

# **Introduction**

This handbook contains the Data Protection Commissioner's guidance on notification under the Data Protection (Bailiwick of Guernsey) Law, 2001, "the 2001 Law". Notification is a statutory requirement.

Notification is the process by which a data controller informs the Commissioner of certain details about the processing of personal data carried out by that data controller. Those details are used by the Commissioner to make an entry describing the processing in a register which is available to the public for inspection.

The principal reason for having notification and the public register is transparency or openness. It is a basic requirement of data protection that the public should know or should be able to find out who is carrying out processing of personal data and other information about the processing, such as, for what purposes the processing is carried out. The 2001 Law places obligations on data controllers in order to satisfy this requirement.

Notification, therefore, serves the interests of data controllers in providing a mechanism for them to publicise details of their processing activities and also serves the interests of individuals in assisting them to understand how personal data are being processed by data controllers.

It is not, however, intended, nor is it practicable, that the register should contain very detailed information about a data controller's processing. The aim is to keep the content at a general level, with sufficient detail to give an overall picture of the processing. More detail is only necessary to satisfy specific statutory requirements or where there is particular sensitivity.

We have designed the notification scheme in accordance with these objectives and have tried to reduce the detail and the process to the minimum consistent with the statutory requirements. We ask data controllers to bear this in mind when providing information for notification and not to go into unnecessary detail or to request minor changes to the proforma and standards, which have been built into the system.

The notification scheme in the Bailiwick follows the UK scheme as closely as possible. This should simplify the compliance procedures for those organisations with operations in both jurisdictions.

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### **1.1 What is notification?**

The Data Protection Commissioner maintains a public register of data controllers. Each register entry includes the name and address of the data controller and a general description of the processing of personal data by a data controller. Individuals can consult the register to find out what processing of personal data is being carried out by a particular data controller. Notification is the process by which a data controller's details are added to the register.

### **1.2 Why do I need to notify?**

The 2001 Law requires every data controller who is processing personal data to notify unless they are exempt. Failure to notify is a criminal offence.

### **1.3 How can I find out if I am exempt?**

We have produced a notification exemptions self assessment guide. It can be found on our website and is also available as a separate publication from the Commissioner's office.

### **1.4 Do I have to notify manual records which come within the scope of the Law?**

No, but you can choose to notify them voluntarily. Further information about manual records can be found in our guidance notes which are published on our website.

### **1.5 How do I notify?**

There are three easy ways to notify:

1. By **Internet** – you can complete the notification on-line and submit it to us electronically.
2. By **completing the Request for a Notification Form** (see back of handbook). This should be faxed, e-mailed or posted to us. A draft notification will then be sent to you for further action.
3. By **telephone** – you can telephone the office and a draft notification will be sent to you based on the information you will be asked to provide on the telephone.

All of our contact details can be found at the end of this handbook.

### **1.6 Why have I been sent a draft description of my processing of personal data?**

Data controllers have to describe their processing of personal data. To help, we have put together draft processing descriptions for different types of activity. The description includes the purposes, associated data subjects, classes and recipients most likely to be appropriate to a particular activity.

### **1.7 What do I do if the draft processing description is incorrect or incomplete?**

The final page of the Part 1 Notification explains how to amend the draft details. This information is also included in Section 3 of this handbook.

## **1.8 What is the fee for notification?**

The annual fee is £50.00, *but a bona fide non-profit body is exempt from payment of a fee.* Any change to the fee will be advised to you when you start the process of notification. You can pay by annual direct debit, cheque, by BACS or by using the States Online Payment Portal at [www.gov.gg](http://www.gov.gg). We do not send invoices. We will, however, acknowledge receipt of payment. For more information about fees see 3.2.7.

## **1.9 Do I have to renew my notification?**

Yes. The notification period is one year. The renewal fee is £50, *but a bona fide non-profit body is exempt from payment of a fee.* Any change to this fee will be advised to you when you start the process of renewal. We will contact you before the expiry date of your register entry. If you pay by direct debit the renewal will be automatic, but you must still tell us about any changes.

## **1.10 What do I do if there is a change to some part of my register entry during the one-year notification period?**

You must write and tell us about any changes as soon as possible and in any event within 28 days. Failure to keep a register entry up to date is a criminal offence.

## **1.11 What do I do if my notification has expired?**

Once your notification has expired it will be removed from the register. It is illegal to continue processing personal data without being on the register and in this event you are liable to be prosecuted.

## **1.12 Can I have more than one register entry?**

No. A data controller may only notify once, but each legal entity that processes personal data should have a separate notification. Financial services organisations responsible for managing a number of entities (such as PCC's and captive insurers) should note that every entity which is separately registered with the Financial Services Commission *must have a separate notification.*

## **1.13 How can I find out the meaning of some of the terms used in this handbook?**

Section 5 contains a glossary of terms.

