



**JERSEY DATA PROTECTION AUTHORITY (JDPA)**

**Meeting No. 24 of the JDPA Held at 5 Castle Street, St Helier, Jersey, JE2 3BT  
on 22 May 2023, 09:05 – 12:55 (The Meeting)**

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**MINUTES**

**Attendees:**

**JDPA Members (collectively The Authority):**

Jacob Kohnstamm (JK) – JDPA Chair  
Stephen Bolinger (SB)  
Paul Breitbarth (PB)  
Elizabeth Denham (ED)  
Helen Hatton (HH)  
Gailina Liew (GL)  
Paul Routier (PL)  
David Smith (DS)  
Paul Vane (PV) – Information Commissioner (non-voting)

**Invitees:**

Anne King (AK) – Operations Director, JOIC  
Caro Robson (CR) – Director of Regulatory Strategy, JOIC

**Regrets:**

None

**JDPA Secretary:**

Angela Marshall (AM)

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**Call to Order**

The JDPA Chair called The Meeting to order.

**APPROVAL**

The Meeting Agenda was **Approved by the Authority.**

**Business of the Meeting**

**1. Introductions – Welcome Authority Members New and Existing**

1.1 The Chair opened the Meeting and welcomed the three newly appointed Voting Authority Members, namely ED, SB and PB.

The new Voting Authority Members had been introduced to other members the previous evening over the course of an Authority dinner. Further introductions were made by HH and PV as they were unable to attend the previous evening. Invited JOIC senior management officers AK and CR also introduced themselves and gave an overview of the roles and functions they perform in support of the JDPA and at the Jersey Office of the Information Commissioner (JOIC). The Authority noted CR's current work on the overall regulatory strategy and a review of the current governance framework.

## **2 Information Commissioner**

PV introduced himself and gave an overview of his work history and went on to outline his current role as the Information Commissioner at JOIC along with his duties.

### **2.1 JDPA and JOIC Overview**

PV explained how the JDPA and JOIC had been established along with an outline of their history and how they had evolved to become independent organisations in line with the changes that had taken place in the data protection world. PV further detailed how the appointed Voting Authority Members to the JDPA ensured that clear reporting lines were in place for JOIC. PV also noted that much work had been carried and will continue in order to increase public awareness of data protection rights and laws.

PV went on to give an overview of the JOIC office structure explaining how the office operated, the different working teams, the roles they perform, the projects that are underway and, in the pipeline going forward. It was also noted that the JDPA is not involved in freedom of information (FOI) matters which are the sole responsibility of PV as the Information Commissioner with support from the JOIC team. This arrangement was noted as being somewhat unusual with ramifications that include the need to train the JOIC team in both data protection and FOI matters.

PV also emphasised that the JDPA and JOIC as the supporting executive team operate together as an independent regulatory body established by statute and should not be considered as an arm's length body to government.

### **2.2 GPA Conference 2024**

PV had previously reported that the JDPA / JOIC had been selected to host the Global Privacy Assembly 2024 Annual Conference (the GPA Conference 2024).

PV gave an overview of the proposed GPA Conference 2024 explaining that it would be held in Jersey in October 2024 and that up to 750 delegates from around the world may potentially attend.

PV further noted that arrangements for the hosting of the GPA Conference 2024 had already begun, communications were underway with a number of hotels regarding potential accommodation for visiting attendees and with various venues that may provide suitable spaces for presenting the GPA Conference 2024. Thoughts regarding the themes and topics for the GPA Conference 2024 had begun although it was acknowledged that this content would be decided closer to the conference date to ensure the topics are current and in line with any changes and developments in the data protection world.

PV went on to confirm that he had also spoken with external parties, including potential financial sponsors and the Government of Jersey, regarding the hosting of the GPA Conference 2024 and that the feedback had been positive.

PV acknowledged that the organisation and budget of the GPA Conference 2024 was in the planning and development stage. PV reported that JOIC had invited three different companies to tender and decided to engage an external conference planner 3D Events at a cost of £73,893.75 to plan, manage and support the running of the GPA Conference 2024.



Discussions took place regarding potential positives, negatives and challenges that could arise in organising such an event and the critical need to be clear about the budget, planning and implementation involved to have a successful outcome. ED noted that the GPA also has a conference planning committee that would be involved to assist in the content planning.

**ACTION:** PV to prepare a paper with a detailed budget and implementation plan for the GPA Conference 2024 and circulate to Authority Members prior to the next Authority Meeting scheduled to take place 18 July 2023.

### **2.3 Role of the Voting JDPA Member**

PV gave to the Meeting an explanation as to what the Role of a Voting JDPA Member consisted of, explained how the role is multi-faceted and with many aspects. PV went on to note how JDPA provided support to the JOIC office and that we are one team working with an aim to achieve the same objectives.

Questions and discussion regarding the governance of the JDPA / JOIC, the funding and the financing of JDPA/ JOIC ensued. Regarding the issuing of fines, PV confirmed that the JDPA has the capacity to issue fines under the law although none had been issued to date.

DS provided an overview of past cases and the circumstances and underlying rationale where the issuance of a fine had been considered.

The Authority noted that the JDPA would impose fines when circumstances warrant such action. Aside from government which cannot be fined under the law, the cases to date have not warranted the imposition of a fine.

