

# Fair Processing Notice



**The Guernsey Border Agency (GBA) gathers and holds personal information which it uses for law enforcement, revenue collection and regulatory purposes.**

The purposes involve:

- Protecting the border to prevent the importation of prohibited or restricted goods and ensure compliance with customs and excise controls
- Providing border controls to protect the Bailiwick and Common Travel Area by identifying and denying admission to those attempting to enter in breach of the Immigration rules or to detect and remove foreign nationals in breach of the immigration laws
- Providing border controls to protect and collect revenue yielded from Customs duties, and other indirect taxation initiatives, and to seek to minimise revenue fraud
- To identify and target those engaged in financial crime to protect the Bailiwick's reputation as a finance centre
- Preventing the commission of offences
- Bringing offenders to justice
- Any duty or responsibility of the GBA arising from common or statute law

Under the direction of the Chief Officer of Customs and Excise (the 'data controller') the GBA will hold information relating to a range of individuals in connection with these purposes as well as details of others who work for or with law enforcement.

## 1. The Data Protection Law

The data controller acknowledges the obligations as per the data protection law, which provides a number of requirements in terms of processing activities involving personal data. The controller further acknowledges the general principles of processing as well as the rights of a

data subject and more information in relation to these provisions are provided within this fair processing notice.

## 2. The Principles of Processing

### a. Lawfulness, fairness and transparency

All personal information is held and processed in accordance with the Data Protection (Bailiwick of Guernsey) Law, 2017 and associated Regulations. Anyone working within the GBA may only use information in accordance with their duties.

Information held by the GBA may be shared with other organisations where this is necessary for a law enforcement or regulatory purpose, for example information is shared:-

- **With the criminal justice system as part of the pre-charge and post-charge processes e.g. prosecuting someone through the Court**
- **When working with partner agencies to reduce crime, or in respect of customs and immigration regulations**
- **With other Professional and Regulatory Bodies**

### b. Purpose limitation

*Personal data must not be collected except for a specific, explicit and legitimate purpose and, once collected, must not be further processed in a manner incompatible with the purpose for which it was collected.*

The data controller acknowledges the responsibility with regards to this data protection principle and therefore the data controller maintains that the GBA will not further process that personal data in a way which is incompatible to its original reason for processing as specified in section 2a, unless the data controller is required to do so by statute or common law.

### c. Minimisation

*Personal data processed must be adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.*

The data controller maintains that it will only process the personal data which is detailed in section 2a, and will not process any further personal data that is not necessary in relation to the original reason for processing personal data as specified in section 2a, unless the controller is required to do so by law.

#### **d. Accuracy**

*Personal data processed must be accurate, kept up-to-date (where applicable) and reasonable steps must be taken to ensure that personal data that is inaccurate is erased or corrected without delay.*

The data controller will ensure that all personal data that the GBA holds is accurate and kept up-to-date, and any personal data that is inaccurate will be erased or corrected without delay

#### **e. Storage limitation**

*Personal data must not be kept in a form that permits identification of a data subject for any longer than is necessary for the purpose for which it is processed.*

The data controller will ensure that all personal data that the GBA holds is only held for as long as is necessary and maintains a policy that includes the rationale for the length of time for which data is held.

#### **f. Integrity and confidentiality**

*Personal data must be processed in a manner that ensures its appropriate security, including protecting it against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.*

Data for policing purposes is held in paper records, computerised storage and other digital media e.g. DVD. The security surrounding storage of personal data is detailed in the security policies, which by the nature of law enforcement work, is closely monitored. It includes physical security, limited staff access and processes employed to protect law enforcement assets.

#### **g. Accountability**

The contact details of the data controller are as follows:

The Chief Officer of Customs and Excise  
New Jetty, White Rock, St Peter Port, Guernsey, Channel Islands, GY1 2LL  
Email: [enquiries@gba.gov.gg](mailto:enquiries@gba.gov.gg)

The contact details for the Data Protection Officer are as follows:

Data Protection Officer for the Committee *for* Home Affairs,  
Sir Charles Frossard House, St Peter Port, Guernsey, Channel Islands, GY1 1FH  
Email: [data.protection@gov.gg](mailto:data.protection@gov.gg)

## 3. Data Subject Rights

### a. Right of access

A data subject has the right to be advised as to whether a data controller is processing personal data relating to them and, if so, that individual is entitled to one free copy of their personal data (with further copies available at a fee prescribed by the controller). This is known as a Subject Access Request (SAR). Upon receipt of an SAR, the controller has a period of one month to adhere to the request (an extension of two further months can be sought by the controller depending upon the complexity and number of requests submitted by the data subject).

### b. Right to data portability

A data subject has the right to data portability, this means that an individual is able to arrange for the transfer of their personal data from one data controller to another without hindrance from the first controller. This right can only be utilized where the processing is based on consent or for the performance of a contract. This right cannot be used for processing by a public authority.

Where a data subject invokes the right to data portability, the data subject has the right to be given their personal data in a structure, commonly used and machine-readable format suitable for transmission from one data controller to another. Upon the request of a data subject, the controller must transmit their personal data directly to another controller unless it is technically unfeasible to do so.

### c. Exception to right of portability or access involving disclosure of another individual's personal data

A data controller is not obliged to comply with a data subject's request under the right of access or right to data portability where the controller cannot comply with the request without disclosing information in relation to another individual who is identified or identifiable from that information.

