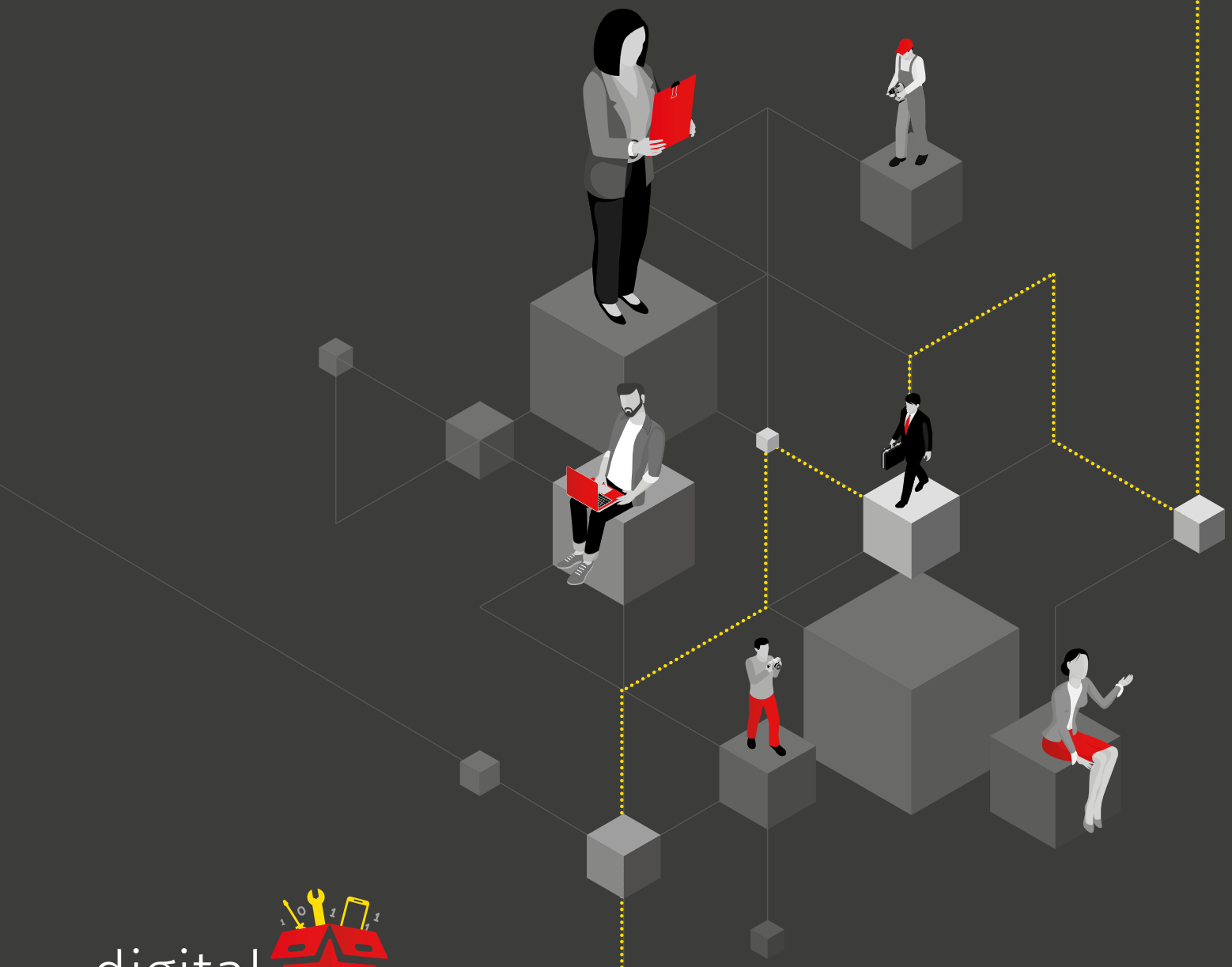
ORGANISATIONS

DATA PROTECTION CHECKLIST



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Guidance for Organisations

JOIC
JERSEY OFFICE OF THE INFORMATION COMMISSIONER

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Data Protection Checklist

To help you navigate and understand data protection we have created a step-by-step data protection checklist.