It was further noted that much work was being carried out by the JOIC to educate and bring about awareness to everyone in respect of data protection obligations.

## **3 Items for Approval**

### **3.1 Appointment of new JDPA Voting Members**

It was noted that the appointments of ED, PB and SB as Voting Members of JDPA were made by a Ministerial Direction dated 22 March 2023 by Deputy Kirsten Morel, Minister for Economic Development, Tourism, Sport and Culture of Government of Jersey, effective 1 May 2023, each for a term of 4 years.

### **3.2 Appointment of Additional JDPA Voting Members to JDPA Sub-Committees**

GL as Chair of the Governance Committee provided an overview of the JDPA Sub-Committees, which consist of:

- Audit and Risk Committee
- Governance Committee
- Remuneration and Human Resources Committee

GL noted that every JDPA Voting Members is expected to serve on at least one Sub-Committee and invited ED, PB and SB as newly appointed JDPA Voting Members to consider their preferences.

Discussion took place regarding the work of the various Sub-Committees, the skillsets and experience of ED, PB and SB and their interests. GL advised that the terms of reference for the JDPA and its Sub-Committees were due to be reviewed by the Governance Committee.

### **APPROVAL**

After due thought and consideration, it was agreed that, effective immediately:

- PB is appointed to the Audit and Risk Committee



- ED is appointed to the Governance Committee
- SB is appointed to the Remuneration and Human Resources Committee

**ACTION:** GL to consult with CR on her review of the overall governance framework to ensure good coordination with the Governance Committee's review of the terms of reference for the JDPa and its Sub-Committees.

### 3.3 Minutes

The Minutes of Meeting No. 23 of 29 March 2023 were reviewed with discussion taking place regarding content and layout in which some considered the balance and content to be good whilst others noted they would like more detail.

**ACTION:** It was agreed that the Minutes of Meeting No. 23 of 29 March 2023 would be amended and recirculated via email for consideration and approval.

**ACTION:** Going forward, the Authority requested that Minutes of the Authority Meetings are presented in a different format. GL as Chair of the Governance Committee to work with AM as the recently appointed JDPa Secretary to establish a new format.

## 4 Board Governance, Operations and Procedures

### Audit and Risk Committee recommendations


HH as chair of the Audit and Risk Committee gave an update to the Meeting on matters that the Audit and Risk Committee had discussed which included:

- an update on the current fee model and funding with PV going on to confirm that the matter of funding is ongoing and that discussion with Government of Jersey are continuing with an update anticipated in June 2023 and further updates would be given in due course.
- the number of Members on Sub Committees and potential issues arising should Members not be able to reach agreement had been considered. It was noted that should such an event ever arise where agreement could not be reached, the matter would be referred to the Authority and they would have the final say.
- a MONEYVAL Audit was due to take place in Jersey, September 2023. Should Jersey receive a grey risk rating from MONEYVAL, the consequences could be damaging with a potential loss of business and a knock-on effect of a decrease in Annual Registrations for JOIC. It was noted that the Risk Register was to be updated to record same.

### 4.1 Q1 JOIC Financial Report for Q1 ending 31 March 2023

The Draft Management Accounts for Q1 ending 31 March 2023 were circulated for review and information with the following being noted:

- discussion took place regarding the finances of JOIC with it being noted that a negative financial position in respect of budget overspend is recorded in Q1. It was further noted that the expected grant income from government had not been received which accounts for 80% of the budget deficit. The Remaining 20% is attributed to below target registration income.
- the registration figures reflect an increase as at today's date and a drive to further increase registrations is in progress.
- there are 21 staff roles budgeted for 2023 with 20 roles filled to date and plans to recruit for the remaining vacant position.
- queries were raised in respect of the status of the Data Stewardship Project and whether the funds committed by JOIC would be paid in 2023. PV noted that the £150K committed for this project are



earmarked for the life of the project and it was anticipated that monies would be paid in 2023. Further discussion ensued.

**APPROVAL:** The Q1 JOIC Financial Report ending 31 March 2023 **WAS APPROVED** by the Authority

**ACTION:** PV to provide a summary and current status of the Data Stewardship Project to the Authority New Members.

## **5 Any Other Business**

### **5.1 Update on New Registration Requirements for Board Directors**

GL noted that new registration requirements for non-executive directors (NEDs) that meet certain criteria have been introduced by the Jersey Financial Services Commission (JFSC) due to changes to Schedule 2 of the Proceeds of Crime Law (Jersey). NEDs who are in scope are required to register with the JFSC by 31 August 2023.

It was also noted that the JFSC had indicated that further guidance would be issued as consideration of potential exemptions from the new registration requirements for different categories of NEDs are under consideration.

**ACTION:** Authority to review the new registration requirements again at the next Authority Meeting that is scheduled for 18 July 2023.

### **5.2 Confirmation of 2023 and 2024 JDP Meeting Dates**

It was confirmed that the next Authority Meeting dates for 2023 would take place on:

- 18 July 2023
- 20 November 2023
- 13 December 2023 – potential - date to be held in case of an Authority Meeting being required
- 01 March 2023

**ACTION** - Consideration to be given to 2024 Authority meeting dates and AM to collate potential 2024 dates.

**The Meeting ended at 12:55**

The Authority held an in-camera session.

