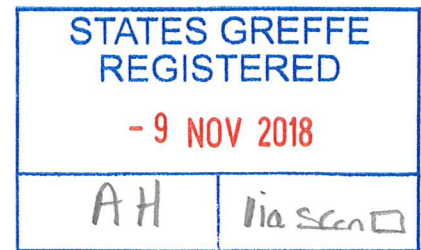


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Deputy Rob Ward  
Chairman,  
Education and Home Affairs Scrutiny Panel  
States Greff  
Morier House  
St Helier  
Jersey, JE1 1DD



09 November 2018

Dear Deputy Ward,

Thank you for your letter of 30 October 2018 in which you invite me to review and comment on the Draft Cybercrime (Jersey) Law 201-. The Jersey Office of the Information Commissioner is pleased to comment on any draft legislative proposal from the perspective of possible implications to data protection or access to information.

In the first instance, I would like to take this opportunity to explain our role and function. The Office of the Information Commissioner is part of the Jersey Data Protection Authority. We are the independent office responsible for overseeing the implementation of the Data Protection (Jersey) Law 2018 and the Freedom of Information (Jersey) Law 2011. Our primary function is to conduct investigations. These follow complaints by individuals about public agencies or companies concerning the management of personal data, as well as complaints concerning freedom of information requests to public agencies. We also manage the process of registration of public authorities and companies under the Data Protection Law. In addition to investigating complaints that individuals bring to our attention, we can proactively investigate or audit general compliance with the laws. Importantly, we have an education function to make individuals aware of their rights and public agencies and companies aware of their responsibilities.

My staff and I have reviewed the draft cybercrime law and have no concerns from the perspective of data protection or access to information. In general, I believe the approach of the legislation to employ warrants for the retention of and access to electronic communication provides for greater levels of data protection than regimes that involve bulk data collection. In addition, none of the provisions in the draft legislation appears to inhibit the rights of the public to access information held by public authorities.


Your letter asks for feedback in response to four questions. As our office does not have the expertise or jurisdiction to comment on the efficacy of the proposed measure from the protection of preventing and prosecuting cybercrime, I feel it to be inappropriate for us to offer specific comment. With respect to whether the proposals are proportionate, I reiterate our support for the approach of facilitating access for law enforcement to specific information by warrant, as opposed to bulk data collection.

I do not see that the proposals will have any adverse impact on current Data Protection provisions. Nor am I able to suggest any improvements or enhancements to the draft law.

Thank you again for the opportunity to comment on the draft law.

Please do not hesitate to contact my office if you require any clarification or further comment.

Yours sincerely



Dr Jay Fedorak

Information Commissioner