

Fair Processing Notice

The Development & Planning Authority (DPA) processes your personal data in line with its core mandate. DPA is the registered data controller for all activities which are summarized within this notice. DPA processes personal data to discharge those duties and responsibilities as per its core mandate, and more specifically under the following legislation:

- i. The Land Planning and Development (Guernsey) Law, 2005;
- ii. The Sewerage (Guernsey) Law, 1948;
- iii. The Salle Publique Law, 1914-1936; and
- iv. The Public Building Law;
- v. The High Hedges (Guernsey) Law, 2016;

DPA's core mandated responsibilities include:

- i. To advise the States on land use policy and to develop and implement land use policies through development plans and any other relevant instruments;
- ii. To determine development applications of all kinds, including planning, building control, protected buildings and scheduled sites;
- iii. To maintain and keep under review schemes of delegation in order that only the most contentious or high profile or atypical development control applications are referred to the elected members of the Authority, and when they are so referred to ensure that they are heard at open planning meetings held in public; and
- iv. To exercise powers and perform duties conferred on the Authority by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Development & Planning Authority and which conferred functions on the former Environment Department.

1. The Data Protection Law

The data controller (DPA) acknowledges its obligations as per the Data Protection (Bailiwick of Guernsey) Law, 2017 (the Law) which provides a number of requirements in terms of processing activities involving personal data. The controller further acknowledges the general principles of processing as well as the rights of a data subject. Further information in relation to the principles of processing can be found within this fair processing notice and a full list of data subject rights can be found [here](#).

2. The Principles of Processing

a. **Lawfulness, fairness and transparency**

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

The DPA processes personal data for multiple purposes which are linked to its core mandated responsibilities. The DPA is supported by the Planning Service which delivers the operational functions of the DPA.

DPA collects the following personal data:

- Basic personal data relating to individuals such as name, address, date of birth, contact information;
- Images including photos and CCTV;
- Financial data; and
- Identification numbers such as passport details.

In terms of special category data (the most sensitive of personal data under the Law) DPA may collect information revealing:

- Health data
- Criminal data
- Religious or philosophical belief

The personal data that is listed above is collected and processed in order to discharge the responsibilities of the Committee. The lawful basis for collecting and processing each individual category of personal data and special category data is dependent upon the specific processing activity in question. The table (shown below) lists the operational functions of the DPA, the personal data that is required to fulfill each function and the lawful basis for the respective processing activities.

| DPA Operational Function | Personal Data Processed | Lawful Basis for Processing |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enforcement of planning legislation. | <u>Basic Personal Data</u> Name, address, date of birth, contact information, photos, CCTV footage, financial data and Identification numbers such as passport details. | <u>Basic Personal Data</u> Schedule 2, Part I, Condition 5: The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature. |

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| | <p><u>Special Category Data:</u></p> <p>Criminal data</p> | <p><u>Special Category Data</u></p> <p>Schedule 2, Part II, Condition 8:</p> <p>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 enactment.</p> |
| <p>Operational functions relating to preparing development plans, subject plans, local planning briefs, guidance notes and development frameworks.</p> | <p><u>Basic Personal Data</u></p> <p>Name, address, date of birth, contact information, photos, CCTV footage, financial data and Identification numbers such as passport details.</p> | <p><u>Basic Personal Data</u></p> <p>Schedule 2, Part I, Condition 5:</p> <p>The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature.</p> |
| <p>Administration of planning applications and pre-planning application advice requests.</p> | <p><u>Basic Personal Data</u></p> <p>Name, address, date of birth, contact information, photos, CCTV footage, financial data and Identification numbers such as passport details.</p> <p><u>Special Category Data</u></p> <p>Health Data.</p> | <p><u>Basic Personal Data</u></p> <p>Schedule 2, Part I, Condition 5:</p> <p>The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature.</p> <p><u>Special Category Data</u></p> <p>Schedule 2, Part II, Condition 8:</p> <p>The processing is necessary for the controller to exercise any right or power, or perform or comply with any duty, conferred or</p> |

