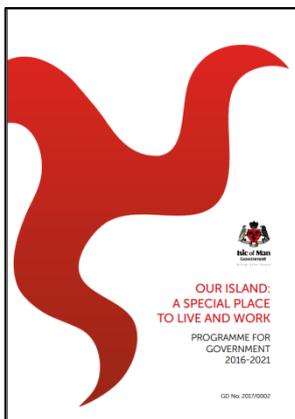


Welcome to the first newsletter of 2018. This issue provides an update on developments over the past few months and looks at those currently underway.

There are less than five months to go until the General Data Protection Regulation becomes enforceable on 25 May 2018. Controllers and processors should have commenced their preparations for this landmark change in data protection law.

LEGISLATION

Isle of Man



Programme for Government

“Ensure the Island’s legislative position is equivalent to the EU General Data Protection Regulation by May 2018”

Political Sponsor: Chief Minister

Reference was made to the implementation of new law by May 2018 in the House of Keys on 7 November 2017 and in a Cabinet Office news release on 9 November 2017.

However, whilst the Commissioner was hopeful that Cabinet Office would have published draft law before this Newsletter was issued, that is not the case.

When there is further information, the Commissioner will publish a news item on the website and on LinkedIn.

Guernsey & Jersey

Both Islands have produced new data protection laws.

Guernsey’s law was approved by the States of Deliberation on 29 November 2017 and is awaiting Royal Assent. (<https://dataci.gg/approved-the-data-protection-bailiwick-of-guernsey-law-2017-as-amended/>)

Jersey’s laws were lodged with the States Assembly on 7 December and are scheduled for debate on 16 January 2018. (<https://dataci.je/proposed-new-data-protection-laws-lodged/>)

The Channel Islands have reverted to separate regulators for each Island. Emma Martins, the former pan-Island Commissioner, has been appointed as the new Data Protection Commissioner for Guernsey for a period of two years, whilst Jersey is still to appoint a new Commissioner.

United Kingdom

UK Data Protection Bill

The UK Bill commenced its passage through the House of Lords on 13 September 2017 and was the subject to scrutiny by a committee of the whole House of Lords.

The Lords Report Stage is scheduled for 10 January 2018, with a Third Reading in the Lords on 17 January.

The Bill will then move to the House of Commons for further scrutiny and there are suggestions that significant amendments have already been tabled.

The Bill can be read at:-

https://publications.parliament.uk/pa/bills/lbill/2017-2019/0066/lbill_2017-20190066_en_1.htm

The explanatory notes are available at:-

<https://publications.parliament.uk/pa/bills/lbill/2017-2019/0066/18066en.pdf>

A link to all the associated Factsheets issued by the DCMS can be found at:

<https://www.gov.uk/government/collections/data-protection-bill-2017>

ADVICE AND GUIDANCE

Isle of Man

In addition to the Know Your Data guidance note and the Accountability questionnaire, and two overview documents, "10 things you need to know and do" and "New Data Protection Laws Summary", we have published a series of guidance notes that take a closer look at different aspects of the GDPR.

To date we have published:

- A closer look at Rights and Remedies
- A closer look at Records of Processing
- A closer look at Data Protection Officer
- A closer look at Principles

- A closer look at Definitions
- A closer look at Transparency

These are available from our website at:

<https://www.inforights.im/information-centre/data-protection/the-general-data-protection-regulation/steps-towards-compliance/compliance-resources/gdpr-guidance/>

We intend to publish further "Closer Look" guidance notes on:

- Accountability
- Security
- Consent

These guidance notes are likely to be modified and expanded to reflect developments in IOM data protection legislation and opinions issued by the Article 29 Working Party.

UK Information Commissioner's Office (UKICO)

There have been a number of updates to the UKICO's data protection reform web page.

IOM controllers and processors providing goods and services to UK residents are advised to regularly check, at least, the following pages:

<https://ico.org.uk/for-organisations/data-protection-reform/>

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/whats-new/>

A further webpage has been added which outlines the differences between the GDPR and the UK Data Protection Bill.

<https://ico.org.uk/for-organisations/data-protection-bill/>

Article 29 Working Party

The Article 29 Working Party, which will become the European Data Protection Board in May 2018, has adopted further guidelines on:

- the application and setting of administrative fines
 - http://ec.europa.eu/newsroom/just/document.cfm?doc_id=47889
- personal data breach notification under Regulation 2016/679
 - http://ec.europa.eu/newsroom/document.cfm?doc_id=47741
- Automated individual decision-making and Profiling for the purposes of Regulation 2016/679
 - http://ec.europa.eu/newsroom/document.cfm?doc_id=47742

(Note: Article 29 WP does not produced any guidelines in relation to the Police and Criminal Justice data protection Directive)

Guidelines on the following are currently open for consultation:

- Consent
 - http://ec.europa.eu/newsroom/just/document.cfm?doc_id=48849
- Transparency
 - http://ec.europa.eu/newsroom/just/document.cfm?doc_id=48850

There are a number of subgroups currently working on the production of other guidelines, including international data transfers.

More detail about the Article 29 Working Party can now be found at:

http://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=59485

OTHER INITIATIVES

IOM Data Protection Forum

The inaugural meeting of the IOM DPO Forum was held at the I-Museum on 14th September.

The initial committee consists of representatives from PWC, Appleby and SMP Partners.

The results of the questionnaire about its structure, purposes, etc. can be found here:

<https://www.pwc.com/im/en/services/advisory/assets/isle-of-man-data-protection-officer-forum-survey-results.pdf> .

If you are interested in finding out more about the Forum, there is a LinkedIn Group -

<https://www.linkedin.com/groups/8630427>

Get in touch

If you have questions about the GDPR, or would like to make comments about the content of any of our publications, please [contact us](#).

You can also keep up to date by following us on LinkedIn

 <https://www.linkedin.com/company/isleofmaninformationcommissioner>