

Fair Processing Notice

The Guernsey Prison ('the Controller') is responsible for ensuring public protection and is committed to reducing re-offending in the Bailiwick of Guernsey. The prison provides a safe and secure environment that enables prisoners to address the causes of their offending behaviour and provide them with values, skills and experience to take a positive role in the community upon release. The Guernsey Prison is the Data Controller of the processing of personal data carried out for the purposes of this fair processing notice.

1. The Data Protection Law

The Controller acknowledges their obligations as per the Data Protection (Bailiwick of Guernsey) Law, 2017 (the 'Law') and the Data Protection (Law Enforcement and Related Matters) (Bailiwick of Guernsey) Ordinance, 2018 (the 'LEO') which together provide a number of requirements in terms of processing activities involving personal data.

The Controller acknowledges that all processing of personal data must be lawful, fair and undertaken with transparency. Appendix A (please see below) explains all of the processing which is being undertaken within the Guernsey Prison for their various purposes.

The Controller has implemented a strict protocol within the Guernsey Prison which ensures personal data is not retained past the point in time when the purpose for which the personal data was collected and processed has been carried out. Where the Controller no longer considers there to be a legitimate or lawful basis to retain personal data, this information will be erased or destroyed in a safe and secure manner. If you wish to receive further information regarding how long your personal data will be kept by the Controller, please contact the Guernsey Prison or their Data Protection Officer using the contact details below.

The Controller may share your personal data with another agency, States of Guernsey department or HMP prison service if it is considered both necessary and lawful for the purposes associated with the delivery of services provided by the Guernsey Prison or if required by Law.

The States of Guernsey have a professional relationship with a third-party supplier, Agilisys Guernsey Ltd, who provide support 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 Law and the LEO.

Your personal data may also be shared with the Scrutiny Management Committee ('SMC') and 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 the Law.

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 below in Appendix B.

2. Contact Details

The contact details of the Data Protection Guardian are as follows:

Guernsey Prison

Tel: +44 (0)1481 248376

Email: prison@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

Appendix A: Processing of Personal Data

| Processing activity | Personal data | Data sharing | Purpose of processing | Lawful basis for processing |
|--|---|---|---|--|
| Collection and processing of personal data for custodial purposes in order to achieve lawful and safe custody of prisoners, including the completion of prison work and education process. | <p>Personal data: Full name, previous name or nicknames, date of birth, gender, place and country of birth, current address, daytime telephone number, email address, name of probation officer, next of kin, smoking status, social security number, family details and information regarding approved visitors, physical characteristics, in-custody finances, education documents, content of communications and CCTV and body worn camera data from Prison monitoring.</p> <p>Special category data: Prisoner disability, sexual orientation or gender association, marital status, ethnicity; religion, health information, offence category, custody details and information relating to your time in custody including all offender management information, advocate correspondence and CCTV data and body worn camera from Prison monitoring.</p> | The personal data and special category data processed for this purpose is only shared where there is a legitimate and lawful reason for doing so. Furthermore your personal data may be shared in certain circumstances with the Guernsey Probation Service, Guernsey Police and HMP prison services in the UK. | <p>This information will be collected directly from the prisoners.</p> <p>It will be processed for custodial purposes and ensuring adequate levels of care are provided during a person's time in custody, including ensuring access to appropriate levels of healthcare, access to education and restorative practices.</p> <p>Records will be kept and maintained to ensure that accurate data is held.</p> | <p>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 or otherwise by Law;</p> <p>The processing is necessary in order to comply with an order of a judgement of a court or tribunal having the force of law in the Bailiwick;</p> <p>The processing is necessary for the administration of justice or the exercise of any function of the Crown, a Law Officer of the Crown, the States or a public committee;</p> <p>The processing is necessary for the exercise of a function that is of a public nature or carried out in the public interest;</p> <p>The processing is necessary for a law enforcement purpose.</p> |

