



**JERSEY DATA PROTECTION AUTHORITY (JDPA)**

**Meeting No. 25 of the JDPA Held at 5 Castle Street, St Helier, Jersey, JE2 3BT  
on 18 July 2023, 16:00 – 19:05 (The Meeting)**

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**MINUTES**

**Attendees:**

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

Jacob Kohnstamm (JK) – JDPA Chair  
Stephen Bolinger (SB) - (Via video conference call)  
Paul Breitbarth (PB)  
Elizabeth Denham (ED) – (via video conference call)  
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

**Apologies:**

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**

The Chair opened the Meeting and welcomed the Attendees and introductions followed. The Chair went on to explain to the Attendees that although there were multiple items to be considered at today's Meeting, of

noticeable interest were those in connection with the Government of Jersey (GoJ) funding grant, an update on the fee position and the GPA Conference.

### **1.1 Declarations of Interest**

GL noted to the Meeting that she had accepted a new external appointment at a FTSE250 Investment Trust and does not foresee a conflict unless there was a data breach. It is noted that the said appointment had been recorded in the Conflicts of Interest Register.

There were no further Declarations of Interest to note.

## **2 Items for Approval**

### **2.1 Review and Approval of Minutes**

The draft Minutes of Meeting No. 24 of 22 May 2023 (the Draft Minutes) had been circulated to the Meeting Attendees for review prior to the Meeting being held. A further review of the Draft Minutes took place with the following points being raised:

It was brought to the attention of the Meeting that at Meeting No.24 of 22 May 2023, it had been requested that an overview on the Data Stewardship Project be arranged for the newly appointed Authority Members to which it was agreed that PV would arrange to follow up on this matter in order to provide same.

Reference was made to the Draft Minutes, point 4.1, Q1 JOIC Financial Reports for Q1 ending 31 March 2023 (the Q1 JOIC Financial Reports) with it being confirmed that the JDPA Authority had approved the Q1 JOIC Financial Reports and that the Draft Minutes be updated to reflect same.

It was also noted that 1<sup>st</sup> March 2024 had been agreed as a date on which an Authority Meeting would take place and this should also be added to the Draft Minute, point 5.2.

**ACTION / APPROVAL:** It was agreed that the Minutes of Meeting No. 24 of 22 May 2023 be updated to reflect the changes that had been highlighted and were subsequently **APPROVED**.

**ACTION:** PV to provide an overview of the Data Stewardship Project.

## **3 Board Governance, Operations and Procedures**

### **3.1 Audit and Risk Committee**

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:

#### **Q2 JOIC Financial Report 2023**

HH presented to the Meeting the Q2 JOIC Financial Report to 30 June 2023 (the Q2 JOIC Financial Report 2023) and proceeded to give an overview of same with the following being noted:

In respect of funding, it was confirmed by PV that discussions with GoJ had progressed but had not as yet been resolved. As had been requested by GoJ, reports had been prepared in connection with Freedom of Information works cost analysis along with a further report in connection with Data Protection works cost analysis. Both reports are nearing completion and are subject to final review prior to being put forward to GoJ for consideration.

HH detailed that good progress was being made in respect of communications regarding funding and reiterated that this was an ongoing matter. However, in the absence of 2023 funding as of yet not being received from GoJ, it had been necessary to consider how and if JOIC could continue its operations and ARC had agreed to revisit and put in place a plan of expenditure.



The Authority collectively noted its concerns regarding the lateness of funding for 2023 from GoJ and the subsequent difficulties in maintaining operational costs to JOIC as a consequence.

It was confirmed that GoJ had earlier in the year issued a Notice of Variet in respect of the 2023 grant.

The Meeting recognised that although GoJ may have issued a Notice of Variet, it was important to note that the Authority had not agreed to this position and in the absence of receiving the Grant / funding from GoJ, maintaining and continuing operations going forward would be difficult.

ARC is recommending the Q2 JOIC Financial Report 2023 to the Authority.

**APPROVAL:** The Q2 JOIC Financial Report 2023 was approved by the Authority.

It was confirmed that at the ARC Meeting of 12 July 2023, PB had been welcomed as a newly appointed voting member to ARC.

