Policy Compass form for **internet consultation**

Title:

Regulation on data processing in cases of discrimination on the BES-islands

∞ Who are the stakeholders and why?

Guiding questions

- Who has direct or indirect interest in the issue in question?

  - The direct stakeholder (and target audience of the regulations in the Regulation) is the intended anti-discrimination facility BES (ADV BES).
  - Indirect stakeholders are residents and organizations on Bonaire, St. Eustatius, and Saba who may come into contact with the ADV BES, for example, when seeking assistance for discrimination.

- Who has relevant knowledge and experience with the issue?

  Discrimination.nl, College for Human Rights, College for Supervision of Personal Data Protection BES.

- How have stakeholders been involved in the various phases of the policy process so far?

  The Regulation is being prepared in consultation with the above-mentioned bodies.

1. What is the problem?

Guiding questions

a) What is the problem?

> The ADV BES will process personal data in the performance of its tasks (supporting discrimination), including both regular and special categories of data. Therefore, privacy protection and information security are necessary.

b) What are the causes of the problem?

> n/a

c) What is the scope of the problem?

> n/a

d) What is the current policy and what can we learn from its evaluation?

> At the moment, there is no ADV on the BES islands yet. The implementation of the equal treatment legislation (draft law 'protection against discrimination on the BES islands', TK 36 551) also includes the establishment of an ADV on each BES island.

e) What happens if the government does nothing? (Zero option) What justifies government intervention?

> The Regulation constitutes the (mandatory) elaboration of article I, fifth paragraph, of the draft law 'protection against discrimination in the BES'.

2. What is the intended goal?

Guiding questions

a) What are the policy objectives?

> Privacy protection and information security in the performance of the ADV BES tasks.

b) To which Sustainable Development Goals (SDGs) and well-being outcomes do the goals contribute?

> The Regulation and the overarching law contribute to the protection of fundamental rights (art. 1 Constitution) in the BES.

3. What are the options for achieving the goal?

Guiding questions

a) What are promising points of departure for policy?

n/a

b) What are promising policy options for the points of departure?

n/a

c) What is the policy theory (goals tree) per promising policy option?

n/a

4. What are the impacts of these options?

Guiding questions

a) What are possible impacts of the policy options?

n/a

b) Which obligatory assessments are applicable and what are the results? (as far as known)

c) Grondrechtentoets (BZK), regeldruktoets (ATR).

5. What is the preferred option?

Guiding questions

a) What is the preferred option?

Privacy protective and ICT security measures in carrying out the tasks by the ADV BES.

b) How do you assess the chosen option in terms of:

- effectiveness and efficiency;

- feasibility for all relevant parties (including capacity to act, regulatory burden and enforcement);

- broad social impact?

Principles in data processing include purpose limitation, data minimization, proportionality, and appropriate safeguards (in accordance with the BES Data Protection Act and the GDPR). The societal impact of the Regulation is limited. The Regulation is manageable and executable for the ADV BES.

c) What are the risks and uncertainties in this proposal?

n/a

d) What does the intended monitoring and evaluation look like?

Biennial monitoring and reporting to the Minister of the Interior and Kingdom Relations (art. 13 Regulation).