

Fair Processing Notice

Health & Safety (H&S) is an operational area of the Policy and Resources Committee (P&R), responsible for preventing workplace death, injury or ill health within the States of Guernsey (SoG).

When a member of public/service user/contractor has an accident or becomes ill on a SoG controlled premises or where an employee's work has affected anyone outside of a SoG premise in a similar manner, H&S must investigate the incident to ensure reasonable safeguards were in place and, where this is not the case, that appropriate measures are taken post-incident to prevent future cases.

To facilitate this function, H&S will process the personal data of SoG employees and non-SoG individuals, to ensure a safe and suitable workplace environment and effectively assess any incidents in said workplace.

Whilst H&S is represented across all Committees, the central Health and Safety Department sits in P&R and as such the Data Controller for the purposes of any personal data, processed for the relevant purposes associated with Health and Safety is P&R ('the controller').

1. The Data Protection Law

The controller acknowledges its obligations as per the data protection 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.

If you sustain an injury or become ill whilst on an SoG controlled premise your personal data will be recorded in the relevant area's accident book and submitted, on your behalf, to H&S by that area's designated member of staff using the Incident Reporting Form (IRF). H&S will process your personal data for the purposes of executing their function. Personal data submitted through the IRF will only be viewable by the person reporting and the designated H&S staff who will review the information provided so that it can be investigated and acted upon accordingly.

H&S will also process your personal data for the purposes of determining whether an incident is reportable to the Health & Safety Executive (HSE) and to determine the root cause in order to prevent a recurrence of the incident as well as identifying any trends.

The IRF records the following personal data:

- Name
- Witness name and/or email address
- Phone number
- Contractor's name (if applicable)
- Contractor phone number (if applicable)
- Company name (if applicable)

The IRF records the following Special Category data:

- Description of incident, potentially including detail as to the injury or illness (whether clear or suspected).

Images can be attached to the IRF form that may potentially reveal personal or special category data.

If the incident is serious and requires attention at the hospital, then an investigation will be undertaken to establish the root cause and how to prevent it happening again. Under Section 9 of The Health and Safety at Work (General) (Guernsey) Ordinance, 1987, Law: under specified circumstances, H&S is legally required to share your personal data in order to report an incident to the HSE, who will conduct the investigation. If you are injured or taken ill seriously enough to require contacting Emergency Services, data may also be shared with those services where necessary and in accordance with the Data Protection Law as stipulated below.

Depending on the severity you, as the injured party, may be contacted along with any other witnesses that are deemed appropriate. Further contact may also be required to ascertain the status of the injured person at a later date.

Where an incident relates to multiple SoG committees, data may be shared with these committees for their awareness and to facilitate the implementation of preventative measures, where required. Sharing will only take place when proportionate and necessary and in accordance with the Data Protection (Bailiwick of Guernsey) Law, 2017 and steps will be taken to prevent parties from being identified unless required to do so for the purposes stated above.

Details on how the HSE may process your data can be found at www.gov.gg/hse.

In circumstances where a member of the public has been violent or aggressive, their personal data (name) will be processed by H&S in accordance with the lawful bases set out below.

Personal data provided through the IRF will be summarised in quarterly and annual statistic reports to analyse trends identified and reported on. All personal data within these reports will be anonymised (limited to incident type and committee/area) and will be shared with the following parties:

- Designated Health & Safety professionals
- Health & Safety co-ordinators
- Heads of States of Guernsey Committees
- States of Guernsey Senior Leadership Team

H&S receives personal data from across the organisation in order to execute their function. This is primarily through the IRF but certain areas have bespoke systems in place to facilitate sharing with H&S. In all cases the personal data provided will mirror the information required in the IRF.

The Controller will process the aforementioned personal data for the purposes stated above in accordance with:

Data Protection (Bailiwick of Guernsey) Law, 2017; Schedule 2; Section 10

“The processing is necessary for a health or social care purpose”

AND

Data Protection (Bailiwick of Guernsey) Law, 2017; Schedule 2; Section 19

“The processing is necessary to protect the vital interests of the data subject or any individual”

AND

Data Protection (Bailiwick of Guernsey) Law, 2017; Schedule 2; Section 17(a)

“The processing is authorised by regulations made by the Committee for this purpose and carried out in accordance with those regulations.”

The regulation in question being The Data Protection (General Provisions) (Bailiwick of Guernsey) Regulations, 2018; Schedule 2; Row 14 regarding the processing of any personal data for the discharging of a protective function.

The States of Guernsey have a professional relationship with a third-party supplier, Agilisys Guernsey Ltd., who provide support to and carry out maintenance on the IT infrastructure of the organisation. In order for Agilisys to carry out the function they are contracted to provide, there will be instances where they may have sight of the personal data which is collected and processed by P&R. The Controller will only provide Agilisys with access to personal data where there is a legitimate and lawful purpose for this access to be given in line with Schedule 2 of the Law and our internal policies and directives.

Personal data may also be shared with the Scrutiny Management Committee ('SMC') and also the Internal Audit function of the States of Guernsey as may be required for the completion of their relevant functions. Furthermore, any personal data shared with SMC and Internal Audit will be limited and processed in accordance with Sections 5 and 13(b) of Schedule 2 of the Law.

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 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.

Personal data will be retained in accordance with the storage limitation principle of the Law and will not be kept for any period of time which is longer than that which is necessary for the purposes of processing set out within this fair processing notice.

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.

Information Access - access to electronic or paper records is tightly controlled. Employees are vetted in a manner commensurate with the role that they are expected to undertake. 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.

Information Security – The controller adopts the information security standards of the States of Guernsey.

g. Accountability

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

The contact details of the controller are as follows:

The Policy & Resources Committee

Tel: 01481 227000

Email: policyandresources@gov.gg

The contact details for the Data Protection Officer of the Policy and Resources Committee are as follows:

Data Protection Officer, the Policy & Resources Committee

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>