DATA PROTECTION CAMPAIGN

Funny accent, serious intentions

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Overview

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- Advocacy – useful, useless, or necessary?
- Tilting at windmills or something else?
- I am a Jersey trustee – *should I care?*

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1

Advocacy

Useful, useless or necessary?

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Tilting at Windmills?

Or something else?

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Jersey trustee

Should I care?

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Jersey

HUMAN RIGHTS (JERSEY) LAW 2000

4 Legislation

(1) So far as it is possible to do so, principal legislation and subordinate legislation must

be read and given effect in a way which is compatible with Convention rights

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Jersey

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Jersey

DATA PROTECTION (JERSEY) LAW 2018

8 Data protection principles

(a) lawful processing;
(b) "purpose limitation";
(c) "data minimization";
(d) "accuracy";
(e) "storage limitation"
(f) appropriate security ("integrity and confidentiality").

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Bulk processing of data
(FATCA / CRS / BO-R)

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Trustee?

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Banking litigation in the next decade: a look ahead

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Banking litigation in the next decade: a look ahead

Data privacy

The extent to which data is really private any longer is a theme that finds expression in both the political and the legal fields.

For example, in the banking sector, to counter individuals and corporations hiding assets from the gaze of their home jurisdictions, several states have passed laws and entered into treaties to enable customers' account data to be shared internationally.

The most well-known of these is the Foreign Account Tax Compliance Act ("**FATCA**"), which was passed in the US in 2010 and enforced through a number of subsequent treaties. More recently, nearly 100 countries have signed up to the Common Reporting Standard, a mechanism for sharing tax payers' details across borders which was pioneered by the Organisation for Economic Co-operation and Development.

Perhaps inevitably, this sharing has already attracted legal challenges. In France, a group of individuals who were born in the US, but barely lived there, sought to bring claims against the French state for sharing data with the US tax authorities under FATCA's provisions. In the UK, a similar claim against the UK's tax authorities is currently being contemplated, with funding sought from a crowdfunding website.

Though government and tax authorities may be the primary focus of these challenges, banks, as the custodians of the account data, should be prepared to be the subject of actions too. Banks should also be prepared for privacy-focused class action litigation arising out of, for example, the misuse of personal data or with respect to cyber breaches, as instances of these are increasing in the US and the EU.

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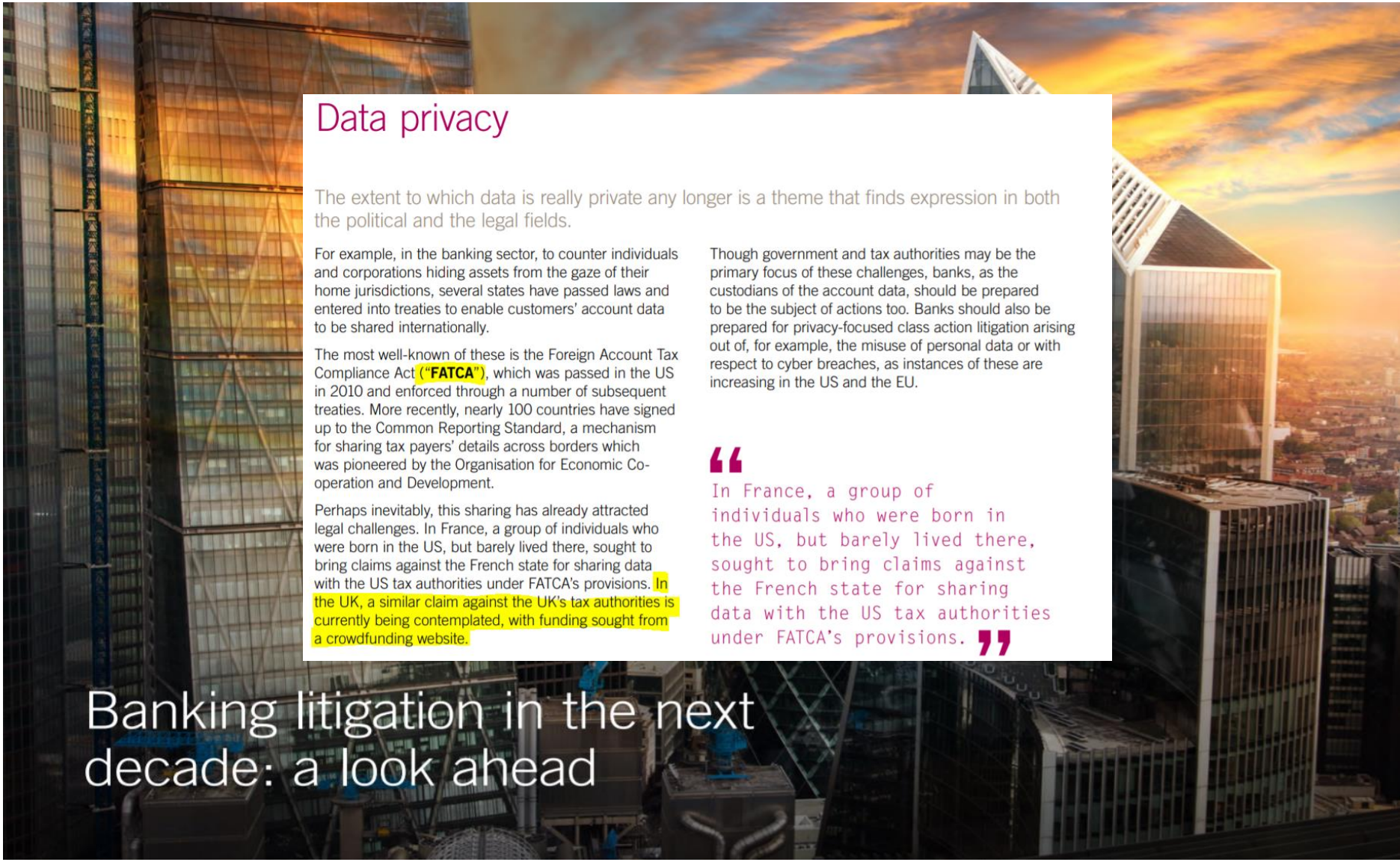