All data controllers must notify unless they are exempt (see Section 4).

## 2.1 **How to make an application to notify**

There are currently three ways to make an application to notify:

### **By Internet**

You can complete the notification on-line and submit it to us electronically.

### **Request for Notification Form**

You can complete the Request for a Notification Form (see back of handbook). This should be faxed, e-mailed or posted to us.

### **By telephone**

You can telephone the Commissioner's office. You will be asked to provide your name, address, contact details and to specify the nature of your business or activity.

## 2.1.1 **Notification via the Internet**

It is recommended that you complete the notification using the Internet. After completing the notification on-line it will automatically be submitted to us and will be stored until we receive your notification fee or direct debit instruction. You will be deemed notified on the day we receive your correctly completed forms and fee.

- To notify on-line, go to [www.dpr.gov.gg](http://www.dpr.gov.gg). You will find there our publications relating to notification and instructions on how to complete the process.
- Completing the notification on-line is a step-by-step process. You are asked to answer certain questions and provide information before continuing on to the next question. On completing all the information the notification is submitted electronically; payment may should be made using the States Online Payment Portal, by BACS/CHAPS or by sending the fee or a direct debit instruction to us by post.
- As each step of the process is completed the information is saved. It is therefore possible to complete the notification over an extended period of time; however to do this the "security code" that appears in red on the top right of each page must be noted and supplied on returning to the site. Alternatively, you can use your browser to 'bookmark' the page of the form you have got to. If at any stage you wish to return to an earlier stage that you have completed in an online session, you may use the '**back**' button on your browser to make amendments.
- The first questions are about the data controller who is notifying, for example their name, address and contact details.
- The next stage of the online process involves choosing an appropriate nature of business or activity template. Each notification must include a general description of the processing of personal data being carried out. On the register this description is structured by reference to standard purposes.
- You will find a selection of templates which describe the processing that is likely to be being carried out by a range of different organisations. After selecting the template appropriate to your activity you need to check that it accurately describes the processing being carried out. You may amend the template or add additional purposes to it. If you cannot find a relevant template, either contact the

Commissioner's office or select the nearest template suitable to your needs and amend it accordingly.

- The following stage of the on line process involves providing additional information for example, the security statement and statement of exempt processing. **Some of this information is mandatory, so failure to complete this part of the process renders your application invalid and you will be unable to submit it to us.**
- Finally
  - a. submit the completed notification to us electronically; or
  - b. take the option to amend the form, by returning to an earlier stage of the notification process.
- The next stage is to print a copy of the notification for your own records, and then
  - a. if you are paying by Direct Debit, you should complete the direct debit details of your Bank Account, print it, sign it and send it to us by post;
  - b. if you are paying by cheque, you should print the remittance advice, sign it and send it to us together with your cheque;
  - c. if you wish to pay by BACS or by using the States Online Payment Portal, please follow the instructions given on screen at the end of the notification process.

### **2.1.2. Notification by post or telephone**

A partially completed draft notification will be sent to you based upon the information that was supplied to the data protection office over the telephone or on the Request for a Notification Form sent by fax or e-mail. On receiving the draft notification you will need to check the details on it, complete the relevant sections of the Part 2 form and then return both documents to us with the notification fee (£50) or your completed direct debit instruction.

Our contact details can be found at the back of this handbook.

## **2.2 What happens next?**

Your notification will be given a preliminary check to ensure that all the relevant information has been provided. We will acknowledge receipt of it and if there is a problem we will contact you.

Your one-year notification period begins the day we receive a correctly completed notification and your submission of the £50 fee. If the fee is sent by registered post or recorded delivery your notification period begins the day after it is posted.

When your notification is added to the register, we will contact you again and send you a copy of your register entry. You will note that a registration number will be allocated to you; this number will appear on the public register.

You will be provided with a security code, this will be the code that was used when the notification process commenced (see section 2.1.1). This code must be quoted each time you have contact with us about your register entry. It is for your use only and so will not appear on the public register.

## **2.3 Keeping your register entry up to date**

Once you have notified you must keep your register entry up to date.

When any part of your entry becomes inaccurate or incomplete you must inform us. This action must be taken as soon as practicable and in any event within a period of 28 days from the date on which your entry became inaccurate or incomplete. Failure to do so is a criminal offence.

The easiest way to amend a notification is to do this online. Contact the Office to request your notification is “Opened for Review”. You may then amend it online by quoting the security code and following the steps described above in 2.1.1., selecting Amend Notification. If you make a mistake and wish your amendments to be cancelled, we can do this for you.

Alternatively, changes may be notified to us in writing quoting your security code. It is not possible to request a change by telephone. Two types of change form are available.