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| | | imposed on the controller by enactment. |
| Administering building regulation applications and pre-application advice requests | <p><u>Basic Personal Data</u></p> <p>Name, address, date of birth, contact information, photos, CCTV footage, financial data and Identification numbers such as passport details.</p> <p><u>Special Category Data</u></p> <p>Health Data.</p> | <p><u>Basic Personal Data</u></p> <p>Schedule 2, Part I, Condition 5:</p> <p>The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature.</p> <p><u>Special Category Data</u></p> <p>Schedule 2, Part II, Condition 8:</p> <p>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 enactment.</p> |
| Provision of conservation and design advice. | <p><u>Basic Personal Data</u></p> <p>Name, address, date of birth, contact information, photos, CCTV footage, financial data and Identification numbers such as passport details.</p> | <p><u>Basic Personal Data</u></p> <p>Schedule 2, Part I, Condition 5:</p> <p>The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature.</p> |
| Administration of the statutory lists of protected buildings and protected monuments. | <p><u>Basic Personal Data</u></p> <p>Name, address, date of birth, contact information, photos, CCTV footage,</p> | <p><u>Basic Personal Data</u></p> <p>Schedule 2, Part I, Condition 5:</p> |

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| | financial data and Identification numbers such as passport details. | The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature. |
| Administration of tree protection orders and functions in relation to sites of special significance and conservation areas. | <u>Basic Personal Data</u> Name, address, date of birth, contact information, photos, CCTV footage, financial data and Identification numbers such as passport details. | <u>Basic Personal Data</u> Schedule 2, Part I, Condition 5: The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature. |
| Administration of immunity certificates and provision of property searches. | <u>Basic Personal Data</u> Name, address, date of birth, contact information, photos, CCTV footage, financial data and Identification numbers such as passport details. | <u>Basic Personal Data</u> Schedule 2, Part I, Condition 5: The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature. |
| Salles Publique, public building and public entertainment inspection and licencing and clearance of ruins | <u>Basic Personal Data</u> Name, address, date of birth, contact information, photos, CCTV footage, financial data and Identification numbers such as passport details. | <u>Basic Personal Data</u> Schedule 2, Part I, Condition 5: The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature. |

Where a data subject is asked to provide personal data (for example via a paper form, electronic form or email etc.) that individual will be provided with a website address or a link to the relevant fair processing notice which details all of the requisite information as required by the Law. All personal data (listed above) are collected and processed in a lawful manner in accordance with the Law. Schedule 2 (Conditions for Processing to Be Lawful) of the Law provides a number of conditions to ensure that the processing of personal data by a controller is lawful. The relevant condition varies according to the specific processing activity in each case, for a full list of conditions that the controller may rely upon please click [here](#).

The controller will share personal data, where appropriate, with the Registrar of the Register of Contact Details ('the Registrar'), as may be requested by the Registrar in accordance with their powers under the Register of Contact Details (Guernsey and Alderney) Law, 2019. Furthermore, the Registrar has granted the controller with access to the personal data contained within the Register of Contact Details ('the Register') for the purpose of carrying out the relevant functions explained within this fair processing notice. The controller will only process the personal data contained within the Register where there is a legitimate and lawful basis for doing so and in accordance with both the Data Protection Law and the Register of Contact Details Law.

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 they are contracted to provide, there will be instances where they may have sight of your personal data. Shared Services 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 Data Protection (Bailiwick of Guernsey) Law, 2017 and our internal policies and directives.

Your personal data will also be shared with the Scrutiny Management Committee ('SMC') and the Internal Audit function of the States of Guernsey, as specifically requested by the relevant controller and only where absolutely necessary 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 Committee and relevant services acknowledge their responsibility with regards to this data protection principle and maintain that they will not further process personal data in a way which is incompatible with the 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 unauthorised jurisdiction (as per the definition within data protection law). In limited circumstances, data may be transferred to an authorised jurisdiction. Such transfers are infrequent, however a lawful basis for processing exists and appropriate safeguards are applied to the transfer of information.

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 Committee and relevant services 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 Committee and relevant services will ensure that all personal data that held 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.

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 Committee adopts the information security standards of the States of Guernsey.

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:

Development & Planning Authority

Tel: 01481 226200

Email: Planning@gov.gg

The contact details for the Data Protection Officer of the Development & Planning Authority are as follows:

Data Protection Officer, Development & Planning Authority

Tel: 01481 220012

Email: data.protection@gov.gg