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Banking litigation in the next decade: a look ahead

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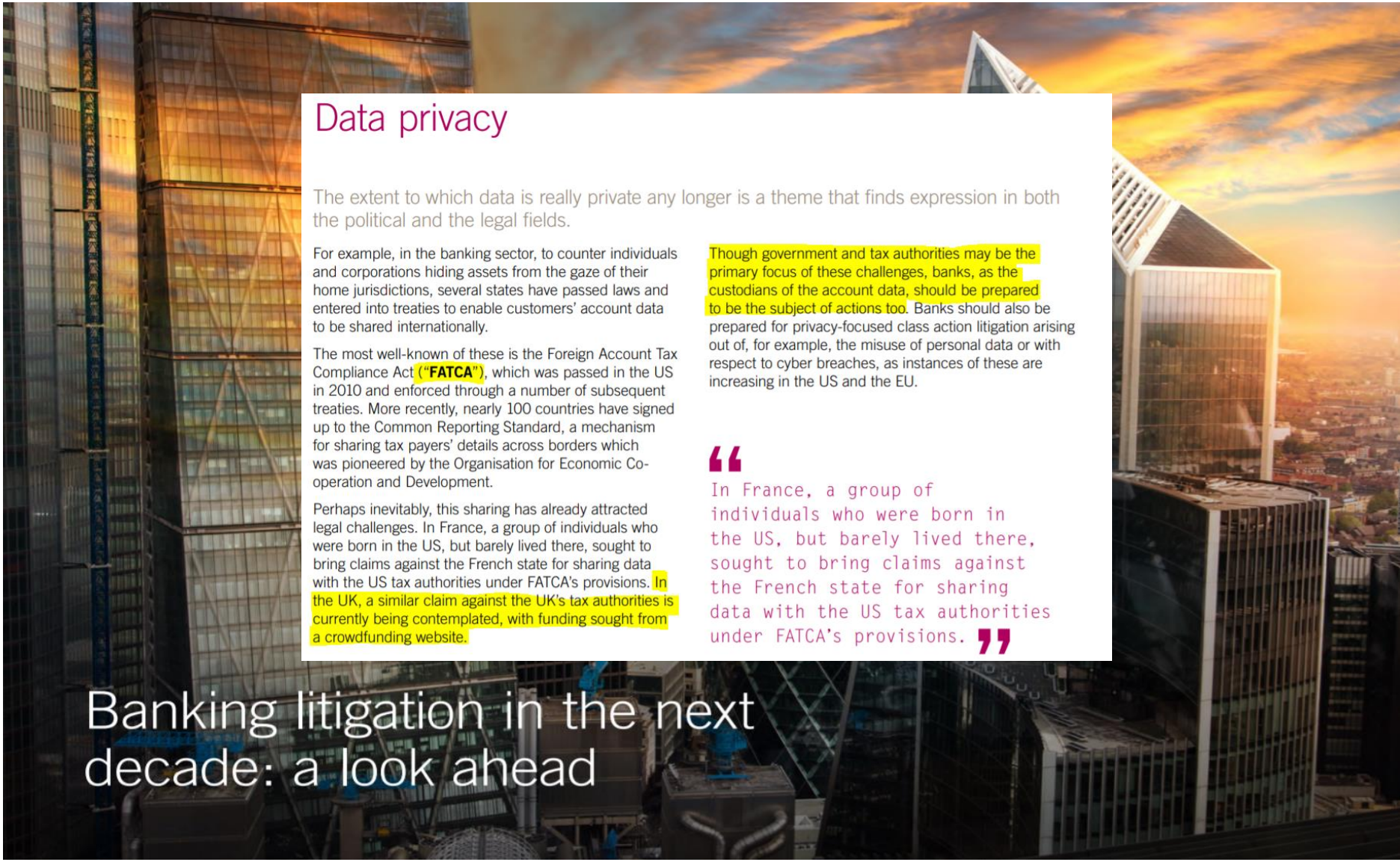

