



THE OFFICE OF THE **DATA PROTECTION COMMISSIONER**

Strategic Plan 2018

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Like all organisations across the Bailiwick, we are in the midst of a period of transition, driven by the impending legislative change. Our aims for 2018 reflect that. A longer term plan for the period of 2019 – 2022 will be released at the end of this year and will build on the firm foundation this plan will create.

Our Mission

- We are dedicated to delivering effective and efficient data protection regulation with integrity and accountability, protecting and promoting the rights of individuals in the processing of their personal data, whilst ensuring that organisations are aware of their responsibilities and how to deliver on them.

Our Vision

- We aim to support and enable stakeholders to strive for excellence in all aspects of data protection compliance to allow the Bailiwick to embrace the opportunities of the data economy whilst ensuring the highest levels of protection for individuals.
- By enhancing information governance across the Bailiwick we will seek to ensure continued recognition as a well-regulated jurisdiction, committed to balancing opportunity against the minimisation of risk.
- We will strive to elevate the conversation around data and privacy beyond simply legal compliance to the ethical use of personal data and the regulation thereof in this increasingly digital, data-driven world keeping the individual at the heart.
- We will endeavour to be an employer that people are excited to work for; an employer that values its staff and their contribution, and supports them to meet their ambitions, which in turn will support the delivery of quality outcomes for the Bailiwick.

Our Support for the Government's 'Future Guernsey' Plan

We are clear that in order to objectively perform our statutory responsibilities we are independent of government and free from undue political interference. That said, we do not act in isolation and our actions have implications for the Bailiwick and its standing on the international stage. Therefore, where appropriate, we will feed into the efforts to realise the States of Guernsey's vision for the Islands – *Future Guernsey – great today, better tomorrow*.

That vision revolves around four key themes: our economy, our quality of life, our community and our place in the world. The work we undertake to raise compliance with, and awareness of, data protection and its wider personal, social and economic impact will support each of the four key areas. Whilst having an indirect impact across parts of the plan, our work will specifically drive developments in the following policy areas:-

- Economic development
- Digital connectivity
- Justice policy
- Security and cyber security
- International standards policy

Further, the Bailiwick has committed to striving to become a centre of excellence for data and effective regulation is a core foundation of that objective.

Our Strategic Aims for 2018

- We will play an integral part in the successful reform of the Bailiwick's data protection regime, ensuring enhanced rights for our citizens as well as continued 'adequacy'¹.
- We will ensure, through effective structuring and resourcing of our Office, that we are capable of delivering our statutory requirements, demonstrating the highest standards of data protection regulation for the Bailiwick.
- We will support organisations and individuals to embrace and deliver on the higher standards the reform entails and society demands.
- We will raise the profile of data protection, demonstrating its role as a key builder of trust between organisations and the individuals with which they interact, aiming for enlightened self-interest as a motivator for regulatees, not simply a way of avoiding sanction.
- We will improve standards of data protection practice through clear, meaningful and inspiring communications, engagement and influence.
- We will maintain existing connections and work to develop new key, strategic relationships within the data protection regulatory community, and beyond, in the knowledge that there is increasing overlap with regulatory and other bodies in the areas such as consumer rights and cyber security.
- We will ensure regulatory action is targeted, proportionate and fair in the knowledge that most organisations want to do the right thing.
- We will adopt a risk-based approach to deliver cost-effective outcomes. This will be done in the knowledge that choices have to be made because of resource pressure and we commit to making those decisions intelligently and openly.
- We will engage in constructive relationships with all stakeholders to improve overall compliance without compromising our independence, recognising that effective data protection requires multi-disciplinary skills and approach.
- We will work to support the creation of a robust and effective governance structure including supporting the constitution of the new Authority and associated financial and operational control mechanisms for our Office.

¹ A decision made by the European Commission that a relevant country ensures an adequate level of protection under EU data protection legislation. Guernsey's adequacy finding can be found [here](#).