HH noted that post the 2022 Audit, a recommendation had been put forward for review of the organisation control point to be undertaken in which unbudgeted expenditure is set. The Authority was asked to consider if the current threshold of 10% is still relevant? It was established that ARC had considered this matter and concluded that a 10% threshold was, in their view, acceptable as a limit and that any unusual expenditure would always be referred to the Authority, regardless of monetary amount.

**IT WAS AGREED** that a 10% expenditure threshold expenditure limit remains in place and that any unusual or contentious expenditure, irrespective of value be referred to the Authority for consideration.

ARC had also recognised that DS was due to retire in October 2023 from his position as a voting member of ARC and had thanked him for his support in this role.

### **3.2 Governance Committee**

GL had accepted a new external appointment at a FTSE250 Investment Trust and does not foresee a conflict unless there was a data breach. It is noted that the said appointment had been recorded in the Conflicts of Interest Register.

The Meeting was informed that communications had begun with the Jersey Appointments Commission in connection with Authority Succession Planning. It was noted that this was necessary in order to seek a new Authority Chair in advance of the current Authority Chair vacating the position.

It was brought to the attention of the Meeting that external assessment on performance of the Authority was falling due. Discussion took place in respect of engaging a potential suitable external service provider with it being agreed that further information would be sought in order for this matter to be considered at the next Authority Meeting.

### **3.3 Remuneration and Human Resources Committee**

PR as Chair of the Remuneration and Human Resources Committee (RHR Committee) gave an update to the Meeting on matters that the RHR Committee had discussed which included:

The Current Remuneration and Human Resources Terms of Reference had been discussed with it being noted that the Terms of Reference were in the process of potentially being updated.

The topic of Authority Succession Planning going forward had been discussed.

Review of staff salaries and analysis of the same would take place at the RHR Committee meeting which is scheduled to take place later in the year.



## **4 Information Commissioner**

PV as Information Commissioner gave an update to the Meeting on matters that he had been attending to which included:

### **4.1 Quarterly Report**

PV referred to the Information Commissioner Quarterly Report, July 2023 (the Quarterly Report) and gave an overview of the same. Reference was made to the Data Stewardship Project in which PV explained what the aims and objectives of the said project were along with costs involved. After review the Authority considered it would be prudent to mark the Data Stewardship Project as having an amber rather than green status and that at the next Authority Meeting, we should look at the Data Stewardship Project in more detail.

PV explained that Emerging Technologies and a legal framework that was fit for purpose was cause for concern with PV confirming that talks with GoJ regarding adequacy were ongoing.

### **Grant / Fee Update**

PV gave to the Meeting an update on the current fee model and funding and went on to confirm that the matter of funding is ongoing and that discussions with GoJ are continuing. PV confirmed that further updates would be given in due course.

### **4.2 Global Privacy Assembly Conference 2024**

PV referred the Meeting to the Global Privacy Assembly Conference that is scheduled to take place in Jersey, end of October 2024 (the GPA Conference 2024).

PV Presented to the Meeting the Global Privacy Assembly Annual Conference Jersey 2024 paper (the GPA Conference Paper 2024) which detailed the planning, budget and resources, sponsorship, conference format, venues, content, themes and delivery timeline of the GPA Conference 2024. PV went on to give an overview of the GPA Conference Paper 2024 focusing on the planning that had taken place to date along with potential themes and topics.

Discussion took place regarding the GPA Conference 2024 with consideration being given to the organisation of such an event and what it entails including transport and accommodation for attending delegates along with the costs of hosting such an event.

It was noted that the GPA Conference 2024 was an ongoing project and that there would be updates given to the Authority on a regular basis.

## **5 Any Other Business**

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

It is noted that the new registration requirements for non-executive directors (NEDs) that is being introduced by Jersey Financial Services Commission (JFSC) is ongoing with an update from the JFSC anticipated to be forthcoming around 30 September 2023.

**ACTION:** Authority to review the new registration requirements again at the next Authority Meeting that is scheduled for 20 November 2023.

### **The Meeting ended at 19:05**

An in-camera session was not required.