One is for adding an additional purpose to your notification and the other is for making any other amendment to your notification. Copies are available from this office and also on the Internet. We will contact you when the change has been actioned and send you a copy of your amended entry. Changes can be made free of charge.

Section 2.6 explains the position if there is a change of legal entity by a data controller.

## **2.4 Renewing your register entry**

The notification period is one year from the day we receive your correctly completed notification form. Your entry will then expire unless it is renewed. Prior to the expiry date we will contact you and explain the procedure for continuing your register entry.

The fee for renewing an entry is £50, *but a bona fide non-profit body is exempt from payment of a fee.* Any change to this fee will be advised to you when you start the process of renewal. If you pay by direct debit you will not need to take any action to renew your entry in subsequent years. A direct debit form will be enclosed with the renewal reminder letter, in case you wish to change to this convenient method of payment.

It is very important that we receive payment of the renewal fee prior to the expiry of the entry. It is not possible to renew an entry which has expired. In these circumstances the data controller must make a new application for notification (see 2.1). Accordingly you are encouraged to make payment by Direct Debit.

At renewal time you will be reminded to advise us of any changes to the data controller name and address details or the contact details.

We will contact you to confirm that your entry has been renewed (and amended if necessary) together with information about your new expiry date.

## **2.5 Failing to renew your register entry**

You will be send reminders to renew your register entry. If you fail to submit your renewal fee within the specified time period your register entry will be removed. In the event that you still continue to process personal data without being registered you may be prosecuted.

## **2.6 Removing your register entry**

If, at any time during the notification period, notification ceases to become necessary you should write to us providing full details including your security code and we will remove your entry from the register. We will write to you to confirm that the entry has been removed. If you have paid by direct debit you will need to cancel your direct debit instruction.

## **2.7 Changes of legal entity**

A register entry is not transferable from one data controller to another. If there is a change in the legal entity of the data controller a new entry must be made in the register. Examples of changes in legal entity are when a sole trader becomes a partnership or a partnership becomes a limited company. In these cases you should telephone the notification help line to start the process of notifying. Please note that the fee will be due again.

## **2.8 Refunds**

There is no statutory basis for refunding a notification fee (either in whole or part) once it has been paid. The Commissioner may only make a refund in exceptional cases, such as an administrative error

## **2.9 Publication of the register**

The Data Protection Register is published on the internet and can be found at:  
**<http://www.dpr.gov.gg>**

Using the on-line register, it is possible to check whether a data controller has notified and to print a copy of a register entry report.

## Section 3 *Completing the notification process*

### Introduction

On receiving a completed Request for a Notification Form or a telephoned application the data protection office will process a draft notification. Below is an explanation of the process.

(Instructions for online notification are provided on our website and as already described in section 2.1.1).

**The notification is in two parts (Part 1 and Part 2).**

### **Part 1 (sections 3.1.1 – 3.1.12)**

Part 1 consists of sections for:

- The name and address of the data controller
- Company registration number (optional)
- Contact details
- A general description of the processing of personal data being carried out by the data controller.

This processing description includes:

- a) the **purposes** for which personal data are being or are to be processed e.g. debt collection or research
- b) a description of the **data subjects** about whom data are or are to be held e.g. employees or patients
- c) a description of the **data classes**, e.g. employment details, financial details
- d) a list of the **recipients** of data, e.g. Income Tax Authority, banks
- e) information about whether data are transferred outside the Bailiwick or the European Economic Area (EEA).

### **Part 2 (sections 3.2.1 – 3.2.8)**

Part 2 consists of sections for:

1. Security statement
2. Trading names
3. Statement of exempt processing
4. Voluntary notification
5. Representative name and address
6. Fees
7. The Declaration

# Part 1 Notification

## 3.1.1 Data controller name

The name you provide must be the correct legal title of the individual or organisation. Examples are given below.

### **Sole traders**

- Provide the full name of the individual, e.g. Anna Katherine Smith.

### **Partnerships**

- Provide the trading name of the firm, e.g. Buttersfield & Co (you do not have to provide the names of the partners).

### **Limited or public limited companies**

- Provide the full name of the company, e.g. ABC Ltd - not your trading name.

### **Groups of companies**

- Groups of companies cannot submit a single notification. Individual companies who are data controllers must notify separately.

### **Schools**

- Provide the name of the school, e.g. Hazeldown School.

### **Others, e.g. voluntary bodies**

- Provide the name by which you are known to the public.

## 3.1.2 Data controller address

If you are a limited company you must provide your registered office address. In all other cases you must provide the address of your principal place of business. If there is no place of business (e.g. for a small local voluntary body) you should provide the address of the official who has supplied the information.

