

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

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*Excellence through ethics*

Thank you for subscribing to our monthly newsletter – in this issue:

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## Message from the Commissioner

Welcome to newsletter #30. The recent publication of our [2020 Annual Report](#) was an opportunity to reflect on what has been achieved as well as to focus clearly on what lies ahead. The public health crisis is, sadly, still far from over but we are all adjusting and learning to live with uncertainty.



There is very little that can be described as 'positive' that has come from the pandemic, but these times have felt like a bit of a 'stress-test' for us as individuals and as an organisation. That we have been able not only to keep ticking over, but to successfully deliver on our objectives is testament to the professionalism and focus of the whole team at the ODPa with whom it is such a privilege to work alongside.

Whilst my focus has very much been on ensuring we are delivering on our duties, it is important to remember why that is so important – to look outwards as well as inwards. In looking outwards, we want to think carefully about what the Law is there to achieve and how we can all work towards fulfilling that in the most effective and meaningful way possible. Because, throughout this period, whilst there has been a pausing of some aspects of our lives, the processing of data has not stopped for a second. If anything, it has ramped up – think about the new collection, storage and use of data relating to covid testing and contact tracing in our Bailiwick alone. So, when I reflect on the stress-testing of our team and our office, I also reflect on the stress-test of our Islands. How well did we cope with the new pressures and demands in respect of the protection of personal data?

One of the most important elements of our local data protection legislation is the requirement to [consider the data protection issues from the very beginning of every new processing activity](#). This sounds like such a simple thing but it is often neglected, especially when there is a particular urgency to the task. Surely data protection requirements can be added on later, can't they? The answer is unequivocally no, they cannot.

Ensuring conversations about data protection are at the beginning, middle and end of every conversation an organisation has where data are involved has a number of benefits. It avoids the cost and inconvenience of trying to 'retro-fit'; it provides a really sound, ethical and legally compliant framework for the way that people's data are handled; and it reduces the likelihood of data harms and complaints.

In building that in to your normal 'business as usual' activities you will also be well positioned as and when you embark on new processing activities, whether that is maintaining a list of visitors for contact-tracing purposes or creating a new customer database.

Seeing the data protection law as a supportive framework of protections and rights should be the starting point. It is not a law designed to make our lives difficult; it is a law to make our lives better. That may require attention and effort which can be in short supply, especially these days. However, investing that attention and effort from the outset will almost certainly help to avoid having to spend a lot more later.

It brings to mind a quote from Paul McNulty "*If you think compliance is expensive? Then try non-compliance.*".

But of course, when we speak of 'expense' we are not just talking about cold, hard cash, we are talking about ourselves. Our data *is* us. How we treat it really does matter and it has value beyond money.

- Emma Martins

Data Protection Commissioner

### **Free support and advice, and public engagement**

We know the data protection landscape can see 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](#))

**UPDATE:** in order to reach the widest possible audience, for the remainder of 2021, we will be releasing pre-recorded videos of the content we would have covered in our live events.

- [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](#)

### 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 actions:

- [Reprimand to Sandpiper CI Ltd over delayed and incomplete response to subject access request](#) (Published: 18 August 2021)

# Update on Data Transfers



We have published updated information on changes around the legal issues involved when transferring people's data outside of the Bailiwick. This is a highly complicated area, so we recommend you read this overview: [Transferring people's data outside the Bailiwick](#), before turning your attention to the technical updates below, if necessary.

Technical updates:

- [International Data Transfers](#)
- [The European Commission's new Standard Contractual Clauses](#)

We know that you may have questions about your specific circumstances, we would encourage you to discuss this issue with your IT provider/support or you can [Contact Us](#) for further information.

**FEATURED** podcast:  
**What has Data Protection ever done for us?**

Data Protection TeaBreak

## Featured podcast: What has Data Protection ever done for us?

Instead of viewing looking after people's personal data safely as a burden we hope to encourage businesses and individuals to instead see it as a moral responsibility, something as natural as putting on your seatbelt when you get in a car. We want people to understand why the Laws are good for us all so to help explain, the Bailiwick's Deputy Data Protection Commissioner, Rachel Masterton, talks us through the ten rights we have under the Law. And in doing so attempts to answers the important question, "What has Data Protection ever done for us?" (with apologies to Monty Python).

- [LISTEN: What has Data Protection ever done for us?](#) (37 min)
- Catch-up on all 20 episodes at [odpa.gg/podcasts](https://odpa.gg/podcasts) or wherever you get your podcasts.

## 2020 Annual Report published

We have published [our Annual Report for 2020](#) which details our activities under *The Data Protection (Bailiwick of Guernsey) Law, 2017* which came into effect in May 2018. Particular things of note include:

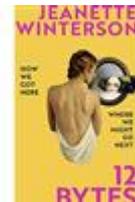
- the issuing of the **first administrative fines** to two local companies who committed serious breaches of the local data protection Law;
- starting a major IT project in March 2020 and completing it on-time and under-budget by December 2020 in time for the changes to our **registration requirements** which came into effect on 1 January 2021; and
- launching our **Schools Outreach Programme**, which reached over 170 school children in the year.



## 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: *12 Bytes: How artificial intelligence will change the way we live and love* by Jeanette Winterson.



Jeanette Winterson is Professor of New Writing at the University of Manchester and is perhaps best known for her book, *Oranges Are Not The Only Fruit* in 1985.

In this book, she turns her – not inconsiderable – talents to exploring artificial intelligence and its impact on our lives and our world.

This is not a dry walk through of technological developments; it is rich and thoughtful exploration of ideas and the author's wealth of historical, social and technical knowledge shines through. Funny and terrifying in equal measure, Winterson offers us '12 Bytes' in 12 essays, each one full to the brim with existential questions and historical context all wrapped up in Winterson's accessible, entertaining but powerful language that ultimately brings us back to very simple questions about humanity that go beyond technology.

Each chapter stands alone, but offers the reader a deeper insight into the profound issues raised by the author when read together.

*"Imagine if the agenda of Big Tech really were to make the world a better place.  
If the non-stop advertising could be checked.  
If the monetising of our every move were disallowed.  
If connecting people were just that – connecting people.*

*If the awesome power of Big Tech encouraged its users to take responsibility for the planet. To consume less. To travel with a lighter footprint. To look for genuinely shared collective solutions, where data could be put to good use to manage shortages, to distribute surpluses, to measure health, to spread risk, to target inequality. To use our online world to educate.*

*The technology to change the world for the better is the technology that is in place right now. It's the best of times and the worst of times.*

*Dystopia or Utopia?*

*Nothing could be simpler. Nothing could be harder."*

Please review what newsletters you want from us



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