

# Fair Processing Notice

The Committee *for* Health & Social Care (HSC) processes your personal data for the safe and effective delivery of health and social care. It also holds personal data to discharge those duties and responsibilities under legislation which include:

- The Abortion Law 1997
- The Children's Law 2008
- Loi Relative a la Santé Publique 1934
- The Public Health (Vessels and Aircraft) (Guernsey) Law 1950
- The Public Health (Vermin) (Guernsey) Law 1948
- Destruction of Rats Ordinance 1937
- The Food and Drugs (Guernsey) Law 1970 (as amended)
- The Food Safety (Fishery Products) Ordinance 1996
- The Food Safety (Live Bivalve Molluscs and Other Shellfish) Ordinance 1996
- The Milk Hygiene (Alderney) Ordinance 1996
- The European Communities (Implementation of Food Supplements Directive) (Guernsey) Ordinance, 2014
- The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Guernsey) Ordinance, 2014
- The Tattooing, Piercing, Acupuncture and Electrolysis (Guernsey and Alderney) Law 2000
- The Food and Environmental Protection Act 1985 (Guernsey) Order 1987 Health Professions, Regulation and Registration Medicines Law 2008
- Mental Health Law 2010
- Misuse of Drugs Law 1974
- Nursing and Residential Homes Law 1976
- Education Law 1970
- the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015
- Registered Health Professionals Ordinance 2006

**Health & Social Care** is registered as a data controller for the business of delivering health and social care.

**The Responsible Officer** is registered as a data controller for matters under the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015.

**The Director of Environmental and Pollution Regulation** is registered as a data controller for matters under Food safety and hygiene legislation, Public Health legislation and Tattooing, Piercing, Acupuncture and Electrolysis legislation.

The Director of Public Health is registered as a controller for matters under the Public health Legislation (Santé Publique 1936 Ordinance. Education Law 1970).

## 1. The Data Protection Law

The controllers within the HSC acknowledge their 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 controllers further acknowledge 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 collect the following data personal data:

- Basic data about individuals such as name, address, date of birth.

We also collect special category data which is information from individuals concerning:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics such as fingerprints and DNA;
- health information;
- sex life or sexual orientation

The purpose for collecting the data is to enable the delivery of effective appropriate and safe health and social care and to meet its statutory obligations.

The lawful basis for collecting each type of personal data and special category data will vary dependent upon the specific purpose.

The HSC processes data in a lawful manner in accordance with the Law and in particular, Schedule 2 parts I and II. The processing condition will vary according to the specific purpose in each case, but in broad terms, one or more of the following conditions apply:

- 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 processing is necessary in order to comply with an order or a judgment of a court or tribunal having the force of law in the Bailiwick.
- The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature, or a task carried out in the public interest.
- The processing is necessary for the conclusion or performance of a contract to which the data subject is a party, or made between the controller and a third party in the interest of the data subject, or to take steps at the request of the data subject prior to entering into such a contract.
- The processing is necessary to protect the vital interests of the data subject or any other individual who is a third party.
- In limited circumstances we may also rely on your consent to process your information.

Where we are processing special category data, we do so lawfully and in most matters, one or more of the following conditions from Schedule 2 parts II and III of the law will apply:

- 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 processing is necessary in order to comply with an order or a judgment of a court or tribunal having the force of law in the Bailiwick.
- The processing is necessary for a health or social care purpose and is undertaken by a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if the person were a health professional.
- The processing is necessary, for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings), or the discharge of any functions of a court or tribunal acting in its judicial capacity, for the purpose of obtaining legal advice, or otherwise for the purposes of establishing, exercising or defending legal rights.
- 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.
- The processing is authorised by regulations made by the Committee for this purpose and carried out in accordance with those regulations, or authorised or required by any other enactment and carried out in accordance with the enactment.
- In limited circumstances we may process data based on your explicit consent to the processing of the personal data for the purpose for which it is processed.
- The processing is necessary to protect the vital interests of the data subject or any other individual who is a third party, and the data subject is physically or legally incapable of giving consent, or the controller cannot reasonably be expected to obtain the explicit consent of the data subject.

Personal data is collected in most instances directly from you, the data subject. Where data is obtained indirectly, this will be in most circumstances from another healthcare provider. In these circumstances you will be aware at the point of data collection who we may contact to confirm or verify the data you have provided, or to provide us with additional information so that we can deliver the service you are seeking. Information is only shared if we have lawful basis for doing so and in order to meet the purpose for which the information was collected. Whilst this notice attempts to broadly explain these processing activities, further fair

processing notices have been published which provide individuals with further detail which is specific to the operational areas of the Committee.

#### **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.

Data will be transferred outside of the Bailiwick to ensure the continuation of safe health or social care (normally only to GDPR compliant jurisdictions, to other jurisdictions this is only done with the explicit consent of the data subject)

#### **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 HSC will keep health and social care records on data subjects for as long as they are needed to deliver health and social care.

Other personal data held will be destroyed when the professional guidance advises it is acceptable to do so, or it is no longer required, such as registration documents.

#### **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.*

Personal data is held in hard copy and electronic format.

**Information Access** – access to electronic or paper records is tightly controlled. Protocols are followed to ensure that employees only have access to areas and documents as required to undertake their role. Access is monitored and effectively managed.

**Information Security** – the HSC adopts the information security standards of the States of Guernsey

#### **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 Committee for Health & Social Care

Tel: 01481 225241

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

The contact details for the Data Protection Officer of Health and Social Care are as follows:

Data Protection Officer, the Committee for Health & Social Care

Tel: 01481 225241 ext. 4417

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