



FAIR PROCESSING NOTICE

Government House Guernsey - Fair Processing Notice

Government House will collect and process information as required in the provision of its services.

1. The Data Protection Law

Definitions as defined by the Data Protection (Bailiwick of Guernsey) Law, 2017 ("the Law"):

Controller: "(a) means a person that, alone or jointly with others, determines the purposes and means of the processing of any personal data, and (b) for the avoidance of doubt, includes a processor or any other person, where the processor or other person determines the purposes and means of processing personal data".

Processor: "(a) means an individual or other person that processes personal data on behalf of a controller, and (b) includes a secondary processor within the meaning of section 36(1)".

Data Subject: "in relation to personal data, means the identified or identifiable individual to whom the personal data relates".

The controller (The Office of The Lieutenant-Governor) acknowledges the obligations under 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. 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 to perform the functions of Government House, the controller collects personal data directly from data subjects, as well as through other government and non-government bodies. Information is, at times, obtained from third parties or publicly available sources. The personal data that is collected to conduct the functions of The Offices may include:

- names

- dates of birth
- addresses
- email addresses
- Marital status
- nationality
- financial information

The Offices may also collect and process Special Category personal data (the most sensitive data defined by data protection law).

The Special Category Data collected and processed by these Offices may include:

- Information about offences (criminal record) or alleged offences committed
- personal data revealing racial or ethnic origin;
- personal data revealing political opinions;
- personal data revealing religious or philosophical beliefs;
- personal data revealing trade union membership;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning physical and mental health
- data concerning a person's sexual orientation.

In terms of the lawful basis for processing, the above information is considered necessary for the performance of the contract between the data subject and the controller (DP Law, Schedule 2, P1, 2); or to fulfil its obligations to comply with an order or a judgment (DP Law, Schedule 2, P2, 9); or for the purpose of any legal proceedings (DP Law, Schedule 2, P2, 12); or to ensure the administration of justice or function of the Crown is carried out (DP Law, Schedule 2, P2, 13). Schedule 2, P1(5). The processing is necessary for the exercise or performance by a public authority of – (a) a function that is of a public nature, or (b) a task carried out in the public interest. Only those data fields which are required to fulfil the specific function of The Offices will be collected and processed.

The controller may share personal data collected with the relevant third parties in order for The Offices or for those third parties to conduct their necessary functions, in accordance with the law and relevant to the original purpose for which the information was collected.

The above information may be required for other government bodies or third-party organisations to fulfil their mandate. Please note however that no automated decision making will take place which involves the personal data of any data subject.

To lawfully process personal information, the controller may in certain circumstances require the consent of the data subject, unless the processing is required and a relevant lawful basis applies to the processing in accordance with Schedule 2 of the Law. The Data Protection Law provides the data subject the right to withdraw their consent for the additional processing activities at any stage and this will not affect the general services offered by The Office.

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 this responsibility with regards to this data protection principle and therefore maintains that it will not further process personal data in a way which is incompatible with the original purpose for processing as specified in section 2a, unless the controller is required to do so by law or in conjunction with legal proceedings (present or prospective). The personal data will not be transferred to a recipient in an authorised or an unauthorised jurisdiction (as defined within the data protection law), unless the controller is required to do so by 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 purpose for processing personal data as specified in section 2a, unless the controller is required to do so by law or in conjunction with legal proceedings (present or prospective).

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, where applicable, 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.

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.

Where a data subject provides personal data to the controller directly or when it is provided by a third party, the controller will only hold that personal data for the duration stipulated in The States of Guernsey's Document and Record Retention and Disposal Schedule. This document has been produced in line with best practice and follows closely those specified for States of Guernsey. Where personal data has been shared with third parties as per 2a, the personal data shall also be held only for the duration it is required to complete the purpose that it was collected for and maintained for the duration as stipulated by the law and the respective Retention Schedules.

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.

The controller maintains to process all personal data with appropriate levels of security. Personal data provided by data subjects is collected and stored in hardcopy and soft copy files, in order to prevent

unauthorised or unlawful processing, the controller has put in place suitable physical, electronic, and managerial procedures to safeguard and secure the information that is collected.

