



Guernsey Information Centre
North Esplanade
St Peter Port
Guernsey
GY1 2LQ

FAIR PROCESSING NOTICE

The Family Proceedings Advisory Service (the controller) was set up under the Children (Guernsey and Alderney) Law 2008 as amended to advise and make recommendations to the family courts and the Child, Youth and Community Tribunal and to provide a mediation service.

1. The Data Protection Law

The controller 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 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.

In order to comply with its obligations under the above law the Family Proceedings Advisory Service (FPAS) collects data directly from its clients and from third parties such as medical practices, the Probation Service, the Police, schools and other States of Guernsey Committees; the type of data collected includes: data subjects' names, addresses, dates of birth, telephone numbers, email addresses, and may include special categories of personal data ie gender, ethnicity, religion, health and criminal.

In terms of the lawful basis for collecting and processing data, the FPAS is a statutory body under the Children (Guernsey and Alderney) Law 2008 as amended; section 44 2a) of The Children (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2009 states that "*a Safeguarder*

(now known as a Family Proceedings Adviser) shall make all investigations he considers necessary in order for him to carry out his duties". For data processing to be lawful, a condition from Schedule 2 of the Law must be satisfied. Data processing is therefore lawful in the case of personal data and special category data in that it is necessary if FPAS is to comply with its statutory duties (Schedule 2, condition 8 of the Law).

The FPAS may share personal data with other parties to the proceedings, their advocates and the Court. In certain circumstances, if a Family Proceedings Adviser becomes aware that any child may be in need of care, protection, guidance or control, information will be shared with other agencies (i.e. MASH) in accordance with section 44 2d) of The Children (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2009. Data processing is therefore lawful in the case of personal data and special category data in that it is necessary if FPAS is to comply with its statutory duties (Schedule 2, condition 8 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 its responsibility with regards to this data protection principle and therefore the controller maintains that it 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 the controller is required to do so by law.

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 that it 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 the controller is required to do so by law. Section 2a identifies that information will be sought from other agencies. If information supplied by these agencies is deemed by the FPA to not be relevant to their purpose it will be securely destroyed.

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 that it holds is accurate and kept up-to-date, and any personal data that is inaccurate will be erased or corrected without delay.

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.

The personal data held will be retained either electronically and/or in hard copy for a minimum of 25 years from the completion of proceedings in accordance with section 42 of The Children (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance 2009. Adoption records are held for 75 years.

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.

The controller processes all personal data with appropriate levels of security. In order to prevent unauthorised or unlawful processing, the controller has put in place suitable physical, electronic and managerial procedures to safeguard and secure the information that is collected.

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 Data Protection Guardian
The Family Proceedings Advisory Service
Guernsey Information Centre
North Esplanade
St Peter Port GY1 2LQ

Email: fpasadmin@gov.gg

Tel.: 01481 743700

The contact details for the Data Protection Officer are as follows:

The Data Protection Officer
The Committee *for* Home Affairs
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

Tel: 01481 717000

Email: data.protection@gov.gg