

## Welcome to the tenth issue of the Newsletter.

With less than four 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. This issue contains information about the most recent developments and practical publications available to assist in the transition.

## LEGISLATION

### Isle of Man

The Isle of Man Government has announced the route it intends to take to implement new data protection law in the Island. A short Data Protection Bill is to be introduced *“which will allow the provisions in the GDPR to be applied directly into Manx domestic legislation. It will also be consulting on the Orders by which the GDPR and LED will be applied to Manx legislation and the enabling Regulations.”* More information can be found at: <https://www.gov.im/about-the-government/data-protection-gdpr-on-the-isle-of-man/legislative-programme/>

The Bill, Orders and Regulations encompass the GDPR and the ‘Law Enforcement Directive’<sup>1</sup>. The Law Enforcement Directive applies only to specified “competent authorities”, i.e. certain public bodies with prescribed law enforcement functions, and, in general, the private sector should not be concerned with those provisions.

Cabinet Office is currently consulting on these instruments. The consultation, which closes on 5 March, can be found at: <https://consult.gov.im/cabinet-office/new-data-protection-bill/>

The Data Protection Bill had its first and second readings in the House of Keys today, 6 February 2018. Once the Bill has been enacted, the Orders and implementing Regulations can be made subject to Tynwald approval.

### Guernsey & Jersey

Both Islands have produced new data protection laws which are awaiting Royal Assent.

### United Kingdom

The UK Bill has completed its passage through the House of Lords and went through its first reading in the House of Commons on 18 January 2018. As we write this Newsletter, the date of the second reading is still to be confirmed.

The Bill brought to the Commons from the Lords can be read at:-

- <https://publications.parliament.uk/pa/bills/cbill/2017-2019/0153/18153.pdf>

The explanatory notes are available at:-

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

The associated Factsheets issued by the DCMS can be found at:

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

## ADVICE AND GUIDANCE

### Europe

The EU Commission has several websites relating to the GDPR as responsibility transitions from the Article 29 Working Party to the EDPB:

- [https://ec.europa.eu/commission/priorities/justice-and-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules\\_en](https://ec.europa.eu/commission/priorities/justice-and-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules_en)
- [https://ec.europa.eu/info/law/law-topic/data-protection\\_en](https://ec.europa.eu/info/law/law-topic/data-protection_en)

Keep an eye on these pages to find older Article 29 Working Party opinions and documents and, hopefully, redirection to the EDPB website when it goes live:

- [http://ec.europa.eu/newsroom/article29/news.cfm?item\\_type=1358](http://ec.europa.eu/newsroom/article29/news.cfm?item_type=1358)
- [http://ec.europa.eu/newsroom/article29/news.cfm?item\\_type=1360](http://ec.europa.eu/newsroom/article29/news.cfm?item_type=1360)

### Isle of Man

In addition to the Know Your Data guidance note, 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 on [the website](#) and other “Closer Look” guidance notes will be published in due course.

The guidance notes are likely to be updated shortly and, in time, modified and expanded to reflect developments in IOM data protection legislation and opinions issued by the Article 29 Working Party/EDPB.

## **UK Information Commissioner’s Office (UKICO)**

There have been a number of updates to the UKICO’s data protection reform web page, including more in-depth template documentation for [controllers](#) and [processors](#) to help document processing activities. These are in Excel format.

IOM controllers and processors providing goods and services to UK residents are also 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 webpage outlining the differences between the GDPR and the UK Data Protection Bill can be found at: <https://ico.org.uk/for-organisations/data-protection-bill/>

## **Ireland Data Protection Commissioner’s Office**

A dedicated webpage is available at <http://gdprandyou.ie/>.

This includes a helpful guide for SME’s - <http://gdprandyou.ie/wp-content/uploads/2017/12/A-Guide-to-help-SMEs-Prepare-for-the-GDPR.pdf>

## **Channel Islands**

A pan-Island dedicated website is available at: <https://thinkgdpr.org/>

## **Sector-specific guidance**

Business sectors or their regulatory bodies, for example the ICAEW, Law Society and ICSA, are increasingly producing their own industry-specific guidance and information. Controllers and processors should research and review any appropriate sector guidance.

## OTHER INITIATIVES

### IOM Data Protection Forum

The inaugural meeting of the IOM DPO Forum was held at the I-Museum on 14<sup>th</sup> 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 by clicking [here](#). 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>

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<sup>i</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA <http://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:32016L0680&from=EN>