INTRODUCTION

1. The DPJL is based around six principles of 'good information handling'. These principles give people (the data subjects) specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it.

2. The Data Protection Authority (Jersey) Law 2018 (AL) establishes the Data Protection Authority (the Authority (which will replace the Office of the Information Commissioner)). The Information Commissioner (the Commissioner) is the Chief Executive Officer of the Authority.

3. This is part of a series of guidance to help organisations fully understand their obligations, as well as to promote good practice.

GUIDANCE

NOTE

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.

General regime for administered Controllers / Processors under the Regulations and the Law

DPJL - Data Protection (Jersey) Law 2018
DPAJL - Data Protection Authority (Jersey) Law 2018
DPRCJR - Data Protection (Registration and Charges) (Jersey) Regulations 2018 (as amended)
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OVERVIEW

This is part of a suite of guidance issued by the Jersey Office of the Information Commissioner. Further guidance may be found on the JOIC website within the Resource Room.

This guidance is intended to help those in the financial services industry:

- Understand certain key definitions set out in data protection legislation;
- Understand which types of structure likely fall within the scope of the data protection legislation;
- Understand the registration process for those structures that fall within the scope of the data protection legislation;
- Work out which charges are applicable to those structures and how those need to be paid to the JOIC; and
- Understand their compliance obligations, generally.

If you administer the following types of structure, this guidance will help you to understand whether those structures fall within the scope of the data protection legislation (including registration and paying charges to the Authority).

- Jersey registered companies
- Trusts and foundations
- Private trust companies
- Family offices
- JPUT
- Foundations
- Foreign entities
- Cell companies
- SPVs

We have included at Appendix 1 to this guidance note a series of example structures put together with the assistance of Jersey Finance.

The list above and the examples as set out in Appendix 1 should not be considered exhaustive and you should obtain specific legal advice if you require guidance about whether your entity falls within the scope of the law.
WHAT IS PERSONAL DATA?

The DPJL defines ‘personal data’ as:

‘Personal data means any data relating to a data subject. A data subject is an identified or identifiable, natural, living person who can be identified, directly or indirectly, by reference to (but not limited to) an identifier such as –

(a) a name, an identification number or location data;
(b) an online identifier; or
(c) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the person.’

Therefore, any data that can directly or indirectly identify a natural, living person is considered personal data. This could be a name, but whether any potential identifier actually identifies a person will depend on the context of the processing. A combination of identifiers without someone’s name could be enough to identify that person.

The information must be ‘about’ that person. It is not just enough to name them; it must concern them in some way.

Example: john.doe@info.com – you can ascertain that John Doe works for Info.com

Example: At 9:15 every day, an individual parks in car park space no.5 at Info.com and has a blue car.
WHAT IS PROCESSING?

The DPJL defines ‘processing’ as:

‘any operation or set of operations that is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction’.

Essentially, this means that any activity involving personal data will likely fall within the definition of ‘processing’. There is no minimum amount or de minimus level of processing. If you process any amount of personal data, no matter how small, you will fall within the scope of the DPJL. There are no exceptions to this requirement.

Example: Q: Company A only holds statutory records for directors and shareholders and nothing else. Is this processing?

A: Yes
WHAT IS A CONTROLLER?

The DPJL defines ‘Controller’ as:

“Controller” means the natural or legal person, public authority, agency or other body that, whether alone or jointly with others, determines the purposes and means of the processing of personal data, and where those purposes and means are determined by the relevant law, the controller or the specific criteria for its nomination may be provided for by such law.

The key phrase in this definition is ‘determines the purposes and means of processing of personal data’. This responsibility ultimately sits with the Controller. Even if they outsource the decision making to a data processor, the Controller remains responsible for the processing of the personal data and ultimately in charge of the processing.

