
STATES OF JERSEY



REAPPOINTMENT OF MEMBERS TO THE JERSEY DATA PROTECTION AUTHORITY

Presented to the States on 12th May 2022
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 two 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 in 2019, the States Assembly was notified in R.81/2019 of the appointment of two new members to the Jersey Data Protection Authority (the Authority), Mrs. Helen Hatton and Mr Paul Routier, MBE. A Ministerial Decision accepting the recommendation of the Chairman to appoint Mrs Hatton and Mr Routier was signed, and the commencement date of the contract was 1 August 2019 for a term of office of 3 years.

After undertaking a further ‘Peer Review and Skills Assessment’ and having worked with the two 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 Mrs Hatton and Mr Routier, a request for a three year extension to their term of office is made.

Profiles

Mrs Helen Hatton

Helen is widely recognised as the prime architect of the modern Jersey regulatory regime. Helen retired as Deputy Director General of the Jersey Financial Services Commission in May 2009 having led the implementation of regulatory development in the island from its blacklisted state in 1999 to achieving one of the world's best International Monetary Fund (IMF) evaluation results.

Specific milestones during this appointment included the introduction and implementation of an all crimes money laundering regime, an investment business regulatory framework for those who advise, manage and deal in investments, the trust company business framework and regimes for expert funds, money services businesses, fund functionaries and general insurance intermediary businesses.

In 2009, Helen established Sator Regulatory Consulting, merging with BDO, the fifth largest global professional services firm, seven years later. Her regulatory team undertook assignments for a range of international standard setting bodies, governments, regulatory authorities and leading financial services businesses, including the World Bank, IMF and UK Foreign and Commonwealth Office. BDO Sator was appointed independent Reporting Professional by the BVI Financial Services Authority in respect of the Mossack Fonseca Panama Papers scandal.

Helen stood down from her Sator MD role and BDO Group Chairmanship in November 2020, remains a shareholder in BDO Group and continues her involvement to assist on more complex regulatory matters.

Helen has established a private office from which she focuses on five overlapping areas of interest – regulation/GRC, investigation, intelligence/data transfer, education and wealth preservation. In pursuit of these interests her current appointments in addition to her role as voting member of JOIC, include Advisor to the Jersey Financial Services Commission, directorships at Santander, Registry Trust, Noble Trust and Jersey Post International; she is a founder shareholder and director of the School of International Financial Services, shareholder and director of KnowYourCountry.com and Chairman of Central Associates, a leading intelligence, surveillance and investigations firm based in London.

Paul Routier MBE

Paul was an elected member to the States of Jersey for 25 years and Assistant Chief Minister for a period of this time. During this time he was responsible for working with officers and the public to develop a number of policy documents and legislation covering a wide cross section of commercial and social issues. Before presenting any new legislation to the States Assembly, he made it a priority to ensure that a satisfactory public consultation had been done.

During his final term of office he successfully led the debates in data protection legislature which, after gaining the support of States Members, led to the establishment of the Data Protection Authority.

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 2 August 2022. The term of office for Mrs Hatton and Mr Routier will be 3 years, to expire on 1 August 2025.

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.