## 3.1.3 Company registration number

If you are a company registered at the Guernsey Registry, we encourage you to provide your company registration number as a unique identifier for the company. However, you are not obliged to provide it.

## 3.1.4 Contact details

You may provide a name, address, telephone number, fax number and e-mail address. These details will be used by us for all correspondence in connection with your notification. These details will not appear on the public register. These details should be altered (if necessary) on the Part 1 notification itself.

### 3.1.5 A description of the processing of personal data

Each notification must include a general description of the processing of personal data being carried out. On the register this description is structured by reference to purposes (i.e. reasons) why data are being processed.

If you have received a draft notification your Part 1 will be pre-completed with draft purposes constructed by us and likely to be appropriate to your nature of business activity. There is an example given below.

**You must check these details** to ensure that they are an accurate description of your processing.

You may need to change the draft details in one of two ways.

1. You may need to **add a purpose** which has not been included with your draft details (see section 3.1.6).
2. You may need to **make an amendment** to some part of the draft details on the Part 1 form (see section 3.1.7)

#### *Purpose Example*

<b>Provision of financial services and advice</b>	
Data subjects are:	Customers and clients Complainants, correspondents and enquirers Advisors, consultants and other professional experts
Data classes are:	Personal details Family, lifestyle and social circumstances Employment details Financial details Goods or services provided
Recipients are:	Data subjects themselves Relatives, guardians or other persons associated with the data subject Business associates and other professional advisers Financial organisations and advisers Ombudsmen and regulatory authorities.
Transfers:	None outside the Bailiwick or EEA

### 3.1.6 Adding a new purpose to Part 1 of your notification

If you have requested a notification, it will have been sent to you partially completed, depending on the nature of your activity. At the end of this handbook you will find a detachable Purpose Form. If you wish to add more than one purpose you will need to photocopy the form.

A purpose form must be fully completed for **each** new purpose you wish to add. You may only use each purpose title once. The Commissioner may allow a purpose title to be used more than once only in exceptional circumstances where he considers it will aid transparency to an enquirer.

- Select **one purpose title** from the list in section 3.1.8. If none of the standard descriptions apply you may use your own words to describe your purpose.
- Select one or more **data subjects** from the list in section 3.1.9. Enter the code(s) or text on the form.
- Select one or more **data classes** from the list in section 3.1.10. Enter the code(s) or text on the form.
- Select one or more **recipients** from the list in section 3.1.11. Enter the code(s) or text on the form.
- Choose one option relating to **transfers** described in section 3.1.12
- Return the purpose form(s) attached to your Part 1.

Please note: it is not possible to use any purpose titles used in a previous registration under the 1986 Law in your notification under the 2001 Law (see Glossary / section 6).

### 3.1.7 Amending the draft details on Part 1 of your form

Having received a selection of draft purposes, you may need to make amendments. However, please note that the Commissioner has determined that the level of detail provided in these standard purposes is sufficient for the purpose of notification, bearing in mind the overriding objectives of simplicity referred to in the introduction to this handbook.

#### How to change the draft details

- |   |   |   |
|---|---|---|
| 1 | <b>To delete</b>  | - Cross through the text which requires deletion. To delete a whole purpose strike through with a diagonal line.    |
| 2 | <b>To add:<br/>a subject, class,<br/>recipient or transfer<br/>to a draft purpose</b>                   | - Using the codes listed in sections 3.1.9 - 3.1.12 write or type your additions on the purposes you wish to amend. |
| 3 | <b>To add a new purpose<br/>with its associated<br/>subjects, classes, recipients<br/>and transfers</b> | - Use the new purpose form at the end of this Handbook and return with the Part 1. (see <b>3.1.6</b> )              |

<i>Example</i>	<b>Staff administration</b>
Data subjects are:	Staff including volunteers, agents, temporary and casual workers <b>S05, S06</b>
Data classes are:	Personal details Employment details Education and training details <del>Trade union membership</del> <b>C05, C10</b>
Recipients are:	Data subjects themselves Current, past or prospective employers of the data subjects Financial organisations and advisers <b>R04, R07</b>
Transfers:	<b>None outside the Bailiwick or EEA</b>

In the above example, the codes e.g. C05 are for use during the notification process but will not appear on the public register.

### 3.1.8

## **Purposes**

We provide below a list of standard purposes and purpose descriptions for use on register entries. Wherever possible these purposes must be used. If none of these apply you should contact this office to see if a new standard purpose is needed. However it is not possible to use purpose titles from the registration system under the 1986 Law (see Glossary / section 6) in your notification.

### **Standard business purposes**

#### **Staff administration**

Appointments or removals, pay, discipline, superannuation work management or other personnel matters in relation to the staff of the data controller.