The second part of the definition refers to ‘where those purposes and means are determined by the relevant law’. By way of example in this context, a Controller may be required to maintain a register of shareholders and/or directors, and in some cases, identify the ultimate beneficial owner because they are required to do so by some other law / enactment. These provisions would cover personal data processed in this context.
WHAT IS A PROCESSOR?

The DPJL defines ‘Processor’ as:

“Processor” means a natural or legal person, public authority, agency or other body that processes personal data on behalf of the controller, but does not include an employee of the controller.

In general terms, a Processor will perform a function on behalf of a Controller, but is not an employee of that Controller. It can only process data in accordance with the controller’s instructions. Examples of this could be where a function of the business is outsourced to another company, such as human resources, finance or IT support.

In this context, the organisation will be providing services to the Controller, and thus processing personal data on behalf of the Controller as a ‘Processor’. The organisation remains the ‘Controller’. If a Processor deals with any of the information that has been provided by the Controller not in accordance with the Controller’s instructions, the Processor will become a Controller of that information in their own right. This is because it has added its own decision making into the process and is doing something with the information that it hadn’t been instructed to do by the Controller.

A Processor can sub-contract some or all of the work that it has been tasks with to a sub-processor’. (It can only do this with the say so of the Controller.)

Relationship between a Controller and a Processor

Article 19 of the DPJL requires that where there is a Controller/Processor arrangement, the Controller must have a legal contract with the Processor setting out the nature and purpose of the processing activities to be undertaken, the duration of the processing, the type of personal data to be processed and the categories of data subjects. It should also set out the obligations and rights of the Controller.

TIP: In practice, every company will be a controller and/or processor.
WHO DOES THE DPJL APPLY TO?

Article 4 of the DPJL sets out who falls within the scope of the Law, and defines the term ‘established’.

The DPJL applies to the processing of personal data:

(a) in the context of a controller or processor established in Jersey;
(b) by a controller or processor not established in Jersey but who uses equipment in Jersey for processing the data otherwise than for the purposes of transit through Jersey; or
(c) by a controller or processor not established in Jersey where the processing –
   (i) relates to data subjects who are in Jersey, and
   (ii) is for the purpose of offering goods or services to persons in Jersey or monitoring the behaviour of such persons. (Article 4(2) of the DPJL)

A Controller or Processor is ‘established’ if they are:

- A natural person ordinarily resident in Jersey;
- A body incorporated under the law of Jersey;
- A partnership or other unincorporated association formed under the law of Jersey;
- A person who maintains an office, branch or agency through which the person processes personal data in Jersey;
- A person who maintains a regular practice that carries on the processing of personal data in Jersey;
- Any person engaging in effective and real processing activities through stable arrangements in Jersey. (Article 4(4) of the DPJL)

TIP: Companies registered in Jersey (so, registered with the JFSC) will always fall within the definition of ‘established’.

There may be instances whereby companies from jurisdictions outside Jersey (e.g. BVI, Cayman) also fall within the definition of ‘established’ because, for example, they are “engaging in effective and real processing activities through stable arrangements in Jersey”.

There is no definition of “regular practice” in the DPJL but when considering whether an entity’s operations are such as to bring them within the scope of the law, you should consider whether:

- The entity’s activities are coordinated from Jersey;
- The entity is required to and does demonstrate that it has economic substance in Jersey;
- It has employees physically present in Jersey.
Controllers and processors who are established in Jersey (see above) can only process data lawfully if they are registered with the Authority. They must also pay any applicable fee.

**Articles 17 and 18 of the DPAJL state:**

**17 Registration of controllers and processors**

1. A controller or processor established in Jersey must not cause or permit personal data to be processed without being registered as a controller or processor under this Article.

2. However, Regulations may make such exemptions from the requirements to register under this Article as the States think fit.

3. An application for registration made to the Authority must –
   - include the fee as specified by the Authority;
   - be in a form and manner required by the Authority; and
   - include any information required by the Authority.

4. Upon receipt of an application made in accordance with paragraph (3), the Authority must register the applicant as a controller or processor as the case may be.

