



JERSEY DATA PROTECTION AUTHORITY MEETING

5 Castle Street


St. Helier


MINUTES


Authority Meeting 20 9:00 – 11:45, 1 June 2022
Chair Present. Jacob Kohnstamm (JK)
Voting Members Present. Paul Routier (PR) Gailina Liew (GL) Helen Hatton (HH) David Smith (DS)
Apologies - Voting Members. Clarisse Girot (CG)
Non- Voting Members Present. Paul Vane – Information Commissioner (PV) Anne King – Operations Director & Authority Secretary (AK)
In Attendance by Invitation.
Guest Speaker Rachel Harker – Digital Jersey


Decisions/Approvals	
1.0	Approved - Meeting agenda approved.
2.0	Approved - Minutes of meeting 2 March 2022 approved.
3.1	Approved - The JDPA approved the Q1 2022 Finance Report.
3.1	Approved - The JDPA approved retaining Baker Tilly for the 2022 financial audit.
3.3	Decision – JDPA agreed that when next recruiting a 4-year term is most practical.
9.0	Decision – PV to proceed with the necessary activities to adopt the EU SCCs.


Action Items	
2.0	Action point – AK to make action points easier to understand.
2.0	Action point – AK to research role of Company Secretary to ascertain duties and responsibilities.
2.0	Action point – Meeting number 19 minutes to be re-issued via email and the JDPA to review and comment by 16 June 2022.
	ARC
3.1	Action point - The JDPA Chair requested HH/AK/CLeB discuss quarterly financial reporting requirements.
3.1	Action point -PV to secure the ad hoc services of a Chartered Accountant for ARC.
	R&HRC
3.2	Action Point - IC to keep the JDPA informed regarding the progress, costs and policy choice of PMI.
	Governance
3.3	Action point – GL & JK to review the full peer review results to prepare a full report for the JDPA. Gov Chair to prepare a summary report.
3.3	Action point – PV to research relevant organisations to undertake JDPA effectiveness review in 2023 and to report back to the JDPA
3.3	Action point – the Executive to draft a letter for to send the Minister ASAP to request 4-year terms for next JDPA appointments.
3.3	Action point – AK to send updated Conflicts of Interest policy to GL. GL has effected the action required re the Conflicts of Interest policy.
	Items for Discussion
4.1	Recruitment Action point – PV to approach ICO and other DPAs to explore the option of secondment for the DRS role.
	Items for Information purposes.
6.0	Action Point – Law update for next meeting agenda.
	AOB
10.0	Action Point – PV & AK to review agenda and for future meetings include quarterly reports covering activities and business plan, with KPIs. Plus, an IC report.
10.0	Action point - AK to include a calendar in JDPA meeting bundle to highlight key JDPA dates – budgets, business plan etc.


	Item	Action
	<p>Guest Speaker</p> <p>The Chair opened the meeting and welcomed Rachel Harker, from Digital Jersey and the JDPA members. The Chair thanked Rachel for joining the meeting and presenting to the JDPA.</p> <p>Rachel provided an overview of 'Data Sharing for the public good', followed by Q&As with the JDPA.</p> <p>The presentation explained Digital Jersey's plan with regard to our joint project on establishing a Data Trust. Rachel talked about the progress of the data trust pilot project and the benefits of data trusts in general to the benefit of the Island community.</p>	
	<p>Call to order and approval of the agenda.</p> <p>1.0 The Authority approved the agenda.</p> <p>1.1 There were no declarations of interest.</p> <p>1.2 Review of Action points from JDPA meetings 2 & 31 March 2022 meetings.</p>	<p>Decision - Agenda approved.</p> <p>Action point – AK to make action points easier to understand.</p>
	Items for Approval	
2.0	<p>Minutes</p> <p>The JDPA discussed the role of Company or Authority Secretary. AK highlighted that the details of the role require clarification to avoid any possible confusion.</p>	<p>Action point – AK to research role of Company Secretary to ascertain duties and responsibilities. This research should include how such a role is covered in other public bodies.</p> 

	<p><u>Minutes</u></p> <p>2 March 2022 meeting number 18 amended minutes approved.</p> <p>31 March 2022 meeting number 19 minutes to be re-issued via email and the JDPA to review and comment by 16 June 2022.</p>	<p>Approved</p> <p>2 March 2022 minutes approved.</p> <p>Action point – meeting number 19 minutes to be re-issued via email and the JDPA to review and comment by 16 June 2022.</p>
<p>3.0</p> <p>3.1</p>	<p>Authority Governance, Operations and Procedures</p> <p>Committee updates and recommendations from each Committee Chair.</p> <p>Audit & Risk</p> <p>HH (ARC Chair) confirmed ARC met to review Q1 finance report. HH highlighted that ARC noted several issues with the report which through discussion with the Executive are to be resolved.</p> <p>ARC recommended the Q1 report to the JDPA for approval.</p> <p>ARC requested PV to secure the ad hoc services of a Chartered Accountant, with relevant public sector experience, for ARC.</p> <p>ARC discussed retaining the current auditors to undertake the 2022 audit. ARC stated that the 2021 audit with Baker Tilly (BT) was executed in a timely and methodical manner. ARC is recommending BT are retained for the 2022 audit.</p> <p>GL has proposed she stands down from ARC as GL is in favour of bringing an individual with formal</p>	<p>Action point – The JDPA Chair requested HH/AK/CLeB discuss quarterly financial reporting requirements.</p> <p>Approved</p> <p>The JDPA approved the Q1 2022 Finance Report.</p> <p>Action point – PV to secure the ad hoc services of a Chartered Accountant or similarly qualified individual for ARC.</p> <p>Approved</p> <p>The JDPA approved retaining BT for the 2022 financial audit.</p> 