#### **Advertising, marketing and public relations**

Advertising or marketing the data controller's own business, activity, goods or services and promoting public relations in connection with that business or activity or those goods or services.

#### **Accounts and records**

Keeping accounts relating to any business or other activity carried on by the data controller, or deciding whether to accept any person as a customer or supplier, or keeping records of purchases, sales or other transactions for the purpose of ensuring that the requisite payments and deliveries are made or services provided by him or to him in respect of those transactions, or for the purpose of making financial or management forecasts to assist him in the conduct of any such business or activity.

If you are processing personal data for the standard business purposes only you may not need to notify. For more information about the notification exemptions refer to section 4.

### **Other purposes**

#### **Accounting and auditing**

The provision of accounting and related services; the provision of an audit where such an audit is required by statute.

#### **Administration of justice**

Internal administration and management of courts of law or tribunals and discharge of court business.

#### **Administration of membership records**

The administration of membership records.

### **Administration of the affairs of Insolvent Companies, Partnerships and Individuals**

#### **Advertising marketing and public relations for others**

Public relations work, advertising and marketing, including host mailings for other organisations and list broking.

#### **Assessment and collection of taxes, rates and other revenue**

Assessment and collection of taxes, duties, levies and other revenue. You will be asked to indicate the type of tax or other revenue concerned.

#### **Benefits, grants and loans administration**

The administration of welfare and other benefits. You will be asked to indicate the type(s) of benefit you are administering.

## **Canvassing the Electorate**

### **Constituency casework**

The carrying out of casework on behalf of individual constituents by elected representatives.

### **Consultancy and advisory services**

Giving advice or rendering professional services. The provision of services of an advisory, consultancy or intermediary nature. You will be asked to indicate the nature of the services which you provide.

### **Credit referencing**

The provision of information relating to the financial status of individuals or organisations on behalf of other organisations. This purpose is for use by credit reference agencies, not for organisations who merely contact or use credit reference agencies.

### **Crime prevention and prosecution of offenders**

Crime prevention and detection and the apprehension and prosecution of offenders. This includes the use of most CCTV systems which are used for this purpose.

### **Debt administration and factoring**

The tracing of consumer and commercial debtors and the collection on behalf of creditors. The purchasing of consumer or trade debts, including rentals and instalment credit payments, from business.

### **Education**

The provision of education or training as a primary function or as a business activity.

### **Electronic systems repair administration**

The provision for access to and the repair of electronic information systems

### **Fundraising**

Fundraising in support of the objectives of the data controller.

### **Health administration and services**

The provision and administration of patient care.

### **Information and databank administration**

Maintenance of information or databanks as a reference tool or general resource. This includes catalogues, lists, directories and bibliographic databases.

### **Insurance administration**

The administration of life, health, pensions, property, motor and other insurance business. This applies only to insurance companies doing risk assessments, payment of claims and underwriting. Insurance consultants and intermediaries should use provision of financial services and advice.

### **Internal Audit**

### **Investments**

The provision of advice plus the management, trading and promotion of investments.

### **Journalism and media**

Processing by the data controller of any journalistic, literary or artistic material made or intended to be made available to the public or any section of the public.

**Legal services**

The provision of legal services, including advising and acting on behalf of clients.

**Leisure and cultural services**

The provision of all forms of leisure, sporting and cultural services in the private and public sectors to members of the general public.

**Licensing and registration**

The administration of licensing and registration

**Management of Customer Records****Operation of an Internet Gaming Website****Pastoral care**

The administration of pastoral care by a vicar or other minister of religion.

**Pensions administration**

The administration of funded pensions or superannuation schemes. Data controllers using this purpose will usually be the trustees of pension funds.

**Planning, licensing and registration**

The administration, predominantly in the public sector of planning or licensing legislation or the maintenance of official registers.

**Policing**

The prevention and detection of crime; apprehension and prosecution of offenders; protection of life and property; maintenance of law and order; also rendering assistance to the public in accordance with force policies and procedures.

**Private investigation**

The provision on a commercial basis of investigatory services according to instruction given by clients.

**Processing for *not for profit* organisations**

Establishing or maintaining membership of or support for a body or association which is not established or conducted for profit, or providing or administering activities for individuals who are either members of the body or association or have regular contact with it.

**Property management**

The management and administration of land, property and residential property and the estate management of other organisations.

**Provision of financial services and advice**

The provision of services as an intermediary in respect of **any** financial transactions including mortgage and insurance broking.

**Payroll Services**

The provision of 3<sup>rd</sup> party payroll services

**Realising the objectives of a charitable organisation or voluntary body**

The provision of goods and services in order to realise the objectives of the charity or voluntary body.

**Research**

Research in any field, including market, health, lifestyle, scientific or technical research. You will be asked to indicate the nature of the research undertaken.

