

Annual Report 2016



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Our mission

Statement of Purpose

To fully discharge our statutory duties, as an independent body, to enhance information governance across the Channel Islands ensuring continued recognition as well-regulated jurisdictions.

To assist organisations meet their obligations; to regulate where the required standard has not been met and to ensure that individuals are confident and able to exercise their information rights.

Areas of Focus

Develop
Educate
Lead
Influence
Visible
Enforce
Regulate

DEVELOP – ensuring our staff are highly skilled and motivated, working effectively and efficiently across the Islands.

EDUCATE – working with key organisations and individuals to promote awareness and understanding of information rights and responsibilities.

LEAD – as the subject matter expert within the Channel Islands, ensuring the Islands' continued recognition on the European and international stage

INFLUENCE – seeking to embed information rights in all relevant areas especially new laws and policies across the private and public sector

VISIBLE – conducting our work in an open and transparent manner, ensuring relevant and useful information is proactively published on our website

ENFORCE – taking targeted and meaningful regulatory action in a fair and consistent manner

REGULATE – making effective use of our statutory powers to achieve consistency in approach across the Channel Islands

Governance statement

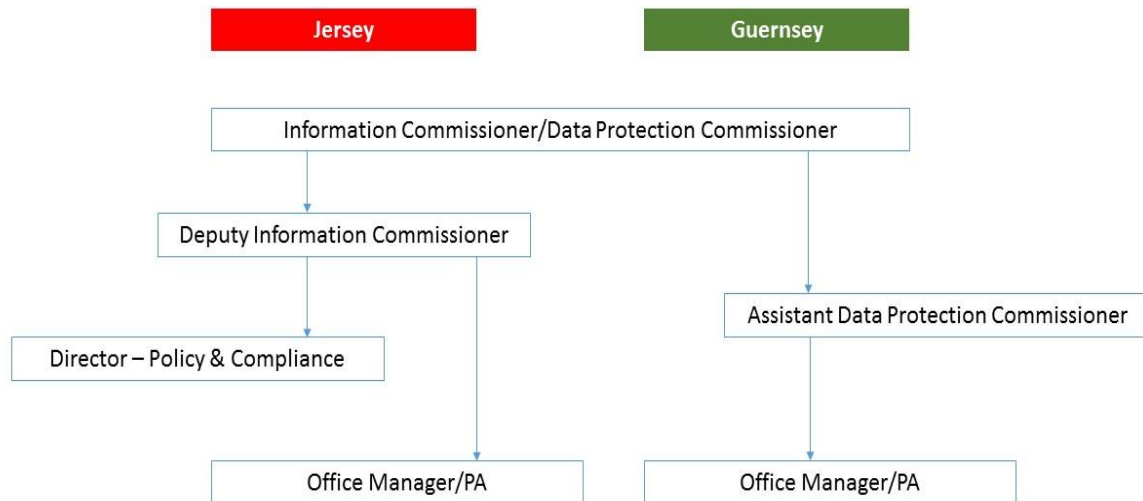
The position of Data Protection Commissioner and Information Commissioner are established in the Data Protection (Bailiwick of Guernsey) Law, 2001, the Data Protection (Jersey) Law 2005 and the Freedom of Information (Jersey) Law 2011. Under the terms of the EU Directive 95/46 the Commissioner must be independent of government and this has been enshrined in legislation. In Guernsey the sponsoring department for the Office is the Office of the Committee for Home Affairs. In Jersey the sponsoring department for the Office is the Chief Minister's Department. The Commissioner is accountable to the States for the exercise of statutory functions and is subject to States audit.

Risks

Risks are routinely assessed

1. **Budgeting 2016 and beyond:** The Offices have an agreed budget for 2017. Additional funding has been allocated to the Office to assist with GDPR preparation. Further detailed work will be required to establish the long term resource requirements, as well as income options. In addition, long term funding for Fol in the Jersey Office has yet to be agreed.
2. **Implementation of GDPR:** The GDPR no longer contains the requirement for data controllers to notify the processing of personal data to the supervisory authorities. The abolition of indiscriminate general notification obligations will need careful consideration as it will impact the way in which authorities are funded. How the Channel Island Offices continue to be funded within the context of EU reform, future cuts in government expenditure together with increasing workloads and expectations is now under detailed review.
3. **IT strategy:** The Offices have taken the extremely important step of moving away from government IT support. Independence is a crucial part of a successful data protection and freedom of information regulation and we must ensure our own data is held securely and independently. Preparation has started on the major internal IT reform needed to deliver GDPR.
4. **Increasing pressure on resources:** An important element of our work is to ensure individuals are informed of their rights and empowered to raise concerns. If we do this well, we are then faced with managing the volume of enquiries and complaints. Not only does our workload expand year on year, the increased complexity of cases is also noticeable. Managing the volume of work as well as expectations at the same time as the Offices are going through significant changes will be a challenge for us all.
5. **Robust independence from government:** In order for us to be an effective regulator and to deliver on the GDPR requirements, we need to ensure a workable and sustainable funding system as well as a clearer guarantee of independence across the Islands.

Office structure



The part time role of Office Manager/PA in Guernsey was the subject of review in light of Officer 'retirement' at the end of 2016 and the additional pressures to prepare for GDPR.

In coordination with the sponsoring department in Guernsey, it was agreed to create a full time position of Executive Officer in the Guernsey Office.

Your information rights

The **Data Protection (Jersey) Law 2005** and the **Data Protection (Bailiwick of Guernsey) Law, 2001** give citizens important rights including the right to know what information is held about them, how that information is going to be handled, and the right to correct information that is wrong. The Data Protection Laws across the Channel Islands help to protect the interests of individuals by obligating organisations to manage the personal information they hold in a fair and lawful way.

