

## **Fair Processing Notice (Data Protection) for the Scrutiny Management Committee**

The Office of the Scrutiny Management Committee (SMC) processes your personal data for the effective delivery of its mandate. This includes the sub-panels of the SMC, the Legislation Review Panel (LRP), the Financial Scrutiny Panel (FSP) and the Freedom of Information Appeals Panel. It also includes various sub-panels that are formed when undertaking independent reviews and obtaining the views of the general public.

1. The Scrutiny Management Committee is the controller of your personal data.
2. Some of your personal data may be special category data<sup>1</sup>, for example personal data relating to health.
3. No decision will be made based on automated processing of your personal data<sup>2</sup>.
4. If any of your personal data has not been collected from you by the Scrutiny Management Committee or processors acting on their behalf, the source of your personal data is likely to be one or more of these:
  - a) The States of Guernsey, the States of Alderney or the Chief Pleas of Sark,
  - b) Committees and employees or servants of the States of Guernsey, the States of Alderney, or Chief Pleas of Sark,
  - c) Members of the States of Deliberation of Guernsey, the States of Alderney, or Chief Pleas of Sark,
  - d) Public office-holders or statutory and non-statutory bodies (e.g. the Douzaines and Constables of the Parishes of Guernsey, the States Treasurer, the Guernsey Financial Services Commission) and their employees, servants or representatives when seeking advice from the Scrutiny Management Committee,
  - e) Persons providing the personal data to the Scrutiny Management Committee in order to request, assist or facilitate the Committee to discharge its functions,
  - f) Other clients and individuals seeking the advice or services of the Scrutiny Management Committee or,
  - g) Publicly available source.

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<sup>1</sup> Personal data revealing an individual's racial or ethnic origin, political opinion, religious or philosophical belief, or trade union membership; genetic data, biometric data, health data, personal data concerning an individual's sex life or sexual orientation, or personal data relating to the commission or alleged commission of a criminal offence, or proceedings for a criminal offence.

<sup>2</sup> Processing of personal data by automated means, where a decision affecting the significant interests of the data subject is solely based on such processing.

5. The purposes of processing your personal data are to enable the Scrutiny Management Committee to discharge its functions, this can typically include your name, address, email and phone number.
6. The legal bases for processing your personal data are in accordance with Schedule 2 of the *Data Protection (Bailiwick of Guernsey) Law, 2017*

s5. The processing is necessary for the exercise or performance by a public authority of –

- (a) a function that is of a public nature, or
- (b) a task carried out in the public interest.

s6. The processing is necessary in order to comply with an order or a judgement of a court or tribunal having the force of law in the Bailiwick,

s12. The processing is necessary:

- (a) For the purpose of, or in connection with;
  - (i) Any legal proceedings (including prospective legal proceedings), or
- (b) For the purpose of obtaining legal advice, or
- (c) Otherwise for the purposes of establishing, exercising or defending legal rights,

s18. The data subject has given explicit consent to the processing of personal data for the purpose for which it is processed. In all such circumstances where consent to the processing of personal data has been provided by the data subject, they have the right to withdraw their consent at any time.

7. In relation s5 (above), the following legal bases may apply to processing your personal data, if the data is **not** special category data:

- (a) The processing is necessary for the exercise or performance by the Scrutiny Management Committee of functions of a public nature or tasks carried out in the public interest, or,
- (b) The processing is necessary for the Scrutiny Management Committee to exercise any right or power or perform or comply with any duty conferred or imposed by law, otherwise that by enactment or an order or judgement of a court or tribunal having the force of law of the Bailiwick of Guernsey.

8. Your personal data will be disclosed to one or more of the following recipients where necessary for a purpose mentioned in paragraph 6 or 7 of this Notice:

- (a) the States of Guernsey, the States of Alderney or the Chief Pleas of Sark;
  - (b) Committees and employees or servants of the States of Guernsey, the States of Alderney or the Chief Pleas of Sark;
  - (c) Members of the States of Deliberation of Guernsey, the States of Alderney or the Chief Pleas of Sark;
  - (d) Persons providing the personal data to the Scrutiny Management Committee in order to request, assist or facilitate the Committee to discharge its functions, and;
  - (e) Other clients and individuals seeking advice from the Scrutiny Management Committee
9. Your personal data will be stored for a period of time determined in accordance with the corporate States of Guernsey Retention and Disposal Schedule. If you wish to be provided with further information regarding the period of time for which your personal data will be stored, please contact the controller on the details below.
10. Where the Scrutiny Management Committee processes your personal data, you have the right to request access to, rectification of or erasure of your personal data, and restriction of processing of your personal data, in accordance with section 13 to 17 of the Data Protection (Law Enforcement and Related Matters) (Bailiwick of Guernsey) Ordinance, 2018.
11. In any other case, you have the data subject rights set out in sections 14 to 24 of the Data Protection (Bailiwick of Guernsey) Law, 2017, summarised below:

