



# Fair Processing Notice

Trading Standards (TS) is a Service within Bailiwick Law Enforcement under the mandate of the Committee for Home Affairs.

Trading Standards deals with consumer complaints from members of the public and provides advice to business through web based guidance material, in writing and by telephone; makes risk based visits to businesses; test purchasing; sampling and testing; conducts investigations and formal enforcement action; provides consumer advice to vulnerable consumers and deals with persistent unfair trade practice; delivers targeted talks supporting businesses and community events; and signposts to material to educate consumers and businesses and raises awareness via the local media.

Under the direction of the Chief Trading Standards Officer (the 'data controller') Trading Standards provides the administration and enforcement of Trading Standards laws and regulations, particularly Weights and Measures, and also encourages best practice where no laws apply.

## 1. The Data Protection Law

The controller acknowledges its obligations under the Data Protection (Bailiwick of Guernsey) Law 2017, 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.*

**We may collect and hold the following personal information, dependent on the purpose:**

- Personal contact details (name, address, date of birth, nationality, phone numbers, email)
- Summary of your complaint details
- Details of the goods or service you are complaining about
- Professional references to demonstrate fit and proper status
- Bank details



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- Personal finances and circumstances
- Your stated views and opinions

Please note, this may include some special category data according to your own personal circumstances and the details that you supply.

### **Personal data is collected from:**

- Correspondence
- Reference and professional checks
- Interviews and one to one discussions
- Your responses to public/stakeholders consultations

TS will use the information you provide in a manner that conforms to the Data Protection (Bailiwick of Guernsey) Law 2017.

### **Your information will be processed for the following purpose:**

- Where necessary to protect individuals from harm or injury
- Perform our statutory functions
- To carryout services you have requested
- Provide advice and assistance
- Help prevent and detect crime
- To monitor and improve our performance
- To allow the statistical analysis of data so we can plan the provision of services

With these purposes in mind, the lawful basis for processing your personal data under the Data Protection (Bailiwick of Guernsey) Law, 2017 will fall under one of the following Schedule 2 conditions:

The processing is necessary:

- For the exercise or performance of a public authority of a function that is of a public nature, or a task carried out in the public interest (condition 5a and 5b)
- For Trading Standards to exercise any right or power, or to perform or comply with any duty conferred or imposed on them by the law. For a law enforcement purpose (condition 6)

Or in the case of special category data, the use of your data is necessary:

- For trading standards to exercise any right or power or perform or comply with any duty, conferred on them by an enactment (condition 8)
- For the exercise of any function of the States or a public committee (condition 13b)

The use of your data may also be needed for a law enforcement purpose in the event it is processed for the prevention or detection of crime in which case the Data Protection (Law Enforcement and Related Matters) (Bailiwick of Guernsey), Ordinance, 2018 will apply. The



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processing undertaken will occur with appropriate safeguards in place and will be strictly necessary for the law enforcement purpose in accordance with section 5 of the Ordinance. TS has a statutory obligation to check and verify the data you provide to us and will do so as and when required, the TS's statutory functions include those derived from the following legislation:

- The Trading Standards (Enabling Provisions)(Guernsey) Law, 2009
- The Weights and Measure (Guernsey and Alderney) Law 1991
- Hawkers and Non-Resident Traders (Guernsey) Law 1980

**Your information may be shared with third parties, (dependent on purpose) which may include:**

- Law Officers of the Crown
- Law enforcement agencies
- Fraud prevention agencies
- Financial Intelligence Service (FIS)
- Financial providers (with explicit consent)
- Personal creditors (with explicit consent)
- Businesses with which you have a relationship (with explicit consent)

The information obtained from or disclosed by third parties will not be used for any other purposes that those stated in the notice.

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. For Agilisys to carry out the function which 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 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 Sections 5 and 13(b) of the 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 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 confirmed to be 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 data controller will ensure that all personal data that Trading Standards holds is only held for as long as is necessary and maintains a policy that includes the rationale for the length of times for which data is held, once the timeframes have been reached your information will be permanently deleted.



**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.*

Data for Trading Standards is held in paper records, computerised storage and other digital media e.g. DVD. The security of your information is very important to us and we take it very seriously. The security surrounding the storage of personal data is detailed in the security policies, which by the nature of TS work, is closely monitored. It includes physical security, limited staff access and processes employed to protect TS assets following the organisational policies of the States of Guernsey.

**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:

The Chief Trading Standards Officer

Burnt Lane House, Longue Rue, St Martin GY4 6LD

Tel: 01481 220010

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

**The contact details for the Data Protection Officer are as follows:**

Data Protection Officer for Law Enforcement are as follows:

Sir Charles Frossard House, St Peter Port, Guernsey, GY1 1FH

Tel: 01481 220012

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



## 4. Individual rights and choices when sharing Personal Information with Trading Standards

You have the right to access your personal data to ensure that it is accurate, and to request that it is rectified, blocked, erased or destroyed if it is inaccurate;

To make a request relating to your data held by us, please contact the Data Protection Officer for trading Standards using the above details.

Guidance on making a Data Subject Access Request, when you can request copies of all personal data held about you is available from, [www.gov.gg/dp](http://www.gov.gg/dp)

If you are not satisfied with the response you receive, you may also complain to The Office of the Data Protection Authority, whose details can be found on [www.odpa.gg](http://www.odpa.gg)

## 5. Changes to our Privacy Notice

We keep our fair processing notice under regular review. This fair processing notice was last updated on 25<sup>th</sup> January 2022. If we plan to use your personal information for a new purpose we will update this notice and communicate the changes before we start any new processing.