

Individual Trustees - Are you registered?



"trustees are data controllers"

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We have by now probably all experienced the impact of the European Union's General Data Protection Regulation (GDPR) and local equivalent rules on our daily lives – more emails seeking permission to remain on mailing lists, more boxes to tick for activity on the internet, more things to agree to when checking into hotels, ... A less conspicuous aspect of the new data protection rules is the impact on trustees of various employee benefit plans.

Under data protection rules, trustees are data controllers. Therefore, trustees need to be registered as required under local data protection legislation. This includes professional trustees, special purpose corporate trustees and individual trustees. In the past, registration has typically been undertaken for corporate trustee entities. However, the same principles now apply to individual trustees, who may previously have been exempted from registration. Any existing registrations should be renewed as they expire.

While Guernsey and Jersey are both outside the European Union, both islands have adopted local data protection rules, equivalent to GDPR, reflecting the volume of data shared with other jurisdictions. Guernsey and Jersey have both clarified their stance on registration of individual trustees.

Both jurisdictions have confirmed that individual trustees should be registered as data controllers. Fortunately both jurisdictions will allow registration of individual trustees as one group (such as "The Trustees of the XYZ Pension Plan"). A group registration will be simpler to administer, as there will be no need to update names when individual trustees change. Also, it will mean paying just one registration fee rather than one for each trustee.

If you would like any additional information on registering trustees under data protection rules, please contact your usual BWCI consultant.

Registration details

Jersey



The Jersey Information Commissioner's Office has recently revamped its online registration system to gather significantly less information. While the current annual registration fee of £50 still applies, a recent consultation document suggests that a new fee structure will be in place by the end of 2019. The new fees are proposed to range from £70 to £2,500 per year, depending upon a number of risk factors (such as the number of employees, revenue, and the types of data held) that will be assessed during the registration process. At this point, it is not clear how the proposed measurements will be applied to non-profit making trustee entities. Jersey's registration system can be found at:

<https://jerseyoic.org/membership/>

Guernsey



Guernsey's Office of the Data Protection Authority has also recently simplified its online registration system. The annual registration fee for Guernsey also currently stands at £50. However, we have had an indication that it intends to review its fee structure in the near future. The end result could be tiered fees more in line with those proposed for Jersey. Guernsey's registration system can be found at:

<https://odpa.gg/online-registration/>