

Data Protection - Information and Researcher Confirmation

Introduction

Records are held by Island Archives, led by the States Archivist, under the Committee *for* Education, Sport & Culture ('the Committee'). Some of these records contain 'personal data': namely any information that relates to a living, identified or identifiable individual. In particular, many of the more recent records transferred to the Island Archives by the States of Guernsey and other organisations contain information about living people.

The **Data Protection (Bailiwick of Guernsey) Law, 2017** ('the Law') applies to all records containing personal data held by Island Archives, including those records that are not subject to any access restrictions. The Law sets out duties applying when personal data is processed by or on behalf of 'controllers' (i.e. organisations or individuals who are using personal data other than for personal, family or household purposes). One example of processing by controllers (regulated by the Law) is publication of that data.

The Committee wishes to provide reasonable public access to these records, while complying with the Law and protecting the privacy and confidentiality of people whose information is contained within the records. Further information about the terms of accessing archive materials can be found in the Island Archives' **Access Policy**, available at www.gov.gg/islandarchives.

Your responsibilities as a researcher

If you access records held by Island Archives, and those records contain personal data, you have a responsibility to comply with your duties under the Law, including data protection principles relating to:

- Lawfulness, fairness and transparency;
- Purpose limitation;
- Minimisation;
- Accuracy;
- Storage limitation;
- Integrity and confidentiality; and
- Accountability.

You can find advice, guidance and resources on your duties at <https://odpa.gg/advice-guidance/>. The Office of the Data Protection Authority can be contacted on 01481 742074 or by email at enquiries@odpa.gg.

Neither the Island Archives nor the Committee can be held responsible for any use of personal data accessed by researchers. If you are looking to process further (beyond research) any personal data obtained from records e.g. for publication in any format, it is recommended that you take legal and other appropriate professional advice before doing so. Copyright and other laws may also apply.

Lawful Basis for Giving Access to Personal Data

If the records you wish to access were created in the last 100 years they may potentially contain personal data, including special category (sensitive) personal data. Under the Law, you can only be given access to personal data where there is a lawful basis. In this case, you would be given access on the basis that it is necessary and proportionate:

- for the exercise or performance of a function of a public nature or task carried out in the public interest, namely giving members of the public reasonable access to documents kept under the control of Island Archives;
- in the case of a proper exercise of functions; and
- for a "**historical or scientific purpose**" (see 'Researcher Confirmation' below).

As such, you are required to sign the 'Researcher Confirmation' below in order to be given access to these records. If you require access to these records for any other purpose, please contact officers of the Island Archives to discuss your needs.

Researcher Confirmation

I have read the above and understand that I must comply with the Data Protection (Bailiwick of Guernsey) Law, 2017, and any other proper legal requirement in respect of the personal data in the records to which I am given access. I have read and understand the Island Archives 'Access Policy'.

I confirm that I am accessing these records **EITHER** for personal, family or household purposes (e.g. researching family genealogy) **OR** for one or both of the following purposes:

(a) Historical or scientific purpose – where the personal data:

- is to be used for historical, scientific or statistical research;
- is not used in a way that is likely to cause substantial damage or distress to any living individual to whom the information relates (example, a surviving relative);
- is not used to support measures or decisions concerning any of those living individuals; and
- Is anonymised or pseudonymised where appropriate to protect identities; or

(b) Journalism, art, literature and academia:

- the personal data is to be used in material published for journalism or an artistic, literary or academic purpose; and
- the public interest in the publication of the personal data *outweighs* the significant interests of any living individual to whom the personal data relates.

Date..... Signature.....

Print name.....Email address.....

Print address.....

The Committee processes your personal data in accordance with the Data Protection (Bailiwick of Guernsey) Law, 2017. If you would like to see more information about how Island Archives processes your personal data, please visit www.gov.gg/islandarchives.