5. The Authority must –
   - maintain a register of controllers for the purposes of this Law; and
   - publish any such information as the Minister may by Order prescribe.

6. A person who contravenes paragraph (1) is guilty of an offence.

This means that any organisation captured by the definitions of Controller and / or Processor and that falls within the definition of ‘established’ must be registered with the Jersey Data Protection Authority. This may include foreign data Controllers or Processors being ‘administered’ by a trust company business (TCB) / funds services business (FSB) in Jersey and who are ‘engaging in effective and real processing activities through stable arrangements in Jersey’.

As previously stated, the Law does not provide any ‘de minimis’ level of processing, therefore it does not make any difference as to how much or how little personal data is processed. The Law applies equally to all Controllers and Processors established in Jersey and if personal information is being processed to any degree they need to register.

Almost all companies are likely to be both controllers and processors regarding different personal data and those companies will need to register as both.
RELEVANT CHARGES

Every organisation that processes personal information needs to pay a charge to the Authority, unless they are exempt.

The same annual charge is payable regardless of being registered as either a controller or a processor or both.

The amount of the annual charge depends on:
- the size of the company (calculated by reference to its number of full-time equivalent employees);
- past year’s global revenue; and
- what kind of personal data it processes.

Certain classes of processing are exempt from paying any charge if:
- they’re a public authority;
- they’re a candidate for election;
- they’re a provided school;
- they’ve ceased to conduct business and only hold accounts and records for archiving; or
- they’re a non-profit association.

If a Controller/Processor’s registration has been effected by way of its being included on the list of administered organisations filed with the JOIC by a trust company or fund services business as defined (see below), it will attract a reduced charge of £50 a year. However, there is no obligation for those controllers/processors to be registered by the TCB/FSB and they may go through a full registration process, if they so wish. If those entities do go through the full registration process, however, they will not be able to take advantage of the Reg.6B exemption and their registration charge will be calculated in the standard way.

18 Registered controllers and processors to pay prescribed charges

(1) Regulations may require registered controllers, registered processors or both, to pay a charge to the Authority in order to pay for the remuneration, salaries, fees, allowances and other emoluments, costs and expenses of –
   (a) the establishment of the Authority; and
   (b) the Authority’s operations, including the exercise or performance of any functions of the Authority.

(2) The Regulations must provide for –
   (a) the amount of the charge, or the basis on which the amount of the charge is to be calculated or ascertained;
   (b) the periods in respect of which, and the times at which, the charge must be paid, or a means for ascertaining those periods and times; and
   (c) the manner and form in which the charge must be paid.
(3) The Regulations may –
   (a) impose duties on the Authority, registered controllers, or registered processors in connection with the collection or payment of the charge;
   (b) confer powers on the Authority in connection with the collection of the charge; and
   (c) exempt any person from paying the charge.

(4) A person required by the Regulations to pay a charge must do so in accordance with the Regulations.

(5) The Authority may recover any charge due and payable by any person to the Authority under the Regulations as a debt owed by the person to the Authority.

This means that all Controllers or Processors will need to pay a registration fee, unless a specific exemption applies to them and means that they do not have to pay a fee. The DPRCJR contains an exception which allows for Controllers or Processors administered by a TCB/FSB to pay a reduced fee of £50:

6B Exception for payer being administered by trust company businesses or fund services businesses

(1) In this Regulation, “trust company business” and “fund services business” have the same meanings as in Article 1(1) of the Financial Services (Jersey) Law 1998.

(2) Despite Regulation 6A, the amount of the annual charge for a registered controller or registered processor that is being administered by a trust company business or a fund services business is £50.

(3) A registered controller or registered processor referred to in paragraph (2) is not eligible under Regulation 6(4) for an exemption from paying the annual charge.
WHAT IS MEANT BY “ADMINISTERED”?

The term ‘administered’ is not defined in the DPJL, DPAJL or the DPRCJR.

