

Fair Processing Notice

The data processing activities of the operational areas of the Committee *for* Home Affairs (the 'Committee' or the 'CfHA') are, at the most fundamental level, designed to deliver on the mandated purpose of the Committee to support a high standard of living and quality of life by maintaining and promoting a safe, stable and equitable society which values public protection and justice and respects the rights, responsibilities and potential of every person.

The Committee is responsible for advising the States, and developing and implementing policies on matters relating to its purpose, including:

- crime prevention;
- law enforcement, including policing and customs;
- justice policy;
- the association between justice and social policy, for example domestic abuse;
- the population management regime;
- immigration and the housing control and right to work regimes;
- imprisonment, parole, probation and rehabilitation;
- fire, rescue and salvage;
- consumer protection and advice;
- trading standards;
- data protection;
- emergency planning;
- civil defence;
- lotteries and gambling;
- the electoral roll.

In practice, the responsibilities listed above are delivered at an operational level by the Office of the Committee *for* Home Affairs through the following operational service areas:

- **Home Affairs Policy, Legislation and Advisory Team** – areas of delivery include:
 - the provision of administrative services to the Committee's panels including the Parole Review Committee, the Police Complaints Commission, the Independent Custody Visitors, the Independent Monitoring Panel and Appropriate Adult scheme. Other services include Liquor Licensing, the electoral roll, the provision of advice to the States on matters relating to Criminal Justice policy and regulation of gambling, the Electoral Roll, Justice

Policy, Police Complaints and Appropriate Authority provision, the Domestic Abuse Strategy, Data Protection legislative responsibilities, Civil Defence and lotteries and gambling.

- **Bailiwick of Guernsey Law Enforcement** – including Guernsey Border Agency, Customs and Excise, Immigration and Nationality, Guernsey Police, the Guernsey Vetting Bureau and Trading Standards.
- The **Probation Service** – including the provision of community-based sentencing options and the Community Service Scheme. The Probation Service is also responsible for the delivery of the Sarnia Programme
- The **Family Proceedings Advisory Service** who are responsible for safeguarding and promoting the interests of children and young people involved in family court proceedings and ensure that children's views are heard
- The **Guernsey Prison** who are responsible for ensuring public protection and is committed to reducing re-offending in the Bailiwick of Guernsey. The Guernsey Prison provides a safe and secure environment that enables prisoners to address the causes of their offending behaviour.
- **Population Management** who are responsible for administering the Population Management (Guernsey) Law, 2016 and managing the size and make-up of Guernsey's population in order to support our community and economy.
- The **Guernsey Fire and Rescue Service** who are responsible for supporting a high standard of living and quality of life by maintaining and promoting a safe, stable and equitable society which values public protection.
- The **Joint Emergency Services Control Centre** who are responsible for the call handling and control function for the four emergency services – Police, Fire and Rescue, Ambulance and Coastguard.

The services and support offered to the public of Guernsey by the CfHA are diverse in nature. There are a number of individual Data Controllers within the areas of the Committee *for* Home Affairs as listed above. Further details as to the relevant Controller for any particular area can be provided on request to the contact details at the end of this notice.

1. The Data Protection Law and the Law Enforcement and Related Matters Ordinance

The controllers within the CfHA acknowledge their obligations as per the Data Protection (Bailiwick of Guernsey) Law, 2017 ('the Law') and the Data Protection (Law Enforcement and Related Matters) (Bailiwick of Guernsey) Ordinance, 2018, ('the Ordinance') which together provide a number of requirements in terms of processing activities involving personal data. The controllers further acknowledge the general principles of processing as well as the rights of a data subject and more information in relation to these is provided at www.gov.gg/dp.

2. The Principles of Processing

a. Lawfulness, fairness and transparency

Personal data must be processed lawfully, fairly and in a transparent manner.

The processing activities undertaken within the CfHA cover a broad scope and additional Fair Processing Notices are therefore published which are specific to the service areas of the CfHA.

We collect the following personal data for the delivery of the CfHA's services:

- Basic data about individuals such as name, address, date of birth, height and gender;
- Distinguishing features and descriptions of individuals;
- Images including photos and CCTV;
- Identification numbers such as passport details and social security numbers; and
- Financial data.

