



JERSEY DATA PROTECTION AUTHORITY (JDPA)

**Meeting No. 26 of the JDPA Held at 5 Castle Street, St Helier, Jersey, JE2 3BT
on 20 November 2023, 09:05 – 13:04 (The Meeting)**

MINUTES

Attendees:

JDPA Members (collectively The Authority):

Jacob Kohnstamm (JK) – JDPA Chair
Stephen Bolinger (SB)
Paul Breitbarth (PB)
Elizabeth Denham (ED)
Helen Hatton (HH)
Gailina Liew (GL)
Paul Routier (PR)
Paul Vane (PV) – Information Commissioner (non-voting)

Invitees:

Anne King (AK) – Operations Director, JOIC

Apologies:

None

JDPA Secretary:

Angela Marshall (AM)

1.0 Call to Order

The JDPA Chair called The Meeting to order.

APPROVAL

The Meeting Agenda was **Approved** by the Authority.

Business of the Meeting

Introductions

The Chair opened the Meeting, welcomed the Attendees and introductions took place. The Chair explained to the Meeting Attendees that although there were several items to be reviewed, of noticeable interest was the Draft Finance Budget Report for 2024.

1.1 Declarations of Interest

The Chair asked the Meeting Attendees if there were any new Declarations of Interest to note with it being confirmed that there were no new Declarations of Interest.

2 Items for Approval

2.1 Review and Approval of Minutes

The draft Minutes of Meeting No. 25 of 18 July 2023 (the Draft Minutes) had been circulated to the Meeting Attendees for review prior to the Meeting being held.

GL requested that an amendment under section 1.1, Declarations of Interest be made to the Draft Minutes to reflect an appointment at a FTSE Investment Trust that GL had accepted.

APPROVAL: It was agreed that the Minutes of Meeting No. 25 of 18 July 2023 be updated under section 1.1, Declaration of Interest to reflect GL's acceptance of an external appointment at a FTSE Investment Trust and were subsequently **APPROVED**.

3 Board Governance, Operations and Procedures

3.1 Audit and Risk Committee

HH as Chair of the Audit and Risk Committee (ARC) gave an update to the Meeting on matters that ARC had discussed which included:

Report of the Audit and Risk Committee (ARC) To the Authority, November 2023

HH informed that she had not been able to attend the November 2023 ARC Meeting.

A report from the November 2023 ARC Meeting had been produced listing the key points that had arisen. HH went on to present the Report of the Audit and Risk Committee (ARC) to the Authority, November 2023 noting that it comprised of a summary of points raised which included the Q3 Finance Report, the 2024 Draft Budget and an update on ongoing financial matters, all of which the Meeting went on to consider and is further documented below.



Q3 JOIC Financial Report 2023

HH presented to the Meeting the Q3 JOIC Financial Report to 30 September 2023 (the Q3 JOIC Financial Report 2023) and proceeded to give an overview of same with the following being noted:

The matter of funding continued to be of concern with it being predicted that the 2023 fiscal year could potentially end in a deficit position which was mainly due to the 2023 funding having not been received from Government of Jersey (GoJ).

PV confirmed that a Freedom of Information Grant Agreement had been entered into with GoJ on 23 October 2023 in which it had been agreed that an annual fee of £70,000 would apply in respect of Freedom of Information Work (FoI) carried out by JOIC on behalf of GoJ.

PV explained that work continued on a proposed GoJ Revenue Model which would cover a four-year period (the GoJ Revenue Model). The draft GoJ Revenue Model was nearing completion and would be subject to Authority review prior to being put forward to GoJ.

The Authority collectively acknowledged that although good progress was being made regarding funding, there are concerns in respect of the lateness of funding for 2023 from GoJ and the resulting difficulties in maintaining operational costs to JOIC as a consequence.

ARC is recommending the Q3 JOIC Financial Report 2023 to the Authority.

APPROVAL: The Q3 JOIC Financial Report 2023 was approved by the Authority.

Draft Finance Budget Report 2024

HH presented to the Meeting the Draft Finance Budget Report 2024 (the Draft Finance Budget 2024) and proceeded to give an overview of same. There followed a group discussion around how the Draft Finance Budget 2024 linked to the funding of the Business Plan 2024 – 2025 with The Authority raising concerns in their being able to agree a budget due to the uncertainty of funding and the pending draft GoJ Revenue Model which was yet to be agreed and, if not forthcoming, would negatively impact being able to implement the Business Plan 2024 - 2025. In the absence of financial certainty, the Authority concluded that it may be necessary to re-visit the Finance Budget 2024 and financial position again in 2024. The Authority agreed to approve the Draft Budget Report 2024 with a proviso that should the lack of funding not be resolved, changes to the Draft Budget Report 2024 and reallocation of monies may be implemented as required.

APPROVAL: The Draft Finance Budget Report 2024 was Approved with a proviso that should the lack of funding not be resolved, changes to the Budget 2024 and reallocation of monies may be implemented.

3.2 Governance Committee

GL as Chair of the Governance Committee gave an update on matters that the Governance Committee had discussed which included:

Recruitment

JK's appointment as the current Authority Chair is due to expire 24 May 2024. An extension is being sought to extend JK's term of Chair to 28 October 2024 (subject to approval by the Minister and the Jersey Appointments Commission) to coincide with the appointment of a new Chair to be announced at the Global Privacy Assembly Conference 2024 along with the handover of the position.