Reg 6B(2) of the DPRCJR provides that the amount of the annual charge for a registered controller or registered processor that is being administered by a trust company business or a fund services business is £50.

Reg.6B(1) stipulates that “trust company business” and “fund services business” have the same meanings as in Article 1(1) of the Financial Services (Jersey) Law 1998 (the FSJ Law).

The rationale underpinning this provision in the Regulations was to avoid imposing a disproportionate administrative burden on financial services businesses registered with the Jersey Financial Services Commission that provide trust company and/or funds services business (including related services) to a large number of data controllers and processors processing a small amount of low risk data, who would otherwise have to register individually. The provision provides qualification in that the trust company business or fund service business involved must meet the definition of such in Article 1(1) of the Financial Services (Jersey) Law 1998 (FSJL). These businesses may apply this provision with respect to any clients receiving any of the services listed in Article 2 of the FSJL including any other services that are wholly associated or allied to the licenced business.

It is for the administrator to determine whether they are providing relevant services for the purposes of the DPRCJR and whether that activity falls within the definitions as set out in the FSJ Law.
UNDERTAKING THE TASK OF DATA PROTECTION REGISTRATION

The ultimate responsibility for registration lies with each separate Controller or Processor, NOT the administrator.

Registration Options:

A. The Controller or Processor undertakes their own individual data protection registration.

B. The Controller or Processor instructs the relevant TCB/FSB to deal with their data protection registration as part of the services provided:
   
i. If only 1 TCB/FSB is providing administration services to the Controller or Processor, the TCB/FSB should include the administered company within their registration under the ‘administered’ list.

   ii. If the Controller / Processor receives administration services from more than 1 TCB/FSB, the parties must be clear about who is undertaking the registration process for the relevant Controller / Processor. If they fail to do this, they may be registered and charged more than once.

   Who has responsibility for the registration process should form part of the service contract or processing contract in order to make it clear which TCB/FSB has the responsibility for registering the administered Controller or Processor.

It is important to determine with the client who is responsible for undertaking the data protection registration to ensure compliance with registration requirements and to avoid duplication.

Administered Controller / Processor registration updates:

As per Article 17 of the DPAJL, a Controller or Processor must not cause or permit personal data to be processed without being registered as a Controller or Processor. Therefore, any 'new' Controller or Processor must be registered in order to process personal data. They must register before any processing activity commences.

Changes – Name Change/Transfers (in and out)/Dissolution:

Article 4(1) of the DPRCJR states:

4 Requirement to notify changes to particulars

   (1) Registered controllers and registered processors must notify the Authority of any change in the particulars that they were required to provide to the Authority in respect of their application for registration as soon as practicable and in any event within 28 days of the change.
Therefore, any such changes should be notified to JOIC as soon as practicable and in any event within 28 days of the change.

The facility to add new registrations and make changes will be available via the website in due course. Until this is available, please advise of any new registrations or changes to existing registrations via email to enquiries@jerseyoic.org
PUBLICATION OF THE REGISTER

The Authority will publish limited details of registered controllers and processors on the JOIC website. It will only show the relevant organisation’s name, any registered business names if applicable, registration number and expiry date. **No other information will be provided.**

When a TCB/FSB submits its administered controllers / processors for inclusion on the Registry the names of the administered controllers / processors will not be published in any way that links them back to the TCB/FSB. The **only** information that would show for an administered controller / processor would be their name (no registration number) which, of itself, would confirm that the administered controller / processor is registered for data protection purposes. **No other information will be provided.**
ACCOUNTABILITY
OF CONTROLLERS

Aside from the registration requirements under the DPAJL, every Controller established in Jersey must comply with all the provisions of the Law. In particular, the general duties and accountability of Controllers is set out in Article 6 of the DPJL, which includes:

» Responsibility for, and demonstration of compliance with the Data Protection Principles;
» The requirement to be registered if established in Jersey;
» The requirement to pay a registration fee;
» Having appropriate safeguards in place to protect the rights of data subjects;
» Compliance with the record keeping requirements (if more than 250 employees);
» Appointing a Processor in compliance with Article 19;
» The obligation to report data breaches;
» When you need to appoint a data protection officer;
» Complying with requests and orders from the JOIC;
» Compliance with the transparency requirements in Article 12.