We also collect special category data for the delivery of the CfHA's services, which is information from individuals concerning their:

- racial or ethnic origin;
- political opinion;
- religious or philosophical belief;
- trade union membership;
- genetics;
- biometrics, such as fingerprints;
- health information;
- sex life or sexual orientation; and
- criminal information.

The CfHA collects and processes personal data for the purpose of discharging their responsibilities, as detailed above. The Lawful basis for collecting each type of personal data and special category data will vary dependent upon the specific purpose for which it is processed. The purposes for processing within the CfHA can be broadly divided into two areas:

Processing for a Law Enforcement Purpose

A law enforcement purpose is defined within the Law and Ordinance as processing for the purpose of:

- The prevention, investigation, detection or prosecution of a criminal offence within or outside the Bailiwick, or
- the execution of criminal penalties within or outside the Bailiwick,
- or safeguarding against or preventing threats to public security or the security of the British Islands, or
- exercising or performing any power or duty conferred or imposed on a public authority by a criminal proceeds enactment,

Where we are processing special category data for a Law Enforcement purpose we do so lawfully and, in most circumstances, one or more of the following conditions apply:

- The processing is necessary for the controller to exercise any right or power, or perform or comply with any duty, conferred or imposed on the controller by an enactment or otherwise by law.
- The processing is necessary in order to comply with an order or a judgment of a court or tribunal having the force of law in the Bailiwick.
- The processing is necessary, for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings), or the discharge of any functions of a court or tribunal acting in its judicial capacity,
- The processing is necessary for the administration of justice, or the exercise of any function of the Crown, a Law Officer of the Crown, the States or a public committee.

Personal data and special category data used for a law enforcement purpose is collected directly from you and from a variety of other sources. Data may be collected from other competent authorities both locally and in the UK, and occasionally from overseas authorities. Members of the public may also provide information for this purpose. Where appropriate, you will be aware that the processing is taking place; the only circumstances in which you will not be made aware are those where to advise you would prejudice the Law Enforcement purpose for which the data is being gathered. Data is shared with others by the service areas of the CfHA where necessary to support the overarching purpose of the CfHA. Protocols are observed and information is only shared if there is a lawful basis for doing so.

Processing for all other Mandated Purposes

Personal data and special category data that is processed for purposes that are not a law enforcement purpose are processed in a lawful manner in accordance with Schedule 2 of the Law. The processing condition will vary according to the specific purpose in each case, but in broad terms one or more of the following conditions apply:

- The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed.
- The processing is necessary for the conclusion of performance of a contract which the data subject is a part, or made between the controller and a third party in the interest of the data subject, or to take steps at the request of the data subject prior to entering into such a contract.
- The processing is necessary to protect the vital interests if the data subject or any other individual who is a third party.
- The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature, or a task carried out in the public interest.
- The processing is necessary for the controller to exercise any right or power, or perform or comply with any duty, conferred or imposed on the controller by an enactment.
- The processing is necessary in order to comply with an order or a judgment of a court or tribunal having the force of law in the Bailiwick.
- The processing is necessary for a health or social care purpose and is undertaken by a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if the person were a health professional.
- The processing is necessary, for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings), or the discharge of any functions of a court or tribunal acting in its judicial capacity, for the purpose of obtaining legal advice, or otherwise for the purposes of establishing, exercising or defending legal rights.
- The processing is necessary for, the administration of justice, or the exercise of any function of the Crown, a Law Officer of the Crown, the States or a public committee.
- The processing is authorised by regulations made by the Committee for this purpose and carried out in accordance with those regulations, or authorised or required by any other enactment and carried out in accordance with the enactment.
- The data subject has given explicit consent to the processing of the personal data for the purpose for which it is processed.
- The processing is necessary to protect the vital interests of the data subject or any other individual who is a third party, and the data subject is physically or legally incapable of giving consent, or the controller cannot reasonably be expected to obtain the explicit consent of the data subject.

