



## Jersey Data Protection Authority Board Meeting

### MINUTES

**Board Meeting 1**

09:00 Monday 29<sup>th</sup> October 2018

Radisson Blu, Jersey

**Chairman Present:**

Jacob Kohnstamm

**Voting Members Present:**

Gailina Liew

Clarisse Girot

David Smith

**Non- Voting Members Present:**

Paul Routier MBE -- Advisor

Dr Jay Fedorak – Information Commissioner

**In Attendance:**

Adrian Hayes, Compliance and Enforcement [Deputising for the Deputy Commissioner]

Anne King, Communications and Operations [Note taker]

**Guest Speaker:**

None

**Apologies:**

None

	Item	Action
1.	<p>Call to Order</p> <p>The Chair briefed members regarding board appointments.</p> <p>The Board directed that JOIC implement consistent labelling of board papers with respect to versions, dates, and authors.</p>	<p>The Chair approved the agenda</p> <p>Commissioner to ensure consistent labelling</p>
2.	<b>Board Governance, Operations and Procedures</b>	
2.1	<p>Draft Corporate Governance Protocol</p> <p>Board members discussed the general areas of responsibility. It decided that it should require the Commissioner to seek Board approval for any single item of expenditure in excess of ten percent of the annual office budget.</p> <p>The Board agreed seek an opportunity to present to the entire states assembly in a States Assembly day lunchtime, in spring 2019. JOIC to contact the Greffe to arrange a 20 minute presentation followed by a Q&amp;A session to give the States members an opportunity to understand our work and board.</p>	<p>The Board approved the Protocol with amends.</p> <p>Commissioner to liaise with Chief Ministers Team</p>
2.2	<p>Development of a Code of Practice</p> <p>The Board discussed merits of a robust code. Members agreed to write a draft code that reflects the independence and gravitas of the organisation. Commissioner to explore best practice and draft the code for the <b>7 January 2019 Board meeting</b>. The Commissioner would provide a draft copy asap to members.</p>	<p>Commissioner to draft code for discussion at <b>7 January 2019 Board meeting</b>.</p>
2.3	<p>Disclosure of Interests</p> <p>The Board agreed to establish a Register of Interests that is specific to Jersey and the DPA. This requires amendment of the current draft.</p> <p>The Board directed the Commissioner to check if timescales are prescribed in Law and to behave accordingly.</p>	<p>Commissioner to provide an updated draft of the Register at <b>7 January 2019 Board meeting</b>.</p>
2.4	<p>Appointment of Auditors.</p> <p>The board discussed audit requirements.</p> <p>The Chair requested;</p> <ul style="list-style-type: none"> <li>○ The Commissioner verify with the Comptroller and Auditor General as to their role in the appointment of auditors, as Article 43 of the JDA Law states that they appoint our auditors</li> <li>○ Quotes from appropriate auditors</li> </ul>	<p><b>Agenda item for 7 January 2019 Board meeting</b> – auditor progress.</p>

	<ul style="list-style-type: none"> <li>o The Commissioner check with Group Director of Finance &amp; Digital Policy if we are obliged to comply with a preferred supplier list.</li> </ul>	
2.5	<p>Frequency and Dates of Future Meetings.</p> <p>The following dates have been agreed;</p> <p>7 January 2019 (am)</p> <p>29 April 2019 (pm)</p> <p>19 August 2019 (am)</p> <p>2 December 2019</p>	The board agreed the meeting dates.
3.0	<b>ICO Update</b>	
3.1	<p>Background to the New Laws</p> <p>The Commissioner gave a very high level overview of the history of Data Protection in Jersey from 1987 through until our more robust 2018 law</p>	
3.2	<p>Impact of the New Laws &amp; statistics</p> <p>A discussion followed regarding the definition of breaches and statistics reporting.</p>	<b>Agenda item for 7 January 2019 Board meeting – statistics.</b>
3.3	<p>Budget</p> <p>The Commissioner presented a budget outline.</p> <p>The current underspend is as a result of a delay in finding suitable office accommodation which also halted staff recruitment.</p> <p>The Chair requested the Commissioner;</p> <ul style="list-style-type: none"> <li>o Seek to confirm if the ‘underspend’ can be carried forward into 2019 to allow us to complete the planned office move and staff recruitment.</li> <li>o Ensure funds have been committed for 2019 at the correct level</li> <li>o Confirm additional funding requests can be submitted if required.</li> <li>o Establish the formal accounting officer for us.</li> </ul>	Commissioner to investigate.
3.4	<p>Staffing Plan</p> <p>The staff structure was briefly reviewed.</p> <p>The board urged the Commissioner to focus on securing a Senior Policy Adviser.</p>	Commissioner to action.
3.5	<p>New Office Space</p> <p>The board reviewed the ‘Office Requirements Report’.</p>	
3.6	<p>Draft Strategic Plan</p> <p>The Board discussed the draft paper.</p>	Commissioner to provide an updated draft of the Register

	<p>The draft strategic plan discussion highlighted board concerns in relation to BREXIT.</p>	<p>at <b>7 January 2019 Board meeting.</b></p> <p>Commissioner to invite guest speaker from the States of Jersey BREXIT policy team - <b>Agenda item for 7 January 2019 Board meeting</b></p>
3.7	<p><b>Core Values</b></p> <p>Members briefly discussed the JOIC core values – they explored two areas of concern.</p> <p>It was agreed that the Core Values are to be revisited as alongside the new strategic plan.</p>	<p>Commissioner to revisit core values.</p>
4.0	<p><b>Pan-Island Governance</b></p> <p>The Chair advised members that the board and commissioner’s office should aim to work closely with the Guernsey office- aligning our approaches. Chair also requested the board and commissioner consider;</p> <ul style="list-style-type: none"> <li>○ MoU with Guernsey.</li> <li>○ Combined approach towards EU Adequacy.</li> <li>○ Joint 2019 board meeting.</li> </ul>	<p>Board and Commissioner to action.</p>
5.0	<p><b>Proposed Revenue Model</b></p> <p>A general overview of the revenue model objectives was presented. The board welcomed the simpler approach.</p> <p>The Chair raised 3 key areas in relation to the revenue model</p> <ol style="list-style-type: none"> <li>1. Practicality</li> <li>2. Costs/fees</li> <li>3. Guernsey</li> </ol> <p>A discussion followed covering the following points;</p> <ul style="list-style-type: none"> <li>• Fairness and costs to organisations</li> <li>• To explore the category of charities</li> <li>• To ensure that terminology is easily understood</li> </ul>	<p>Commissioner to undertake additional research to clarify;</p> <ul style="list-style-type: none"> <li>• Legal compliance.</li> <li>• IT set up and implementation costs.</li> <li>• Scrutiny involvement.</li> </ul> <p>Commissioner to arrange meeting with Guernsey.</p>

	<p>A brief overview of the option selected by Guernsey's Office of the Data Protection Commissioner was explained.</p> <p>The Chair requested the Commissioner arrange a meeting with the Chair of Guernsey's board and the Commissioner to discuss the revenue models.</p>	
6.0	<p><b>Delegation of Powers from DPA to OIC</b></p> <p>The board talked through the legislative expectations regarding the delegation and execution of powers.</p>	<p>Commissioner to provide an updated draft of the delegation of powers <b>7 January 2019 Board meeting.</b></p>
7.0	<p><b>Any Other Business</b></p> <p>There was no other business. The meeting closed at 13:30</p>	