



FAIR PROCESSING NOTICE

The Family Proceedings Advisory Service (FPAS) was set up under the Children (Guernsey and Alderney) Law, 2008 as amended to advise and make recommendations to the family courts and the Child, Youth and Community Tribunal (CYCT) and to provide a mediation service. The data controller of the personal data processed by the FPAS is the Committee *for* Home Affairs ('the controller') acting through the Head of the Family Proceedings Advisory Service.

1. The Data Protection Law

The controller acknowledges its obligations as per the Data Protection (Bailiwick of Guernsey) Law, 2017 (the '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.

The FPAS may process your information for either their statutory role in providing recommendations to the family court or CYCT, or because you are participating in mediation.

Recommendations to Family Court and CYCT

In order to comply with its obligations under the above law, the FPAS collects data directly from its clients and from third parties such as medical practices, the Probation Service, the Police, schools and other States of Guernsey Committees. The personal data collected for this purpose includes, but is not limited to: data subjects' names, addresses, dates of birth, telephone numbers, email addresses, and may include special category data, such as gender, ethnicity, religion, health and criminal data.

The FPAS is a statutory body under the Children (Guernsey and Alderney) Law, 2008 as amended; section 44 2a) of The Children (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2009 states that “a Safeguarder (now known as a Family Proceedings Adviser) shall make all investigations he considers necessary in order for him to carry out his duties”. The collecting and processing of personal data carried out by the FPAS is considered lawful in accordance with Condition 8 of Schedule 2 of the Law, insofar as the processing is necessary for the controller to comply with its statutory duties.

The FPAS may share personal data with other parties to the proceedings, their advocates and the Court. In certain circumstances, if a Family Proceedings Adviser becomes aware that any child may be in need of care, protection, guidance or control, information will be shared with other agencies (i.e. MASH) in accordance with section 44 2d) of The Children (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2009.

Mediation

If you are engaged in our mediation service, you are doing so because you have provided your explicit consent as per the ‘Agreement to Mediate’ form you have signed. As such, the collection and processing of personal data for this purpose is considered lawful in accordance with conditions 1 and 18 of Schedule 2 of the Law. In accordance, with the Data Protection Law, you can withdraw your consent at any time, at which point all records in connection with mediation will be destroyed. To withdraw your consent, please contact fpasadmin@gov.gg.

In delivering this service we will collect your basic personal information, such as your name, address, date of birth, occupation and contact details. These details may be provided to us either directly from you, or from your ex-partner, advocate, the court, or another agency who may have suggested you engage with this service. We will also take notes of any mediation meetings which will be provided to both you and your ex-partner in a summary format. The content of these notes may include special category data depending upon what is discussed during each session. Any information collected as part of the mediation process will be kept confidential and will not be shared.

Information collected and processed by the FPAS for their relevant purposes will not be shared with other jurisdictions and will only be retained for the minimum amount of time necessary according to the controller’s operational and legal requirements.

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 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 required to do so by 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 required to do so by law. Section 2a identifies that information will be sought from other agencies; if information supplied by these agencies is deemed by the FPAS to not be relevant to their purpose, it will be securely destroyed.

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 personal data held and processed by the FPAS will be retained either electronically and/or in hard copy for a minimum of 25 years from the completion of proceedings, in accordance with section 42 of The Children (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance 2009. Adoption records are held for 75 years. Personal data which has been processed in relation to our mediation service will only be retained for the period of time for which the case is open, and securely destroyed following its closure.

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 processes all personal 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.

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 Data Protection Guardian
The Family Proceedings Advisory Service
Guernsey Information Centre
North Esplanade
St Peter Port GY1 2LQ

Email: fpasadmin@gov.gg

Tel.: 01481 223700

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

The Data Protection Officer
The Committee for Home Affairs
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

Email: data.protection@gov.gg

Tel: 01481 220012

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/>.