**Social services, social work**

Undertaking and administering social services and social work, by States Departments. You will be asked to include the nature of the services provided.

**Staff, agent and contractor administration**

The administration, predominantly by public bodies, of contracts with staff and contractors.

**Trading/sharing in personal information**

The sale, hire, exchange or disclosure of personal data to third parties in return for goods / services / benefit.

### 3.1.9 Data subjects

We provide the following list of standard descriptions of data subjects. A data subject is an individual about whom personal data are held.

**S00 - Staff including volunteers, agents, temporary and casual workers**

**S01 - Customers and clients**

**S02 – Suppliers**

**S03 - Members or supporters**

**S04 - Complainants, correspondents and enquirers**

**S05 - Relatives, guardians and associates of the data subject**

**S06 - Advisers, consultants and other professional experts**

**S07 – Patients**

**S08 - Students and pupils**

**S09 - Offenders and suspected offenders**

**All of the above categories include current, past or prospective data subjects.**

### 3.1.10 Data Classes

We provide the following list of standard descriptions of data classes. Data classes are the types of personal data which are being or which are to be processed.

**C00 - Personal details**

Included in this category are classes of data which identify the data subject and their personal characteristics. Examples are names, addresses, contact details, age, sex, date of birth, physical descriptions, identifiers issued by public bodies, e.g. Social Security number.

**C01 - Family, lifestyle and social circumstances**

Included in this category are any matters relating to the family of the data subject and the data subject's lifestyle and social circumstances. Examples are details about current marriage and partnerships and marital history, details of family and other household members, habits, housing, travel details, leisure activities, membership of charitable or voluntary organisations.

**C02 - Education and training details**

Included in this category are any matters which relate to the education and any professional training of the data subject. Examples are academic records, qualifications, skills, training records, professional expertise, student and pupil records.

**C03 - Employment details**

Included in this category are any matters relating to the employment of the data subject. Examples are employment and career history, recruitment and termination details, attendance record, health and safety records, performance appraisals, training records, security records.

**C04 - Financial details**

Included in this category are any matters relating to the financial affairs of the data subject. Examples are income, salary, assets and investments,

payments, creditworthiness, loans, benefits, grants, insurance details, pension information.

**C05 - Goods or services provided**

Included in this category are classes of data relating to goods and services which have been provided. Examples are details of the goods or services supplied, licences issued, agreements and contracts.

**The examples given are not an exhaustive list of what may be included in each category.**

**The following categories of data have been designated as sensitive personal data. If you process the following types of data they must be specified in your notification.**

- C06** - Racial or ethnic origin
- C07** - Political opinions
- C08** - Religious or other beliefs of a similar nature
- C09** - Trade union membership
- C10** - Physical or mental health or condition
- C11** - Sexual Life
- C12** - Offences (including alleged offences)
- C13** - Criminal proceedings, outcomes and sentences

### **3.1.11 Recipients**

We provide the following list of standard descriptions of recipients. Recipients are individuals or organisations to whom the data controller intends or may wish to disclose data. It does not include any person to whom the data controller may be required by law to disclose in any particular case, for example if required by the police under a warrant.

- R00 - Data subjects themselves**
- R01 - Relatives, guardians or other persons associated with the data subject**
- R02 - Current, past or prospective employers of the data subject**
- R03 - Healthcare, social and welfare advisers or practitioners**
- R04 - Education, training establishments and examining bodies**
- R05 - Business associates and other professional advisers**
- R06 - Employees and agents of the data controller**
- R07 - Other companies in the same group as the data controller**
- R08 - Suppliers, providers of goods or services**
- R09 - Persons making an enquiry or complaint**
- R10 - Financial organisations and advisers**
- R11 - Credit reference agencies**
- R12 - Debt collection and tracing agencies**
- R13 - Survey and research organisations**
- R14 - Traders in personal data**
- R15 - Trade, employer associations and professional bodies**
- R16 - Police forces**
- R17 - Private investigators**
- R18 - Parish Officials**
- R19 - States Departments or Public Bodies**
- R20 - Voluntary and charitable organisations**
- R21 - Political organisations**
- R22 - Religious organisations**
- R23 - Ombudsmen and regulatory authorities**
- R24 - The media**
- R25 - Data processors**
- R26 - Employment and Recruitment Agencies**
- R27 - Courts & Tribunals**

### 3.1.12 Transfers of personal data

Data controllers must indicate whether personal data are transferred outside the Bailiwick or European Economic Area (EEA)\*.

#### The choices are:

None outside the Bailiwick or EEA

Worldwide

Name individual countries outside the EEA - (if there are more than 10 countries indicate 'Worldwide').