The **Freedom of Information (Jersey) Law 2011** gives people a general right of access to information held by most public authorities in Jersey. Aimed at promoting a culture of openness and accountability across the public sector, it enables a better understanding of how public authorities carry out their duties, why they make the decisions they do and how they spend public money by requiring the disclosure of information in those areas.

The **Code of Practice for Access to Public Information – Guernsey**

In July 2013, the States of Guernsey agreed the Code of Practice on Access to Public Information. The Code contains the following core principles:

- A presumption of openness
- A corporate approach
- A culture of openness
- Proactive publication; and
- Effective record management.

The mechanism for requesting does not replace the process of applying for personal data under the Data Protection (Bailiwick of Guernsey) Law, 2001. Unlike this Law, our Office has no statutory functions with regards appeals/complaints. All such matters are dealt with by the relevant service area and may be referred to the Policy and Resources Committee.

Commissioner's foreword

This is my sixth report as Data Protection Commissioner for the Channel Islands.

2016 was certainly a landmark year for data protection. After four years of lengthy debate, negotiation and preparation, the General Data Protection Regulation (GDPR) was approved by the EU Parliament on 14th April 2016. It entered into force twenty days after that and will be directly applicable in all EU member states two years from that date, on 25th May 2018. It replaces the Data Protection Directive 95/46/EC (the Directive).

The GDPR marks the most significant reform of European data protection regulation in decades and is set against the backdrop of this digital era that sees data collected and used in ways and at speeds unimaginable only a few years ago. It comes after many years of discussion and negotiation and is designed to equip individuals and regulators with strengthened rights.

Whilst directly applicable to EU Member States, the GDPR is also important for the Channel Islands. Both Jersey and the Bailiwick of Guernsey implemented legislation in response to the Directive and are currently recognised as 'adequate' jurisdictions for those purposes. It is clearly vital for the Islands to retain this position, to protect the free flow of data and 2016 saw agreement by both governments to work together in implementing equivalent legislation to come into force at the same time as the GDPR.

There are two powerful drivers for Channel Islands data protection reform. Firstly, the need to ensure that we, as citizens, are all provided with appropriate legal protections and remedies in this digital era. Secondly, the desire to retain the current adequacy status of the Islands allowing unfettered data flows. With data increasingly important to all business, government and domestic activity, providing a safe and strong regulatory environment must be recognised as a key requirement for a successful economy.

Once high level political agreement had been reached on reform, both governments committed to an implementation plan with the Islands working together to make best use of resources and with an understanding of the importance of a harmonised Channel Island approach. This reform moves data protection into a new, exciting but hugely challenging realm. High level engagement and commitment across the Islands would not have been possible without the support and vision of a number of key individuals. In particular I would like to thank Mark Lempriere, Chief Secretary at States of Guernsey Committee for Home Affairs and Senator Philip Ozouf of the States of Jersey. In addition, the expert input of the Channel Islands Brussels Office has been invaluable and will continue to be so as we progress with our adequacy review. I am clear that we are at an absolutely crucial point for the Islands. To embrace the enormous opportunities that data offers to our economic and social wellbeing requires those in key positions to engage with a raft of issues; intellectual, political, legal, social and ethical. Each one of these areas plays a vital role and this must not be seen as a zero sum game. The Channel Islands has a unique opportunity to approach this new era in an enlightened way, one which embraces the opportunities without sacrificing the rights and freedoms of the individuals that make up its society. Change is never easy and this project will be no exception. My Office is ill equipped to deal with the current increasing workload so it is

clear that implementing the standards GDPR will require will also mean a transformation in what we do and how we do it. If we do that well, it will benefit our economies, our citizens and our reputation.

The Channel Islands now have dedicated senior policy Officers working on the reform project with this Office. At the same time we are engaging with stakeholders and strategic partners to help communicate the changes and work together to deliver them.

This involves drafting new legislation to reflect the GDPR requirements. It also includes a full review of the way our Office is structured and resourced to ensure that we are in a strong position to deliver on the new duties that the GDPR requires. If we are going to apply increased accountability requirements to data controllers and processors we must also apply those to ourselves. With our new powers will come new responsibilities and we will build those into the new regulatory structure.

GDPR is certainly high on our priority list and we will be using all available platforms to communicate the forthcoming changes. Whilst those organisations that take their current legal obligations seriously in respect of data protection compliance will be well positioned to respond to the GDPR, we also recognise the need to ensure businesses are supported as much as possible during this time of change.

I am clear that the benefits of a high quality data governance regime, whatever business you are in, go beyond a fear of regulatory action if you fail. Ensuring individuals have trust and confidence in your brand relates so much to the way in which you handle their personal data. The high profile data breaches we see in the media with alarming frequency highlight the very real damage that can result. Business relationships are built on trust. Data protection is a condition of trust and therefore a condition of growth. Good data protection is therefore so much more than doing what the law tells you to do. It is recognising that personal information is the single most valuable non-consumable asset possessed by an organisation and should be treated as such.

Whilst this is true for both public and private sector alike, different pressures exist for public authorities and we need to be alive to those. Unlike the private sector, there are no market forces at play and public authorities are often collecting and using our personal information in a way that is mandated by law. This broad and compulsory nature of data processing carries with it a special responsibility and this is recognised in the GDPR which includes a requirement for all public bodies to have a data protection Officer. This dedicated, skilled resource is a very significant element of the GDPR and will, I think, herald an era where data professionals are increasingly recognised and valued. Indeed, it is a field in which we have a track record in the form of compliance professionals in the finance industry. It is an area in which I think the Channel Islands could excel by developing and supporting data professionals who work to enhance processing standards and build on the existing high quality compliance standards of the Islands.

