



JERSEY DATA PROTECTION AUTHORITY MEETING

Held via video conference due to COVID-19 outbreak.


MINUTES


Authority Meeting 18 9:30 – 12:30, 2 March 2022
Chair Present. Jacob Kohnstamm (JK)
Voting Members Present. Paul Routier (PR) Gailina Liew (GL) Helen Hatton (HH) Clarisse Girot (CG) David Smith (DS)
Apologies - Voting Members.
Non- Voting Members Present. Paul Vane – Information Commissioner (PV) Anne King – Operations Director & Authority/Corporate Secretary (AK)
In Attendance by Invitation.
Guest Speaker


Decisions/Recommendations	
1.0	Meeting agenda approved.
1.0	Minutes of meeting 30 November 2021 approved.
1.0	Decision - JDPA meetings to start at 09:00 Jersey time.
1.5	Decision – Only JDPA Minutes to be published to show full audit trail of decisions.
	ARC
2.1	Decision/approved - The Audit & Risk Committee (ARC) noted that further work was needed on the strategic outcomes financial paper before it would be ready for review and approval by the JDPA. JK requested that this is discussed in greater detail in April 2022.
2.1	Decision/Approval – JDPA approved the 2022 budget.


4.5	SCC International Transfers
	Decision – JDPA need to agree a preferred option to support industry – Option 1 adopt the most recent set of EU SCCs with an addendum through Regulations.


Action Items	
1.3	Action point – AK to amend and send action points from November with updated status and share with the JDPA.
1.5	Action point – Executive to review EDPB Guidance on publication of minutes.
	ARC
2.1	Action point - ARC noted that further work was needed on the strategic outcomes financial paper before it would be ready for review and approval by the JDPA. JK requested that this is discussed in greater detail in April 2022. AK to arrange a follow up JDPA meeting.
2.1	Action point – PV committed to present detailed 2023 budget to JDPA for review in December 2022
	R&HRC
2.1	Action point – AK to arrange a statement of remuneration for each member.
	Governance
2.1	Action point – GL to review the amended Conflicts of Interest policy.
2.1	Action point – AK to circulate JDPA Peer Review and Skills Assessment to achieve the deadlines.
2.1	Action Point - JK to update the JDPA following his meeting with the Minister on 2 March 2022.
	Annual Report
3.2	Action point - AK to update the chair’s foreword and to make amends as requested by JK & PR. Provide JDPA with updated version ASAP.
	SCC International Transfers
4.5	Action Point – PV to draft an addendum by end of April
4.5	Action Point – PV to have a conversation with GoJ aiming to improve legislative consistency in this area. CG willing to help.
	AOB
	Action Point – Terms of office for JDPA members to be on the next JDPA agenda.


	Item	Action
1.0	Call to order and approval of the agenda.	
1.0	The Chair opened the meeting and welcomed members. The Authority approved the agenda.	Decision - Agenda approved.
1.2	Declaration of Interest – With respect to the discussions related to JOIC’s collaboration with Digital Jersey on the Data Stewardship project, GL advised that she is the Senior Independent Director on the Digital Jersey board. She offered to recuse herself as and when necessary. Authority members did not regard GL’s declaration as a conflict. JK noted that her input may be beneficial on the topic of Data Stewardship.	Decision – JDPA meetings to start at 09:00 Jersey time.
1.3	Review of action points – the JDPA noted progress had been made on the action points. Action point 2.1 - it was noted the geo-political invasion of the Ukraine may be an emerging risk. No other emerging risks were noted. Action point 1.2 re frequency of Governance meetings to be on next Governance Committee meeting agenda.	Action point – AK to amend and send action points from November with updated status and share with the JDPA.
1.4	Minutes Minutes from November JDPA meeting were approved.	Decision – Minutes from November JDPA meeting approved.
1.5	Publication of meeting minutes – with reference to the sub-committee minutes. Following a full discussion, the JDPA agreed that JDPA meeting minutes are published to highlight all decisions to afford full transparency. Sub-committee meeting minutes are not to be published.	Decision – JDPA Minutes to be published to show full audit trail of decisions. 

		<p>Action point – Executive to review EDPB Guidance on publication of minutes.</p>
<p>2.0</p> <p>2.1</p>	<p>Authority Governance, Operations and Procedures</p> <p>Committee updates and recommendations from each Committee Chair.</p> <p>Audit & Risk</p> <p>HH (ARC Chair) advised ARC had met with the new audit team from Baker Tilly on 1 February 2022. HH said they appear to be well organised, and she has confidence in the audit team.</p> <p>ARC requested that the Commissioner provide additional financial details relating to the costs of the Business Plan Strategic Outcomes – with particular reference to data stewardship, increased enforcement audits and investment in IT infrastructure.</p> <p>ARC reported that no additional risks were added, or status updated. ARC reported that the 2021 annual report is on target to meet the statutory deadline.</p> <p>HH raised two additional items at ARC regarding</p> <ol style="list-style-type: none"> 1. young people and credit cards 2. Stop trafficking – to reach out to work with a specialist to help young people recognise the risks of being liberal with their personal data. <p>HH reported that ARC met again on 24 February to discuss the strategic outcomes financial paper. DS suggested that the paper be expanded to detail three-year costs and activities.</p>	<p>Decision – ARC support this paper.</p> <p>JK requested that this is discussed in greater detail in April 2022.</p> 