A transfer is not defined in the Law. However, the ordinary meaning of the word is transmission from one place, person, etc to another. This will include posting information on a website which can be accessed from overseas. In these circumstances it would be appropriate to indicate 'worldwide'.

\* At the time of publication the countries in the EEA are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Liechtenstein, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the U.K.

## Part 2

### 3.2.1 Security statement

Data controllers must give a general description of the measures to be taken for the purpose of protecting against unauthorised or unlawful processing of personal data and against accidental loss or destruction of or damage to personal data. The description does not appear in the public register.

Answering the questions provided satisfies the requirement to provide that description. The questions are at a very general level but cover some of the key requirements of effective information security management. A brief explanation of some of the terms is given in the following paragraphs.

**A statement of information security policy** sets out management commitment to information security within the organisation and provides clear direction on responsibilities and procedures.

**Controlling physical security** is concerned with restricting access to sites, buildings, computer rooms, offices, desks, storage areas, equipment, and other facilities where unauthorised access by people could compromise security.

**Controls on access to information** include procedures for authorising and authenticating users, as well as software controls for restricting access, and techniques for protecting data such as encryption.

In both cases, controlling includes monitoring and logging access so as to assist in detecting and investigating security breaches or attempted breaches when they occur.

**A business continuity plan** is a contingency plan which identifies the business functions and assets (including personal data) which would need to be maintained in the event of a disaster and sets out the procedures for protecting them and restoring them if necessary.

**Training your staff on security systems and procedures.** Are your staff trained to be aware of information security issues? This may be covered during induction or by formal seminars.

**Detecting and investigating breaches of security when they occur.** Do you have controls in place which alert you to a breach in security? Do you investigate breaches of security?

BS7799 is the British Standard on Information Security Management. It is a business-led approach to best security practice which provides a framework to implement and maintain effective information security within an organisation. BS7799 is intended for guidance and is not a statutory requirement. It has been adopted by the International Standards Organisation into the ISO/IEC 27000 series. Further information about it can be found on: <http://www.bsi-global.com>

### 3.2.2 Trading names

If you have a trading name or are known by any other names it is helpful to include it on your notification. This will assist individuals who wish to view specific entries but may not know your formal legal title. However, names of separate legal entities (e.g. limited companies) who are also data controllers should not be listed here. Separate legal entities must notify individually if they are data controllers. In the case of partnerships there is no requirement to provide the names of individual partners.

### 3.2.3 Statement of exempt processing

You are required to notify most types of processing. However, there are some specific types of processing which you do not have to include in your notification, processing which is exempt from notification.

You have two choices:

1. You can notify all of your processing of personal data.
2. You can restrict your notification to the processing which you are under an obligation to notify. In this case you must include on your notification the statement of exempt processing.

The statement of exempt processing is worded as follows:

**This data controller also processes personal data which are exempt from notification.**

Its purpose is to alert those consulting the register to the fact that the entry is not a complete description of all the processing being carried out by a data controller.

To determine whether or not you need to include the statement of exempt processing on your notification, you need to answer two questions.

Firstly, do you undertake any processing which you are not required to notify? **YES/NO**

You are **not** required to notify:

- any processing of structured manual records (see Glossary, section 6), or subject to certain conditions which are described in the separate publication *Notification Exemptions - A Self Assessment Guide* or the *on-line self-assessment facility* ([www.dpr.gov.gg](http://www.dpr.gov.gg)).
  1. processing for the purpose of staff administration
  2. processing for the purpose of advertising, marketing and public relations (solely in connection with your own business activity)
  3. processing for the purpose of accounts and records
  4. processing by a body not established for profit for the purpose of membership administration and other activities.

Secondly, have you chosen to include that processing in your notification voluntarily or not? **YES/NO**

If the answer to the first question is YES, and the answer to the second question is NO, then you must include the statement of exempt processing.

### **3.2.4 Voluntary notification**

Data controllers are required to notify unless they are exempt from notification. Section 4 of this handbook provides a summary of the exemptions. Further help is given in the separate publication: *Notification Exemptions - A self assessment guide*.

If you are exempt from notification you can choose to notify voluntarily. There is a section on the notification (Part 2) which asks you to indicate whether you have chosen to notify voluntarily. *Charities and other non-profit organisations should answer YES to indicate that they are exempt from payment of a notification fee.*

### **3.2.5 Representative details**

If you are a data controller who is not established in the Bailiwick, but you are using equipment in the Bailiwick for processing personal data other than merely for the purpose of transit, you must complete this section. You must provide the name and address of a representative in the Bailiwick. This information will appear on the public register.

In any other circumstances, you may also complete this section if you would like to include on the register the name and address details that data subjects should use if they wish to contact you about a data protection matter. If you do not provide this information individuals will be expected to communicate with you using the data controller name and address provided in Part 1.