It is worthy of note that both the States of Guernsey and States of Jersey have committed to working internally to review and improve on the skills in this area. If citizens are going to trust government with big projects such as e-Gov, getting the data handling right must be the priority and must be built in to the project from the outset.

We used Data Protection Day in January as an opportunity to highlight the changes GDPR will bring, specifically targeting small businesses who are unlikely to have the resources available to larger organisations to prepare themselves. As the project develops we will continue to provide as much assistance and guidance as possible to data controllers and processors to enable them to continue preparations.

As a small jurisdiction, it is important for us to work as effectively and efficiently as possible and the annual meeting of small data protection authorities continues to provide a valuable platform for us to share experiences and resources where appropriate. This year it was held in June and hosted by Malta. Unsurprisingly the main topic of conversation was GDPR and there was much discussion about how the smaller authorities were starting to prepare. Whilst there is divergence in certain areas, there is also much common ground. The Channel Islands can, I believe, benefit from taking a clear, focused and autonomous route to high quality data protection regulation that does not detract from the real benefits of sharing experiences and thoughts in a trusted and knowledgeable environment.

With so much attention on the new Regulation it would be easy to neglect the current duties we all have both in respect of data protection and freedom of information. But ensuring the current legal framework benefits from effective and independent oversight continues to be our priority. Working across the Islands provides my staff and I with the opportunity to broaden our knowledge and harmonise our approach. I am extremely proud to head up teams across the Channel Islands who first and foremost see themselves as a unified Office working in often challenging and high pressured circumstances. With an increasing and an increasingly complex workload it is clear that major reform is now required if we are going to be fit for purpose in the GDPR era.

We are at a turning point for data protection with it taking on a truly global significance. If the Channel Islands want to be considered as an attractive, well regulated jurisdiction in this new data-driven world, we need a clear vision and roadmap to take us forward understanding that it will be an essential foundation for encouraging and fostering innovation and productivity whilst ensuring the highest standards of protections for individuals.

Emma Martins

Data Protection Commissioner for Guernsey
Information Commissioner for Jersey



Our aims

Priorities

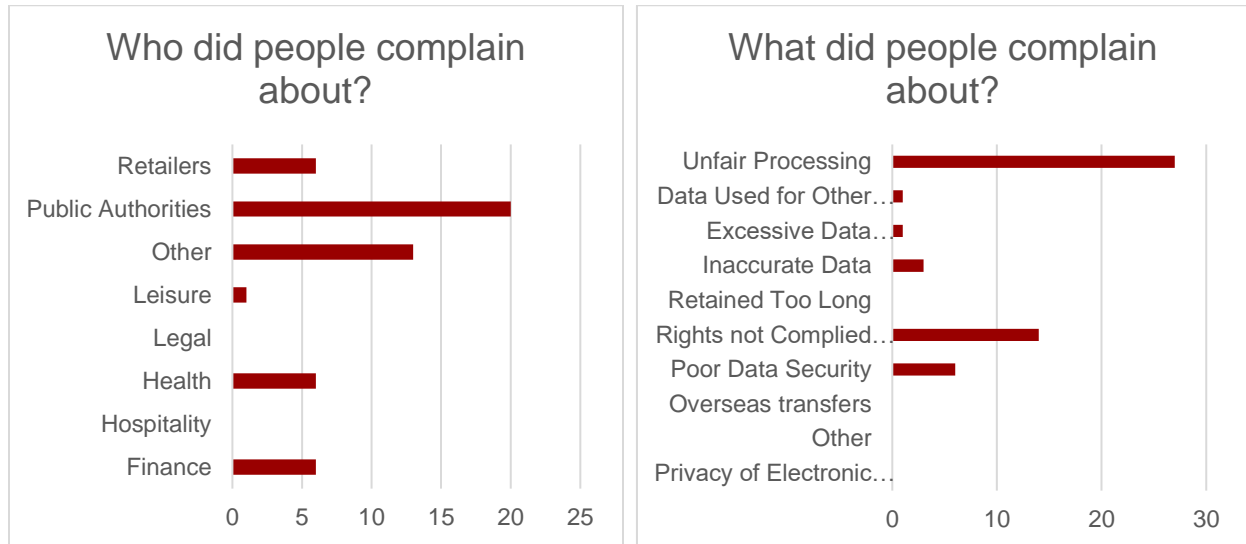
- To be a well-led and managed organisation, one that staff are proud to work for and that makes a real difference to the Islands.
- To ensure that the Channel Islands are recognised on the European international stage as well regulated jurisdictions, both now and once the EU Regulation is implemented.

