

Economic Affairs Scrutiny Panel
Digital Skills Sub-Panel

Digital Skills Review

Comments from the Office of the Data Protection Commissioner

1. The Office of the Data Protection Commissioner (ODPC) takes an active interest in developments in digital skills and business across Jersey. It is vital that data protection is integrated as an integral element of all new projects and strategies that involve personal data.
2. In respect of digital skills and IT strategies for school, the ODPC would wish to see ongoing commitment to an effective e-safety strategy running in parallel. Technological developments have opened up unprecedented opportunities for learning which Education is understandably keen to harness. With those opportunities come associated risks which must be fully understood and proactively managed. The e-safety officer role is extremely important in this respect.
3. In utilising new technology, schools must be fully conversant with the legal obligations placed upon them to ensure personal data of pupils (and others) are handled appropriately. The ODPC has had concerns about the lack of consistency across schools in respect of outsourcing data processing (e.g. cloud solutions) to jurisdictions that do not provide a legal framework for data protection. There is necessarily a special obligation on all those processing data relating to children to ensure the highest levels of data integrity and protection.
4. The ODPC is working with the States of Jersey in respect of the e-government agenda. There are clearly significant data protection and broader privacy issues for such projects. Appropriate use of technology, including outsourcing, data sharing etc. has the potential to benefit government both in financial as well as efficiency terms. Conversely, trust lost in the system - by poor data handling – is trust lost for everyone. The job of the ODPC is to articulate the data protection interests of the public, it is up to government to make policy and legislate, taking these things into account. Public policy making carries with it a special responsibility in that it applies to everyone and is often compulsory. Therefore, consideration around how to ensure citizens rights are protected is essential.

5. The Panel may be aware that the EU is currently progressing a new data protection regulation. It represents the biggest shake up of data protection legislation in decades for the member states. Whilst Jersey is not bound by decisions made in Brussels, it will inevitably have an impact on the Channel Islands. The Islands are reliant on unfettered flow of data to and from its jurisdiction. This underpins a significant amount of private sector business. The ODPC is working closely with other Crown Dependencies, MoJ and CIBO to ensure we fully prepare for imminent changes across Europe. Further, the recent US NSA 'spying' scandals have had an impact on levels of confidence in dealing with US providers. Jurisdictions and businesses that meet citizens and customers expectations of privacy will have an edge in the world of e-commerce. Data Protection compliance and best practice is a means by which an entity can differentiate itself from those less enlightened. To some extent every business relationship is built on trust, something which recent high profile abuses/incompetencies have done little to foster. The Islands have the benefit of being able to respond to a fast evolving environment and the ODPC would hope that Digital Jersey and the States of Jersey engage proactively in this area.