

J.DPA

JERSEY DATA PROTECTION
ASSOCIATION

GDPR AND CYBER ESSENTIALS,
SHAKEN NOT STIRRED.

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March 18

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- What is GDPR?
- Update on the Data Protection (Jersey) Law 2018
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Overview of JDPA

- The Jersey Data Protection Association was formed to help organisations , from large to small to understand, respond and comply with the ever increasing demands of customers, employees, suppliers and regulators in the field of data privacy and protection.
- Our aim is to provide a platform for those responsible or interested in data protection within their respective businesses, to improve their understanding of data protection through attendance at seminars, formal training and networking events where you will be encouraged to share experiences, concerns or materials which may be of interest to other members across industry.

Upcoming events

- Data Protection from First Principles – Justifying your Data Processing
16th March 12:30 – 13:30 Intertrust
- Digital Transformation and GDPR – Maintaining Compliance in a
World of Constant Change - 23rd March 08:30 – 10:30 The Royal
Yacht
- Privacy Notices – Communicating privacy information –
- Data Breaches
- EU Representatives and Operating Internationally
- Cross border transfers, data processing agreements

There will be events every week leading up to May 25th please visit our
website <https://jdpa.org.je/events/> for information and to book.

Committee Members

- David Carney (PwC)– Chairman
- Huw Thomas (Carey Olsen) – Vice Chair
- Adrian Franklin (Intertrust) – Treasurer
- Stephanie Luce (Hawksford) - Secretary
- Phil Ruelle (BDO) – Committee Member
- Ronnie Isherwood (JE3.com) – Committee Member
- Simon Barrows – Committee Member
- Melissa Pardoe (SoJ) - Committee Member
- Anne King – Committee Member
- Lorie Rault - Committee Member

What is GDPR?

GDPR is an abbreviation of the EU's General Data Protection Regulation, the largest change to the protection of personal data since the Directive in 1995. The objective of the GDPR is to bolster and unify data protection across the European Union. It will be enforceable from the 25th May 2018, replacing the Data Protection Act 1998 in the United Kingdom and equivalent legislation across EU Member States.

The GDPR has implications for the Channel Islands in two ways:

1. Local companies targeting goods or services to EU citizens will be required to comply with the GDPR, regardless of what regulatory or legislative regime is in place locally.
2. The Islands' adequacy ruling under the current EU Directive will be re-assessed against the GDPR and it is highly unlikely that the current Laws will be considered adequate against the new standard.

The Jersey Government made the decision that GDPR will be incorporated into local law ready for implementation on 25th May 2018.

Data Protection (Jersey) Law 2018

Following Privy Council approval, the Royal Court on 16th February registered new data protection legislation that will strengthen individuals' rights and enable Island businesses to continue accessing international markets.

The Data Protection (Jersey) Law 2018 and Data Protection (Authority) Jersey Law 2018 will come into effect on 25 May 2018.

The new Laws will enable data to continue moving freely between Jersey and the European Union, benefitting trade and helping law enforcement agencies cooperate with their counterparts in other jurisdictions.

Accountability

Going forward, controllers and processors will be required to be more accountable for the ways in which they process personal data, including by preparing records of their processing activities and implementing **appropriate technical** and organisational measures to comply with the law. Controllers will in particular be required to consider data protection standards when developing new systems, and to carry out data protection impact assessments, ensuring that they protect data subjects' rights. Data controllers must also ensure that personal data is only processed to the extent necessary for the purposes for which it is processed.

What is Cyber Essentials?

Cyber Essentials (CE) certification is evidence that a company has carried out basic steps toward protecting a company and their data from internet based cyber attacks.

All answers given by a company are assessed. A companies answers must be approved by a Board level representative, business owner or the equivalent, otherwise certification cannot be awarded.

Some of the CE assessment includes a GDPR aspect, while not an official part of CE, it is beneficial however it does not mean your company is legally compliant with GDPR. A pass indicates an organisation is starting on the pathway to compliance.

The States of Jersey have said that from 2020 they will refuse to deal with businesses that don't have it. At the moment any businesses working with them must promise to complete CE within 12 months.

What is Cyber Essentials?

Covers five key areas of technology:

1. **Secure configuration** for example changing default passwords, removing unwanted software when purchasing new equipment;
2. **Boundary firewalls and internet gateways** for example having a firewall between the company and the internet and regularly reviewing its effectiveness;
3. **Access control and administrative privilege management** for example restricting access only to the material each user needs, restricting administrative access to only the IT team;
4. **Patch management** for example not patching everything as soon as a patch is released, consider the impact the patch might have; and
5. **Malware protection** for example running anti-virus software.

Other Options?

- **Cyber Essentials Plus (CE +)** - an assessor will come to your site and complete the assessment for you and depending on the results either deny or grant you the certificate.
- **ISO 27001** – this is a risk-based information security management framework. You carry out a risk assessment on the information security aspects of your organisation.

Questions?

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