What we want to achieve

- To raise the profile of information governance, highlighting the role it plays in successful organisations while protecting the privacy of the individuals with which the organisation deals.
- To ensure that all those that handle personal information do so lawfully and responsibly.
- To encourage government organisations to embrace openness and transparency in all their activities whilst respecting an individual's right to privacy.
- To ensure that individuals are aware of their information rights and are confident in exercising them.
- To provide an effective and efficient notification service that is consistent across the Channel Islands.
- To ensure there exists a pan-Island mechanism for purposeful, targeted and meaningful regulatory activity.
- To reach a point where information rights are embedded in new laws, technology and public policy.
- To be a model of good regulation :-
 - Transparent
 - Accountable
 - Proportionate
 - Consistent
 - Targeted
 - Independent

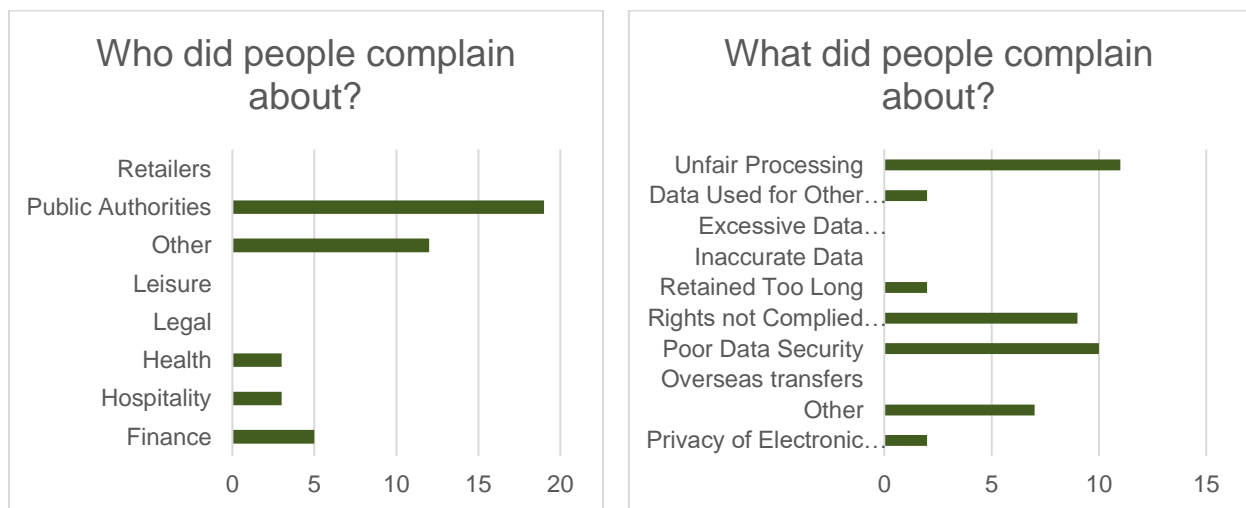
Operational performance

Complaints (Jersey)



A total of 52 data protection related complaints were recorded in Jersey during 2016, representing a 20% increase on the 43 complaints recorded in 2015. Complaints about unfair processing saw a significant rise from the previous year, however the pattern of complaints by subject shows a similar trend to 2015. As expected, Jersey's biggest sectors received the most complaints, but there has been a notable increase in the number of complaints involving the health sector.

Complaints (Guernsey)



A total of 42 complaints were recorded in Guernsey during 2016 representing a small increase in the number of cases recorded in 2015. A perceived lack of compliance with

the rights of data subjects remains a key area of concern for individuals, forming roughly a quarter of all cases. Complaints about subject access requests form the bulk of this category; usually due to requestors receiving less information than they expected or were entitled to. Organisations should have clear procedures in place regarding subject access requests, covering such areas as the acknowledging of requests, the identification of relevant personal data and responding in a timely manner. Organisations should also be aware that existing timescales are subject to change under the reform package and take this opportunity to review processes accordingly.

For the first time, a separate entry has been included in the chart for cases involving marketing by electronic means; subject to separate legislation in the Bailiwick but within the remit of this Office. As has been noted also by our UK counterparts, the Information Commissioner's Office, unsolicited marketing by telephone and email is a greater concern to individuals than ever before and the regulator needs to evolve to respond to this. It is hoped that the data protection reform currently underway will provide further powers and sanctions to assist in addressing the misuse of individuals' details for marketing purposes.

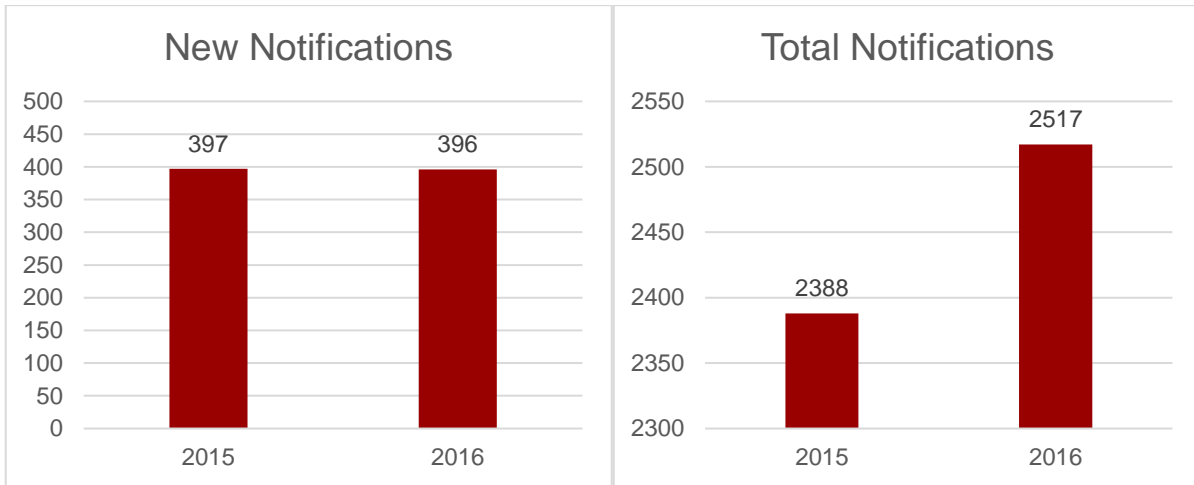
Breach Reporting

It is of note that whilst there is currently no requirement to notify either Office of a data breach, eight of the 42 cases in Guernsey during 2016 were breaches reported by the organisation rather than by an affected individual. We are happy to receive such reports and, where appropriate, provide guidance as to next steps that an organisation should consider if an incident occurs. A key feature of the impending data protection reform is mandatory breach reporting with organisations being compelled to report a data breach within 72 hours of discovery and it is encouraging to see organisations embracing this reporting requirement in advance and putting in place processes and procedures to capture issues and deal with them appropriately. This self-reporting also accounts for the increase in data security issues dealt with compared with 2015 and gives something of an indication as to how the reform will impact this Office.

