



# THE OFFICE OF THE **DATA PROTECTION COMMISSIONER**

## The Data Protection (Bailiwick of Guernsey) Law, 2017 ("the **Law**")

### Conditions for Processing

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Section 7 of the Law sets out the requirements for processing to be **lawful**. It refers to Schedule 2 of the Law and the conditions for processing within that Schedule.

**Do not start processing any personal data unless you have clearly established and documented details of the relevant condition/s.**

The majority of conditions require that 'the processing is necessary' in order to be able to rely upon them. If you could reasonably achieve the same purpose without the processing you cannot rely upon that condition.

For personal data not considered to be special category data, a controller must satisfy at least one of the conditions below –

- The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed
- The processing is necessary for the performance of a contract to which the data subject is a party or that is in the interests of the data subject
- The processing is necessary to protect the vital interests of the data subject or other individual
- The processing is necessary for the purposes of legitimate interests (not applicable for public authorities)
- The processing is necessary for the exercise or performance of a public function or task carried out in the public interest by a public authority
- The processing is necessary for the exercise of a right, power or duty imposed by law

- The information contained in the personal data has been deliberately made public by the data subject
- The processing is necessary for the exercise of a right or power imposed by enactment
- The processing is necessary in order to comply with a court order or judgement
- The processing is necessary for a [health or social care purpose](#)
- The processing is necessary for reasons of public health
- The processing is necessary for the purpose of, or in connection with legal proceedings (including prospective legal proceedings), discharging any court or tribunal functions, 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 necessary for a law enforcement purpose
- The processing is in the context of not-for-profit organisations that exist for political, philosophical, religious or trade-union purposes.
- The processing is necessary for historical or scientific purposes
- The processing is necessary for the purposes of equal opportunity
- The processing is authorised by regulation or other enactment

**Make sure that you can identify at least one of the above conditions if you are processing *any* personal data that is not special category data.**

A controller processing [special category data](#) must satisfy at least one of the conditions below

- The data subject has given 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 other individual and the data subject is physically or legally incapable of giving consent or the controller cannot reasonably be expected to obtain the explicit consent
- The information contained in the personal data has been deliberately made public by the data subject
- The processing is necessary for the exercise of a right or power imposed by enactment
- The processing is necessary in order to comply with a court order or judgement
- The processing is necessary for a [health or social care purpose](#)
- The processing is necessary for reasons of public health

- The processing is necessary for the purpose of, or in connection with legal proceedings (including prospective legal proceedings), discharging any court or tribunal functions, 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 necessary for a law enforcement purpose
- The processing is in the context of not-for-profit organisations that exist for political, philosophical, religious or trade-union purposes.
- The processing is necessary for historical or scientific purposes
- The processing is necessary for the purposes of equal opportunity
- The processing is authorised by regulation or other enactment

**Make sure that you can identify at least one of the above conditions if you are processing *any* special category data.**