



## JERSEY DATA PROTECTION AUTHORITY MEETING

Held via video conference due to COVID-19 outbreak.


### MINUTES


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| <b>Authority Meeting</b><br>9:00 – 12:00, 20 August 2021   |
| <b>Chair Present.</b><br>Jacob Kohnstamm   |
| <b>Voting Members Present.</b><br>Paul Routier (PR)<br>Gailina Liew (GL)<br>Helen Hatton (HH)<br>Clarisse Girot (CG)<br>David Smith (DS)       |
| <b>Apologies for Voting Members.</b>   |
| <b>Non- Voting Members Present.</b><br>Paul Vane – Information Commissioner (PV)<br>Anne King – Operations Director & Corporate Secretary (AK) |
| <b>In Attendance by Invitation.</b><br>Sarah Moorhouse – Communications Officer and Note taker (SM)  |
| <b>Guest Speaker</b><br>Advocate Davida Blackmore (DVB)  |

| <b>Decisions/Recommendations</b> |  |
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| 1.0                              | Meeting agenda approved.   |
| 1.0                              | June 2021 Minutes approved with an amend.  |
| 1.0                              | The Authority agreed the 2022 meeting dates.<br>2 March<br>1 June<br>17 August<br>14 December<br>All meetings are from 09:30 – 13:00 |


| <b>Action Items</b> |   |
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| 1.0                 | Action Point from previous meeting - GL and HH to get together early September 2021 to discuss inviting people to speak to the Authority to discuss JOIC activities and who to approach.                            |
| 1.0                 | Action Point from previous meeting - HH & GL to meet with AK to discuss skills shortages.   |
| 1.0                 | Action Point from previous meeting regarding data stewardship – PV preparing a paper for the November Authority meeting.  |
| 2.0                 | Paul Vane, Information Commissioner - ' <i>State of the Privacy Nation</i> '<br>PV to prepare a paper for the November Authority meeting covering JDPA and the global tech firms.                                   |
| 2.0                 | Paul Vane, Information Commissioner - ' <i>State of the Privacy Nation</i> '<br>The Authority propose that global tech firms and DP is a key topic for the JDPA 2023 Annual Data Protection conference.             |
| 2.0                 | Paul Vane, Information Commissioner - ' <i>State of the Privacy Nation</i> '<br>Following discussion point as to 'how can we protect and control our personal information better?' AK to plan a basic adult course. |
| 3.1                 | Partnership Meeting outcomes - JK and KM to meet again in September 2021. PV/AK to arrange follow up meeting to discuss JDPA grant.   |
| 3.2                 | ARC Committee update - AK to refine the Risk Matrix.  |
| 3.2                 | ARC Committee update - AK/Finance Manager writing an ESG paper for the November Authority meeting.  |
| 3.2                 | Governance Committee update - PV/AK to draft letter for the Chair regarding members' reappointment.   |
| 3.2                 | Governance Committee - Authority to discuss peer review results at next Authority meeting (November 2021).  |
| 5.0                 | JOIC Update - AK to update and share presentation slides with Authority members.  |
| 6.0                 | Financial Performance<br>Finance Manager to evaluate if it possible to refer to JDPA member costs as JDPA remuneration, for these to be separate to any other costs for the purposes of complete transparency.      |
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|     | <p>HH mentioned School of International Financial Services and the idea of running a skills survey (in conjunction with others?) and seminar to discuss do we have a data protection skills shortage in the Island?</p> <p>A collaboration with Digital Jersey was suggested – as Digital Jersey was successful in securing stimulus funding regarding digital literacy and cyber security.</p> <p>PV confirmed that he is working on a paper on Data Stewardship for the November Authority Meeting.</p> <p>There were no further questions from the Authority on the action points.</p> <p><b>Minutes</b></p> <p>The Chair confirmed that the minutes have been authorised via email. It was however agreed to amend one point referring to JDPa income as this was unclear.</p> <p><b>2022 Authority Meeting Dates</b></p> <p>The Authority agreed the 2022 meeting dates.</p> <ul style="list-style-type: none"> <li>• 2 March</li> <li>• 1 June</li> <li>• 17 August</li> <li>• 14 December</li> </ul> <p>All meetings are from 09:30 – 13:00</p> | <p>HH &amp; GL to meet with AK to discuss skills shortages.</p> <p>PV preparing a paper on Data Stewardship for the November Authority Meeting.</p> <p>AK to revise minutes and then publish.</p> <p>2022 Authority Meeting dates approved.</p> |
| 2.0 | <p><b>Paul Vane, Information Commissioner - 'State of the Privacy Nation'</b></p> <p>PV by invitation by the Chair presented his vision and strategy for the JOIC.</p> <p>PV highlighted 3 key strategic pillars which all lead to developing a culture in Jersey where 'Privacy is Instinctive'</p> <ol style="list-style-type: none"> <li>1. Protecting our future generations by putting children first.</li> <li>2. Maximising technological and economic opportunities to enhance the Island's reputation as a safe place to do business.</li> <li>3. Achieving and maintaining the highest standard of data protection in Jersey.</li> </ol>   |    |

