

Fair Processing Notice

The Health and Safety Executive, that falls under the Committee for Employment & Social Security, processes your personal data for the safe and effective delivery of Health & Safety and certain legislations. It processes personal data to discharge those duties and responsibilities under legislations which include:

- Loi relative aux Explosifs, 1905 (Amended 1905, 1913, 1914 & 1951)
- Loi relative aux Substances Explosives, 1939 (Amended 1976)
- Loi relative aux Huiles ou Essences Minérales, ou autres substances de la même nature, 1925 (Amended 1927 & 1994)
- Ordonance relative aux Huiles ou Essences Minérales, ou autres substances de la même nature, 1932 (Amended 1934, 1948, 1993 & 1994)
- Health, Safety and Welfare of Employees Law, 1950
- Steam Boilers (Insurance) Ordinance, 1952
- Safety of Employees (Miscellaneous Provisions) Ordinance, 1952
- Quarries (Safety) Ordinance, 1954
- Safety of Employees (Growing Properties) Ordinance, 1954
- Safety of Employees (First Aid and Welfare) Ordinance, 1954
- Safety of Employees (Electricity) Ordinance, 1956
- Safety of Employees (Ionising Radiations) Ordinance, 1957
- Public Highways Ordinance, 1967 (Amended 1993)
- Safety of Pits Ordinance, 1973
- Health and Safety at Work etc (Guernsey) Law, 1979
- Health and Safety at Work (General) (Guernsey) Ordinance, 1987
- Health and Safety at Work (Highly Flammable Liquids) (Guernsey) Regulations, 1988
- The Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989
- The Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment) Ordinance, 1991
- Health and Safety at Work (Freight Containers Safety Convention) Ordinance, 1992
- Health and Safety at Work (Fees) Law, 1993
- Employer's Liability (Compulsory Insurance) (Guernsey) Law, 1993
- Employer's Liability (Compulsory Insurance) (Commencement) Ordinance, 1994
- Employer's Liability (Compulsory Insurance) (General Provisions) Ordinance, 1994
- Poisonous Substances (Guernsey) Law, 1994
- Employer's Liability (Compulsory Insurance) (Subsidiary Companies) Ordinance, 1997
- The Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment) Ordinance, 1998
- Public Highways (Temporary Closure) Ordinance, 1999
- Commercial and recreational diving approved codes of practice 2002
- Employer's Liability (Compulsory Insurance) (Exemptions) Ordinance, 2009
- Transfrontier Shipment of Waste Ordinance, 2002
- The Health and Safety (Gas) (Guernsey) Ordinance, 2006 and approved Code of Practice
- The Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment) Ordinance, 2006
- Control of Asbestos, Approved Code of Practice 2013
- Control of Legionella Bacteria in Water Systems in Guernsey, Approved Code of Practice 2013

- Control of Poisonous Substances (Guernsey) Regulations, 2014 (as amended 2016, 17, 18 and 20)
- Health and Safety (Fees) Order, 2019
- Control of Poisonous Substances (Guernsey) (Fees) Regulations, 2019
- Health and Safety at Work (General) (Guernsey) (Amendment) Ordinance, 2020
- Guernsey Construction (Design and Management) Approved Code of Practice 2020
- The Health and Safety at Work (Dangerous Substances) (Guernsey) Regulations, 2021
- The Health and Safety at Work (Prescribed Diseases) (Guernsey) Regulations, 2021
- PPACE 2003
- The processing is necessary for the exercise of any function of a public committee as per Schedule 2, 13 (b) Data Protection (Bailiwick of Guernsey) Law 2017

1. The Data Protection Law

The Health and Safety Executive, as data controller, acknowledges its obligations as per the data protection law, which provides several 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.

We collect the following data personal data:

Basic data about individuals such as name, address, date of birth, email, telephone and mobile phone numbers, job roles/title, injury information.

We also collect special category data which is information from individuals concerning:

- License numbers,
- Certificates of competence

The HSE only collects the information necessary to deal with your inquiry or comply with the reporting requirements of Health and Safety legislation in the Bailiwick of Guernsey. This includes both personal data and special categories of personal (aka sensitive) data.

For statutory reports of accidents, incidents, dangerous occurrences and occupational diseases (RIDDOR), HSE may obtain:

- Your name, gender and date of birth;
- Your address, telephone (or mobile phone) number and email address;

- Name of your employer and your role or job title;
- Nature of the injury or medical problem;
- This information is retained for a minimum period of 40 years (the statutory period for the accident report forms to be retained).