	<p>PV confirmed that the Executive are monitoring the registrations income carefully. PV stated that the data stewardship deliverable requires a lot more clarification, particularly to give financial information for three-years.</p> <p>CG suggested that the JDPA needs additional information and clarification surrounding data stewardships/trusts and the correct role of the JDPA.</p> <p>HH requested that in future the next year's budgets are prepared and agreed prior to the year end.</p> <p>It was agreed to have a further JDPA meeting to discuss data stewardships to include frameworks, timelines and professional skills required.</p> <p>JK confirmed that the strategy outcomes paper shows an agreed direction of travel but requires additional work to show details.</p> <p>2022 Budget - ARC recommended the balanced 2022 budget to the JDPA for approval.</p> <p>Q4 JOIC Financial Statement 2021. JK requested if items require approval, they are agenda items. Q4 to be discussed at a subsequent meeting.</p> <p>Remuneration and HR Committee</p> <p>PR (RHRC Chair) reported that the committee had not met since the previous JDPA meeting.</p> <p>PR requested a statement of remuneration is to be given to each member.</p>	<p>Action Point – PV committed to present detailed 2023 budget to JDPA for review in December 2022</p> <p>Action point – AK to arrange a follow up JDPA meeting.</p> <p>Decision/Approval – JDPA approved the 2022 budget.</p> <p>Action point – AK to arrange a statement of remuneration for each member.</p> 
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	<p>Governance</p> <p>GL (GC Chair) confirmed that the Governance Committee had discussed the draft conflict of interest policy and recommended that it be simplified. AK to revise the draft with comments noted in the draft</p> <p>JDPA Peer Review and Skills Assessment – GL advised the JDPA in light of the forthcoming elections and two members of the JDPA terms of office expiring – we are bringing forward 2022’s review. This will allow JK to write to the Minister mid-April regarding HH and PR. The Peer review and skills assessment provides good evidence of their contribution. PV confirmed that Members’ reappointments are laid in front of the States Assembly.</p> <p>GL confirmed that CG has accepted the invitation to speak to the JDPA and JOIC team at the end of the August JDPA meeting on ‘Global Perspectives of Data Protection’</p>	<p>Action point – AK to revise the draft as discussed and GL to review the policy following amendments.</p> <p>Action point – AK to circulate JDPA Peer Review and Skills Assessment.</p>
3.0	JOIC Update –Information Commissioner and Operations Director	
3.1	<p>GoJ Fee Project Update</p> <p>PV reiterated that JDPA/JOIC has provided all necessary information to GoJ to progress this matter.</p> <p>The GoJ JDPA funding options paper is due to be presented to the Ministers at the weekly Ministerial meeting on 4 March. Depending on other agenda items it may be postponed.</p> <p>PV continues to work with and prompt GoJ to progress the project in the spirit and timescales</p>	

	<p>agreed by the Minister. Both JK and PV noted their frustrations regarding the delays and lack of urgency.</p> <p>JK due to meet with the Minister later today.</p>	<p>Action point - JK to update the JDPA following his meeting.</p>
3.2	<p>2021 Annual Report</p> <p>JK reminded the members to complete their review of the draft document.</p> <p>Members agreed that an additional paragraph to be added to the Chair’s foreword regarding the projects surrounding the strategic outcomes and the three deliverables as per item 2.1.</p>	<p>Action point - AK to update the chair’s foreword and to make amendments as requested by JK & PR. Provide JDPA with updated version ASAP.</p>
3.2	<p>Case Update</p> <p>A caseworker provided a verbal overview of a challenging case involving a ‘rogue’ employee and unauthorised access to special category data.</p> <p>In-depth discussion followed the presentation which explored the care and time afforded the data subject, how the criminal aspects are being dealt with and our mandate.</p> <p>Members discussed the broader issue of support for DP cases from the Law Offices and the AG.</p>	
4.0	<p>Other Business – position papers for information purposes</p>	
4.1	<p>Age-Appropriate Design – Putting Children First (update) PV advised - we are continuing to work with the Children’s Commissioner, they are the lead entity in this project.</p>	

<p>4.2</p> <p>4.3</p> <p>4.4</p> <p>4.5</p>	<p>Adequacy Update PV advised that GoJ has had no further update from EU on the adequacy process. GoJ are due to receive regular updates from DCMS as we progress.</p> <p>Legislative Reforms following Dr J Fedorak’s end of term report. PV advised that to enable GoJ to finalise a policy view on the suggested amendments they are seeking legal advice from the Law Officers. Because the recommended amendments create new rights, amend the JDPA’s regulatory framework, and are broad and wide ranging in nature, GoJ need to take into account continued compliance with GDPR.</p> <p>Performance Data – no comments.</p> <p>SCC International Transfers Update – PV advised members that industry is seeking clarity for industry transfers. It was agreed that waiting is not an option. The Authority discussed the need to ‘tidy up’ legislation.</p> <p>Members proposed that the JDPA adopt the EU SCC’s with an addendum to work in Jersey and adopt the UK’s then businesses have a choice. The preferred option is to adopt the EU SCC’s.</p>	 <p>Decision – JDPA need to agree a preferred option to support industry – Option 1 adopt the most recent set of EU SCCs with an addendum through Regulations.</p> <p>Action Point – PV to draft an addendum by end of April</p> <p>Action Point – PV to have a conversation with GoJ aiming to improve legislative consistency in this area. CG willing to help.</p>
<p></p>	<p>Any Other Business</p>	<p></p>

	Members terms of office – JK requested the JDPA bring to the agenda the length of terms of office – next generation members can be 4 years.	Action Point – Agenda item for next Governance committee meeting.
	The meeting closed at 12:30	
	The Authority held an in-camera session.	

