

**HUMAN RIGHTS (JERSEY) LAW 2000**  
**DATA PROTECTION REGISTRY COMPLIANCE**

Following on my review of the Judicial Greffe and its functions prior to the coming into force of the Human Rights (Jersey) Law 2000 (“the HRL”), I have carried out a similar exercise in relation to the Data Protection Registry.

The function of the Data Protection Registry is to implement the provisions of the Data Protection (Jersey) Law 1987 (“the 1987 Law”) and the obligations which arise thereunder. The Data Protection Registrar is appointed by the States and is subject to removal by the same body. He reports annually to the Finance & Economics Committee. The Data Protection Registry is, therefore, a separate discrete department created pursuant to the 1987 Law. It is thus a creature of statute which is quite independent from the Judicial Greffe. The Judicial Greffe does, however, provide and assume responsibility for staffing, accommodation, equipment and the general provision of facilities to the Registry. In addition to the Registrar there are three staff so provided.

The basic functions of the Registry are to ensure compliance with the provisions of the 1987 Law in relation to information processed on a computer. This requires the registration of users whose applications for registration are processed by the Registry. All this is pursuant to the 1987 Law which gives effect to a 1981 OECD Convention. The whole objective of both the Convention and the 1987 Law is to be part of the establishment of a world-wide common standard relating to the processing of data having regard to privacy obligations and in particular those laid down by Article 8 of the European Convention on Human Rights (“the Convention”).

Bearing in mind the origins of the 1987 Law I see little purpose in carrying out a formal “audit” of that statute. This is any event clearly beyond the remit of my instructions. Furthermore, the very nature of the legislation and its objectives indicates quite clearly its compliance with the Convention.

The Data Protection Registrar has received appropriate Human Rights training and is fully cognisant of his obligations and those of the Registry in the context of the Convention and the HRL. In particular, there are in place appropriate procedures to ensure that the processing of applications and their grant or refusal are dealt with in an appropriate manner with, where necessary, written

reasons provided for any decision which is made. In the circumstances, I do not consider that it is necessary to recommend any changes to existing procedures to ensure compliance with the HRL.

The Data Protection Registrar has advised me that there is in preparation a new statute which is to replace the 1987 Law to enhance the provisions relating to the processing of data and to protect the privacy of citizens in relation thereto. This legislation is intended to give effect to EC Directive 94/96 in the same manner as the Data Protection Act 1998 which has been enacted in the United Kingdom. The proposed new Jersey Law is very much modelled on its UK counterpart and will be compliant with the requirements of the HRL. The Data Protection Registrar has been fully involved in the production of the new Law and in the course of that involvement will give consideration as to whether any procedures of the Registry need to be adapted to maintain the Registry's compliance with the HRL.

No other HRL considerations arise from my review of the operations of the Registry.

**J. G. P. Wheeler**  
**Master of the Royal Court**