In advance of the current Authority Chair vacating the position on 28 October 2024, work had begun in respect of the open recruitment process to seek a suitably qualified replacement in order to ensure Authority succession planning. It was noted that the recruitment process was in its initial stages and was being conducted in conjunction with the Jersey Appointments Commission. The Meeting discussed the recruitment process with a timeline of March 2024 being agreed as a start date.

APPROVAL: A timeline of March 2024 was agreed to start the recruitment process in seeking a new Authority Chair.

GL gave an update on the external assessment on the performance of the Authority that was due to take place and went on to detail the potential external service providers that had been shortlisted to undertake the process. The Meeting collectively considered the external service providers with factors such as processes used, reputation for providing good service and cost being considered. It was concluded that Co-Steer be appointed to undertake the external assessment on the performance of the Authority. It was further recognised that any findings of the external assessment would be utilised to update the Authority Skills Matrix.

APPROVAL: The appointment of Co-Steer as an independent service provider to undertake an external assessment of the performance of the Authority was approved.

3.3 Remuneration and Human Resources Committee

PR as Chair of the Remuneration and Human Resources Committee (RHR Committee) gave an update on matters that the RHR Committee had discussed which included:

Review of staff salaries and analysis of the same had taken place with the RHR Committee noting that after considering a range of factors such as a high inflation rate in Jersey for the second year running, the overall conditions of the Jersey employment market and affordability in line with the draft budget for 2024, a 7% pay increase was being proposed for JOIC staff salaries 2024.

APPROVED: A pay increase of 7% for JOIC staff salaries 2024 was approved.



4 Information Commissioner

PV as Information Commissioner gave an update to the Meeting on matters that he had been attending to which included:

4.1 Quarterly Report

PV referred to the Information Commissioner's Quarterly Report, October 2023 (the Quarterly Report) and gave an overview of the same which touched on executive and departmental priorities along with projects for the next 3 months. PV highlighted that we are awaiting an update from GoJ regarding adequacy from both Brussels and the UK.

PV went on to note that there appeared to be an increase in referrals to JOIC in connection with subject access requests and should this trend continue, it could be that industry may need some assistance on how to respond to such requests.

PV explained that Emerging Technologies and a legal framework that was fit for purpose was cause for concern with PV confirming that talks with GoJ regarding adequacy were ongoing.

Grant / Fee Update

The Quarterly Report touched on the subject of funding recapping that an agreement regarding GoJ's Freedom of Information contributions had been finalised at £70,000 per annum. PV went on to explain that work continued with GoJ in respect of funding for 2023 in relation to data protection activities and that a fees proposal was nearing completion but it was a complex process requiring a four-year budget forecast. It was confirmed that further updates would be provided in due course.

Non-Resident Directors

PV gave an update on the position of Non-Resident Directors with the most recent guidance indicating that most non-resident directors (NRDs) will be out of scope for Schedule 2 of the Proceeds of Crime (Jersey) Law 1999 registration. Most NRDs will only be required to register if they have some degree of permanence in Jersey (i.e. an office from which they work when in Jersey which is taken in their own name for the business of the purpose of their business activities).

4.2 Global Privacy Assembly Conference 2024

An update on how plans for the Global Privacy Assembly Conference that is scheduled to take place in Jersey, end of October 2024 (the GPA Conference 2024) was progressing was given by PV and he went on to share his thoughts, ideas and findings on what makes a good conference. The GPA Conference 2024 launch video had been released and had received good feedback from interested parties. The Meeting Attendees went on to share their ideas and consider the practicalities of hosting a conference covering a broad range of subjects.

PV noted that the GPA Conference 2024 was an ongoing project and that there would be updates given to the Authority on a regular basis.

4.4 Data Stewardship Project

PV gave to the Meeting an overview of the Data Stewardship Project, detailing how it had evolved along with the aims and rationale of the project and JOIC'S involvement.

The Meeting went on to consider the uses and merits of the Data Stewardship Project.

It was confirmed that further funding from JOIC into the Data Stewardship Project was not planned.



It was requested that further information on the Data Stewardship Project be circulated.

ACTION: PV to circulate further information on the Data Stewardship Project to the Authority Members.

5 Any Other Business

5.1 Draft JOIC Business Plan 2024 - 2025

PV referred the Meeting to the Draft JOIC Business Plan 2024 – 2025 (the Draft Business Plan 2024 – 2025) and explained that it was a work in progress. The Meeting reviewed the Draft Business Plan 2024 – 2025 and there subsequently followed a collective exchange of ideas regarding suggestions to be made to the content.

It was requested that PV update the Draft Business Plan 2024 – 2025 and that it be circulated for further consideration.

ACTION: PV to update the Draft Business Plan 2024 – 2025 to be circulated to the Authority for further consideration.

The Meeting also reflected on recent projects and works that had been undertaken along with those planned going forward. The Authority concluded that they would like a report to be produced on a quarterly basis to include updates, actions and relevant findings.

ACTION: PV to produce a report on a quarterly basis to include updates, actions and relevant findings of notable items.

The Meeting ended at 13:04

An in-camera session was not required.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the left.