All Controllers and Processors must comply with the Law.
Whilst there are specific obligations for Controllers and Processors under the DPJL and DPAJL, organisations are expected to apply these on a risk-based approach. This means that Controllers and Processors will need to understand the risks associated with the processing of personal data in the context in which they are using it. When assessing risk, Controllers and Processors should take account of the following:

- The nature of the personal data;
- The purpose for which the data is being used;
- Whether the data includes Special Category Data;
- The volume of data to be processed;
- How the data is stored, and whether the appropriate technical and organisational measures are in place to protect the data;
- To whom the data may be disclosed;
- The duration of the processing activity;
- The impact, or potential impact on the rights of individuals.

This is not an exhaustive list, and as such Controllers and Processors are expected to risk assess all personal data processing activities in order to comply with the applicable data protection principles.

In cases where the processing activities are likely to result in a high risk to the rights and freedoms of individuals, Controllers must carry out a Data Protection Impact Assessment.

The DPJL recognises that different organisations will have different levels of resources available to them and allows for a proportionate approach to be adopted towards compliance. Art.14(1) of the DPJL stipulates that “A controller is responsible for:

(a) Implementing proportionate technical and organizational measures to ensure processing is performed in accordance with this Law; and

(b) Demonstrating that those measures are in place so that processing is indeed performed in accordance with this Law.

Further, Art.14(5) of the DPJL says:

“(5) In this Article “proportionate” means proportionate having regard to –

(a) the nature, scope, context and purposes of processing;

(b) the risk and likelihood of prejudice to the rights of data subjects;

(c) best practices in technical and organizational measures;

(d) the state of technological development; and

(e) the costs of implementation.”
Larger organisations may be able to put in place a more comprehensive framework than a smaller organisation and the DPJL does not explicitly set out a minimum level of compliance that the JOIC will consider is ‘sufficient’.

The DPJL does set out several different measures organisations can take towards achieving compliance. The approach you take will likely differ depending on what personal data you have and what you do with it. It is for each controller/processor to determine what is proportionate taking into account each of the factors set out above and you need to evidence and explain what steps have been taken towards compliance.

In order to demonstrate compliance with the accountability principle an organisation must:

- implement appropriate technical and organisational measures that ensure and demonstrate that you comply. This may include internal data protection policies such as staff training, internal audits of processing activities, and reviews of internal HR policies
- maintain relevant documentation on processing activities
- where appropriate, appoint a data protection officer
- implement measures that meet the principles of data protection by design and data protection by default. Measures could include:
  - data minimisation
  - pseudonymisation
  - transparency
  - allowing individuals to monitor processing; and
  - creating and improving security features on an ongoing basis
- use data protection impact assessments where appropriate.

The JOIC intends to issue further guidance in order to further assist controllers and processors’ understanding of what they need to do in terms of what they need to do to demonstrate that they have adopted a proportionate and appropriate level of compliance with the requirements of the DPJL. This will complement the guidance that is already available on the JOIC website and controllers and processors are referred to that guidance, in the interim.
MORE INFORMATION

Should you have any questions on this guidance or require further information, please visit our website, or contact the Jersey Office of the Information Commissioner:

**Jersey Office of the Information Commissioner**  
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5 Castle Street  
St Helier  
Jersey JE2 3BT

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**Email:** enquiries@jerseyoic.org  
**Web:** www.jerseyoic.org
APPENDIX 1

Example structures that may fall within the scope of the DPJL

This Appendix has been put together as a result of collaborative efforts between the JOIC and an industry working group, coordinated by Jersey Finance.

