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2015

BILLET D'ÉTAT

TUESDAY, 8th DECEMBER, 2015

HOME DEPARTMENT – PAN-ISLANDS
DATA PROTECTION COMMISSIONER

BILLET D'ÉTAT

TO
THE MEMBERS OF THE STATES
OF THE ISLAND OF GUERNSEY

I hereby give notice pursuant to Rule 1(4) of the Rules of Procedure of the States of Deliberation that the item contained in this Billet d'État which has been submitted for debate will be considered at the Meeting of the States of Deliberation already convened for **TUESDAY, the 8th DECEMBER, 2015.**

R. J. COLLAS
Bailiff and Presiding Officer

The Royal Court House
Guernsey

3rd December 2015

HOME DEPARTMENT**PAN-ISLANDS DATA PROTECTION COMMISSIONER**

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

2nd December 2015

Dear Sir

1. Executive Summary

- 1.1. The purpose of this Policy Letter is to propose the continuation of Mrs. Emma Martins' appointment as Data Protection Commissioner for the Bailiwick of Guernsey.

2. Background

- 2.1. The role of the Data Protection Commissioner in both Guernsey and Jersey is to safeguard the privacy rights of individuals in relation to the processing of personal information and to ensure that organisations comply with relevant data protection legislation: The Data Protection (Jersey) Law, 2005 and The Data Protection (Bailiwick of Guernsey) Law, 2001, the European Communities (Implementation of Privacy Directive) (Guernsey) Ordinance, 2004 and equivalent Ordinances in force in Alderney and Sark.
- 2.2. In September 2011, the States resolved to appoint a Pan-Islands Data Protection Commissioner ("the Commissioner") to act on behalf of each Bailiwick independently (Billet d'État XV, 2011, p. 1573). The Commissioner would continue to be accountable to each respective Government and would be governed by the legislation appropriate to that jurisdiction.
- 2.3. The appointment of a Pan-Islands Commissioner has provided an enhanced, more consistent and superior service to both jurisdictions by improving operational and service performance. It has also provided cost-savings, both in staff resources and operational costs. The Commissioner maintains independence from both Governments and continues to advise each Government on the application of Data Protection legislation and on best practice and matters which may affect each jurisdiction. It remains for each Government to determine the specific legislation appropriate to that jurisdiction.

3. Continuation of Appointment

- 3.1. Mrs. Martins was appointed as the Commissioner for both Bailiwicks under the relevant Laws referred to above and assumed her responsibilities on 1st October 2011. Her present term of office under the Guernsey Data Protection Law expired on 30th November 2015 and was not reviewed prior to this date due to an administrative oversight for which the Department apologises to the States.
- 3.2. Members of the Department are currently in discussion with their Jersey counter-parts and Mrs. Martins with a view to putting in place arrangements to extend the Pan-Islands appointment of Mrs. Martins as Data Protection Commissioner. Pending completion of these discussions and agreement regarding the extension of arrangements agreed between the Bailiwicks in 2011, the Department proposes that Mrs. Martins be re-appointed as Data Protection Commissioner for Guernsey until 30th September, 2016.
- 3.3. Members are directed to Appendix 1 in order to examine an outline of Mrs. Martins' experience, demonstrating her continued suitability for the post.

4. Recommendation

- 4.1. In the circumstances of this report, the Home Department recommends the States to approve the re-appointment of Mrs. Martins as Data Protection Commissioner under section 6 of the Data Protection (Bailiwick of Guernsey) Law, 2001 until 30th September, 2016.

Yours faithfully

P L Gillson
Minister

F W Quin (Deputy Minister)
M J Fallaize
M M Lowe
A M Wilkie

Mr A L Ozanne (Non-States Member)

APPENDIX 1

Mrs. Emma Martins was born in the UK in 1970. She has a BA (Hons) in Social Science and Politics. She has lived in Jersey for 24 years and joined the Civil Service in 1995 having previously worked in the finance industry. She took up her first management role working for the States of Jersey Police in 1998. Part of the responsibilities of that role was overseeing data protection compliance across the force.

Mrs. Martins then joined the Office of the Jersey Data Protection Registrar in 2001 in the role of Deputy Registrar. Upon retirement of the then Registrar in 2005, Mrs. Martins applied successfully for the position of Jersey Commissioner, a position she held until her appointment as the Pan-Islands Commissioner in October 2011.

(N.B. As there are no resource implications in this report, the Treasury and Resources Department has no comments to make.)

(N.B. The Policy Council supports the proposals in this Policy Letter and confirms that it complies with the Principles of Good Governance as defined in Billet d'État IV of 2011.)

The States are asked to decide:-

I.- Whether, after consideration of the Policy Letter dated 2nd December, 2015, of the Home Department, they are of the opinion to re-appointment Mrs. Emma Martins as Data Protection Commissioner under section 6 of the Data Protection (Bailiwick of Guernsey) Law, 2001 until 30th September, 2016.