Our Values

- We are clear about our role and how we want to achieve best outcomes.
- We are responsible, accountable, respectful, efficient and effective.
- We act with integrity and independence and with honesty, fairness and transparency.
- We value innovation, creativity and a culture of continuous improvement with internal and external stakeholders, exploring different methods to get the best outcomes.
- We foster an environment of support, education, collaboration and cooperation to achieve the best outcomes.
- We act fairly and lawfully in matters of regulatory and criminal investigation and action.
- We work to an explicit risk control strategy and aim to reduce risk by improving compliance.
- We recognise that ineffective regulation and regulatory approach will undermine the legitimacy of the rules. Whilst aiming for enlightened self-interest in compliance, failure to enforce the law swiftly and effectively against deliberate or persistent offenders undermines incentives for compliance in the rest of the community and brings the regulator into disrepute.
- We strive for best professional practice and leadership in our field.
- We will set strategic and operational priorities that will deliver the best results for individuals, the regulated community and our office.
- We strive to provide a supportive working environment for our employees that fosters inclusion, personal development and excellence.
- We aim for all our staff to embrace the Seven Principles of Public Life, known as the Nolan Principles – Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.
- Understanding that our funding comes from government and industry mean that we want to ensure the highest standards of governance at all levels of our organisation to promote trust and confidence in the work that we do.
- We understand the role we play in the wider social and economic objectives of the Bailiwick and will, where we can, support their delivery.
- Specifications of law are only one factor influencing outcomes. We will aim to promote a culture of respect for data protection across the Bailiwick, understanding that the value of implementing exemplary standards lies in the rewards it yields.

Our Ethics

We embrace the ethical principles of **respect for autonomy, do no harm, benefiting others** and **justice**. These shape our interactions with key stakeholders, both internal and external.

Respect for Autonomy

- Individuals** We understand that individuals wish to feel in control of their personal data. We will support individuals through the provision of guidance and advice to exercise their rights and understand the value of their data. Ensuring citizens of our jurisdiction have their rights upheld and respected will add to the well-being of the community at large. We do not seek to make decisions for our citizens, but to empower them with information and choice in respect of their personal data.
- Organisations** We recognise that organisations are best placed to know their strengths and the environment in which they operate. We will help organisations to meet their compliance requirements in a way that enhances their mission and reflects their values. We want to have constructive engagement with the regulated community, understanding that we share the same aims. We will strive for trust, commitment and mutual respect whilst avoiding 'regulatory capture'.
- Staff** We will empower our staff, creating for each a sense of ownership of their role and their contribution to our overall success. We want to encourage personal development and innovation as the organisation evolves. The standards we expect are high, as are the rewards for working in a dynamic and stimulating environment.

Do no harm

- Individuals** We commit to dealing with individuals in an objective but compassionate manner, recognising the distress and damage that a situation may have caused and handling their information sensitively to seek appropriate outcomes. We will seek to provide appropriate privacy when individuals meet with us and our staff will handle all enquiries with integrity and professionalism.
- Organisations** We will objectively investigate any complaints or breaches and ensure that any sanctions are evidence-based and proportionate. Our approach will make best possible use of resources to get the best outcomes and will be risk-based to ensure targeted and effective activity. We will ensure high standards of governance around the use of all resources as well as demanding the highest professional standards of our employees.

Staff We will ensure our staff feel supported and valued and provide them with the resources and knowledge necessary to carry out their role. We aim to be a forward thinking employer that seeks to encourage professional development and life-long learning. We want our staff to build relationships based on trust and confidence.

Benefiting others

Individuals Individuals are at the heart of data protection regulation and we will always keep them at the forefront of service delivery. We will seek to raise people's awareness of their own data protection rights, encouraging them to demand good practice from those organisations with which they come into contact and to exercise their rights to their advantage. Empowering individuals in this way can drive change in the business community as good compliance becomes a commercial differentiator as well as a legal requirement.

Organisations We believe data protection compliance can be a business enabler, driving innovation and creating trust between organisations and their stakeholders. We will strive to support those organisations that wish to embrace data protection and use it to drive up standards and deliver quality, people-focused outcomes. We will regulate for results, understanding that we cannot expect to be effective if we seek to rule by fear. Deliberate, wilful, repeated and seriously negligent non-compliance will be dealt with appropriately but we will seek to build a culture that promotes a positive and proactive approach towards compliance. Our role is to support and help in the delivery of this aim, providing clear information, guidance and advice. Non-compliance is not always intentional, but often caused by lack of knowledge, understanding or awareness.

Staff We are committed to providing our staff with a welcoming and supportive working environment, enabling staff to embrace their role, to develop and to perform at their best. Providing for staff to deliver their objectives confidently and effectively will benefit our Office and the community at large.

