

# Fair Processing Notice

The data processing activities of Population Management are required to administer the Population Management (Guernsey) Law, 2016 (the Population Management Law) and its supporting policies. The purpose of the Law is to manage the size and make-up of Guernsey's population in order to support our community and economy, by assisting the States of Guernsey in achieving its strategic objectives. Under the Law, all persons living in Guernsey must hold a valid document to do so.

The Data Controller for Population Management is the Administrator of Population Management ('the Controller') in their capacity as a statutory official under the Law.

## 1. The Data Protection Law

The Controller acknowledges their obligations as per the Data Protection (Bailiwick of Guernsey) Law, 2017 (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 can be found at [www.gov.gg/dp](http://www.gov.gg/dp).

## 2. The Principles of Processing

### a. Lawfulness, fairness and transparency

*Personal data must be processed lawfully, fairly and in a transparent manner.*

Population Management processes information about you for two main reasons. The administration of permit applications and the investigation of breaches of the Population Management Law.

#### **Permit Applications**

In most cases the information we hold about you is collected directly from you when you apply for a permit using our on-line system. Information is also collected indirectly when an application is initiated by an employer. Information is also supplied by applicants about third parties, for example dependents and other family members, where this is relevant to their application. In circumstances where an applicant or employer has supplied us with the personal information of others, we rely on them to advise these individuals accordingly. We are required to gather this information by

Law, and it would be impossible to contact all individuals named in applications to provide the details contained within this notice.

We collect and process the following personal data for this purpose:

- Basic personal data about individuals including, but not limited to, name, date of birth, place of birth, address, email address etc.
- Details of individual's relationships (basic personal data about those individual's is also collected)
- Identification numbers such as passport details and social security numbers
- Basic personal data about an individual's employment such as role, employer, working hours and pay (only for relevant applications)
- Financial data

We also collect the following special category data where relevant to the application being made:

- Health information (where application is being made on a medical basis);
- Sexual orientation (where application is being made on the basis of a relationship);
- Criminal convictions

All data is collected on the basis of Schedule 2 Part II, condition 8 of the Data Protection Law – “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 [The Population Management Law]”.

Information provided to Population Management may be shared with other third parties based on:

- Schedule 2, Part I, condition 3 of the Data Protection Law – *“The processing is necessary to protect the vital interests of the data subject or any other individual”*.
- Schedule 2, Part II, condition 13A of the Data Protection Law – *“The processing is necessary for a law enforcement purpose”*.
- Schedule 2, Part III, Condition 19 of the Data Protection Law – *“The processing is necessary to protect the vital interests of the data subject or any other individual and the data subject is physically or legally incapable or giving consent, or the Controller cannot be expected to obtain the explicit consent of the data subject”*.

Information provided by an individual of any nationality other than British and Irish citizens will be passed to the Immigration and Nationality Division of Guernsey Border Agency as these individuals will also need to satisfy the requirements of the Immigration Act, 1971. This is done in this manner in order to simplify the arrangements required of you upon entry to the Bailiwick of Guernsey. The

information shared will only be the more basic personal data and will not include any special category data. This information is shared based on:

- Part I, section 5 of the Data Protection Law – *“The processing is necessary for the exercise or performance by a public authority of a task that is of a public nature and in the public interest”*.

### **Investigations regarding breaches of the Population Management Law.**

In investigating breaches of the Population Management Law, the Controller will process the information listed above depending upon the context of the investigation. Other data will also be collected including but not limited to witness statements, previous convictions, and information held by third parties such as Bailiwick Law Enforcement and Revenue Services, as relevant to the investigation.

All data is collected and processed for this purpose in accordance with Schedule 2 Part II, condition 8 of the Data Protection Law – *“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 [The Population Management Law]”*.

Information may be shared with third parties within the criminal justice system, such as the Guernsey Police and Law Officers of the Crown.

The States of Guernsey, and therefore Population Management, 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. For Agilisys to carry out the function they are contracted to provide, there will be instances where they may have sight of your personal data. 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 Law and our internal policies and directives.

Your 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 Conditions 5 and 13(b) of Schedule 2 of the Data Protection Law.

In all other cases, no information provided to Population Management will be shared with a third party unless explicit permission has been provided by the data subject or we are required to do so by 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 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 the 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.*

The Controller will ensure that all personal data will only be retained for as long as it 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 in line with Schedule 2, Part II, section 8 of the Data Protection Law.

## **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.*

The Controller will ensure that all personal data will be protected from unauthorized or unlawful processing and against accident loss, destruction or damage. All personal data is held electronically in the Population Management online portal through which it is provided by the data subject.

**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 of the Controller are as follows:

Administrator of Population Management

Tel: 01481 225790

Email: [population@gov.gg](mailto:population@gov.gg)

The contact details for the Data Protection Officer of Home Affairs are as follows:

Data Protection Officer, the Committee for Home Affairs

Tel: 01481 220012

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