

Fair Processing Notice

The Data & Analysis team, within the mandate of the Policy & Resources Committee to provide official statistics for Guernsey, undertake activities, which involve the processing of personal data.

The Policy & Resources Committee is the controller for any personal data processed for:

- Periodic Household Expenditure Surveys (used to ensure Guernsey's inflation indices remain accurate)
- The <https://mydetails.gov.gg> system (giving people the option to tell all areas of the States in one go, online, when they move home)
- Emails and other correspondence (for the purpose of requesting information and responding to enquiries and data requests)

The Electronic Census Supervisor is the Controller for:

- Electronic Census Records (for the purpose of providing socio-demographic data for Guernsey and Alderney)

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.

This section includes a summary of the personal data that is collected and how it is processed, in relation to each of the activities noted above:

Periodic Household Expenditure Surveys

Contact details and availability information for households that have opted in to taking part in the Household Expenditure Survey are collected directly from the data subject, with their explicit consent. Special Category data is not collected as a part of this survey and none of the obtained results will be shared. The survey data itself is pseudonymised and is kept separate at all times from the contact details that could, if attached, enable it to be personally identifiable.

The Data & Analysis team use Section 1 of Schedule 2 of the Data Protection (Bailiwick of Guernsey) Law, 2017 as a lawful basis to process this personal data.

The <https://mydetails.gov.gg> system

For customers that opt to use this mechanism to update the various service areas across the States (listed here: <https://mydetails.gov.gg/>) when they change address, personal data (name, date of birth, Social Insurance and Tax Reference numbers) is collected direct from the data subject (or their partner, spouse or guardian) along with the previous and new residential address of the residents that are moving home. A scanned or photographed copy of proof of address or identity is also collected in order that the information submitted can be validated. Special category data may be collected if present on the ID you provide for proof of identity. This data is not shared beyond the service areas that the person has chosen i.e. consented to notify and Data & Analysis (for system monitoring and back-up purposes).

The Data & Analysis team use the Section 1 of Schedule 2 of the Data Protection (Bailiwick of Guernsey) Law, 2017 as a lawful basis to process this personal data.

Emails and other correspondence

Contact details (names, email and postal addresses and phone numbers) are collected by Data & Analysis in order to provide information that is requested or to request information. No special category data is included and this information is never shared. This information is collected solely for the purpose of corresponding with the data subject.

The Data & Analysis team use the Section 1 of Schedule 2 of the Data Protection (Bailiwick of Guernsey) Law, 2017 as a lawful basis to process this personal data. Processing this personal data is considered to be within the legitimate interests of the controller as it allows for easier correspondence between the appropriate team and the data subject when answering a query or dealing with a complaint.

Electronic Census Records

Since 1st January 2014, following the enactment of [The Electronic Census \(Guernsey\) Ordinance, 2013](#), copies of information provided to various States service areas have been shared with Data & Analysis on a quarterly or annual basis in order that central census records can be compiled. The sources are as follows:

- Social Security Contributions
- Social Security Benefits & Pensions
- Income Tax
- Health

- Population Management (formerly Housing Control)
- Driver Licencing and Vehicle Registrations
- Education Schools
- Education Universities
- Social Housing Tenants
- Electoral Roll
- Greffe Births & Deaths

This information shared is described as follows:

- Identifying details (name and internal reference numbers used by States of Guernsey service areas)
- Date of birth and death
- Country of birth*
- Residential address
- Dates of arriving and exiting the Island
- Housing Control or Population Management Document type
- Driving licences, parking permits* and vehicles
- Economic status
- School or University and year or course
- Income by source

*including special category data.

This data is only accessible to the Census Supervisor and Census Officers. It is not shared without being aggregated and anonymised first.

The Controller of the Rolling Electronic Census (The Census Supervisor) uses sections 6 and 8 of the Data Protection (Bailiwick of Guernsey) Law, 2017 as a lawful basis to process the personal data they collect and store within the Rolling Electronic Census.

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.

This section details how long the personal data will be held for and why the data is needed for that length of time, in relation to each of activities the noted above:

Periodic Household Expenditure Surveys

The contact details will be destroyed once the final prize draw has been completed and winners have been notified. The raw survey data will be destroyed once the results have been published (within 2 years of completing the survey).

The <https://mydetails.gov.gg> system

The master copy of address updates submitted via this system will be destroyed 2 years after the submission date. Copies issued to service areas will be retained / destroyed in accordance with the Terms and Conditions for the online service.

Emails and other correspondence

Emails will be deleted once they are no longer necessary to carry out the purpose for which they were collected.

Electronic Census Records

Raw data imports from service areas are destroyed 3 years after the date they were received. Centralised records are retained indefinitely, such that a simplified version can be published approximately 100 years after the census snapshot date, as per with a traditional paper-based census.

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.

Periodic Household Expenditure Surveys

The contact details are held in a master spreadsheet, but copies may exist in emails and on paper. The raw survey data is stored electronically only (with back up) and access is restricted to the Data & Analysis team only.

The <https://mydetails.gov.gg> system

The master copy of address updates submitted via this system are stored electronically only (with back up) and access is restricted to the Census Supervisor only. Copies issued to service areas are sent in email or Comma Separated Values file format and are safeguarded as per the Fair Processing Notice for that service area.

Emails and other correspondence

These are currently retained indefinitely. Any emails containing sensitive/special category data will be sent using Egress Switch, allowing the data within the email to be protected from unauthorised access.

Electronic Census Records

All records are stored electronically only (with back up). Full access is restricted to the Census Supervisor only. Census Officers have restricted access only.

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 717000 / 01481 717240

Email: policyandresources@gov.gg / dataandanalysis@gov.gg

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

Data Protection Officer, the Policy & Resources Committee

Tel: 01481 717000 Ext 2214

Email: data.protection@gov.gg

3. Data Subject 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 (with further copies available at a fee prescribed by the controller). 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).

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 utilized 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 2g).

j. Right to make a complaint

An individual may make a complaint in writing to the supervisory authority (the Office of the Data Protection Commissioner) 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).

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.