Justice

Individuals We will act on an individual's concerns without fear or favour to robustly and fairly investigate complaints, seeking resolutions and taking action appropriately. We recognise that if an individual comes to us to make a complaint, the damage is usually done. We will therefore direct resources

at driving change at organisational level in an effort to promote compliance and prevent harm. Harm to individuals is harm to society.

Organisations We recognise the impact our actions can have on an organisation and commit to acting with accountability and transparency, embodying due process to produce appropriate, just, evidence-based outcomes. Our resources will be used wisely and accountably and sanctions fairly and appropriately.

Staff We will treat our staff members fairly and equitably and emphasise their place as the most valued part of the organisation. While we need to ensure independence, we will work to the highest levels of accountability and governance, recognising that an ineffective regulation and regulatory approach will undermine the legitimacy of the rules.

Our Next Steps

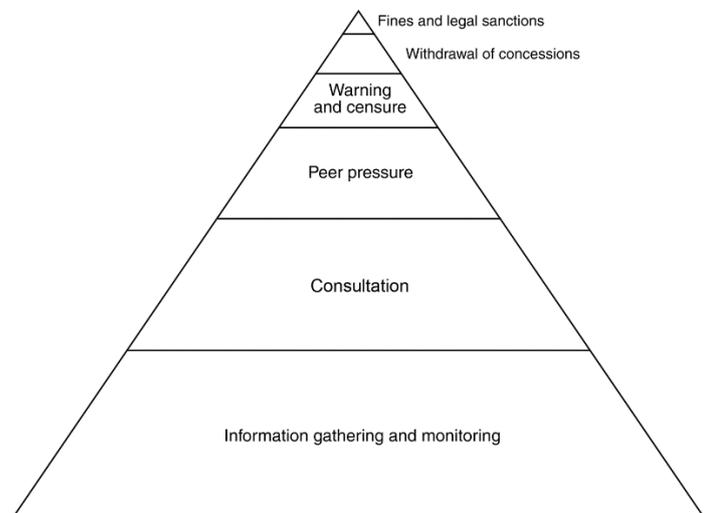
2018 is an important year for the Bailiwick and an important year for this Office. We are embarking on significant reform which will see us moving to new accommodation, recruiting new staff members and setting up the Authority. Much of the early work in these areas has been completed.

Going forward, especially during this period of significant change, we want to keep our own performance under constant review. Work is underway in this respect and the new Authority will play a significant role.

In addition to continuous review of our operational activities, our longer term strategic planning will consider the following questions carefully –

- What are we trying to achieve?
- What does success look like (for us and the community we regulate)?
- How will we know when we have done a good job?
- How we can continue to improve?

We will undertake further work to review the most effective approach to regulation and enforcement in particular the benefits of examining the enforcement pyramid used in other regulatory environments -



Importantly we recognise that regulatory activity is about more than adherence to the letter of the law, it is about adding real value and tangible benefits – to individuals, the business community and the Bailiwick.

“A high quality regulatory environment is an essential foundation for all nations to be an enjoyable and prosperous place to live, work and do business, while protecting the environment and all parts of society. High performing regulators play a key role in achieving those outcomes while also encouraging innovation and fostering productivity and growth”

Foreword – OECD ‘The Governance of Regulators’

As we move towards 2019 we will build on the foundations this plan will provide and develop the following areas of focus:-

Develop
Educate
Lead
Influence
Visible
Enforce
Regulate

DEVELOP	ensuring our staff are highly skilled and motivated, working effectively and efficiently across the Bailiwick;
EDUCATE	working with key organisations and individuals to promote awareness and understanding of information rights and responsibilities;
LEAD	as the subject matter expert within the Bailiwick, ensuring the Islands’ continued recognition on the European and international stage;
INFLUENCE	seeking to embed information rights in all relevant areas especially new laws and policies across the private and public sector;
VISIBLE	conducting our work in an open and transparent manner, ensuring relevant and useful information is proactively published on our website;
ENFORCE	taking targeted and meaningful regulatory action in a fair and consistent manner; and
REGULATE	making effective use of our statutory powers to achieve consistency across the Bailiwick.

We want to encourage open dialogue with citizens and regulatees during this important time. If you would like to make any comment about this document or related matter, please get in touch.

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