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# STATES OF JERSEY



## JERSEY DATA PROTECTION AUTHORITY: APPOINTMENT OF NON-EXECUTIVE DIRECTORS

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Presented to the States on 25th June 2019  
by the Chief Minister

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STATES GREFFE

## REPORT

### Background

Under Article 3(4) of the [Data Protection Authority \(Jersey\) Law 2018](#) (the “Law”), the Chief Minister is required to notify the States Assembly of appointments made to the Jersey Data Protection Authority (the “Authority”).

Article 3(1) of the Law states that –

- “(1) The Authority consists of –
- (a) the Chairman;
  - (b) no fewer than 3 and no more than 8 other voting members; and
  - (c) the Commissioner as an *ex officio* and non-voting member.”.

Although the Jersey Office of the Information Commissioner (“JOIC”), formerly the Office of the Information Commissioner, has been operational since 2004, it was newly legally constituted under the Law with a Chairman and a Board.

On 29th October 2018 the Chief Minister appointed Ms. Clarisse Girot, Mr. David Smith, Ms. Gailina Liew and Mr. John Harris to the Data Protection Authority Board. The further appointment of these 2 candidates will ensure that JOIC is fully constituted, enabling it to make strategic decisions.

### Role specifications and key skills sought

The Chairman of JOIC has advised that his goal in identifying suitable candidates was to combine a selection of local and international experts in fields relevant to the work of the Jersey Data Protection Authority. His preference was to include individuals who were independent and well-respected and possessed strong local or international reputations. He also preferred to have a gender balance and diversity. In particular, the key skill areas identified were –

- expert knowledge of the General Data Protection Regulation (“GDPR”);
- expert knowledge of the European Commission, who could advise on ensuring that Jersey obtain an adequacy designation, which is of fundamental importance to the Island;
- expert knowledge of Jersey politics and government;
- expert knowledge of Jersey’s finance sector; and
- extensive Board experience and knowledge of the technical sector.

The current members meet the qualifications with respect to GDPR, the European Commission, Board experience and knowledge of the technical sector. The 2 candidates that the Chairman is proposing today will provide the knowledge of Jersey, politics, government and financial sector that he has been seeking.

### **Shortlisting and interview process**

Interviews took place on 8th, 9th and 22nd August 2018. It was the view of the Panel that Mr. Routier would be a valuable addition to the Board; however, the Law prevents a former States Member from being a voting member of the Authority Board for a period of 12 months.

The Panel did not interview Mrs. Hatton in August 2018. Her candidature arose as the result of another candidate with Jersey financial services expertise having withdrawn during the appointment process. As the first round of interviews did not identify a suitable alternative, the Chairman conducted a new search. This resulted in Mrs. Hatton applying. The same Panel interviewed her on 29th April 2019, asking the same questions.

### **Successful candidates**

Two candidates were recommended to the Minister for appointment. The candidates are listed below with a summary of their skills and experience.

#### Mrs. Helen Hatton

Mrs. Hatton is well-known and respected in the local financial services sector, having served as Deputy Director-General of the Jersey Financial Services Commission for 10 years. She was also Head of Enforcement for the equivalent regulator on the Isle of Man. She has developed her own financial services consulting business, providing advice resources and technical assistance to international standard-setting bodies, regulators and financial services businesses through the world. Mrs. Hatton has extensive Board and teaching experience in the post-secondary education section. She also has experience as a committee member of an Isle of Man Treasury Department group overseeing 4-strand diversification of the economy.

#### Mr. Paul Routier, M.B.E.

Mr. Routier is a well-respected former Assistant Chief Minister, having retired from a long political career in June 2018. He has a knowledge of local data protection through his work as *Rapporteur* for the States' debates on the new Data Protection Laws, as well as having a genuine interest in the subject. Mr. Routier brings with him many years of political experience and knowledge of States Assembly and government, as well as his local knowledge and international contacts.

The Chairman concluded that the successful candidates had the skills, knowledge, ability and experience that he was seeking to include on the Board. It is the view of the Chairman, that both individually and collectively, the appointees are of an extremely high quality and will garner local and international respect, and will assist in the Jersey Data Protection Authority's objective of obtaining a higher international standing for Jersey in the field of data protection. The appointment of the 2 applicants listed above would mean the Jersey Data Protection Authority would have a balanced gender Board of 3 women and 3 men. In terms of diversity, 3 of the members are from outside Jersey and are not on any other Boards in Jersey.

**Conclusion**

A Ministerial Decision accepting the recommendation of the Chairman has been signed, and the commencement date of the contract will be 1st August 2019. The term of office will be 3 years.

**Resource implications**

The fees payable to Non-Executive Directors are met out of the Jersey Office of the Information Commissioner's ("JOIC") annual budget. During 2019 the Chief Minister's Department provided funding for JOIC; from January 2020, JOIC's budget will consist of the registration fee charged to data controllers and data processors, and funding from the Government of Jersey. There are no other financial or manpower implications for the Government of Jersey arising from these appointments.