### 3.2.6 Fees

There is an annual fee for notification of £50, *but a bona fide non-profit body is exempt from payment of a fee*. Any change to this fee will be advised to you when you start the process of notification. We do not send invoices but we will acknowledge receipt of payment, ideally by e-mail if an e-mail address has been supplied.

#### **You can pay:**

##### **By direct debit**

A direct debit form will be sent to you in your notification pack or may be completed online, as part of the online notification process. We will acknowledge receipt of your application and direct debit instruction and advise you of the date the fee will be collected from your bank account.

##### **By cheque or postal order**

Cheques should be made payable to 'The Data Protection Commissioner' and crossed 'A/c Payee only'. If notifying via the on-line system please attach the remittance advice generated by the system to your cheque.

By using the **States Online Payment Portal** at <http://www.gov.gg>, following the links to Online Payments.

By **BACS** using the account details provided on the draft notification.

States Departments may pay using **SAP** as detailed on the Remittance advice.

**Please indicate on the remittance advice which method of payment has been used.**

### 3.2.7 Declaration

The Declaration must be signed and dated in all cases. Any forms with unsigned Declarations will be returned and so will delay your entry on the register. Forms completed online will be deemed to have been signed (under the Electronic Transactions Law, 2000), once the signed remittance advice or direct debit form has been received by post.

## Section 4 *Notification exemptions*

The 2001 Law provides an exemption from notification for some data controllers. The following is a brief summary of the exemptions.

Exemptions are possible for:

- data controllers who only process personal data for :
  - their own staff administration purposes (including payroll)
  - advertising, marketing and public relations (of their own business)
  - accounts and records (to do with the running of their business)
- some *not for profit* Organisations, which are also exempt from the payment of a fee if they choose to notify voluntarily
- processing personal data for personal, family or household affairs (including recreational purposes)
- data controllers who only process personal data for the maintenance of a public register
- data controllers who do not process personal data on computer or other automated equipment

Individuals who are processing personal data for personal, family or household affairs are exempt from notification **and** most of the other provisions of the 2001 Law.

However, other data controllers who are exempt from notification **must still comply with** the other provisions of the Law.

**More detailed guidance about the notification exemptions can be found in our publication –*Notification Exemptions - A self assessment guide or at our on-line self-assessment facility ([www.dpr.gov.gg](http://www.dpr.gov.gg))***

**Any data controller who believes they may be exempt must refer to this guidance and not rely on the brief summary given above.**

## Section 5

## *Glossary*

<b>Data classes</b>	Types of data being, or to be, processed, e.g. financial details.
<b>Data controller</b>	Data controller means a person who (either alone or jointly or in common with other persons) determines the purposes for which, and the manner in which, any personal data are, or are to be, processed.
<b>Data subject</b>	An individual who is the subject of personal data.
<b>Expired entry</b>	A register entry which has passed its expiry date without renewal.
<b>On computer</b>	The term ‘computer’ includes any type of computer however described e.g. mainframe, server, desktop, laptop, palmtop etc. It also includes other types of equipment which, although not normally described as computers, nevertheless have some ability to process automatically e.g. automatic retrieval systems for microfilm and microfiche, audio and visual systems (including CCTV), electronic flexitime systems and telephone logging equipment.
<b>Personal data</b>	Personal data are data which relate to a <b>living</b> individual who can be identified from those data or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller.
<b>Preliminary assessment</b>	Special provisions requiring the Commissioner to assess the data controller’s specified types of processing. At the time of publication none have been specified.
<b>Processing</b>	Processing means obtaining, recording or holding the data or carrying out any operation or set of operations on the data. It includes organising, adapting and amending the data, retrieval, consultation and use of the data, disclosing and erasure or destruction of the data. It is difficult to envisage any activity involving data which does not amount to processing.
<b>Purposes</b>	The purpose or purposes for which the data are being or are to be processed. An example is staff administration.
<b>Recipient</b>	Recipients are individuals or organisations to whom the data controller intends or may wish to disclose data. It does not include any person to whom the data controller may be required by law to disclose in any particular case, e.g. if required by the police under a warrant.
<b>Registration Number</b>	The number allocated to your register entry which appears on the public register.
<b>Renewal</b>	Register entries must be renewed annually.
<b>Security code</b>	A code allocated to the data controller which must be used when you contact us about your notification or when you undertake secure on-line transactions. You should not disclose it to anyone who does not need to know it.

**Structured manual records**

Any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible. An example would be a card-index system with cards filed alphabetically by surname.

**Transfers**

A transfer is not defined in the Law. However the ordinary meaning of the word is transmission from one place, person etc to another. This will include posting information on a website which can be accessed from overseas.