

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR HOME AFFAIRS

APPOINTMENT OF THE DATA PROTECTION AUTHORITY

The States are asked to decide:-

Whether, after consideration of the Policy Letter dated 9th April 2018, of the Committee *for* Home Affairs, they are of the opinion:-

To appoint with effect on and from 25th May 2018 the following persons, as nominated by the Committee, to be voting members of the Data Protection Authority under paragraph 1 of Schedule 6 to the Data Protection (Bailiwick of Guernsey) Law, 2017:

- (a) Mr Richard Thomas CBE as Chairman of the Data Protection Authority for a period of five years,
- (b) Mr Simon Entwisle as a voting member of the Data Protection Authority for a period of five years,
- (c) Mr John Curran as a voting member of the Data Protection Authority for a period of five years,
- (d) Mr Christopher Docksey as a voting member of the Data Protection Authority for a period of four years,
- (e) Mr Mark Lempriere as a voting member of the Data Protection Authority for a period of four years,
- (f) Ms Jennifer Strachan as a voting member of the Data Protection Authority for a period of four years.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

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APPOINTMENT OF THE DATA PROTECTION AUTHORITY

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

9th April, 2018

Dear Sir

1 Executive Summary

1.1 The purpose of this Policy Letter is to appoint the Chairman and members of the Data Protection Authority (“the Authority”) established under the Data Protection (Bailiwick of Guernsey) Law, 2017 (“the Law”).

2 Background

2.1 The Law will come into effect on 25th May 2018. Part XI of the Law establishes the Authority. Schedule 6 to the Law sets out the constitution of the Authority and provides that the Chairman and other voting members must be appointed by resolution of the States of Deliberation from individuals nominated by the Committee *for* Home Affairs (“the Committee”).

2.2 This Policy Letter recommends the appointment of the Chairman and five members to the Authority with effect on and from 25th May 2018 in order to ensure that the Authority is constituted when the Law is enacted.

3 Appointment of Chairman and Members of the Authority

3.1 Schedule 6 to the Law states that the Authority comprises a Chairman and no fewer than four and no more than eight other voting members, with the exact number being determined by the Committee, and the Commissioner, as an *ex officio* and non-voting member.

- 3.2 In recommending the individuals to the States, pursuant to paragraph 1(3) of Schedule 6 to the Law, the Committee must have particular regard to the need to “ensure that voting members of the Authority –
- (a) have the qualifications, experience and skills necessary to exercise and perform the functions of a member, in particular relating to the protection of personal data,
 - (b) have a strong sense of integrity, and
 - (c) are able to maintain confidentiality.”
- 3.3 Each voting member is to be appointed for a term of not less than four, and not more than five, years as the Committee thinks fit in a particular case.
- 3.4 It was originally anticipated that there might be a joint Authority with Jersey but in the event the Bailiwicks developed the respective laws which were different in a number of ways. Nonetheless as part of the pan-Island preparation for the new arrangements an executive recruitment agency was engaged to assist with identifying people suitable to fulfil the role as Chairman.
- 3.5 A recruitment campaign for the Authority members was designed to reach as many areas of the population as possible and included advertising locally in the media and further afield through social media.
- 3.6 Following an open and transparent recruitment process the Committee was impressed with the quality and experience of all candidates.
- 3.7 The Committee is pleased to recommend the following individuals for appointment to the Authority.

Chairman – 5 year appointment

- 3.8 Mr Richard Thomas CBE was the UK’s Information Commissioner from 2002 to 2009, responsible for enforcement of the Data Protection and Freedom of Information Acts. He was subsequently the Chairman of the Administrative Justice and Tribunals Council and served as a Member of the Committee on Standards in Public Life from 2012 to 2017. In January 2018, he was appointed by the Prime Minister to the Advisory Committee on Business Appointments.

Voting members – 5 year appointment

- 3.9 Mr Simon Entwisle has recently retired from his role as Deputy Commissioner at the UK Information Commissioner’s Office (ICO), a position he held for over

13 years. He has vast experience of data protection and the ICO management board.

Mr Entwisle has demonstrated a clear analytical mind and the ability to understand and effectively communicate complex legislative issues so as to be understood by all stakeholders. His previous roles have required the ability to react strategically, maintaining high standards and accuracy whilst dealing with competing priorities.

- 3.10 Mr John Curran is a former Chief Executive of the Channel Islands Competition and Regulatory Authorities (CICRA) and currently sits on the Board of the Channel Islands Financial Ombudsman and as a non-voting Member on the States of Guernsey Transport Licensing Authority (TLA).

Mr Curran has experience acting within a regulatory model and proven experience in interpreting and applying complex legislation. Past roles have demonstrated the ability to balance the competing interests of stakeholders, asserting sound judgement and sensitivity.

Voting members – 4 year appointment

- 3.11 Mr Christopher Docksey has recently retired as Director of the Secretariat of the European Data Protection Supervisor and worked as the Legal Adviser on data protection to the European Commission. Mr Docksey has extensive experience in the field of data protection, including facilitating the practical implementation of the General Data Protection Regulation working strategically with multiple legislative institutions and delivering high quality outcomes.

While Mr Docksey is currently based in Brussels, this is not considered to be a barrier to his active participation as a member of the Authority and his practical experience will be an asset to the Authority in meeting the challenges posed by the new legislation.

- 3.12 Mr Mark Lempriere retired as the Chief Secretary to the Committee *for* Home Affairs in April 2018 where he was instrumental in the strategic development of the new Guernsey Data Protection legislation.

Mr Lempriere has considerable experience strategically and operationally in the development, compliance and practical enforcement of statutory regimes and demonstrated a proven ability to maintain accuracy.

- 3.13 Ms Jennifer Strachan is currently the Chief Executive of Startup Guernsey and during her career has held numerous Directorial positions involving regulations and compliance. She has been an adviser in the creation of policies such as the Digital Strategy Framework.

Ms Strachan has demonstrated effective Board governance, has experience in strategic planning and development and is comfortable working with a regulatory framework. She is aware of the importance of identifying opportunities for improved working which will benefit business, the consumer and the community and is committed to delivering high quality, efficient and cost effective services.

4 Compliance with Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees

4.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

4.2 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee. Please note that Deputy VS Oliver was absent from the Committee meeting when these propositions were considered.

4.3 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee "to advise the States and to develop and implement policies on matters relating to its purpose, including:[...] data protection".

Yours faithfully

M M Lowe
President

R G Prow
Vice-President

R H Graham
M P Leadbeater
V S Oliver