

Fair Processing Notice

The Data Protection (Bailiwick of Guernsey) Law, 2017 (the Law) has been in force for over four years and the Committee for Home Affairs ('the controller') has deemed it an appropriate time to commission a review into the application of the Law within a small but complex jurisdiction. This will be undertaken by an independent reviewer ('the processor'), with input from key stakeholders, including the States of Guernsey, and will provide a report summarising the findings. The processor will be responsible for completing this review, on behalf of and in accordance with the instructions provided by the controller.

1. The Data Protection Law

The controller acknowledges its obligations as per 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 for the processor to carry out the review, they will need to engage with stakeholders both within and external to the States of Guernsey (consultees). These include other data controllers such as States of Guernsey Committees and certain statutory officials acting as data controllers in their own rights. All consultee's names will be published in the report in the form of a list. Any other personal data, received by the processor through the course of the review and relating to you, will only be published in this report if you have previously provided consent for this to happen. Unless otherwise informed, the processor will take your engagement with and relevant responses to the processor as provision of consent to engage in this process. The processor will collate this information in a report which will summarise the findings of the review, in an anonymised format.

In order to facilitate the completion of the summarised report, the processor will take notes during the interview process; these will not be shared with any third parties and will be securely stored by the processor to prevent unauthorised access to any personal data which may be contained within the notes. The controller will not have access to the contents of these notes, however they will be used to ultimately inform the final review.

Only basic personal data will be processed for the purpose of the creation of this report. Furthermore, neither the controller nor the processor will seek to obtain any form of special category data from yourself or any third party for the purpose of this review. The basic personal data which will be processed for this review is detailed in the following bullet points:

- Name
- Email address and phone number
- Job title/Role
- The name of the Committee you report to
- The name of the body or organisation you represent
- Your opinion on various matters related to the review
- Any other information which you volunteer throughout this process

The personal data collected for the purpose of this review is processed in accordance with Sections 1 and 5(b) of Schedule 2 of the Data Protection (Bailiwick of Guernsey) Law, 2017, which state:

“The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed.”

And,

“The processing is necessary for the exercise or performance by a public authority of a task carried out in the public interest.”

Should any special category data be volunteered by yourself it will not be published in the review. The lawful basis for the receipt of any data of this nature is in accordance with Section 13(b) and 18 of Schedule 2 of the Data Protection (Bailiwick of Guernsey) Law, 2017, which states:

“The processing is necessary for the exercise of any function of the Crown, a Law Officer of the Crown, the States or a public committee”

And,

“The data subject has given explicit consent to the processing of the personal data for the purpose for which it is processed”

You have the right to withdraw your consent to the processing of personal data at any stage of the review. If you withdraw your consent to the processing of personal data for the purposes of the completion of the review, the controller will ensure that any reference to you or your personal data, which has been processed in accordance with the consent you previously provided, is removed from the contents of the report and the notes which the processor may have created.

Your personal data will be collected directly from yourself through the interview process. However, your personal data may also be provided by other third parties; including, but not

limited to, the controller and other third parties being interviewed as part of the review. The processor cannot reasonably be expected to ask for your consent to process information which has been voluntarily provided by a third party, however they will ensure that your consent is obtained before any personal data, collected from a third party, is included in the contents of the summarised report.

Once all of the interviews have been completed, the processor will summarise their findings in a report, which may contain various aspects of personal data. Once this report has been completed, the contents will be reviewed to ensure the contents of the report are deemed to be accurate and any necessary amendments will be made. Once the report has been finalised, it is likely that it will be published in the public domain.

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. 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 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 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 contained in the notes made by the processor throughout the interview process will be retained until the review has been finalised and completed. At this point in time, the notes will be securely destroyed and copies will not be retained by any parties.

As the report will likely be published in the public domain, the personal data contained within the report will not be subject to a strict retention period.

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.

Personal data may be processed both in an electronic and a hard copy. Access to hard copy records will be suitably restricted as the only individual who will maintain hard copies of personal data will be the processor. Personal data will be stored in an electronic format when it is contained within the draft/final report.

All personal data will be processed with appropriate levels of security. In order to prevent unauthorised or unlawful processing of personal data, the controller has put in place suitable physical, electronic and organisational procedures to protect your information.

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:

The Committee for Home Affairs

Tel: 01481 227353

Email: homeaffairs@gov.gg

The contact details for the independent reviewer are as follows:

Name: Mathew Desforges

Email: matdesforges22@gmail.com

The contact details for the Data Protection Officer supporting the controller with the review is as follows:

Data Protection Officer

Name: Oliver Baxendale

Tel: 01481 220012

Email: data.protection@gov.gg

For information on your rights as a data subject under the Data Protection (Bailiwick of Guernsey) Law, 2017, please go to the following link: <https://gov.gg/dp>