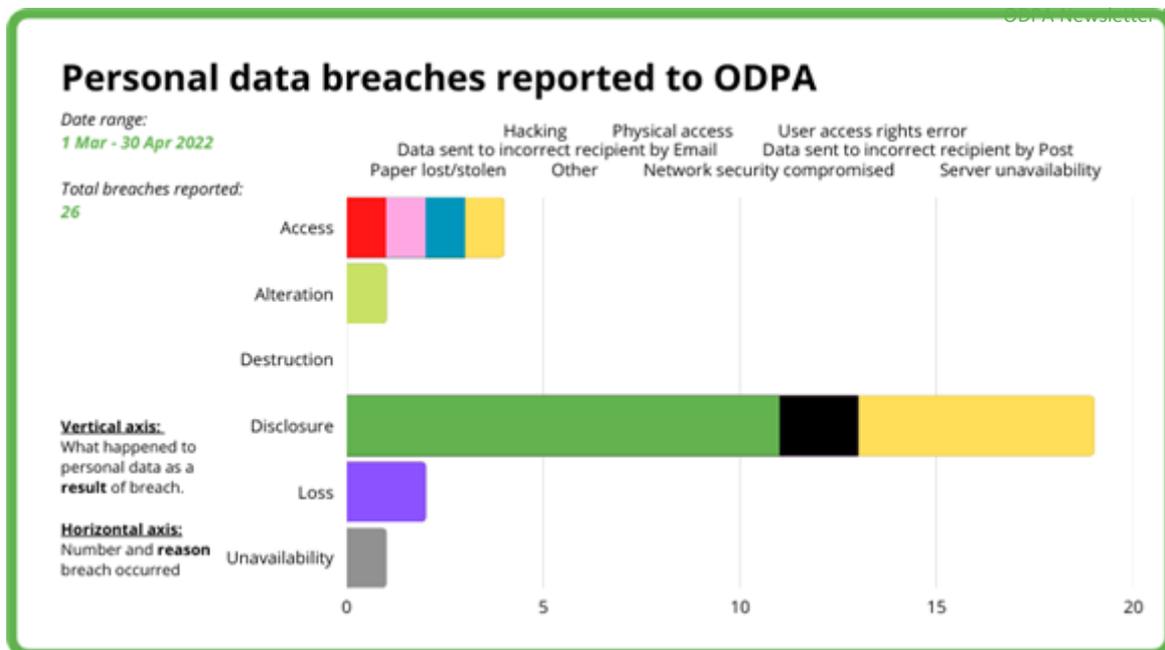
A year ago we launched [Project Bijou](#), a social initiative that aims to support and nurture positive cultural change around the handling of people's data. There is a danger when we look at regulatory environments of any kind, that the conversation revolves exclusively around [enforcement](#).

Enforcement matters because non-compliance needs to be dealt with and individuals who have been harmed need to see that happening. It matters too because it acts as a deterrent. Conversely, if there is no enforcement there is likely to be a sense of 'if no one else is complying, why should I?'

But we are clear that enforcement, whilst critical, plays its part alongside education, support and awareness. Because we are also clear, when we speak to our regulated community, the vast majority of them want to do the right thing – they just need some tools, support and guidance to help them.

[Project Bijou](#) is one element of that for us and we are delighted by the positive way it has been received both locally and further afield. We must never forget that when we talk of data protection we are simply talking about people protection and we should be proud, as a community, that we care.

Emma Martins
Data Protection Commissioner



[Latest breach statistics published](#)

We have published the latest [breach statistics](#) with 26 personal data breaches reported during March and April 2022. Of these, 11 breaches occurred via email, which is an ongoing trend and remains the most common type of breach reported.

[Law's 4 year anniversary marked](#)

On the 4th anniversary of The Data Protection (Bailiwick of Guernsey) Law, 2017 coming into force, the ODPa published the Data Protection Authority's [2021 Annual Report](#), launched a public consultation exercise and celebrated the first anniversary of its social initiative Project Bijou by releasing its inaugural annual 'Bijou Lecture'.

[The Bijou Lecture \(2022\)](#)

This [Bijou Lecture](#) features Susie Alegre, a leading human rights barrister at the internationally renowned Doughty Street Chambers, Founder and Director of the Island Rights Initiative. Susie is a legal pioneer in digital human rights, in particular the impact of artificial intelligence on the human rights of freedom of thought and opinion.

In this short lecture, Susie covers how human rights and data protection are fundamentally linked, and how small island jurisdictions like Guernsey have an important role to play in the evolving digital landscape. This lecture was released to mark the [first anniversary](#) of the ODPa's social initiative 'Project Bijou' which aims to support and nurture positive cultural change around how people and organisations treat people's data.

[Annual Report 2021](#)

We have published the Data Protection Authority's [Annual Report for 2021](#) which details its activities under The Data Protection (Bailiwick of Guernsey) Law, 2017 which came into effect in May 2018.

[Have your say on future strategy](#)

We have launched a [public consultation](#) on The Data Protection Authority's Strategic Plan for 2023-2026. You can [take part](#) in this consultation, anonymously by answering the two questions. The consultation closes at [5pm Friday 17th June 2022](#).

[New Data Protection Authority members appointed](#)

The Bailiwick of Guernsey's government, the States of Deliberation, have confirmed the appointment of Nicola Wood and Dr Jane Wonnacott to the [Data Protection Authority](#) from 26th May. The Authority is an independent board responsible for the development and implementation of the regulatory regime necessary to oversee the local data protection law's requirements, and provides governance to the ODP.

[Response to media query](#)

The ODP has been approached by local media to comment on the recent unavailability of the PEH computer systems.

[You can read our response here.](#)

[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: *In the Camps – Life in China's High-Tech Penal Colony* by Darren Byler

I read this book a little while ago but was reminded of it recently when I read in the news about a data hack of police files in China which made public vast quantities of photographs and documents relating to the detention of thousands of Uyghurs.

The author, Darren Byler, is Assistant Professor of International Studies at Simon Fraser University in Vancouver and he is a leading expert on Uyghur society.

At its heart, this harrowing book is about the desperate plight of an ethnic minority group. There are dark echoes from history and Byler shows us the way in which modern technology is used to facilitate the systems of control and oppression making it possible at a speed and scale unimaginable only a few years ago.

In the book, we are presented with evidence of the sprawling networks of surveillance and monitoring supported not only by firms based in China, but also those in the West.

"As they told me about the technological enclosure of their homeland, I saw the way technologies of reeducation made Muslims detainable. The surveillance system itself produced assumptions of guilt, of pre-criminality"

Byler does not want us to be bystanders, or worse, ignorant of what is happening right now, even as you read this. He wants us to understand the role played by many different actors, not all of whom will have set out to have their technology used for such malign purposes.

He wants this because he recognises that we need collectively to take an interest in and responsibility for real-world outcomes of technological developments, especially in countries with poor human rights track records.

We have been reminded of the shocking speed at which human rights can be trampled on with events in Afghanistan and Ukraine in recent months. We have also seen the tragedy of the human stories behind the headlines. The rights that so many of us enjoy, including data rights, must never be taken for granted. They need to be nurtured, cared for and fought for.

"To counteract the increasing banality, the everydayness, of automated racialization, the harms of biometric surveillance around the world must first be made apparent. The lives of the detainable must be made visible at the edge of power over life. Then the role of world-class engineers, investors, and public relations firms in the unthinking of human experience...must be made clear. The webs of interconnection – the way Xinjiang stands behind Seattle – must be made thinkable"



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