The example structures referred to below have been provided by industry as standard examples which TCBs and FSBs are routinely tasked with administering.

The structures referred to are for illustrative purposes only: it is for controllers and processors to undertake the data mapping exercise referred to in the main body of this guidance note and understand whether their activities fall within the scope of the DPJL (and, therefore, subject to registration with JOIC).

The examples provided are not exhaustive and nothing in this Appendix (or the rest of the guidance note) should be construed as specific advice (legal or otherwise) about the processing activities of those structures. IF YOU ARE UNSURE AS TO WHETHER AN ENTITY FALLS WITHIN THE SCOPE OF THE DPJL YOU SHOULD TAKE SPECIFIC LEGAL ADVICE.

1. Company with Registered Office-only service provider

If a company’s registered office address is provided for it by a service provider that is a TCB/FSB, that company will likely fall within the scope of the 2018 Regulations, as amended and, as a result, its registration may be effected by being included on the list of administered entities that trust company businesses may register with the JOIC.

If a company is registered in this way, it will pay a flat fee of £50 a year.

Just because a company is administered by a TCB/FSB, it may choose to register itself, but the annual registration fee will be higher, calculated in accordance the method described at Art.6A of the 2018 Regulations, as amended.

2. Administered entity with multiple service providers

If a number of TCB/FSBs provide administration services to a company and the company wishes to be registered by being included on the list filed by a TCB/FSB, the company should choose which of those service providers will do the listing to avoid duplicate registrations. Alternatively, the company may choose to register itself.

3. Family Office

If a Family Office is a limited company, it must register for data protection purposes like any other company unless it is being administered by a TCB/FSB in which case its registration may be submitted by its administrator and the standard £50 flat fee applies.

(If the registration is undertaken by the Family Office itself rather than via its administrator, consideration must be given as to whether that office is processing special category data as, if so, it must be stated on its registration.)

4. SPV

Sometimes, an entity may be used in a specific transaction or in a business structure just to do one thing (typically, to hold shares in another company or to hold a particular physical asset, such a building or other property). Such entities are often referred to as SPVs (or special purpose vehicles).
If an SPV is a limited company, it must register for data protection purposes like any other company unless it is being administered by a TCB/FSB in which case its registration may be submitted by its administrator.

5. Cell companies

If a company is a protected cell company, only the company itself need register for data protection purposes like any other company unless it is being administered by a TCB/FSB in which case its registration may be submitted by its administrator.

If a company is an incorporated cell company, each cell will need to register (or be registered) because each has separate legal identity.

6. Holding companies

A holding company is a type of SPV and it must register for data protection purposes like any other company unless it is being administered by a TCB/FSB in which case its registration may be submitted by its administrator.

7. JPUT

A JPUT (a Jersey property unit trust) is a property-holding structure and it typically consists of one or more companies or other entities and one or more trusts. Accordingly, each company or other entity – whether it is a property-holding vehicle or a trustee or whether it has some other role in the structure – must register for data protection purposes like any other company or other registerable entity (unless it is being administered by a TCB/FSB in which case its registration may be submitted by its administrator). See below for the registration submitted in respect of partnerships and to trustees.

Partnerships

8. GP/LP structures

GP/LP structures, typically consisting of a general partner, in the form of a limited company, and one or more limited partners are commonly referred to as “funds” and would usually be referred to as something like “ABC GP Limited in its capacity as general partner of the ABC LP” or “The ABC LP, acting by its general partner, ABC GP Limited”.

For data protection purposes, all general partners must register, like any other controller/processor, whether by being included on a list filed by the administrator or by registering itself. If the general partner of a limited partnership is itself a limited partnership, then the general partner of that limited partnership must be the entity to register.

The registration of a general partner is to be in its own name only, and it need not name the limited partnership(s), and the relevant registration fee will be calculated accordingly.

9. LLPs

For data protection purposes all LLPs (limited liability partnerships) must register, like any other controller/processor, whether by being included on a list filed by the administrator or by registering itself.