For general inquiries and complaints, HSE may obtain:

- Your name, contact number, email or address for us to respond to your query or complaint.
- This information is retained for 7 years, where this relates to a safety or welfare issue, or for 40 years, where it relates to occupational diseases or health issues, for example asbestos exposure, or occupational noise and vibration.

HSE also deals with anonymous complaints, and you do not have to provide us with any personal information, unless you require a response or additional information.

The purpose of collecting personal data by the Health and Safety Executive is to be able to implement our statutory and regulatory duties which include advising, developing, and implementing policies on matters including:

- Health and safety in the workplace
- Investigating accidents, incidents or complaints about health and safety at work
- Provide advice and health and safety in the workplace
- Issue licences and permits for some work activities

The HSE's functions are set out in the Health and Safety at Work (General) (Guernsey) Ordinance, 1987. In carrying out these functions, we necessarily collect information on businesses and individuals. You might also provide us with information by using this website, for example, by giving us feedback or sending a query or request to us. The HSE is registered as a data controller under the Data Protection (Bailiwick of Guernsey) Law 2017 (as amended) and a description of how we use personal information is included on the HSE's entry on the register which is maintained by the Office of the Data Protection Commissioner. The HSE is under a legal duty to protect any personal information we collect, and we will only use that information in accordance with the law, including the Data Protection Laws and the Health and Safety at Work Ordinance.

Personal data is collected in most instances directly from you, the data subject. Where data is obtained indirectly, you will be made aware at the point of data collection who we may contact to confirm or verify the data you have provided, or to provide us with additional information so that we can deliver the service you are seeking. Information may also be obtained from inspections or investigations.

Information is only shared if we have lawful basis for doing so and to meet the purpose for which the information was collected.

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 HSE, as 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. The personal data will not be transferred to a recipient in an authorised or an unauthorised jurisdiction (as per the definition within data protection 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 HSE, as 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.

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 HSE, as 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.

For statutory reports of accidents, incidents, dangerous occurrences, and occupational diseases (RIDDOR), data detailed in 2a, is retained for a minimum period of 40 years (the statutory period for the accident report forms to be retained). For general inquiries and complaints, information is retained for 7 years, where this relates to a safety or welfare issue, or for 40 years, where it relates to occupational diseases or health issues, for example asbestos exposure, or occupational noise and vibration.

f. Integrity and confidentiality

Personal data must be processed in a manner that ensures its appropriate security, including protecting it against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures.

Personal data is held in hard copy and electronic format.

Information Access – access to electronic or paper records is tightly controlled. 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. Stored paper records are archived with an external company that is restricted to archiving staff only and the HSE. The facility is alarmed and equipped with secure stores and CCTV.

Information Security – the HSE adopts the information security standards of the States of Guernsey

Data has previously been stored in paper format concerning data around:

- statutory accident reports,
- professional contact lists,
- city and guilds candidates report,
- inspection and audit records of poisonous substances storage, sale, and use,
- inspection and record of erected structures on the highway,
- inspection and audit records of explosives storage and use,
- F10 project notifications,
- asbestos notification removal and disposal,
- director information,
- site and property owner information,
- diving contractors and doctors
- phone calls regarding complaints and enquiries,
- and inspectors' notebooks

As the HSE moves towards an electronic system information will be stored electronically regarding;

- statutory accident reports,
- CIVICA company details accidents and incidents
- professional contact lists,
- City and Guilds candidates reports,
- inspection and audit records of poisonous substances storage, sale and use,
- inspection and record of erected structures on the highway,
- inspection and audit records of explosives storage and use,
- F10 project notifications,
- asbestos notification removal and disposal,
- director information,
- site and property owner information,
- diving contractors and doctors

- phone calls regarding complaints and enquiries,

Inspector notebooks are kept in a paper format

g. Accountability

The controller is responsible for, and must be able to demonstrate, compliance with the data protection principles.

3. Contact Details

The contact details of the controller are as follows:

Health and Safety Executive under the Committee for Employment and Social Security

Tel: 01481 220010

Email: HSE@gov.gg

Data Protection Officer, the Committee for Health and Safety Executive under the Committee for Employment and Social Security

Tel: 01481 220012

Email: data.protection@gov.gg