
STATES OF JERSEY



JERSEY DATA PROTECTION AUTHORITY: REAPPOINTMENT OF MEMBERS

Presented to the States on 17th September 2021
by the Minister for Economic Development, Tourism, Sport and Culture

STATES GREFFE

REPORT

In accordance with Article 3 (1) (b) and (c) of the [Data Protection \(Jersey\) Law 2018](#), the Assistant Minister for Economic Development, Tourism, Sport and Culture, Deputy Kirsten Morel, has decided to reappoint three members of the Jersey Data Protection Authority and present this Report to the States Assembly.

The Minister for Economic Development, Tourism, Sport and Culture has delegated to Deputy Morel the responsibility for data protection.

Context

The Data Protection Authority (Jersey) Law 2018 (“the Authority Law”) provides for the arrangements relating to a statutory body to oversee the protection of personal data.

- Article 3 provides for the constitution of the Authority.
- Article 3 (1) provides that the Authority consists of –
 - (a) the Chair;
 - (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.
- Article 3 (2) provides that the Chair and other voting members are appointed by the Minister who must have particular regard to the need to ensure that voting members of the Authority –
 - (a) have the qualifications, experience and skills necessary to exercise and perform the functions of a member, in particular relating to the protection of personal data;
 - (b) have a strong sense of integrity; and
 - (c) are able to maintain confidentiality.
- Article 3 (4) provides that at least 2 weeks before making an appointment the Minister must present to the States a notice of the Minister’s intention to make the appointment.
- Article 3 (5) provides that each voting member is appointed for a term of 5 years or such shorter period as the Minister thinks fit in a particular case and is eligible for reappointment up to a maximum period of service of 9 years.

Reappointment of Members of the Jersey Data Protection Authority

Following a recruitment process, the States Assembly was notified in [R.133/2018](#) of the appointment of three new members to the Jersey Data Protection Authority (the Authority).

The appointments of Clarisse Girot, Gailina Liew and David Smith were approved by Ministerial Decision on 10 October 2018 and their terms of office commenced on 29 October 2018 for a period of three years, to expire on 28 October 2021.

After undertaking a 'Peer Review and Skills Assessment' and having worked with the three members for nearly three years, the Chairman of the Authority Jacob Kohnstamm has written to the Minister to advise he is happy and confident to request their reappointment. The Chairman finds these members of the Authority to be of an extremely high calibre, garnering local and international respect, and he strongly recommends reappointment.

For Clarisse Girot and Gailina Liew, he requests three years for the extension to their term of office, for David Smith two years. The shorter term requested for David Smith, combined with the fact that the first term for the other two members of the Authority ends on 31 July 2022, is to allow for staggered recruiting and reappointing whilst ensuring continuity and stability.

Profiles

Clarisse Girot

Clarisse Girot is recognised as one of the most seasoned data privacy law experts in Asia and has a unique expertise in the area of the regulation of international data flows. She is also a well-known figure in the world of data protection globally, having been involved in major international cases in data protection and privacy.

Ms Girot is currently a senior fellow at the Asian Business Law Institute (ABLI), a legal think tank which initiates and conducts projects that promote the convergence of business laws in Asia. Since 2017, she has been leading ABLI's Data Privacy Project on the convergence of regulations on cross-border data flows in Asia, in coordination with a unique network of experts in governments, data protection commissions, industry, international organisations. In this capacity, Ms Girot closely monitors legal developments in countries which are currently building or reviewing their data protection frameworks, including under the influence of EU GDPR, and in the context of 'adequacy' negotiations with the EU. In March 2021, Ms Girot was appointed as a member of the Global Reference Panel of the Global Privacy Assembly.

Prior to relocating to Singapore, Ms Girot was based in Paris where she acted as Counsellor to the President of the French Data Protection Authority (CNIL) and Chair of the group of European DPAs (now EDPB). From 2004 to 2008, she was head of CNIL's department of International Affairs.

Ms Girot graduated from the Law Faculty of the University of Paris-II in 1994. She holds a Magister Juris from the University of Oxford and a PhD from the University of Tilburg in the Netherlands.

She is a member of various networks in Asia and Europe and is a frequent speaker at international conferences.

Gailina Liew

Gailina Liew is a broadly experienced independent non-executive director with a legal, scientific, operations and international business executive background. She is interested in the evolving frameworks for the regulation of privacy, data protection and their intersection with the ethical use of technology, human behaviour, artificial intelligence, and the future of human society.

Ms Liew's current portfolio includes: Chair of the Statistics Users Group; Member of the Committee of Management and Investment Sub-Committee of the Public Employees' Pension Fund; Commissioner for Tax Appeals; and Senior Independent Director of Digital Jersey.

Ms Liew brings more than 20 years of board governance experience in the listed company, investment fund, economic development, education, adjudication and voluntary sectors to the JDPA.

Prior roles include Vice-Chair and Commissioner of the Jersey Appointments Commission, Board Chair of a Canadian regional innovation centre, President & COO of a publicly listed molecular diagnostics company, in-house legal counsel for a venture capital fund and an appeals panel member to recognise harms suffered through systemic institutional abuse of children in care.

Ms Liew holds an Honours Bachelor of Science in molecular genetics from the University of Toronto and a Bachelor of Laws from Western University, Canada. She also has a Master of Business Administration from the Kellogg School at Northwestern University (USA) and the Schulich School at York University (Canada), which she completed while leading the development and commercial launch of the world's first blood-based genomic test for early cancer risk assessment in North America and Asia.

Ms Liew also serves in a voluntary capacity as the founding executive director of the Jersey Policy Forum public policy think tank and as a trustee/advisor for a number of charities, educational institutions and private entities.

David Smith

David Smith works as an independent Data Protection expert since retiring from the role of Deputy Commissioner at the UK Information Commissioner's Office (ICO) in November 2015. Mr Smith spent over 25 years working with the ICO and its predecessors, serving in a variety of data protection roles, under four previous Commissioners.

As Deputy Commissioner, Mr Smith had oversight of all the ICO's data protection activities, including its enforcement regime, successfully leading the introduction of the UK's first administrative fines. He played a significant role in shaping the UK position on the General Data Protection Regulation and represented the ICO on the Article 29 Working Party of European Supervisory Authorities set up under the Data Protection Directive.

Mr Smith frequently acted as spokesperson for the ICO, giving their view on legal and regulatory developments such as the striking down of the US Safe Harbor and the Google decision on the right to be forgotten. He was a regular and respected presenter on national and international platforms, including at the annual International Conference of Data Protection and Privacy Commissioners. Mr Smith also gained high level strategic and management experience having been a member of both the ICO's executive team and its management board.

Since leaving the ICO Mr Smith has taken on a number of part time roles. His main assignment is as special adviser on data protection and related regulatory matters to the international law firm Allen & Overy and its clients. He has also supported the international work of the ICO and assisted the Organisation for Economic Cooperation and Development (OECD) with work associated with the development and promotion of its guidelines on privacy and transborder data flows. Mr Smith also continues to present regularly on data protection developments, and he contributes an expert voice to a range of national and international data protection forums.

Conclusion

A Ministerial Decision accepting the recommendation of the Chairman has been signed, and the commencement date of the extension to the terms of office will be 29 October 2021. The term of office for Clarisse Girot and Gailina Liew will be 3 years, to expire on 28 October 2024. For David Smith it will expire on 29 October 2023.

Resource implications

The Government provides the Jersey Office of the Information Commissioner with an annual grant to regulate the [Data Protection \(Jersey\) Law 2018](#). The fees payable to members of the Authority are sourced from the annual grant. There are no other financial or manpower implications for the States arising from these appointments.