

What is a Subject Access Request?

Under Section 7 of the Data Protection (Bailiwick of Guernsey) Law, 2001 individuals can ask whether any information is held about them by an organisation, and request a copy of that information.

This is known as the right of subject access, and it is exercised by making a Subject Access Request (i.e. making a request for a copy of this information) to the organisation holding that data.

Your Rights

Subject to certain exemptions and upon payment of a fee, you have a right to be told whether any information is held about you and a right to a copy of that information within 60 days of requesting it.

The Chief Officer's Rights

The Chief Officer of Police may deny you access to information where the law allows. The main exemptions in relation to information held by the Police are where information is held for:-

- the prevention and detection of crime
- the apprehension or prosecution of offenders

where giving you the information would be likely to prejudice any of these purposes.

The Chief Officer of Police will only give that information if he is satisfied as to your identity. He may not have to give you any information if someone else can be identified from it unless that person agrees.

Evidence of Character / Disclosure of Criminal Convictions and Employment

This application will NOT provide you with a 'Certificate of Good Conduct'. No organisation or agency in Guernsey is authorised to issue such a certificate.

Obtaining your criminal convictions through this process will disclose ALL convictions and cautions, both spent and unspent.

For most employment purposes the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 applies and it is not necessary to disclose "spent" convictions and cautions. This means that a Subject Access would, in the most part, be unsuitable for the purposes of securing employment and should not be used for such purposes.

If you require only your unspent convictions for employment purposes you should apply for a Basic Disclosure.

Applications for a visa or other immigration processes may require a full list of convictions and/or cautions as our Rehabilitation of Offenders legislation may not be recognised in other countries. Please refer to the back page for more information on visa/immigration requirements.

How to make a Subject Access Request

You will need to complete an application form and return it to Guernsey Police, with proof of identity and the fee of £10, using either of the following methods:

- in person to the Disclosure & Vetting Service Counter at the New Jetty between 9.00 am and 3.00 pm, Monday to Friday
- by post (see front of leaflet for address).

Section 1 of the form asks for details such as your name, previous name, address, and place and date of birth to help the Chief Officer confirm your identity and match the records to you.

To ensure that the information he holds is secure, the Chief Officer must be satisfied that you are who you say you are. For this reason, you will be required to provide one or two forms of identification:

one containing your name, date of birth and photograph:

- o a passport
- o driving licence
- o student card
- o Guernsey Crimestoppers Identity Card
- o UK Citizen Card

and, if submitting your form by post and not in person, a document dated within the last three months containing your current address:

- o A utility bill or bank statement etc.
- o A Certified form of photographic ID

Any financial details can be blocked out if desired. This address should match that given in Section 1 of the Application Form. Photocopies are acceptable.

A Subject Access request costs £10. This can be paid by cash, cheque or credit/debit card. If your application is to be forwarded in the post please do not include cash. A cheque should be made out to "The States of Guernsey". If you wish to pay by cash please bring the cash (along with the completed form and your proof of identity) to the Disclosure & Vetting Service Counter at the New Jetty between the hours of 9.00 am and 3.00 pm so it can be received properly.

If you submit your application in person, your form will be checked to ensure it is completed correctly, your identification will be copied and you will receive a receipt for the payment.

If you submit your application by post, your form will be checked to ensure it is completed correctly and a receipt for the payment will be dispatched to your address.

Efforts will be made to supply the information as soon as possible.

The Law requires that Guernsey Police reply to you within 60 days of receiving your application, proof of identity, the fee and sufficient information to aid your request. As such, it is in your interest to provide as much information as you can to aid us in responding to your application.

The information supplied in connection with this application will be used for the purpose of administering this request, maintaining the accuracy of the data held on our systems and for any other policing purposes.

If Data are Incorrect

Care will be taken to ensure that all data included on a Subject Access Request relates to you. To assist this process it is important that you give as much information as you can when applying, especially relating to other names you use or may have used in the past for example, any maiden name or previous married name.

If you believe that the disclosure you have received is incorrect or that the information is not your own please contact the Disclosure & Vetting Unit.

Efforts will be made to ensure that any error is corrected or that further explanation is given as to why the data is on your disclosure.

IMPORTANT INFORMATION

VISAS AND IMMIGRATION

POLICE CLEARANCE CERTIFICATES

Please read the following notes carefully if you require a Police Clearance Certificate to meet immigration/visa requirements in the following countries:

- Australia
- Belgium
- Canada
- New Zealand
- South Africa
- United States of America

Obtaining a Police Clearance Certificate through the Guernsey Police Subject Access provision will no longer be acceptable and will not meet the requirements of these countries immigration services. From 1st January 2011 you will be required to apply to the Association of Chief Police Officers (ACPO) Criminal Records Office for a Police Certificate.

Guidance notes, application forms and FAQ's can be accessed directly through the link below:

www.acro.police.uk/police_certificates.aspx

Alternatively you can contact ACRO on **0845 60 13 999**

If you require a Police Clearance Certificate for use in any other country than those listed above or you require access to data about you that you believe is held by Guernsey Police you should complete a Subject Access Request form.



SUBJECT ACCESS

CONTACT

Disclosure & Vetting Unit
c/o Guernsey Border Agency
New Jetty
White Rock
St Peter Port
Guernsey
GY1 1LL
Telephone – 01481 741462

Counter Hours :- 9.00am – 3.00pm

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