### d. Right to object to processing

A data subject has the right to object to a data controller's activities relating to the processing of personal data for direct marketing purposes, on grounds of public interest and for historical or scientific purposes.

### e. Right to rectification

A data subject has the right to require a data controller to complete any incomplete personal data and to rectify or change any inaccurate personal data.

#### **f. Right to erasure**

A data subject has the right to submit a written request to a data controller regarding the erasure of the data subject's personal data in certain circumstances. These include where:

- The personal data is no longer required in relation to its original purpose for collection by the data controller;
- The lawfulness of processing is based on consent and the data subject has withdrawn their consent;
- The data subject objects to the processing and the data controller is required to cease the processing activity;
- The personal data has been unlawfully processed;
- The personal data must be erased in order to comply with any duty imposed by law; or
- The personal data was collected in the context of an offer from an information society service directly to a child under 13 years of age.

#### **g. Right to restriction of processing**

A data subject has the right to request, in writing, the restriction of processing activities which relate to the data subject's personal data. This right can be exercised where:

- The accuracy or completeness of the personal data is disputed by the data subject who wishes to obtain restriction of processing for a period in order for the controller to verify the accuracy or completeness;
- The processing is unlawful but the data subject wishes to obtain restriction of processing as opposed to erasure;
- The data controller no longer requires the personal data, however the data subject requires the personal data in connection with any legal proceedings; or
- The data subject has objected to processing but the data controller has not ceased processing operations pending determination as to whether public interest outweighs the significant interests of the data subject.

#### **h. Right to be notified of rectification, erasure and restrictions**

Where any rectification, erasure or restriction of personal data has been carried out, the data subject has a right to ensure that the data controller notifies any other person to which the personal data has been disclosed about the rectification, erasure or restriction of processing. The data controller must also notify the data subject of the identity and contact details of the other person if the data subject requests this information.

#### **i. Right not to be subject to decisions based on automated processing**

A data subject has the right not to be subjected to automated decision making without human intervention.

To exercise these data subject rights, please contact either the data protection officer or the data controller (as per the contact details provided in 2g).

#### **j. Right to make a complaint**

An individual may make a complaint in writing to the Supervisory Authority (the Office of the Data Protection Commissioner) if the individual considers that a data controller or processor has breached, or is likely to breach, an operative provision of the Data Protection Law, and the breach involves or is likely to affect any personal data relating to the individual or any data subject right of the individual (as listed above).

#### **k. Complainant may appeal the 'failure to investigate' or 'progress' and may appeal the determinations of the Supervisory Authority**

An individual may appeal to the Court where:

- The Supervisory Authority has failed to give the complainant written notice that the complaint is being investigated or not within two months of receiving the complaint;
- The Supervisory Authority has failed to provide written notice of the progress and, where applicable, the outcome of the investigation at least once within three months of providing notice of the beginning of an investigation; or
- Where the individual seeks to appeal against a determination of the Supervisory Authority.

## **4. On-line data**

Through your use of the [www.gov.gg](http://www.gov.gg) website, the States of Guernsey may collect your personal data as described below:

### **Browsing**

GOV.GG may put small files (known as 'cookies') onto your computer to collect information about how you browse this site.

Cookies are used to:

- measure how you use the website, using Google Analytics, so it can be updated and improved based on your needs
- remember the notifications you've seen so that we don't show them to you again

Google Analytics stores information about:

- the pages you visit on GOV.GG

- how long you spend on each GOV.GG page
- how you got to the site
- what you click on while you're visiting the site

If you do not want this data to be collected when you browse, you can find out [how to manage cookies](#) by changing your settings.

### **Submitting feedback**

If you submit feedback via the '*as this page helpful?*' buttons at the bottom of each page, the information:

- is time-stamped on receipt and made available to the Corporate Communications team for action
- is only used to address your query, request or feedback and to compile aggregated statistics
- is not personally identifiable unless you choose to provide your personal or contact details

We would recommend that you use an [online contact form](#) to submit any message containing personal details, since this will ensure it is directed to the relevant service area more quickly.

### **Submitting online forms**

If you submit on online form, such as a contact us, complaint or request recycling bags forms, which require you to provide personal data, the information:

- is transmitted securely (encrypted)
- is time-stamped on receipt and made available to the relevant service area for action
- is stored on our secure servers in Guernsey and only accessible to authorised staff or suppliers
- is only used to address your query, request or feedback and to compile aggregated statistics unless there is a legal reason to pass it on or we have to enforce or apply our [terms of use](#) or other agreements.

We won't share your information with any other organisations for marketing, market research or commercial purposes and we don't pass on your details to other websites. However, please be aware that the information you submit will only be encrypted up to the point it is received by the gov.gg server. Its onward transmission to the relevant staff member is by unencrypted means (equivalent to sending an email), so (although still protected from being accessed by anyone outside the States of Guernsey) your information could be viewed by other staff or suppliers within the organisation. Data protection policies and good practice are in place to protect your data from misuse at all times.

### **Linking to and from other websites**

GOV.GG contains links to and from other websites.

Usually, you will see a difference in the look of the web pages, flagging that you have gone into another website but if you are unsure, you can check the web address. All the pages within this site start with [www.gov.gg](http://www.gov.gg).

Other online services and transactions that we link to or from may process your data in a different way to GOV.GG. If you go to another website from this one, always read the privacy policy on that website to find out what it does with your information.