

# Fair Processing Notice

The data processing activities of the operational areas of the Committee *for* Home Affairs (the 'Committee') 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 and policy towards and regulation of gambling. regarding 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**
- **Population Management**
- The **Guernsey Fire and Rescue Service**
- The **Joint Emergency Services Control Centre**

The services and support offered to the public of Guernsey by the CHA are diverse in nature. There are a number of individual Data Controllers within the areas of CHA 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 CHA 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 provisions are provided within this fair processing notice.

## 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 with the CHA cover a broad scope. It is the intention of the CHA to provide further detail to the individuals whose information we manage throughout 2018. Additional Fair Processing Notices will be published specific to the service areas of CHA.

We collect the following personal data:

- 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
- Financial data

We also collect special category data which is information from individuals concerning:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics such as fingerprints and DNA;
- health information;
- sex life or sexual orientation

The purpose for collecting the data is to discharge the responsibilities of the CHA as detailed within the introduction to this notice. The Lawful basis for collecting each type of personal data and special category data will vary dependent upon the specific purpose. The purposes for processing within the CHA 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 process we do so lawfully and in most matters 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 sources. 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 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. Data is shared with others by the service areas of CHA where necessary in order to support the overarching purpose of the CHA. Protocols are observed and information is only shared if there is a lawful basis for doing so.

### **Processing for all other Mandated Purposes**

Data that is processed for all other purposes that are not a law enforcement purpose are processed in a lawful manner in accordance with the Law and in particular, Schedule 2 Parts I and II. 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 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 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 conclusion or performance of a contract to which the data subject is a party, 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 of the data subject or any other individual who is a third party.
- In limited circumstances we may also rely on your consent to process your information.

Where we are processing special category data for a purpose other than that of law enforcement, we do so lawfully and in most matters one or more of the following conditions from Schedule 2 parts II and III of the Law will 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.
- 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.
- In limited circumstances we may process data based on your 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 used for purposes outside of a law enforcement purpose is collected in most instances directly from you, the data subject. Where data is obtained indirectly, this will be in most circumstances from another Committee area of the States of Guernsey. 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. Information is only shared if we have lawful basis for doing so and in order to meet the purpose for which the information was collected.

#### **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 controllers acknowledge their responsibility with regards to this data protection principle and therefore the controllers maintain that they will not further process that 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. The personal data will not be transferred to a recipient in an authorised or an unauthorised jurisdiction (as per the definition within data protection law). In limited circumstances, and when processing for a law enforcement purpose, data may be transferred to an unauthorised jurisdiction. Such transfers are infrequent, appropriate safeguards are applied, and s43 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 controllers maintain that 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 personal data 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 controllers will ensure that all personal data that 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 provisions of the Law or Ordinance as applicable.

#### 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 CHA 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 717000 / 01481 717353

Email: [homeaffairs@gov.gg](mailto: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 717000 / or direct dial 01481 717383

Email: [data.protection@gov.gg](mailto:data.protection@gov.gg)