

What is a Subject Access Request?

Under Section 15 of the Data Protection (Bailiwick of Guernsey) Law, 2017 (the 'Law'), and Section 13 of the Data Protection (Law Enforcement and Related Matters) (Bailiwick of Guernsey) Ordinance, 2018 (the 'Ordinance') 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 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. Subject to certain exemptions you have a right to be told whether any information is held about you. Part of the purpose of providing a subject access request is for you to identify whether or not the data we hold is accurate and for you to establish that we are handling your data in a manner that is lawful.

In order to access your information held by Guernsey Police or Guernsey Border Agency (including Customs and Excise and Immigration and Nationality Services), you will need to make a request to Bailiwick of Guernsey Law Enforcement.

There is no fee for a Subject Access request although an administration charge may be applied if more than one copy of any information is required.

The Law and Ordinance require us to reply to you within 30 days of receiving your application, proof of identity and sufficient information to aid your request. In limited circumstances, and dependent upon the complexity of the request, this time period may be extended by a further 2 months. Where this applies, you will be notified within 30 day from submitting an application.

Bailiwick of Guernsey Law Enforcement supports your right to access your information but access may not be possible in all circumstances. Certain exemptions apply within the Law and Ordinance. The main exemption in relation to information held by the Guernsey Police or Guernsey Border

Agency is where information is held for a Law Enforcement Purpose and the release of this information may prejudice that purpose. For example, information that identifies others may not be released unless that other person agrees.

Evidence of Character / Disclosure of Criminal Convictions and Employment

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

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. If you require them for outside Guernsey, then you should apply for Guernsey Police Clearance Certificate

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

The best way to do this is by completing an application form as it gathers all of the information needed to help us respond to your request in an appropriate manner.

Your application should be returned to Guernsey Law Enforcement, with proof of identity using either of the following methods:

- in person to the Disclosure & Vetting Service Counter at the New Jetty between 8.45am and 4.00pm, Monday to Friday
- by post (see front of leaflet for address)
- by email to InfoRequests@guernsey.pnn.police.uk

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

To ensure that the information held is secure, we 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:

- **Passport**
- **Driving Licence**
- **Student Card**
- **EU National Identity Card**
- **UK Citizen Card**

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

- **A utility bill or bank statement etc.**
- **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.

When you submit your application form, it will be checked to ensure it is completed correctly. If attending in person, your ID will be copied and retained with your application form for a period of three years. 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 law enforcement purpose.

Data Accuracy and Your Data Protection Rights

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.

Part of the purpose of providing a subject access request is for you to identify whether or not the data we hold is accurate and for you to establish that we are handling your data in a manner that is lawful.

For more information about your data protection rights and how Law Enforcement manages your information, please refer to the Fair Processing Notice for Guernsey Police and Guernsey Border Agency which can be found at www.guernsey.police.uk

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

In order to obtain a Police Clearance Certificate for the above named countries. You will need to apply to the ACRO Criminal Records Office.

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**



BAILIWICK OF GUERNSEY LAW ENFORCEMENT

SUBJECT ACCESS

CONTACT

Disclosure & Vetting Unit
c/o Guernsey Border Agency
New Jetty
White Rock
St Peter Port
Guernsey
GY1 2LL
Telephone – 01481 741462

Counter Hours :- 8.45am and 4.00pm

May 2018