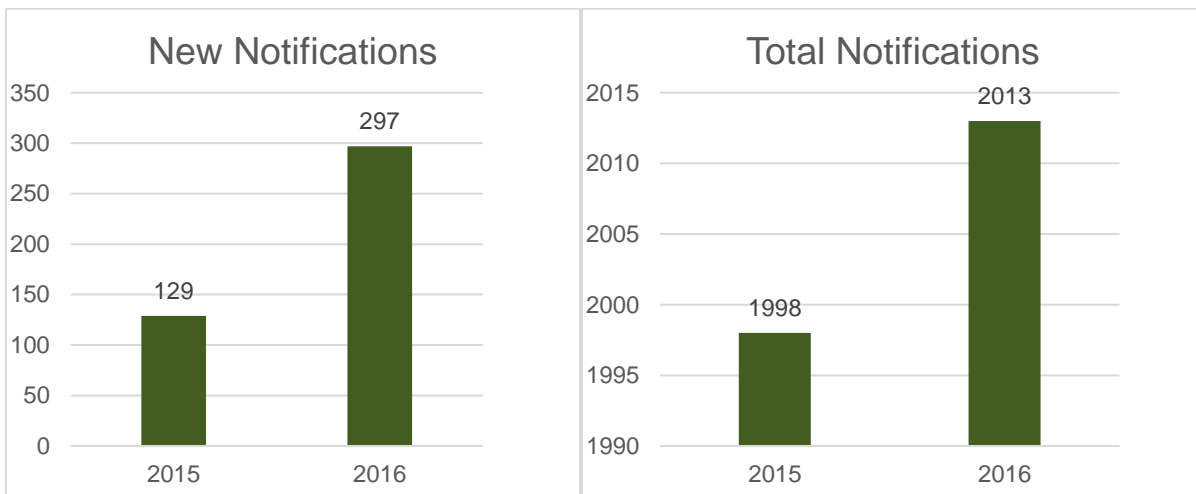
We recognise that breach reporting will be an additional duty for data controllers under the new Laws. It is our aim to ensure the process is as straight forward as possible whilst ensuring meaningful engagement and the highest levels of data security. Work has started to plan a new reporting system for our own Office and we are also talking to government and the Channel Islands Financial Services Commissions to ensure a consistent approach in this area.

We are clear that we want breach reporting to be viewed as positively as possible by all parties; it will provide the regulator with accurate information about data security incidents and allow organisations affected to enter its constructive communications aimed at support and learning. Whilst there may be occasions where regulatory action is taken as a result of a breach, any punitive sanctions will be targeted based on non-compliant activity that is deliberate, willful, negligent, repeated or particularly harmful. Failure to report a breach that comes to our attention later will also carry with it the risk of formal sanction.

Notifications (Jersey)



Notifications (Guernsey)



With regard to notifications, both Islands recorded significant increases in both the number of new notifications received and the total of live notifications active at the end of 2016. This is encouraging and demonstrates the required attention being paid to data protection compliance by local organisations.

Guidance

Guidance documents

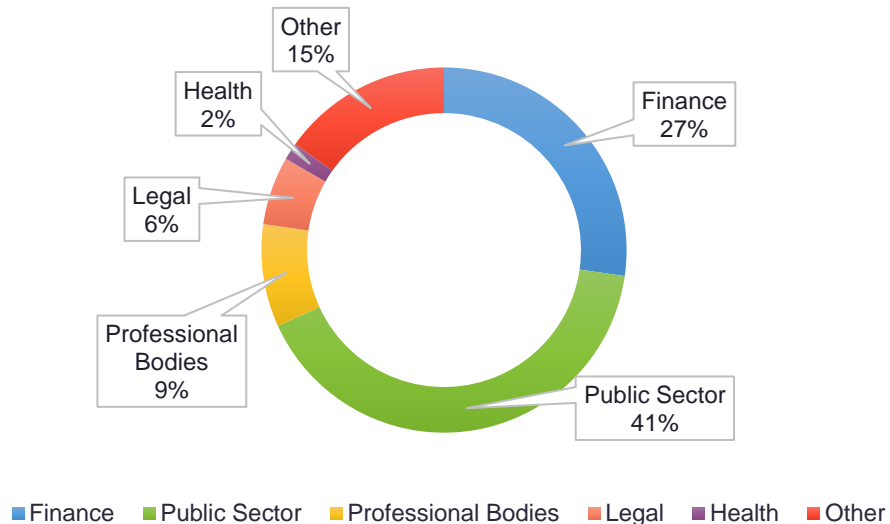
Most of the existing guidance was reviewed and updated during 2015 and 2016, and as such no new guidance has been published on either of the Commissioner's websites. However, work has already started on the task of preparing guidance in advance of the implementation of GDPR, and these will be published as and when they become available.

Awareness sessions

The Commissioner and her staff are regularly invited to undertake speaking engagements and provide awareness sessions to industry representatives and professional bodies. During 2016, a total of 66 sessions were delivered across the two Islands, and a breakdown of those sessions is detailed below.

