

# **BAILIWICK OF GUERNSEY DATA PROTECTION**

## **NOTIFICATION – A Simple Guide**

### **Introduction**

The Data Protection (Bailiwick of Guernsey) Law, 2001 requires any business or organisation processing personal information about any living individual to supply a general description of this processing to the Data Protection Commissioner. The Commissioner must put this description on a register for any member of the public to view. This process of supplying information to the Commissioner and then having it placed on a public register is referred to as “notification”.

Its purpose is to promote a climate of transparency and openness; this means any person can check on why and how businesses and organisations are processing personal data. A general description of the processing is given rather than a specific description concerning each customer or client. (Individuals can make a request about how their specific data are processed; this is expanded on later in this booklet).

If after checking the register the member of the public has concerns about the processing the Commissioner can be requested to conduct an assessment of the situation.

This simple guidance will explain some data protection terms as well as explaining how to go about the notification process. There are certain exemptions from the need to notify and these will be mentioned.

### **Data protection terms**

#### **Data subject**

A data subject is a living person whom the information is about. Customers, staff, pupils, patients, offenders are all examples of data subjects.

#### **Data controllers**

Data controllers are businesses and organisations that process information about individuals, examples are banks, schools, finance companies and hospitals. Data controllers are legal entities and not individuals although there may be sole traders who operate their own businesses. Data controllers will determine the purposes for which the

information or data are used and will control the way in which the processing is carried out.

### **Personal data**

This is any sort of information which will identify a living individual. It can be a name and address, a person's image on a CCTV system or a person's voice on a recorded telephone message. Social security numbers and income tax numbers are also personal data.

### **Data processing**

Data processing has a broad definition, covering the obtaining, storing, using, sharing or disclosing of personal data to its eventual deletion, disposal or destruction.

### **General description of processing**

The general description that is supplied to the Commissioner must include the following:

- The contact details of the data controller
- The purposes for which the information will be used, e.g. Financial Services and Advice, Provision of Healthcare, CCTV & Crime Prevention etc. (There are general templates available containing specific purposes for each type of business or organisation, Financial Institutions, States Departments, Retailers etc. It is possible to easily adapt these templates to suit specific circumstances)
- For each purpose it is necessary to give descriptions of the following:-
  - data subjects; i.e. customers, patients etc.
  - information kept about individuals; e.g. personal, financial or educational details, goods or services provided, criminal offences, medical history etc.
  - to whom the information will be disclosed (the recipients)
  - to where information would be transferred – either within the Bailiwick of Guernsey and the European Economic Area or worldwide.
- A statement of the measures taken to ensure that the information will be kept secure

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## **How to notify**

The Online Notification section of our website provides the opportunity to notify as well as renew and amend an existing notification.

## **Cost**

There is an annual notification charge (currently £50), *but a bona fide non-profit body is exempt from payment of a fee.* This fee is payable by cheque BACS, direct debit or online.

## **Penalties**

Failure to notify when required to do so is a criminal offence and may incur a fine.

## **Exemptions**

There are certain exemptions from the need to notify. The Online Notification section of our website includes an Online Self-Assessment that provides more details about these exemptions.

A brief summary of the exemptions is as follows:

- Manual records only are used, computers or other electronic equipment is not used to process personal information
- Private household purposes
- Core business purposes, i.e. accounts and records, staff administration, advertising and marketing to own client base
- Some charities, clubs and not-for-profit organisations, which are also exempt from the payment of a notification fee
- Maintaining a public register

It is important to note that a data controller will still have to adhere to the Law even though exempt from Notification. In addition a general description of processing will have to be supplied without charge by the exempt data controller to any member of the public upon request. It might therefore be beneficial to make a voluntary notification and have processing details added to the register thus avoiding the need to respond to many possible requests.

## **View the Register**

The register can be [searched on our website www.dataci.org](http://www.dataci.org).

## **Subject Access Requests**

As mentioned previously the register will give a general description of data controllers' processing. If individuals want specific details of how their personal information is processed a request in writing, accompanied by a fee, must be made to the data controller. More information on this is contained in a further guidance leaflet, "Your rights under the Law – Guidance for Individuals".

## **Further information**

Further information about compliance with the Data Protection (Bailiwick of Guernsey) Law 2001 can be obtained via:



Office of the Data Protection Commissioner  
Guernsey Information Centre  
North Esplanade  
St. Peter Port  
Guernsey  
GY1 2LQ

Tel: 01481 742074  
E-mail: [enquiries@dataci.org](mailto:enquiries@dataci.org)  
Website: [www.dataci.org](http://www.dataci.org)