



GDPR

Stage 1

DATA PROTECTION BILL

Enabling power permitting us to adopt EU data protection laws

- is an enabling Act only, permitting us to import EU regulations relating to data protection into our domestic law
- replicates provisions we already have in law which have been used many times in the Isle of Man to import EU law
- would not need to be read or consulted in order to comply with the new legislation day-to-day – the implementing regulations will contain the detail of the law

Passage of the Bill through the House of Keys

- 1st reading in the House of Keys
- 2nd reading in the House of Keys
- Consideration of clauses
- 3rd reading
- Signed by the Speaker of the House and transmitted to the Legislative Council



Passage of the Bill through the Legislative Council

- 1st reading in the Legislative Council
- 2nd reading in the Legislative Council
- Consideration of clauses
- 3rd reading in the Legislative Council (and consideration of any amendments)

Signing of Bill in Tynwald

Royal Assent

Announcement in Tynwald Court

Announcement in Tynwald, promulgation and commencement

Once Royal Assent has been given, the Royal Assent is sent back to Tynwald and the President announces it in Tynwald Court. The Act will come into effect from that date unless there are other provisions made. The Act will be promulgated at the next available Tynwald Day.



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Stage 2

ORDERS IN COUNCIL

To import GDPR and Law Enforcement Directive (LED), locally adapted, into Manx Law

- Will be imported by Order to implement the 'applied GDPR' and the 'applied LED' (the GDPR and the LED with Manx adaptations)
- Will allow us then to read those provisions as domestic law rather than EU law
- Will include statements that the Regulations should simply be read as though the Isle of Man is a Member State for the purposes of the regulations (not that the Isle of Man is actually a Member State of the EU)
- Will import the GDPR into domestic law. Once imported the GDPR, as a regulation, uses terminology like 'shall have the powers to', which mean that those powers are granted as a matter of law and we do not need to enact anything else to grant those powers. But we do need to put the detail and processes around them which will be in implementing regulations
- The LED (as its name suggests) is a Directive meaning that it directs member states (or in our case the Island) to make provisions in law, so that law will also be in the implementing regulations



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Stage 3

IMPLEMENTING REGULATIONS APPROVED BY TYNWALD

Containing the details of the law, including processes, fines, penalties and other sanctions

- Should be read as though the Isle of Man is included in the definition of Member States in the GDPR and the LED
- Contain the detail of the law including:
 - details and procedure behind the law in the GDPR
 - details and procedure behind the implementation of the LED



GDPR

WHY HAS THE ISLE OF MAN TAKEN THIS APPROACH?

There are a number of compelling reasons why the Isle of Man has taken this approach to legislation...

We have a very different starting point to other jurisdictions. We are a third country and not a member of the EU in our own right so we have to take action to implement the GDPR and LED into our domestic law

The Isle of Man has taken a direct approach to implementation, importing the whole of those laws into its own law (with local variations)

Jurisdictions following an indirect approach need to make sure that their provisions align closely enough with the GDPR and the LED so that their legislation is essentially equivalent, to get adequacy (that is, for the European Commission to determine that the jurisdiction can make international transfers)

The Isle of Man has no such risk since its own law directly imports the GDPR and LED

The Isle of Man is in a secure position with a direct approach to implementation of the GDPR, whilst retaining its independence from the EU and the UK and the Channel Islands

The implementing regulations set out the detail and process of the law, and will give us great flexibility to adapt the law according to the needs of the Isle of Man, its diverse economy and industry

Other Jurisdictions

The UK has taken the indirect approach to implementing the GDPR and the LED – enacting one Bill which mirrors the GDPR and LED legislation. Using the UK Bill will require reference back to the GDPR and the LED

Jersey intends to enact two separate Jersey laws dealing with data protection and establishing its data protection authority. Using the Jersey law will require reference to the two new Acts, and reference back to the GDPR and the LED

