

# **BAILIWICK OF GUERNSEY DATA PROTECTION**

## **IMPLICATION FOR THE USE AND DISCLOSURE OF VEHICLE KEEPER INFORMATION**

### **INTRODUCTION**

Vehicle Registration and Licensing (VRL) is a function within the Environment Department of the States of Guernsey.

The Data Protection Commissioner wishes to inform vehicle keepers about the use and disclosures of personal data by the Environment Department.

Many people believe that the Data Protection (Bailiwick of Guernsey) Law, 2001 prevents such disclosures unless the keeper has given his or her permission. This view is not correct. This note seeks to explain why.

### **THE DATA PROTECTION RULES**

The Law does not prohibit the processing (including the disclosure) of personal data to third parties but regulates the circumstances in which processing can take place. There are three key considerations.

- Details of the processing, including disclosures must be provided by the data controller to the Data Protection Commissioner who in turn places them on a register. In the case of the VRL the data controller is the Environment Department and details of its notification are available on the Commissioner's website: [www.dpr.gov.gg](http://www.dpr.gov.gg).
- Processing (including the collection of data) must be fair. This means, amongst other things, that the Environment Department should ensure that vehicle keepers have a reasonable idea of how their information will be used. The Commissioner understands that this is done through the Vehicle Registration Document which states that information may be disclosed to police or other third parties who can show reasonable cause. Although this is rather broad, the Commissioner accepts that it is fair to disclose keeper details in the context of road traffic accidents, breach of parking restrictions etc.
- Section 29 of the Data Protection Law permits the disclosure of personal data in any case where not to make the disclosure would be likely to prejudice the prevention and detection of crime or the prosecution of offenders.

## **SAFEGUARDS**

Although the Environment Department may authorise disclosures of vehicle keeper information, it may only do so where there is considered to be reasonable cause. Principally this will be in connection with an offence (where Section 29 of the Data Protection Law will be relevant) or a specific incident, such as an allegation of an accident or non-payment of a parking fine. The Commissioner would be certainly willing to consider any evidence that disclosures should be made for other reasons. For instance VRL can make a disclosure to the Motor Insurers' Bureau (MIB). This is an UK organisation that has entered into an agreement with the States of Guernsey for the purpose of compensating the victims of negligent uninsured and untraced motorists. It also acts as the Green Card Bureau for the Bailiwick.

From time to time there may be attempts by enquiry agents or other investigators to deceive the Environment Department into providing keeper details where there is no reasonable cause. Procuring unauthorised disclosure of personal data is a criminal offence under the Data Protection Law and should be reported to the Data Protection Commissioner.

If you consider that your details have been wrongly disclosed to others by the Environment Department, in the first instance you should ask the Environment Department for an explanation.

If you are not satisfied by the explanation you are given (for instance if it seems to you that the Environment Department was deceived into disclosing your details) you may ask the Data Protection Commissioner to carry out an assessment of the processing, in other words to consider if the disclosure breached the Data Protection Law.

Requests for such an assessment must be put in writing. It may be easier to make use of a "Request for Assessment" form; details on how to obtain a form or contact the Commissioner are given at the end of this guidance.

**For further guidance please contact:**



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