

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 109 of 2019

THE REPUBLIC OF MALDIVES (REPEAL OF RESTRICTIVE MEASURES) (GUERNSEY AND SARK) REGULATIONS, 2019

In pursuance of section 2 of the Sanctions (Bailiwick of Guernsey) Law, 2018, “The Republic of Maldives (Repeal of Restrictive Measures) (Guernsey and Sark) Regulations, 2019”, made by the Policy *and* Resources Committee on 7th November, 2019, are laid before the States.

EXPLANATORY NOTE

These Regulations repeal legislation in Guernsey and Sark that gives effect to sanctions measures enacted by the European Union in response to concern about the political situation in the Republic of Maldives. The European Union has repealed those measures following its assessment that the situation in the Republic of Maldives has now improved.

These Regulations came into force on 8th November, 2019.

No. 110 of 2019

THE NICARAGUA (RESTRICTIVE MEASURES) (BAILIWICK OF GUERNSEY) REGULATIONS, 2019

In pursuance of section 2 of the Sanctions (Bailiwick of Guernsey) Law, 2018, “The Nicaragua (Restrictive Measures) (Bailiwick of Guernsey) Regulations, 2019”, made by the Policy *and* Resources Committee on 7th November, 2019, are laid before the States.

EXPLANATORY NOTE

These Regulations give effect within the Bailiwick to sanctions measures enacted by the European Union in response to concern about the situation in Nicaragua. These measures comprise an asset freeze and other financial restrictions on listed persons that are responsible for serious human rights violations or abuses or for the repression of civil society and democratic opposition in Nicaragua, those undermining democracy and the rule of law in Nicaragua, and persons associated with them.

These Regulations came into force on 8th November, 2019.

No. 111 of 2019

THE CYBER-CRIME (RESTRICTIVE MEASURES) (BAILIWICK OF GUERNSEY) REGULATIONS, 2019

In pursuance of section 2 of the Sanctions (Bailiwick of Guernsey) Law, 2018, “The Cyber-Crime (Restrictive Measures) (Bailiwick of Guernsey) Regulations, 2019”, made by the Policy and Resources Committee on 7th November, 2019, are laid before the States.

EXPLANATORY NOTE

These Regulations give effect within the Bailiwick to sanctions measures enacted by the European Union in response to concern about the threat from cyber-attacks. These measures comprise an asset freeze and other financial restrictions on listed persons that are responsible for, provide financial, technical or material support for, or are otherwise involved in, cyber-attacks, as well as those who assist or encourage such activities.

These Regulations came into force on 8th November, 2019.

No. 125 of 2019

THE HEALTH SERVICE (BENEFIT) (GENERAL) (AMENDMENT) REGULATIONS, 2019

In pursuance of sections 5 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990, made by the Committee *for* Employment & Social Security on 13th December, 2019 are laid before the States.

EXPLANATORY NOTE

These Regulations amend the Health Service (Benefit) (General) Regulations, 1990, by removing any requirement to issue a physical health benefit card which currently must be issued to persons who satisfy the conditions of benefit under the Health Service (Benefit) (Guernsey) Law, 1990.

The amendment will enable the Committee for Employment & Social Security to communicate, by electronic means, the information as to health benefit currently recorded on cards, which will facilitate the administration of health benefit and related benefits (such as specialist medical benefit).

These Regulations come into force on 1st January 2020.

No. 1 of 2020

THE INCOME SUPPORT (GUERNSEY) (AMENDMENT) REGULATIONS, 2020

In pursuance of sections 1 and 15B of the Income Support (Guernsey) Law, 1971, made by the Committee *for* Employment & Social Security on 7th January, 2020 are laid before the States.

EXPLANATORY NOTE

These Regulations further amend the Income Support (Guernsey) Regulations, 2014, so as to establish a work requirement for a single parent, or both parents of a couple, when their youngest child reaches age 5.

This revision reflects changing social norms and the expectation that it is reasonable for parents to seek appropriate work by the time their youngest child begins full time education.

These Regulations come into force on the 10th day of January, 2020.