There was an increase in awareness sessions undertaken by both the Jersey and Guernsey Offices, in large part due to the impending data protection reform, commencing in May 2016 with the adoption of the GDPR. As a result of the decision in the EU, the awareness sessions evolved as the year progressed to encompass the GDPR and how this would impact upon the Channel Islands. It is envisaged this upswing will continue into 2017 and beyond, as States of Jersey and States of Guernsey progress with their implementation plans and organisations continue to prepare for the new Laws due in May 2018.

Awareness Sessions 2016



Enforcement

Two formal undertakings were issued in 2016 in relation to Guernsey complaints. Both formal undertakings relate to failures to ensure processing was fair in accordance with the First Data Protection Principle and required the review of the relevant processes to improve procedures and ensure compliance in the future.

No enforcement notices were issued by the Guernsey Office and no investigations were undertaken in relation to the Section 55 offence of unauthorised disclosure.

Whilst Jersey experienced a significant increase in the number of complaints received during 2016, none of them resulted in any enforcement action being pursued by the Commissioner, either through enforcement notices or formal undertakings. One long standing criminal investigation is continuing in relation to the Article 55 offence of unlawful obtaining of personal data.

It remains the case that much of the workload across the two Offices relate to general enquiries, the breadth and depth of which varies significantly. Where formal complaints are made we make every effort to work with all parties towards a successful resolution. We recognise that this is not always possible, and we have also observed an increase in cases where there are complex interlinked issues regarding employment grievances or legal proceedings in a family or civil context. Such matters are very resource-intensive and highlight the need for careful consideration of GDPR obligations for our Offices.



International liaison

Representatives of the Channel Islands Office attended the Spring Conference of European Data Protection Authorities. These events are great opportunities for developing knowledge and sharing thoughts, concerns and practice about current legislation and the impending reform. By taking time to consider the bigger picture the Office is able to incorporate relevant information into its own practices and pass it on to organisations in the Channel Islands. With so many businesses from the Channel Islands operating in an international arena, we need to be able to understand and respond to the challenges and diversity that presents.



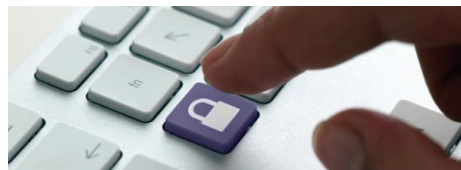
Spring conference, Budapest 2016

For a number of years now, Jersey and Guernsey have played an active role in discussions between the British, Irish and Islands' Data Protection Authorities. Representatives of the regulators from the UK, Ireland, the Channel Islands, the Isle of Man, Gibraltar, Malta and Cyprus meet annually to discuss the challenges facing each jurisdiction, to share best practice and ensure cooperation where appropriate. The annual meeting was held in Malta this year and covered a range of topics including GDPR, the Law Enforcement Directive and the EU-US Privacy Shield.

This was followed up in October with a GDPR specific meeting hosted by the UK's Information Commissioner's Office to which representatives of the Department of Culture, Media and Sport were invited. Coming some four months after the Brexit vote, the meeting considered the various challenges facing data protection authorities including those outside the EU, for which ongoing adequacy is going to be a priority.

2016 also saw Guernsey and Jersey join the Global Privacy Enforcement Network (GPEN) an international network of enforcement agencies set up to share knowledge, practical experience and dialogue about issues relating to privacy and the flow of data between jurisdictions. The Islands are by some way the smallest members of the network in geographic and population terms – other members include the US, the UK, the EU, Korea and Germany. But having successfully applied for membership, regulators in the Islands will have access to a global network of expertise and practical experience. As jurisdictions handling significant amounts of data, and with a successful finance economy, playing our part in these arenas is increasingly important.

Online safety



The Office has continued to support the multi-agency online safety committees, whose remit is to work to protect children and young people using digital and internet services. Representatives attended meetings in both Jersey and Guernsey to ensure that information rights form part of the work undertaken under these groups to safeguard and empower children in a world where digital presence seems a priority.

Across Europe, one day each year is dedicated to recognising the messages of various bodies and agencies that strive to make the internet a positive, supportive and safe environment for children and young people. The Guernsey Online Safety Committee has historically run an event to mark this day but this year efforts were stepped up to demonstrate how technology can inspire creativity and is providing the jobs of the future as well as embracing the traditional safety messages. The Office provided assistance in the organisation, staging and support for the day. Rebadged as Digital ACE (standing for Aspire, Create and Empower), the event was a huge success, attracting many more people than had attended in previous years and providing content for children, young people and their parents and we were delighted to be involved.

digitalACE
Aspire Create Empower

The internet has become an increasingly essential element of children's lives from a very young age. There are opportunities and benefits for these children in relation to education and development. There are also significant risks around inappropriate and harmful content or interactions as well as exposure to aggressive, targeted marketing activities. There is no single solution if we are seeking to improve the rights of children online. New rules in the GDPR will be an important element. Our Office will continue to work with data protection Officers working in education to prepare and deliver on the new standards. It is a complex picture though involving more than just legislative controls. How we educate children in the importance of protecting their data and themselves online needs to be done in conjunction with government and technology initiatives.

European developments



The European Commission put forward its EU Data Protection Reform Package in January 2012. More than 90% of Europeans say they want the same data protection rights across the EU – and for these rights to apply regardless of where their data is processed.