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|  | <p>The Chair thanked PV for his paper welcoming the focus on children and the funding of DP education.</p> <p>JK said Assistant Minister for Economic Development, Tourism, Sport and Culture Kirsten Morel (KM) asked what the JDPA was doing to put children first. JK said KM also asked if adequacy was related to actual fining of the Authority.</p> <p>PV said most organisations in Jersey are compliant with DP but some neglect or disregard their obligations under the Law. Such organisations will be subject to enforcement action.</p> <p>DS suggested that the JOIC increase focus on external/international data controllers whose activities impact Jersey residents – the most recent example in Luxembourg being Amazon.</p> <p>The Authority requested that PV draft a paper to discuss how JDPA should approach the global tech firms e.g., Facebook, Amazon. One approach could be for smaller jurisdictions to act as hubs and work together, as they have common interests? PV suggested we could look at expanding BIIDPA to collaborate with other smaller Authorities to deal with the tech giants.</p> <p>HH – raised ‘how can we protect and control our personal information better?’ Thought a basic adult course would be well attended.</p> <p>Authority discussed educating adults about ‘where is my personal information?’ and tools being important – ‘privacy is power’.</p>  | <p>PV to prepare a paper for the November Authority meeting covering JDPA and the global tech firms.</p> <p>The Authority propose that global tech firms and DP is a key topic for the JDPA 2023 Annual Data Protection conference.</p> <p>AK to plan adult courses, collaborating where appropriate with relevant agencies and organisations for example, Digital Jersey, Highlands College, Government of Jersey (Education) and supporters from the October Privacy Debate.</p> |
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| 3.0 | <b>Board Governance, Operations and Procedures</b>  |  |
| 3.1 | <p><b>Partnership Meeting outcomes to include Government funding.</b></p> <p>JK confirmed meeting with Assistant Minister for Economic Development, Tourism, Sport and Culture Kirsten Morel (KM) was productive and items raised included putting children first and adequacy.</p> <p>KM explained his 3 concerns regarding the ongoing Grant issues.</p> <ul style="list-style-type: none"> <li>• Legal – a fee would be problematic for the Government as legislation does not currently allow for a fee to be charged.</li> <li>• Political – the grant discussion becomes hampered by the political processes.</li> <li>• Accumulation of registration fees.</li> </ul> <p>The Chair confirmed official Government minutes from the Partnership Meeting will be sent round to Members as soon as possible.</p> | JK and KM to meet again in September 2021. PV/AK to arrange.   |
| 3.2 | <b>Committee updates and recommendations from each Committee Chair.</b>   |  |
| 3.2 | <p><b>Audit and Risk.</b></p> <p>The ARC Chair, HH, summarised the ARC recommendation as detailed in the paper 'Building the Audit and Risk Committee Skills set' of having an accountant on the ARC.</p> <p>The Chair confirmed he is happy with the current composition of the Authority but understands the benefit of having the ad hoc benefits of an accountant on ARC as and when necessary.</p> <p>GL said, based on the JDPA skills assessment, it would be useful to have financial expertise to draw on and is this something to consider in the next round of recruitment?</p>  | <p>JDPA approved the ARC to identify and co-opt a suitably qualified member of the ARC.</p> <p>AK to refine the Risk Matrix.</p> |

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|     | <p>HH confirmed she had also received an early draft of the risk matrix.</p> <p>HH confirmed ESG is underway and will appear in November agenda.</p> <p><b>Remuneration and Human Resources.</b><br/>PR confirmed Minister for Economic Development, Tourism, Sport and Culture approved the remuneration of the Authority members. The Chair confirmed another meeting with the Minister is scheduled to take place in November 2021.</p> <p><b>Governance Committee.</b></p> <ul style="list-style-type: none"> <li>• Report – Skills and Peer Review.</li> <li>• Succession Planning.</li> </ul> <p>Peer review report concluded weaknesses in areas of financial, cyber security and ESG but concluded Authority members are sufficiently experienced and knowledgeable to ask the appropriate questions.</p> <p>The results of the Peer Review are to support the Chair’s request to reappoint the three Authority members as from 29 October 2021. The Chair will write to the Minister on this matter.</p> | <p>AK/Finance Manager writing an ESG paper for the November Authority meeting.</p> <p>Authority to discuss peer review results at next Authority meeting (November 2021).</p> <p>PV/AK to draft letter for the Chair regarding reappointment.</p> |
| 4.0 | <p><b>Registration Income</b></p> <p>The Authority discussed the paper presented by PV.</p> <p>The Authority members discussed the surplus income – considering.</p> <ul style="list-style-type: none"> <li>• Is this an ongoing annual surplus or a one off?</li> <li>• The need for the JPDA to have a Litigation and/or operational reserve.</li> </ul>  |   |
| 5.0 | <p><b>JOIC Update</b></p> <p>AK and DVB delivered an Investigation Matrix and Case Management presentation from JOIC Executive.</p> <p>AK confirmed that this reflects the prescriptive nature of the DPA (J)L 2018 Part 4.</p>   | <p>AK to update and share presentation slides with Authority members.</p>    |

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|     | DVB and AK explained the new conciliation process which aims to help both data controllers and data subjects resolve complaints in a constructive manner but without invoking the full formal investigation process. |  |
| 6.0 | <b>Financial Performance Q2 2021</b><br>GL requested that JDPA member costs be referred to as JDPA remuneration, for these costs to be separate to any other costs for the purposes of complete transparency.        | Request to be raised with Finance Manager. |
|     | The meeting closed at 12:00  |  |
|     | The Authority held an in-camera session.   |  |

*Authority 'In-Camera' Session*