

Welcome to the eleventh issue of the Newsletter.

There is less than one month to go until the European General Data Protection Regulation (GDPR) becomes enforceable on 25 May 2018. This issue contains information about the most recent developments and practical publications available to assist controllers and processors in the transition.

Impact of the GDPR on Island controllers and processors from 25 May

From the 25 May, the GDPR will **apply** to any Isle of Man controller or processor which processes the personal data of data subjects who are in the European Union where the processing activities are related to:

- (a) the offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the European Union; or
- (b) the monitoring of their behaviour as far as their behaviour takes place within the European Union.

Island controllers and processors must, therefore, know whether they are directly subject to the GDPR as regulation and any enforcement (including the levying of any penalties) for the relevant processing of personal data will be undertaken by an EU supervisory authority.

Compliance with the GDPR for such businesses is additional to, and irrespective of, any new or existing Isle of Man law.

LEGISLATION

Isle of Man

The consultation on the Isle of Man's new data protection laws ended on 5 March. Over 50 responses were submitted and revised Orders and Regulations were published on the consultation page on 19 April 2018. (<https://consult.gov.im/cabinet-office/new-data-protection-bill/>). The new revised documents are available at the foot of the webpage.

The enabling Data Protection Bill completed its progress through the House of Keys and Legislative Council and is now awaiting Royal Assent.

At the time of writing it is understood that the Orders and Regulations are to be brought before the May sitting of Tynwald (13 -15 May) for approval by affirmative resolution. This is, of course, subject to confirmation of Royal Assent for the Data Protection Bill.

Once the laws have been passed, this will be announced on the Commissioner's website.

Guernsey & Jersey

The Islands' respective new data protection laws have received Royal Assent and the Islands' data protection authorities are recruiting additional staff in preparation for the implementation of the new laws.

Each Island now has a Data Protection Authority: Richard Thomas, CBE, the former UK Information Commissioner has been appointed Chair for the Guernsey Authority, and Jacob Kohnstamm, the former Chair of the Dutch Data Protection Authority and of the Article 29 Working Party, has been appointed as Chair for the Jersey Authority. We welcome the appointments of these internationally recognised data protection experts and look forward to continuing our working relationship with them both in the future.

United Kingdom

The amended UK Bill will next be considered at Report Stage and Third Reading but the date for these remaining stages has not yet been announced.

<https://services.parliament.uk/Bills/2017-19/dataprotection.html>

ADVICE AND GUIDANCE

Europe

The EU Commission has two dedicated websites populated with guidance for businesses and individuals:

- 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

The Article 29 Working Party has published and adopted numerous guidelines, documents and opinions recently and these can be found in the "Newsroom":

<http://ec.europa.eu/newsroom/article29/news-overview.cfm>

These include:

- Guidelines on Automated individual decision-making and Profiling
- Guidelines on consent
- Guidelines on transparency
- Working document setting forth a co-operation procedure for the approval of BCRs for controllers AND processors

- Recommendation on the Standard Application for Approval of Controller BCRs
- A position paper on the derogations from the obligation to maintain records of processing activities
- Statement on encryption

Documents issued by the Article 29 Working Party are considered to be the source of primary interpretation of any obligations, duties, etc. imposed by the GDPR or any national derogations or transpositions of such.

Controllers and processors are therefore encouraged to monitor the publications of the Article 29 Working Party which becomes the European Data Protection Board on 25 MAY.

Isle of Man

We have recently published:

- [A closer look at Accountability](#)
- [A guide for small business, charities and voluntary organisations](#)
- [The new data protection laws: what they mean for you](#) (for individuals)

These are available on [the website](#). Some further “Closer Look” guidance notes will be published in due course.

Existing guidance and advice will be updated as soon as possible to reflect the 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 numerous updates and additions to the UKICO’s guidance, IOM controllers and processors, particularly those providing goods and services to UK residents, are 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/>

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

Although there are changes to the structure of the data protection authorities in the Channel Islands, the pan-Island dedicated GDPR website remains available at:

<https://thinkgdpr.org/>

Sector-specific guidance

Business sectors or their regulatory bodies, for example the Law Society, Cloud Infrastructure Service Providers in Europe (CISPE), 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

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, or would like to make comments about the content of any of our publications, please [contact us](#).

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