The General Data Protection Regulation (GDPR) is viewed as an essential step to strengthen citizens' fundamental rights in the digital age and facilitate business by simplifying rules for companies in the Digital Single Market. A single law will also do away with the current fragmentation and costly administrative burdens. The Directive for the police and criminal justice sector protects citizens' fundamental right to data protection whenever personal data is used by criminal law enforcement authorities. It will in particular ensure that the personal data of victims, witnesses and suspects of crime are duly protected and will facilitate cross-border cooperation in the fight against crime and terrorism.

On 15 December 2015, the European Parliament, the Council and the Commission reached agreement on the new data protection rules, establishing a modern and harmonised data protection framework across the EU. The European Parliament's Civil Liberties Committee and the Permanent Representatives Committee (Coreper) of the Council then approved the agreements with large majorities. The agreements were also welcomed by the European Council as a major step forward in the implementation of the Digital Single Market Strategy.

On 8 April 2016 the Council adopted the Regulation and the Directive. And on 14 April 2016, the Regulation and the Directive were adopted by the European Parliament.

On 4 May 2016, the official texts of the Regulation and the Directive were published in the EU Official Journal in all the official languages. While the Regulation will enter into force on 24 May 2016, it shall apply from 25 May 2018. The Directive enters into force on 5 May 2016 and EU Member States have to transpose it into their national law by 6 May 2018. This included introduction of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). It also included Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. The Channel Islands have committed to implementation of the requirements of both the Regulation and the Directive in 2018.

Privacy Shield Overview



The EU-U.S. and Swiss-U.S. Privacy Shield Frameworks were designed by the U.S. Department of Commerce, and the European Commission and Swiss Administration, respectively, to provide companies on both sides of the Atlantic with a mechanism to comply with data protection requirements when transferring personal data from the European Union and Switzerland to the United States in support of transatlantic commerce. On July 12, 2016, the European Commission deemed the EU-U.S. Privacy Shield Framework adequate to enable data transfers under EU law (see the adequacy determination). On January 12, 2017, the Swiss Government announced the approval of the Swiss-U.S. Privacy Shield Framework as a valid legal mechanism to comply with Swiss requirements when transferring personal data from Switzerland to the United States.

The Privacy Shield program, which is administered by the International Trade Administration (ITA) within the U.S. Department of Commerce, enables U.S.-based organisations to join one or both of the Privacy Shield Frameworks in order to benefit from the adequacy determinations. To join either Privacy Shield Framework, a U.S.-based organisation will be required to self-certify to the Department of Commerce and publicly commit to comply with the Framework's requirements. While joining the Privacy Shield is voluntary, once an eligible organisation makes the public commitment to comply with the Framework's requirements, the commitment will become enforceable under U.S. law. This is an area we expect to come under increasing scrutiny and key developments will be added to the news pages of the Offices' websites.

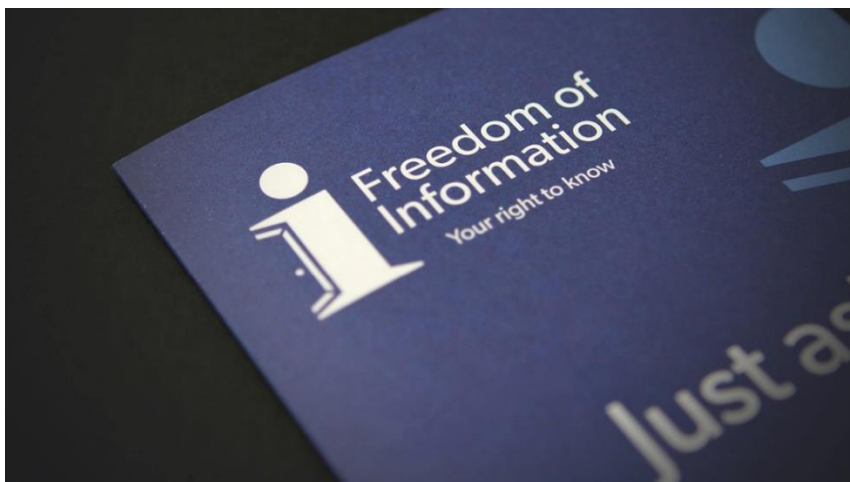
Freedom of Information

The Freedom of Information (Jersey) Law 2011 provides public access to information held by Scheduled Public Authorities (SPAs). It creates a legal basis which entitles members of the public to request information from SPAs. The Law covers any recorded information that is held by a SPA in Jersey. SPAs are listed within Schedule 1 of the Law as:

1. The States Assembly including the States Greffe
2. A Minister
3. A committee or other body established by resolution of the States or by or in accordance with standing orders of the States Assembly
4. A department established on behalf of the States
5. The Judicial Greffe
6. The Viscount's Department
7. Andium Homes Limited (registered as a limited company on 13th May 2014 under Registration number 115713).
8. The States of Jersey Police Force
9. A Parish (effective from 1st September, 2015)

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings. It is defined in the Law as meaning 'information recorded in any form.'