| Processing activity | Personal data | Data sharing | Purpose of processing | Lawful basis for processing |
|--|--|---|--|---|
| Collection and processing of information relating to friends, relatives and other individuals for the purpose of enabling contact and visiting with the prisoners. | <p>Personal data: Full name, address, date of birth, contact telephone numbers, details of relationship to the prisoner (where applicable), in-call data from telephone discussions with prisoners, content of written communications, CCTV data and body worn camera from Prison monitoring and any special provisions concerning your access to the Prison.</p> <p>Special category data: In-call data from telephone discussions with prisoners, content of written communications and CCTV data and body worn camera from Prison monitoring.</p> | The personal data processed for this purpose is only shared where there is a legitimate and lawful reason for doing so. Furthermore, your personal data may be provided, in some circumstances, to the Guernsey Probation Service or Guernsey Police. | <p>All prisoners have a telephone in their cell. This is managed via a Personal Identification Number system to ensure only approved callers can be contacted. If you are an approved caller, we will collect your name, phone number and in call data. You should be aware that all calls made by prisoners are monitored in line with Prison policies and procedures.</p> <p>If you are corresponding with a visitor either by post or through email, we will collect your name and monitor the content of your communications which will be opened and reviewed before they are passed to the prisoner.</p> <p>If you are contacting a visitor through our purple visits system, you will need to submit your data directly to the purple visits website or app. Your data will be processed in accordance with their privacy policy as published on their website at Privacy Policy • Purple Visits.</p> | <p>The processing is necessary for the exercise or performance of a function of a public nature and carried out in the public interest;</p> <p>The processing is necessary for a law enforcement purpose.</p> |

| Processing activity | Personal data | Data sharing | Purpose of processing | Lawful basis for processing |
|--|--|---|--|---|
| Collection and processing of information relating to contractors and other visitors to the Prison for the purpose of enabling them to attend the Prison. | <p>Personal data: Full name, address (or employer's address), date of birth, contact telephone numbers, the purpose of your visit, any special provisions concerning your access to the Prison and CCTV data and body worn camera from Prison monitoring.</p> <p>Special category data: CCTV data and body worn camera from Prison monitoring.</p> | The personal data processed for this purpose is not routinely shared and will only be provided to another third-party where there is a legitimate and lawful reason for doing so. | This information will be collected directly from you or your employer and is processed for the purpose of maintaining a record of persons entering the Prison for operational purposes and security reasons. | <p>The processing is necessary for the exercise or performance of a function of a public nature and carried out in the public interest;</p> <p>The processing is necessary for a law enforcement purpose.</p> |
| Collection and processing of financial information relating to prisoners for the purpose of making payments into the individual's bank account. | Personal data: Full name and bank details. | This personal data will not be shared with any other parties, unless required to do so by Law. | This information will be collected directly from you for the purpose of making payments directly into your bank account as opposed to providing you with the physical money you are owed. This payment will be made upon your release from the Prison in order to provide you with the money in your account and that which has been earned through work in the Prison and Release on Temporary License. | <p>The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed;</p> <p>The processing is necessary for the performance of a contract to which the data subject is party.</p> |
| Collection and processing of information relating to prisoners for the purpose of creating the Prison Magazine | Personal data: Full name and photo | This personal data will be circulated internally within the Prison, but will not be shared with any other parties. | This information will largely be collected directly from you for the purpose of and in connection with the creation and dissemination of the Prison | The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed; |

| Processing activity | Personal data | Data sharing | Purpose of processing | Lawful basis for processing |
|---------------------|---------------|--------------|--|--|
| | | | <p>magazine. However, your personal may also be collected from other parties supporting the creation of the Prison magazine, including but not limited to:</p> <ul style="list-style-type: none"> • Prisoners • Guernsey Prison Staff • Other stakeholders working in the Guernsey Prison | <p>The data subject has given explicit consent to the processing of the personal data for the purpose for which it is processed.</p> |

Appendix B: Data Subject Rights

The Data Protection Law provides you, as an individual, with certain rights; more detail of each of these rights is provided below.

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 can 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 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.