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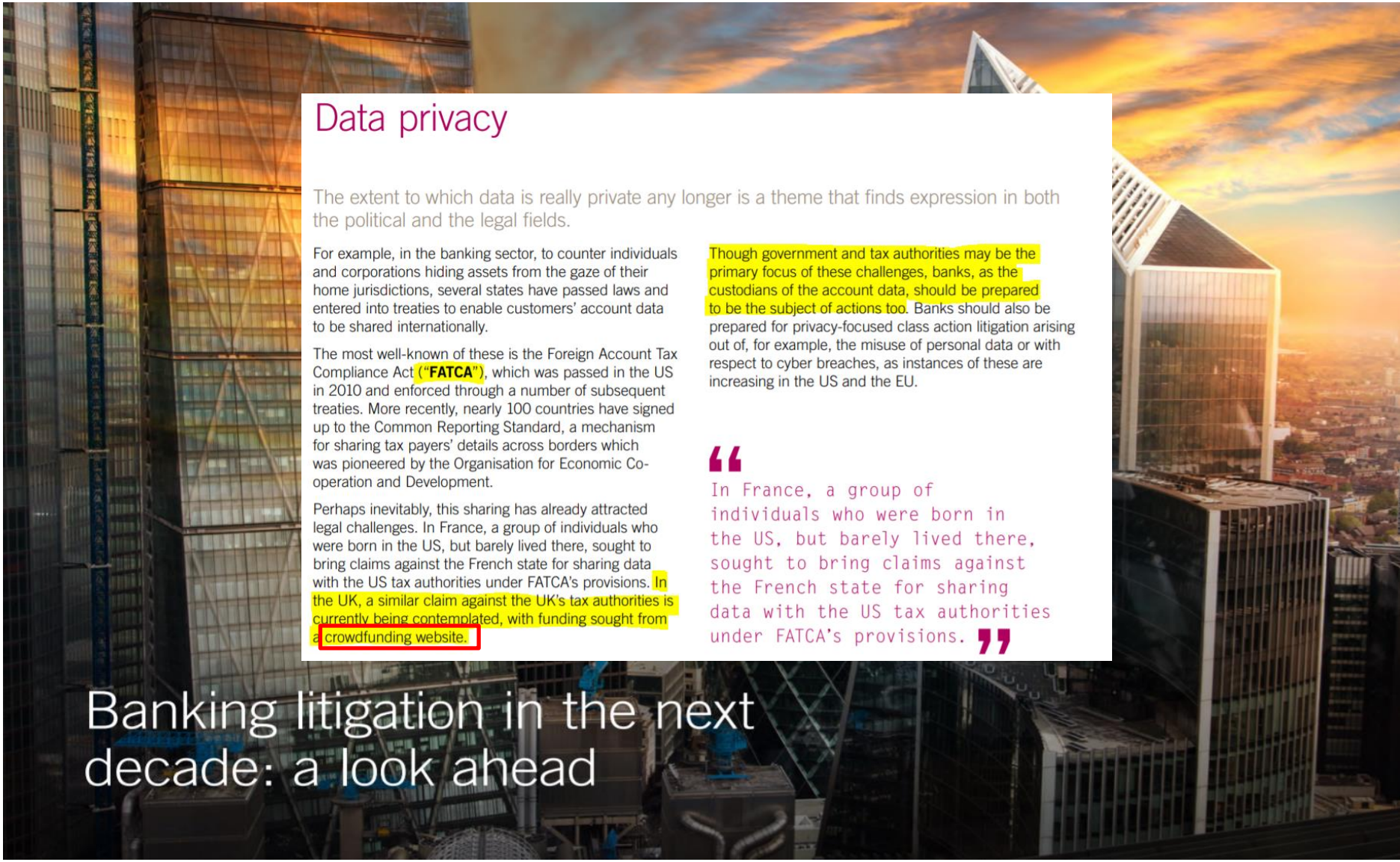

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