



THE OFFICE OF THE **DATA PROTECTION COMMISSIONER**

The Data Protection (Bailiwick of Guernsey) Law, 2017 ("the Law")

About Us

About the Authority

The Law creates the independent Data Protection Authority which is tasked with the development and implementation of the new regulatory regime necessary to oversee the requirements of the Law. Comprising a Chair and between four and eight Members, the Authority will provide governance to the Office of the Data Protection Commissioner (ODPC) and is responsible for operations within the ODPC.

About the ODPC

The Data Protection Commissioner is Emma Martins who also assumes the role as Chief Executive for the Authority. The ODPC is the operational body that carries out the regulatory functions of the Law delegated by the Authority. These include recording data breaches, investigating complaints, running education programmes and examining proposed legislation and how it may affect individual privacy.

The ODPC strives to empower individuals to exercise their rights as well as to support organisations to meet their compliance requirements and take action where they fall short. The ODPC's Strategic Plan for 2018 can be found [here](#).

Functions of the Authority and the ODPC

Task/Power	Section
Administer and enforce law	61(1)(a)
Monitor and report	61(1)(b)(e)

Promote public awareness	61(1)(c)
Promote controller/processor awareness	61(1)(d)
Provide information to data subjects	61(1)(f)
Cooperate with supervisory authorities	61(1)(g)
Monitor developments	61(1)(h)
Encourage codes of conduct	61(1)(i)
Record alleged breaches	61(1)(j)
Issue opinions and guidance	63(1)(a)(b)
Issue public statements	64(2)
Develop international cooperation	65
Handle and investigate complaints	67, 68
Conduct inquiries	69
Make determinations – investigations	71
Make recommendations/determinations – inquiries	72
Sanctions following breach	73
Administrative fines	74
Maintain register of controllers/processors	39, Sch 4
Record personal data breaches	42(2)
Prior consultation – high risk processing	45(2)(4)
Prior consultation – high risk legislation	46(1)
Order controller/processor to provide information	Sch 7, para 1
Obtain access to premises/material (warrants)	Sch 7, para 2
Conduct audits	Sch 7, para 9
Approve code of conduct	52
Accredit body to monitor compliance	53
Approve BCRs	55(2)(b)(i), 58
Authorise transfers	57(1)