



## Office of the Data Protection Commissioner



In January this year, the European Commission announced proposals for a comprehensive reform of the EU's 1995 data protection rules to strengthen online privacy rights and boost Europe's digital economy. Technological progress and globalisation have profoundly changed the way our data is collected, accessed and used. In addition, the 27 EU Member States have implemented the 1995 rules differently, resulting in divergences in enforcement. A single law will do away with the current fragmentation and costly administrative burdens, leading to savings for businesses of around €2.3 billion a year. The initiative will help reinforce consumer confidence in online services, providing a much needed boost to growth, jobs and innovation in Europe.

*"17 years ago less than 1% of Europeans used the internet. Today, vast amounts of personal data are transferred and exchanged, across continents and around the globe in fractions of seconds,"* said EU Justice Commissioner Viviane Reding, the Commission's Vice-President. *"The protection of personal data is a fundamental right for all Europeans, but citizens do not always feel in full control of their personal data. My proposals will help build trust in online services because people will be better informed about their rights and in more control of their information. The reform will accomplish this while making life easier and less costly for businesses. A strong, clear and uniform legal framework at EU level will help to unleash the potential of the Digital Single Market and foster economic growth, innovation and job creation."*

The Channel Islands are not part of the European Union or European Economic Area and therefore have been free to set up their own statutory mechanisms of data protection oversight. The European rules dating back to 1995 impacted the free flow of information to and from countries that sit outside the EU.



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Guernsey and Jersey are two of a small group of third country jurisdictions that have been formally assessed by the European Commission as meeting current EU data protection standards (the official term used is “adequate”). This has been very important for Channel Islands’ interests in several practical ways – for example for the operation of the Islands as international financial centres, for the conduct of e-commerce, for police and judicial cooperation, and for passenger travel. It also means that Guernsey and Jersey citizens have the reassurance that domestic data protection legislation is benchmarked against EU standards which are viewed internationally as a ‘gold standard’ in the protection of personal data.

The internal EU negotiations in respect of the proposed changes are expected to be lengthy, with final agreement unlikely before mid-2013. Nevertheless it is important for the Channel Islands to follow developments closely. Working in close liaison with the Data Protection Commissioner for Guernsey and Jersey, CIBO (Channel Islands Brussels Office) has already been in contact with the Commission to explain the importance we attach to continuing to be assessed as adequate (ie meeting EU standards) when the new legislation enters into force. Helpfully, the Commission’s draft proposal explicitly states that decisions on adequacy will remain in force under the new Regulation unless/until amended or repealed by the Commission.

The Commissioner for Jersey and Guernsey, Emma Martins, welcomes this recent update – *“Both Islands are committed to ensuring the best protections for their citizens as well as ensuring the free flow of information in respect of the finance industry and e-commerce as well as police and judicial co-operation. As two of a small number of jurisdictions that have successfully applied for ‘adequacy status’ with the Commission, a process that took a significant amount of time, the news that the Commission will continue to recognize that status is very positive for citizens and business alike.*

*“It is clear that the field of data protection regulation is evolving fast against a backdrop of incredible technological advances. If the Channel Islands want to retain its reputation as well regulated and secure jurisdictions with which to do business we need to ensure our regulatory frameworks are responsive to these changes. If we are*



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*to do so in the future, it is likely that the data protection legislation in both Islands will need to be quite significantly updated. I want to see data protection as an objective of the information age, not an obstacle to it.*

*“One positive aspect of this situation from our perspective is how it demonstrates the effective way in which the Channel Islands can work together, maximizing efficiency and ensuring consistency. It also highlights the success of the CIBO team in ensuring the Islands have access to timely and relevant information. I have found the input of that office invaluable in recent months and will continue to look to them to provide input in this area.”*

Ends

Please contact Emma Martins, Data Protection Commissioner for any further details.



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