	<p>qualified accounting expertise to provide ad hoc accountancy support for ARC. HH supported the resignation as the addition of an ad hoc Chartered Accountant would render the ARC disproportionate in size.</p> <p>3.2 Remuneration and HR Committee</p> <p>PR (RHRC Chair) reported that the committee met 26 May 2022.</p> <p>RHRC discussed Private Medical Health Insurance (PMI) for the JOIC employees. RHRC support PMI as it is helpful in attracting and retaining staff. The JDPA Chair asked if PMI is comparable with the benefits offered by other similar organisation. JDPA members advised him that this is the case.</p> <p>PR reported that JOIC Executive are undertaking further research and cost analysis to ensure the most appropriate policy is introduced.</p> <p>RHRC recommend that PMI is introduced. This is a decision for the IC. IC to keep the JDPA informed.</p> <p>3.3 Governance</p> <p>GL (GC Chair) confirmed that the Governance Committee had met on 17 May 2022 and discussed the peer review results, reappointment of two JDPA members, terms of office for JDPA members and conflicts of interest policy.</p> <p><u>The Peer Review</u></p> <p>The peer review exercise is now complete. The specific reviews for the 2 JDPA members, who have agreed to be re-appointed, have been shared with JK, for the purposes of writing to the Minister.</p>	<p>Action Point</p> <p>IC to keep the JDPA informed regarding the progress, costs and policy choice of PMI.</p>  <p>Action Point – GL & JK to review the full peer review results. Gov Chair to prepare a summary report.</p>
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	<p>It was agreed that each Authority member receive their own results. The JDPA Chair and Governance Committee Chair to review the full results. Governance Committee Chair reported a reflection of appropriate skills in JDPA, the JDPA did not see any immediate issues.</p> <p>2023 is an external review of the JDPA effectiveness. PV to research relevant organisations to undertake this work and to report back to the JDPA.</p> <p><u>Terms of Office for Authority Members.</u> The Governance committee agreed that a 4-year term of office would be most appropriate for JDPA members – to allow for maximum contribution and stability. 3-years is believed as too short, and 5-years can lead to staleness.</p> <p><u>Conflicts of Interest policy</u> The updated Conflicts of Interest policy is recommended by Governance Committee for approval.</p>	<p>Action Point – PV to research relevant organisations to undertake JDPA effectiveness review in 2023 and to report back to the JDPA</p> <p>Decision/Approval – JDPA agreed that when next recruiting a 4-year term is most practical.</p> <p>Action point – the Executive to draft a letter for to send the Minister ASAP to request 4-year terms for next JDPA appointments.</p> <p>Action point – AK to send updated policy to GL.</p>
	<p>Items for Discussion</p>	
4.0	<p>JOIC Update –Information Commissioner and Operations Director</p>	
4.1	<p>Recruitment progress. PV confirmed recruitment is underway for 5 posts. 1 x Director of Regulatory Strategy. (Local and national recruitment underway) 1 x Compliance and Enforcement Manager</p>	<p>Action point – PV to approach ICO and other DPAs</p>

	2 x Caseworkers 1 x Temp Office Administrator	to explore the option of secondment for the DRS role.
4.2	GoJ Fee Project update. Treasury, Commercial Services and Law Officers teams are progressing the details around the fee details. They are working on drafting details around a clawback provision and to ensure that the 25% fee based of our operating budget fits within the public finances law. They commit to having a substantive paper to modify the Partnership agreement ready for the end of June.	
4.3	Case Review The JDPA discussed the case review which involved a meeting recording raised by a complainant. The The JDPA explored the legitimate interest basis of the recording and offered views to the Executive	
4.4	Board Support update AK updated JDPA on board support initiative. AK explained that the initiative is proving beneficial in terms of developing networks, outreach, reinforcing DP responsibilities and to highlight our forthcoming audit activities.	
6.0	Items for Information purposes. <u>Adequacy Update</u> Adequacy – no further updates. Both UK and Europe have been provided with all the relevant information. GoJ waiting for updates, but there are no indications of concerns.	
7.0	<u>Law update.</u> No further update at this time. The requested amends are with the LOD.	Action point Law update for next meeting agenda. 
8.0	<u>Performance Data</u> No comments	

9.0	<p><u>SCC International Transfers</u></p> <p>JDPA had previously agreed that the best way forward is to adopt the EU SCCs with an addendum to work in Jersey.</p>	<p>Decision/Action Point – PV to proceed with the necessary activities to adopt the EU SCCs.</p>
10.0	<p>Any Other Business</p> <p><u>Meeting Agenda</u></p> <p>JK stated today’s agenda is too heavily reliant on verbal updates. Agenda items should be supported by written papers.</p> <p>The JDPA expect a quarterly technical report of activity measured against the business plan.</p> <p><u>JK Absence</u></p> <p>JK advised JDPA that he is travelling in the autumn through until January, he will be available to the Authority and the executive during this time. The voting members are to elect a meeting Chair at the beginning of each meeting.</p> <p><u>New Minister</u></p> <p>JK & GL to meet with the new Minister.</p> <p><u>Clearview</u></p> <p>DS highlighted that the ICO has taken action against Clearview – DS suggested that PV be able</p>	<p>Action Point - PV & AK to review agenda and for future meetings include quarterly reports covering activities and business plan, with KPIs. Plus, an IC report.</p> <p>Action point - AK to include a calendar in JDPA meeting bundle to highlight key JDPA dates – budgets, business plan etc.</p> <p>Action point – JK & GL to meet with the new Minister.</p> 

	to give reassurance to Jersey residents regarding their images caught in the situation.	
	The meeting closed at 11:45	
	The Authority held an in-camera session.	

A handwritten signature in blue ink, appearing to be 'G. B.', is located below the table.