

# Fair Processing Notice

The Data Protection team ('the team') is a corporate advisory function whose officers, despite operating as part of the Policy & Resources Committee, are ultimately independent from any States of Guernsey Committee. The controller of the team is the Policy & Resources Committee.

The Data Protection team is responsible for providing advice on any data protection related matters across the organisation, assisting in various data protection processes and monitoring the States of Guernsey's overall compliance with the Data Protection (Bailiwick of Guernsey) Law, 2017 ('the Law').

The Data Protection team provides advice and assistance to all the controllers across the States of Guernsey, including, but not limited to:

The Senior Committee:

- Policy & Resources Committee

The Principal Committees:

- Committee *for* Home Affairs
- Committee *for* Health & Social Care
- Committee *for* the Environment & Infrastructure
- Committee *for* Employment & Social Security
- Committee *for* Education, Sport & Culture
- Committee *for* Economic Development

Authorities, Boards and Commissions:

- Development & Planning Authority
- Civil Contingencies Authority
- Transport Licensing Authority
- Overseas Aid & Development Commission
- States' Trading Supervisory Board
- States Assembly & Constitution Committee
- Scrutiny Management Committee

The Law Officers of the Crown and the Royal Court.

# 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. More information in relation to these provisions are provided within this fair processing notice.

## 2. The Principles of Processing

### a. Lawfulness, fairness and transparency

The team processes personal data in order to carry out the legal requirements of the role of Data Protection Officer:

- Personal data obtained by the team may be collected directly from you as a member of the public in order to process subject access requests or breaches;
- Personal data may be shared with the team by a controller within the States of Guernsey for the purposes of the team providing advice or assistance;
- Controllers within the States of Guernsey may share information with the Data Protection team in order to assist and comply with a subject access request;
- The team may share information with the Data Protection Authority in order to comply with the law.

The types of personal data which may be processed by the Data Protection team are:

- Basic personal data, including, but not limited to:
  - Name
  - Address
  - Date of birth
  - Email address
  - Images including photos and CCTV (Closed Circuit Television) footage
  - Financial data
  - Identification numbers such as passport number and social security numbers
  - Photographic ID such as a Driving Licence or Passport
- Special Category Data, including, but not limited to:
  - Health data
  - Ethnic/Racial origin
  - Trade union membership
  - Personal data concerning an individual's sex life or sexual orientation
  - Criminal data
  - Religious beliefs
  - Political opinions

The processing of basic personal and special category data undertaken by the team is carried out in accordance with section 5 (exercise of functions by a public authority) or section 8 (to exercise any right or power, or perform or comply with any duty, conferred, or imposed on the controller by an enactment) of Schedule 2 of the Law.

The team will only share personal data if there is a lawful basis for doing so and in accordance with the purpose for which the information was originally collected by or provided to the team. Information may be shared with the relevant controller, if provided by a data subject or a member of the public, in order for the team to provide the relevant controller with advice and to assist them in fulfilling their data protection obligations. Information may also be shared with the Data Protection Authority as required by law.

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 processed by the Team. The controller will only provide Agilisys with access to your personal data where there is a legitimate and lawful purpose for this access to be given in line with Schedule 2 of the Data Protection (Bailiwick of Guernsey) Law, 2017 and the internal policies and directives.

#### **b. Purpose limitation**

The controller acknowledges its responsibility with regards to this data protection principle and therefore the controller maintains that it will not further process personal data in a way which is incompatible with its original reason for processing as specified in section 2a unless the controller is required to do so by law. Personal data will not be transferred to an unauthorised jurisdiction unless required by Law.

#### **c. Minimisation**

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**

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**

The controller will retain records for a period of six years in relation to all data processing activities that it performs. The date from which the retention period will start will be the day on which active processing in relation to the personal data ceases.

#### **f. Integrity and confidentiality**

Personal data processed by the team is predominantly held in an electronic format, however on occasions the team may hold hard-copy data.

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.

Members of the team are subject to a duty of confidentiality as per section 90 of the Law. Any information which a Data Protection Officer obtains through the carrying out of their role is not shared with anyone who does not require the information to carry out their role or comply with any duty conferred on the individual by the Law.

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

Secured Premises & Filing – the States of Guernsey have restricted premises which employees are required to use key cards to access in order to safeguard information from the public. Additionally, the personal data held and processed by the team is stored within a restricted section of the States of Guernsey's digital storage facility which only members of the team have access to.

#### **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 are as follows:

The States of Guernsey Data Protection Team

Tel: 01481 220012

Email: [data.protection@gov.gg](mailto: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>