In terms of payment information, all online payment transactions with the States of Guernsey are encrypted.

e. Accountability

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

The contact details of the Data Controller are as follows:

The Office of The Lieutenant-Governor

Government House, The Queen's Road, St Peter Port, Guernsey, GY1 1GH

Tel: 01481 226666

Email: governorsoffice@gov.gg

The Data Protection Officer for the Office of The Lieutenant-Governor can be contacted using the following details:

Data Protection Officer – States of Guernsey

Tel: 01481 220012

Email: data.protection@gov.gg

3. Data Subject Rights

Notwithstanding exemptions under The Data Protection (Bailiwick of Guernsey) Law, 2017, data subjects have the following rights:

a. Right of access

A data subject has the right to be advised as to whether a controller is processing personal data relating to them and, if so, that individual is entitled to one free copy of their personal data (should further copies be requested, the controller may require the payment of a reasonable charge for administrative costs. This is known as a Subject Access Request (SAR). Upon receipt of an SAR, the controller has a period of one month to adhere to the request (an extension of two further months can be sought by the controller depending upon the complexity and number of requests submitted by the data subject). In order to verify the data subject's identity, the Controller may request the provision of any additional information that is reasonably necessary to confirm it.

b. Right to data portability

A data subject has the right to data portability, this means that an individual is able to arrange for the transfer of their personal data from one controller to another without hindrance from the first controller. This right can only be utilised where the processing is based on consent or for the performance of a contract. This right cannot be used for processing by a public authority.

Where a data subject invokes the right to data portability, the data subject has the right to be given their personal data in a structure, commonly used and machine-readable format suitable for transmission from one controller to another. Upon the request of a data subject, the controller must transmit their personal data directly to another controller unless it is technically unfeasible to do so.

c. Exception to right of portability or access involving disclosure of another individual's personal data

A controller is not obliged to comply with a data subject's request under the right of access or right to data portability where the controller cannot comply with the request without disclosing information relation to another individual who is identified or identifiable from that information.

d. Right to object to processing

A data subject has the right to object to a controller's activities relating to the processing of personal data for direct marketing purposes, on grounds of public interest and for historical or scientific purposes.

e. Right to rectification

A data subject has the right to require a controller to complete any incomplete personal data and to rectify or change any inaccurate personal data.

f. Right to erasure

A data subject has the right to submit a written request to a controller regarding the erasure of the data subject's personal data in certain circumstances. These include where:

- The personal data is no longer required in relation to its original purpose for collection by the controller;
- The lawfulness of processing is based on consent and the data subject has withdrawn their consent;
- The data subject objects to the processing and the controller is required to cease the processing activity;
- The personal data has been unlawfully processed;
- The personal data must be erased in order to comply with any duty imposed by law; or
- The personal data was collected in the context of an offer from an information society service directly to a child under 13 years of age.

g. Right to restriction of processing

A data subject has the right to request, in writing, the restriction of processing activities which relate to the data subject's personal data. This right can be exercised where:

- The accuracy or completeness of the personal data is disputed by the data subject who wishes to obtain restriction of processing for a period in order for the controller to verify the accuracy or completeness;
- The processing is unlawful but the data subject wishes to obtain restriction of processing as opposed to erasure;
- The controller no longer requires the personal data, however the data subject requires the personal data in connection with any legal proceedings; or

- The data subject has objected to processing but the controller has not ceased processing operations pending determination as to whether public interest outweighs the significant interests of the data subject.

h. Right to be notified of rectification, erasure and restrictions

Where any rectification, erasure or restriction of personal data has been carried out, the data subject has a right to ensure that the controller notifies any other person to which the personal data has been disclosed about the rectification, erasure or restriction of processing. The controller must also notify the data subject of the identity and contact details of the other person if the data subject requests this information.

i. Right not to be subject to decisions based on automated processing

A data subject has the right not to be subjected to automated decision making without human intervention.

To exercise these data subject rights, please contact either the data protection officer or the controller (as per the contact details provided in 2e).

j. Right to make a complaint

An individual may make a complaint in writing to the supervisory authority, the Office of the Data Protection Authority, if the individual considers that a controller or processor has breached, or is likely to breach, an operative provision of the data protection law, and the breach involves affects or is likely to affect any personal data relating to the individual or any data subject right of the individual (as listed above).

Office of the Data Protection Authority

Block A
Lefebvre Court
Lefebvre Street
St Peter Port
GY1 2JP
Email: info@odpa.gg
<https://www.odpa.gg/>

k. Complainant may appeal failure to investigate or progress and may appeal determinations

An individual may appeal to the Court where:

- The Supervisory Authority has failed to give the complainant written notice that the complaint is being investigated or not within two months of receiving the complaint;
- The Supervisory Authority has failed to provide written notice of the progress and, where applicable, the outcome of the investigation at least once within three months of providing notice of the beginning of an investigation; or
- Where the individual seeks to appeal against a determination of the Supervisory Authority.