

Fair Processing Notice

The Police Complaints Commission (the “controller”) provides independent oversight into the investigation of complaints against officers at the Guernsey Police and is established under The Police Complaints (Guernsey) Law, 2008 (the ‘Law’).

1. The Data Protection Law

The controller acknowledges its obligations as per 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.

In order to fulfil its statutory function, the controller will process personal and special category data when a complaint is referred to it under Section 7 (1) and (2) of the Law.

The personal data that is collected for this purpose may include, but is not limited to:

- The names of the data subjects (complainant & complainee).
- The contact details of the data subjects (complainant & complainee).
- The marital status of the data subjects (complainant).

The controller may also collect special category data for this purpose, including, but not limited to:

- Employment details of the data subjects (complainee)
- Health data of the data subjects (complainant & complainee)
- Criminal data of the data subjects (complainant & complainee)
- Racial or ethnic origin (complainant & complainee)
- Religious or philosophical belief (complainant & complainee)

The lawful basis for processing is that the data subject (the complainant) has made a formal complaint to the Guernsey Police. The Police Complaints Commission will process data

supplied and any data collected indirectly as part of a complaint investigation because it is necessary in order to comply with their duties under the Law.

The names of both the complainant and complainee are required for identification purposes and so that the controller can write to them to notify them of the outcome of their decision making.

All information which is relevant to the complaint is supplied to the controller directly by the complainant and also indirectly collected from officers working within the Professional Standards Department at the Guernsey Police.

The controller does not share this information with any third party, other than the controller's secretary, or any other administration support, and to obtain legal advice.

Agilisys Guernsey Ltd. 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.

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 maintains that it will not further process 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 the 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 keep all relevant documentation including personal data identifying the data subjects until the relevant appeal period has closed and the matter has been determined.

The controller will maintain unidentifiable statistical data for the purpose of providing management information.

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 maintains to process all personal data and special category data with appropriate levels of security. 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.

Any data collected is contained within a file prepared for the purpose of identifying the data subject and is stored centrally on a secure drive. All information circulated in hard copy is stored in a locked filing cabinet and is destroyed via confidential shredding facility after use. Information distributed via the postal system is sent in a security sealed envelope.

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 Police Complaints Commission

Tel: 01481 227353 / 01481 220019

Email: policecomplaintscommission@gov.gg

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

Data Protection Officer, the Committee for Home Affairs

Tel: 01481 220012

Email: data.protection@gov.gg

3. Data Subject Rights

The Data Protection Law provides you as an individual with certain rights. The most commonly used right is that of the 'right to access' under section 15. Individuals can ask whether any information is held about them by an organisation, and request copy of that information. Subject access requests can be placed on the gov.gg website at <https://gov.gg/dp>, or by contacting the controller or data protection officer at the details listed above.

The Law also provide you with other rights, not least the right to complain to the regulatory authority. More information about all your rights can be found at <https://gov.gg/dp> and through the Office of the Data Protection Authority at <https://www.odpa.gg/>.