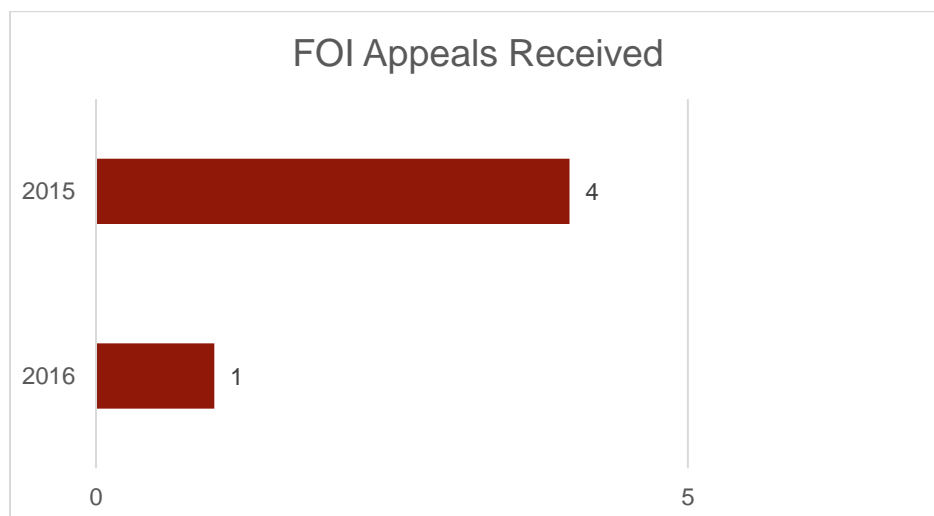
The Law does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a SPA holds about them, they should make a subject access request under the Data Protection (Jersey) Law 2005.



In Guernsey, the Commissioner attended a meeting of the Committee for Home Affairs to discuss the Island's approach to freedom of information. We welcome the opportunity for constructive dialogue in this area and in light of our responsibilities in Jersey under the Freedom of Information (Jersey) Law 2011, have experience of delivering regulation in this area which may be helpful for Guernsey when considering options for the future.

The Law came into force on 1 January 2015. A total of 736 requests were received by the Central FOI Unit during 2016, a slight increase upon the previous year's total of 691. Responses to FOI requests are published on the States of Jersey website (www.gov.je/Government/FreedomOfInformation/Pages/index.aspx).

In respect of the Office of the Information Commissioner, only one appeal under the Freedom of Information (Jersey) Law 2011 was submitted to the Commissioner during 2016, a decrease from the first full year of FOI which saw a total of four appeals made.



It is noted that whilst there was a 6.5% increase in the total annual number of FOI requests received between 2015 (691) and 2016 (736) the number of formal appeals to the Commissioner fell from four in 2015 to one in 2016. In considering the low number of appeals the Commissioner supports the view of this being partly influenced by greater communication between requestors and SPAs as well as greater public awareness of the Law. In addition, this also reflects the work of both the central FOI Unit and the Office towards increased transparency across scheduled public authorities.

The Commissioner is also aware of the intention to consider amendment and further development of the Law and looks forward to an opportunity to contribute towards this work for the benefit of the public and increased transparency of government. However, in doing so, it should be recognised that any amendment and development may result in the need for discussion regarding the resourcing and skilling of FOI practitioners engaged across the process.

In final consideration of the FOI Law it has to be noted that significant effort is extended by the Commissioner's staff in providing informal advice and assistance to both members of the public and SPAs at various stages of the FOI process prior to any formal appeal. This includes time taken for discussion, advice and mediation aimed at provision of information to the public along with greater public understanding of the machinery and workings of government. Whilst such work cannot necessarily be easily recorded, the benefits are recognisable in increased public awareness and improved transparency which is to be welcomed.

Financial statements (Jersey)

Income and Expenditure Account for the year ended 31 December 2016

	Note	£	2016 £	£	2015 £
Income:					
Registry fees			125,452		119,575
Guernsey re-charge			<u>105,968</u>		<u>n/a</u>
Total income			231,420		119,575
Contribution from the States of Jersey			308,900		273,700
Carry forward for FoI implementation/costs			<u>n/a</u>		<u>100,000</u>
Net income			540,320		493,275
Operating expenses:					
Manpower costs:					
Staff salaries, social security and pension contributions		356,128		203,368	
Supplies and services:					
Total costs (to include but not limited to)		125,462		86,114	
IT development, maintenance & software					
Books & publications					
Legal fees					
Conference and training fees					
Pan-Island travel					
Meals and entertainment					
Public Relations					
Public relations		768		5,132	
Administrative costs:					
Total costs (to include but not limited to)		11,227		16,589	
Printing and stationery					
Telephone charges					
Postage					
Other administrative costs					
Premises and maintenance:					
Total costs (to include but not limited to)		43,976		34,539	
Utilities (incl. Electricity and water)					
Rent					
Finance costs:					
Bank charges		2,759		593	
Total operating expenses			<u>540,320</u>		<u>346,335</u>
Excess of income over expenditure			0		146,940

Financial statements (Guernsey)

Income and Expenditure Account for the year ended 31 December 2015

	Note	£	2016 £	£	2015 £
Income:					
Registry fees			<u>89,960</u>		<u>88,301</u>
Total income			89,960		88,301
Contribution from States of Guernsey			<u>116,000</u>		<u>112,000</u>
Net income			205,960		200,301
Operating expenses:					
Manpower costs:					
Staff salaries, social security and pension contributions		116,528		146,408	
Supplies and services:					
Total costs (to include but not limited to)		22,905		32,664	
IT development, maintenance & software					
Books & publications					
Legal fees					
Conference and training fees					
Pan-Island travel					
Meals and entertainment					
Public Relations					
Public relations		2,770		250	
Administrative costs:					
Total costs (to include but not limited to)		4,475		4,892	
Printing and stationery					
Telephone charges					
Postage					
Other administrative costs					
Premises and maintenance:					
Total costs (to include but not limited to)		4,039		3,254	
Utilities (incl. Electricity and water)					
Rent					
Finance costs:					
Bank charges		0		0	
Total operating expenses			<u>150,717</u>		<u>187,468</u>
Excess of income over expenditure			55,243		12,833



'Spreading the word' - GDPR leaflets on chairs at a Channel Islands' conference in early 2016.



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