**a. Right of access**

A data subject has the right to be advised as to whether a controller is processing personal data relating to them and, if so, that individual is entitled to one free copy of their personal data (with further copies available at a fee prescribed by the controller). This is known as a Subject Access Request (SAR). Upon receipt of a SAR, the controller has a period of one month to adhere to the request (an extension of two further months can be sought by the controller depending upon the complexity and number of requests submitted by the data subject).

**b. Right to data portability**

A data subject has the right to data portability, this means that an individual is able to arrange for the transfer of their personal data from one controller to another without hindrance from the first controller. This right can only be utilized where the processing is based on consent or for the performance of a contract. This right cannot be used for processing by a public authority.

Where a data subject invokes the right to data portability, the data subject has the right to be given their personal data in a structure, commonly used and machine- readable format suitable for transmission from one controller to another. Upon the request of a data subject, the controller must transmit their personal data directly to another controller unless it is technically unfeasible to do so.

**c. Exception to right of portability or access involving disclosure of another individual's personal data**

A controller is not obliged to comply with a data subject's request under the right of access or right to data portability where the controller cannot comply with the request without disclosing information relating to another individual who is identified or identifiable from that information.

**d. Right to object to processing**

A data subject has the right to object to a controller's activities relating to the processing of personal data for direct marketing purposes, on grounds of public interest and for historical or scientific purposes.

**e. Right to rectification**

A data subject has the right to require a controller to complete any incomplete personal data and to rectify or change any inaccurate personal data.

**f. Right to erasure**

A data subject has the right to submit a written request to a controller regarding the erasure of the data subject's personal data in certain circumstances. These include where:

- The personal data is no longer required in relation to its original purpose for collection by the controller;
- The lawfulness of processing is based on consent and the data subject has withdrawn their consent;
- The data subject objects to the processing and the controller is required to cease the processing activity;
- The personal data has been lawfully processed;
- The personal data must be erased in order to comply with any duty imposed by law; or
- The personal data was collected in the context of an offer from an information society service directly to a child under 13 years of age.

**g. Right to restriction of processing**

A data subject has the right to request, in writing, the restriction of processing activities which relate to the data subject's personal data. This right can be exercised where:

- The accuracy or completeness of the personal data is disputed by the data subject who wishes to obtain restriction of processing for a period in order for the controller to verify the accuracy or completeness;
- The processing is unlawful, but the data subject wishes to obtain restriction of processing as opposed to erasure;
- The controller no longer requires the personal data, however the data subject requires the personal data in connection with any legal proceedings; or
- The data subject has objected to processing but the controller has not ceased processing operations pending determination as to whether public interest outweighs the significant interests of the data subject.

#### **h. Right to be notified of rectification, erasure and restrictions**

Where any rectification, erasure or restrictions of personal data has been carried out, the data subject has a right to ensure that the controller notifies any other person to which the personal data has been disclosed about the rectification, erasure or restriction of processing. The controller must also notify the data subject of the identity and contact details of the other person if the data subject requests this information.

#### **i. Right not to be subject to decisions based on automated processing**

A data subject has the right not to be subjected to automated decision making without human intervention.

### **12. Contact details for the Controller:**

Office of the Scrutiny Management Committee  
 Edward T Wheadon House  
 Le Truchot  
 St Peter Port  
 Guernsey  
 GY1 3WH  
**Email:** [scrutiny@gov.gg](mailto:scrutiny@gov.gg)

Or;

Contact details for the Data Protection Officer for the Policy and Resources Committee:

Sir Charles Frossard House  
 La Charroterie  
 St Peter Port  
 Guernsey  
 GY1 1FH  
**Tel:** 01481 220012  
**Email:** [Data.Protection@gov.gg](mailto:Data.Protection@gov.gg)

A data subject may make a complaint in writing to the Data Protection Authority under section 67 of the Data Protection (Bailiwick of Guernsey) Law, 2017 if the data subject considers that Scrutiny Management Committee has breached, or is likely to breach, an operative provision of the Law, and the breach involves, affects or is likely to involve or affect their data subject rights (see paragraph 11 of this Notice) or any personal data relating to the data subject.