

Fair Processing Notice – Request for Administrative Review

Information required by section 12 and Schedule 3 of the Data Protection (BoG) Law, 2017

The controllers acknowledge their obligations as per the Data Protection (Bailiwick of Guernsey) Law, 2017 ('the Law'), which provides a number of requirements in terms of processing activities involving personal data.

1. The data controller responsible for the processing of personal data undertaken for the purpose of an administrative review requested under The Administrative Decisions (Review)(Guernsey) Law, 1986 ('the Administrative Decisions Law') is the Administrative Review Board, acting through the Chairman of the Panel of Members ('the Controller') and supported by the Head of Reviews and Tribunals (R&T). For any enquiries please contact the Head of R&T at toni.airley@gov.gg.
2. The Data Protection Officer for the Administrative Review Board can be contacted at data.protection@gov.gg or on 01481 220012.
3. The Controller will process special category data insofar as this is necessary for the purpose of undertaking an administrative review requested under the Administrative Decisions Law. The processing of special category data undertaken for this purpose may include, but is not limited to, the processing of health data, criminal data, political opinion, religious or philosophical belief and personal data concerning an individual's sex life or sexual orientation.
4. Personal data will be collected directly from data subjects, and the Controller may also request the provision of information from any Committee, service area, third-party organisation or person which may be relevant to the complaint and request for an administrative review under the Administrative Decisions Law.
5. The Controller will process personal and special category data for the purpose of undertaking an administrative review which has been requested under the Administrative Decisions Law, and any subsequent appeals or processing which is required in connection with this purpose.

The processing of personal data for this purpose is undertaken in accordance with conditions 8 and 13(b) of Schedule 2 of the Data Protection (Bailiwick of Guernsey) Law, 2017 (the Data Protection Law), which state:

The processing is necessary for the controller to exercise any right or power, or perform or comply with any duty, conferred or imposed on the controller by an enactment.

And,

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.

6. The Controller will not collect or process personal data in accordance with condition 4 of Schedule 2 of the Data Protection Law; the legitimate interests of the Controller. In accordance with point 5, as set out above, the processing of personal data for this purpose is undertaken in accordance with conditions 8 and 13(b) of the Data Protection Law.
7. Personal data will be shared with members of the Review Panel and any officer acting on behalf of the controller for the purpose of the administrative review and may also be shared with the Committee to whom a complaint or request for administrative review relates. Where suspected conflicts of interest arise with members of the panel, the Controller may have cause to disclose basic personal data to prospective panel members to ensure that they also do not have any conflicts with the relevant parties prior to them being appointed to the panel. Sharing for these purposes are in accordance with the lawful bases set out in point 5.
8. The controller may be required to transfer personal data to recipient in an authorised jurisdiction which is not within the Bailiwick of Guernsey or a Member State of the European Union. Where the controller is required to take this action, personal data will be only shared with recipients in a jurisdiction where an adequacy decision is in force, or the authorised jurisdiction is a designated jurisdiction.
9. The Controller will not transfer personal data to a recipient in an unauthorised jurisdiction.
10. Personal data will be retained for the minimum period of time required by the controller to undertake the administrative review, including as may be required for any subsequent appeals, and to maintain a suitable record of the actions and decisions taken through this process.
11. Details around the data subject rights set out in the Data Protection Law can be found on www.gov.gg/dp.

12. The processing of personal data undertaken by the controller for this purpose is not based on the data subject's consent. In accordance with point 5, as set out above, the processing of personal data for this purpose is undertaken in accordance with conditions 8 and 13(b) of the Data Protection Law.
13. More information regarding the right to complain to the authority can be found on www.gov.gg/dp.
14. Personal data processed for this purpose is not subject to automated decision making.