10. Foreign LPs

If a foreign limited partnership (for example, a Scottish limited partnership) or a foreign entity that is similar to a partnership, has corporate personality under the law of its registration or constitution, it must register, like any other controller/processor, whether by being included on a list filed by the administrator or by registering itself.
Trusts and Foundations

11. Trusts and Trustees

A trust arrangement will always involve one or more entities that is a trustee.

For data protection purposes, all trustees must register, whether they are corporate or other entities with legal personality, or whether they are individuals. Where a trustee is corporate or other entity administered by a TCB, it may be registered by being included on a list of administered entities filed by that TCB. Alternatively, it may register itself.

This registration by a trustee will cover its “own” processing (as, for example, XYZ Trustees Limited) and the processing it does in its capacity as trustee of any number of trusts of which it is a trustee, whether alone or as one of a number of trustees.

The registration of a trustee is to be in its own name only, and it will not be expected to name the trusts of which it is trustee, and the relevant registration fee will be calculated accordingly.

12. Private Trust Companies (PTCs)

A private trust company is a trustee in the form of a special purpose vehicle, and it must register for data protection purposes like any other company unless it is being administered by a TCB/FSB in which case its registration may be submitted by its administrator.

The registration of a trustee is to be in its own name only, and it will not be expected to name the trusts of which it is trustee, and the relevant registration fee will be calculated accordingly.

13. JPUT

A trustee within a Jersey property unit trust structure must be registered in its own name. It can submit its own registration, or it may be submitted by its administrator. The registration will be in its own name only and it will not be expected to name the trusts of which it is trustee.

14. Jersey Foundations

Jersey Foundations have corporate personality and it must – where it is required to be registered be registered in its own name. It can submit its own registration, or it may be submitted by its administrator.

15. Foreign entities

Any organisation captured by the definitions of Controller and/or Processor and that falls within the definition of ‘established’ must be registered with the Jersey Data Protection Authority. This may include foreign data Controllers or Processors being ‘administered’ by a TCB/FSB in Jersey and who are ‘engaging in effective and real processing activities through stable arrangements in Jersey’.
REGISTRATION UPDATES

16. Newly formed controllers/processors

Controllers and Processors must not process personal data without being registered with the Authority. It is a criminal offence to process personal data without being registered.

Accordingly, new controllers/processors must register at or before the point of incorporation, regardless of whether it is eligible to be (and chooses to be) registered by being included on a list of administered controllers/processors filed by a trust company business or whether it chooses to register itself.

In order for a trust company business to register a newly incorporated controller/processor, it must for the time being inform the JOIC in writing (by email to enquiries@jerseyoic.org) with the following information:

- Name of newly incorporated controller/processor; and
- JOIC registration number and name of the administrator

That new controller/processor will be added to the list maintained by JOIC.

JOIC intends to upgrade the registration portal in the near future so that trust company businesses will be able to upload the details of newly incorporated controllers/processors directly via the portal.

17. Transfer of controller/processor between administrators and/or change of name

For transferring controllers/processors you must inform the JOIC in writing (by email to enquiries@jerseyoic.org) with the following information:

- Name of transferring controller/processor; and
- JOIC registration number and name of the receiving administrator.

For controllers/processors change of name, you must inform the JOIC in writing (by email to enquiries@jerseyoic.org) with the following information:

- Original name of controller/processor;
- New name of controller/processor; and
- JOIC registration number and name of the administrator.

Any such changes should be notified to JOIC as soon as practicable and in any event within 28 days of the change.

JOIC intends to upgrade the registration portal in the near future so that transfers and name changes can be notified to the JOIC directly via the portal.

18. Controllers/Processors being wound-up, dissolved

Registered controllers/processors that are wound-up, dissolved or otherwise removed from a companies register on which they are registered, whether that is the Jersey companies register or otherwise, should be notified to JOIC as soon as practicable and in any event within 28 days of the change.