☐ 1. Key executive questions to ask about data protection.

a. **Do we know what personal data we collect**, what we are doing with it, how long we keep it for and who we are sharing it with and why?

b. You should ask for a summary of the data audit/data map.

c. Is there a privacy policy that is relevant and comprehensible by your customers, staff and contractors?

d. Who has responsibility for data protection within the organisation? Do you have a **data protection officer (DPO)** or a data protection lead? Are they adequately resourced? Do they have relevant/appropriate experience? Are they able to report in directly to the board?

☐ 2. What data protection policies and procedures do we have in place? When were they last reviewed, updated and 'tested'.

a. Data Protection Policy

The organisation's data protection policy should embrace

- Appropriate technical and organisational measures to meet the requirements of accountability.
- Adopting and implementing data protection policies.
- A 'data protection by design' approach.
- Written contracts where appropriate.
- A record of your processing activities.
- How you implement appropriate security measures.
- Data breach plan to record and, where necessary, report personal data breaches.
- Identifying a data protection lead.

Your policy should be clear and set out information in a way that is easy for your customers, employees/volunteers to understand and follow.

b. Retention Policy

Retention policies or **retention schedules** list the types of record or information you hold, what you use it for, and how long you intend to keep it. They help you establish and document standard retention periods for different categories of personal data and explain to individuals why you are keeping information and how long for.

C. **Privacy Policy**

The privacy policy/notice is a key document as it lets your employees, customers, suppliers and contractors know that you take your privacy responsibilities seriously, it spells out how you use personal information and what they can do if they would like clarification as to your use of their information.

1. Who you are and what you do.
2. What information of theirs you hold and why.
3. How you obtained the information.
4. How you use the information.
5. How long you retain the information.
6. Whether you share the information, why and who with.
7. How information rights can be accessed.
8. Whether the data will be sent outside the EEA and safeguards in place.
9. Contact details for DPO (if required).
10. Right to Complain to JOIC.

D. **Data/cyber security Policy**

Keeping your IT systems safe and secure can be a complex task and does require time, resource and specialist knowledge. If you have personal data within your organisation's systems, you need to take appropriate technical measures to keep it safe and make sure no one can access it who doesn't have the authority to do so. The measures you put in place should fit the needs of your particular business.

E. **Information Rights Policy**

The DPJL gives individuals important personal information rights and places obligations on how both the public and private sectors process personal information. Organisations need to know how and who will be responsible for managing individual rights and the requests.

F. **Breach policy and procedure**

1. Does the organisation have a breach checklist?
2. How will the organisation respond to a personal data breach?

G. **Working from home policy**

Has the organisation considered;

- Security.
- Breach management and risk assessment.
- Training.

3. **New systems and processes – how we manage the implications of data protection.**

The DPJL requires you to put in place appropriate technical and organisational measures to implement the data protection principles and safeguard individual rights. This is 'data protection by design and by default'.

This means data protection is integrated into your processing activities and business practices, from the design stage right through the lifecycle.

Data protection by design is about considering data protection and privacy issues upfront in everything you do. It can help you ensure that you comply with the DPJL's fundamental principles and requirements, and forms part of the focus on accountability.

Consider the following areas;

- Governance – board & senior management activities and agendas.
- Data Protection by Design.
- Policies & procedures.
- Impact assessments.
- Internal & external communications.

4. What would be the impact of a data breach to the organisation?
    a. Worst case scenario.
    b. What is the breach action plan? Responsibilities etc.
    c. Breach reporting.
    d. Breach recording.

5. What technical and organisational measures are in place to manage personal data risk?
    a. Board agenda.
    b. Evidence.
    c. DPO/lead reports/updates.
    d. Breach information.
    e. Risk management.
    f. Business continuity.

6. Do you have staff buy in?
    a. Do they understand the organisations responsibilities/what they need to do to keep personal data safe and use it appropriately?
    b. Do the staff receive appropriate training which is relevant to their role?
    c. Do the staff know what to do and who to contact if something goes wrong?

7. How to stress test data protection.
    a. Board agenda.
    b. Evidence.
    c. DPO/lead reports/updates.
    d. Breach information.
    e. Risk management.
    f. Business continuity.

This document is purely for guidance and does not constitute legal advice or legal analysis. It is intended as a starting point only, and organisations may need to seek independent legal advice when renewing, enhancing or developing their own processes and procedures or for specific legal issues and/or questions.

Jersey Office of the Information Commissioner, 2nd Floor, 5 Castle Street, St Helier, Jersey JE2 3BT
Telephone number: +44 (0) 1534 716530 | **Email:** enquiries@jerseyoic.org