No. 2 of 2020

THE DATA PROTECTION (GENERAL PROVISIONS) (BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS 2020

In pursuance of sections 7(1) and 109 of, and paragraph 17(a) of Schedule 2, to the Data Protection (Bailiwick of Guernsey) Law, 2017, The Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment) Regulations 2020, made by the Committee *for* Home Affairs on 6th January 2020, is laid before the States.

EXPLANATORY NOTE

These Regulations amend the Data Protection (General Provisions) (Bailiwick of Guernsey) Regulations, 2018 ("**the principal Regulations**") to authorise a further form of processing of personal data.

Currently the Scrutiny Management Committee coordinates or leads the scrutiny of States of Guernsey committees and organisations that receive public funds under the mandate given to it by the States of Deliberation. In order to carry out this scrutiny function effectively, it needs to obtain information from those committees and organisations. Often the information obtained from such a committee or organisation in a particular case contains personal data within the meaning of the Data Protection (Bailiwick of Guernsey) Law, 2017 ("**the DP Law**").

These Regulations are intended to remove a potential obstacle to the scrutinised committee or organisation disclosing that personal data to the Scrutiny Management Committee. These Regulations *authorise* the processing of personal data in certain circumstances and subject to specified conditions, and (for the purpose of section 7(1) of the DP Law) provide a

lawful basis for processing personal data in those circumstances and under those conditions. Any processing of personal data in accordance with this authorisation would be deemed compatible with the purpose for which that data was collected (in line with the principle in section 6(2)(b) of the DP Law), by virtue of section 9(3)(c) of the DP Law.

However, these Regulations do not *require* any scrutinised committee or organisation to disclose personal data to the Scrutiny Management Committee and do not *negate* the application of any of the other applicable duties and data protection principles in the DP Law. For example, both scrutinised committees and the Scrutiny Management Committee would need to comply with the principle that personal data must be processed fairly and in a transparent manner (in section 6(2)(a) of the DP Law), and that personal data processed must be adequate, relevant and limited to what is necessary in relation to the purpose of the processing (in section 6(2)(c) of the DP Law).

The authorisation applies to a request for information made for the purpose of a review or an inquiry commenced by the Scrutiny Committee (in the exercise of its scrutiny function) before the commencement of the Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment) Regulations, 2020.

Regulations 1 and 3 of these Regulations insert a new row 2A in Schedule 2 to the principal Regulations.

The new row 2A, read with regulation 11 of the principal Regulations, specifically authorises committees of the States of Guernsey as well as public committees (any authority, board, committee or council of the States of Guernsey constituted by or under a resolution, Law or Ordinance approved by the States of Guernsey, to process (including disclose) information where necessary to assist or facilitate the Scrutiny Management Committee to carry out its scrutiny function, in response to a particular request made by the Scrutiny Management Committee.

Apart from the other duties and obligations which would apply to the Scrutiny Management Committee's control of the personal data under the DP Law, there are additional safeguards in the conditions of the authorisation. The scrutinised committee must not disclose the personal data of any data subject to the Scrutiny Management Committee unless the Scrutiny Management Committee undertakes not to process any of that personal data other than as necessary for the purpose of carrying out its scrutiny function or any other purpose contemplated in a fair processing notice given to the scrutinised committee. In addition, in the case of the personal data of any data subject other than a member of a scrutinised committee, that data must not be disclosed to the Scrutiny Management Committee unless the Scrutiny Management Committee undertakes not to publish that personal data without the consent of the data subject concerned.

Regulation 2 of these Regulations inserts a new paragraph (3) at the end of regulation 11. This new paragraph provides that the new row 2A inserted in Schedule 2 to the principal Regulations has no effect in Alderney or Sark (in fact, the amendment made by these Regulations only affects States of Guernsey committees or bodies established by the States of Guernsey and receiving public funds).

Regulations 4 and 5 are the citation and commencement provisions respectively.

These Regulations will come into force on the 7th January, 2020.

The full text of the legislation can be found at:

<http://www.guernseylegalresources.gg/article/90621/Statutory-Instruments>