Personal data processed for purposes outside of a law enforcement purpose is collected, in most instances, directly from you; the data subject. Where data is indirectly collected by the controller, this will most likely be obtained from another Committee area of the States of Guernsey, however information may also be received from third parties and other members of the public. In these circumstances, you will be aware at the point of data collection who we may contact to confirm or verify the data you have provided, or to provide us with additional information so that we can deliver the service you are seeking. The controller will only share personal data and special category data if there is a lawful basis for doing so and to meet the purpose for which the information was collected.

The States of Guernsey have a professional relationship with a third party supplier, Agilisys Guernsey Ltd. who provide support to and carry out maintenance on the IT infrastructure of the organisation. For Agilisys to carry out the function which they are contracted to provide, there will be instances where they may have sight of your personal data. The controller will only provide Agilisys with access to your personal data where there is a legitimate and lawful purpose for this access to be given in line with Schedule 2 of the Law and our internal policies and directives.

Your personal data may also be shared with the Scrutiny Management Committee ('SMC') and also the Internal Audit function of the States of Guernsey as may be required for the completion of their relevant functions. Furthermore, any personal data shared with SMC and Internal Audit will be limited and processed in accordance with conditions 5 and 13(b) of Schedule 2 of the Law.

b. Purpose limitation

Personal data must not be collected except for a specific, explicit and legitimate purpose and, once collected, must not be further processed in a manner incompatible with the purpose for which it was collected.

The controller acknowledges their responsibility with regards to this data protection principle and maintain they will not further process personal data in a way which is incompatible to its original reason for processing as specified in section 2a, unless they are required to do so by law. In limited circumstances, and when processing for a law enforcement purpose, personal data may be transferred to an authorised or unauthorised jurisdiction (as per the definition within the Law). Such transfers are infrequent, appropriate safeguards are applied, and section 43 of the Ordinance is followed.

c. Minimisation

Personal data processed must be adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.

The controller maintains they will only process the personal data which is detailed in section 2a, and will not process any further personal data that is not necessary in relation to the original reason for processing as specified in section 2a, unless they are required to do so by law.

d. Accuracy

Personal data processed must be accurate, kept up-to-date (where applicable) and reasonable steps must be taken to ensure that personal data that is inaccurate is erased or corrected without delay.

The controller will ensure that all personal data they hold is accurate and kept up-to-date, and any personal data that is inaccurate will be erased or corrected without delay in accordance with the applicable provisions of the Law or Ordinance.

e. Storage limitation

Personal data must not be kept in a form that permits identification of a data subject for any longer than is necessary for the purpose for which it is processed.

Personal data and special category personal data will be retained in accordance with the States of Guernsey Records Management Policy and the States of Guernsey retention and Disposal Schedule, together with any service area specific schedules and policies.

f. Integrity and confidentiality

Personal data must be processed in a manner that ensures its appropriate security, including protecting it against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Personal data is held in hard copy and electronic format.

Information Access – access to electronic or paper records is tightly controlled. Employees are vetted in a manner commensurate with the role that they are expected to undertake. Protocols are followed to ensure that employees only have access to areas and documents as required to undertake their role. Access is monitored and effectively managed.

Information Security – the CfHA adopts the information security standards of the States of Guernsey, and in the case of Guernsey Police, further safeguards are applied to maintain connectivity with national systems and networks.

g. Accountability

The controller is responsible for, and must be able to demonstrate, compliance with the data protection principles.

The contact details of the controller are as follows:

The Committee for Home Affairs

Tel: 01481 227353

Email: homeaffairs@gov.gg

The contact details for the Data Protection Officer of the Committee for Home Affairs:

Data Protection Officer, the Committee for Home Affairs

Tel: 01481 220012

Email: data.protection@gov.gg

For more information on how specific operational areas will process your personal data, please follow the links below or contact the controller, using the contact details above, and request a hard copy of the document.

- [Bailiwick Law Enforcement](#)
- [The Guernsey Fire and Rescue Service](#)
- [The Family Proceedings Advisory Service](#)
- [Population Management](#)
- [The Guernsey Prison](#)
- [The Guernsey Probation Service](#)
- [The Joint Emergency Control Centre](#)