

The Data Protection (Bailiwick of Guernsey) Law, 2017  
 (“the Law”)

Conditions for Lawful Processing – ‘special  
 authorisations for processing’

There are circumstances where special authorisation for processing has been granted by the Committee for Home Affairs. These can be used instead of a lawful processing condition, but it must be documented why you are relying on the special authorisation and all conditions must be adhered to.

	<b>Personal data</b>	<b>Controller</b>	<b>Purposes</b>
<b>1.</b>	Personal data relating to the name and address of the registered keeper of an abandoned motor vehicle	The Environment Committee	Enabling or facilitating the owner or occupier of the land on which the vehicle is abandoned to take action to enable the removal or disposal of the vehicle
	<b>Conditions</b> The following conditions must be satisfied – <ul style="list-style-type: none"> <li>(a) the processing is by way of disclosure by the Environment Committee,</li> <li>(b) the registered keeper is physically or legally incapable of giving consent to the disclosure, or the Environment Committee cannot reasonably be expected to obtain the consent of the registered keeper, and</li> <li>(c) the disclosure is made on terms and conditions determined by the Environment Committee after consulting the Authority.</li> </ul>		

2.	<b>Personal data</b> Personal data concerning any employee, debtor or creditor of a STSC-related body, excluding any special category data	<b>Controller</b> STSC or a STSC-related body	<b>Purposes</b> Enabling or facilitating STSC to carry out a relevant function of the STSC-related body
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3.	<b>Personal data</b> Special category data	<b>Controller</b> Any person acting for or on behalf of – (a) Ofsted, or (b) a person, service or institution in the Bailiwick being inspected by or on behalf of Ofsted	<b>Purposes</b> Enabling or facilitating an inspection relating to any person, service or institution in the Bailiwick carried out by or on behalf of Ofsted further to an approved arrangement
<b>Conditions</b> The approved arrangement must contain safeguards in relation to any personal data processed for the purpose of the inspection.			

4.	<b>Personal data</b> Special category data	<b>Controller</b> Any person providing confidential counselling, advice, support or other services to the data subject	<b>Purposes</b> Providing or delivering services of the kind specified in column 2
<b>Conditions</b> The processing – (a) needs to be carried out without the data subject's consent – (i) because the data subject is physically or legally incapable of giving consent, (ii) because the controller cannot reasonably be expected to obtain the consent of the data subject, or (iii) in order not to prejudice the purpose in listed above, and (b) is in the public interest.			

5.	<b>Personal data</b> Health data or criminal data	<b>Controller</b> Any person carrying on insurance business, or	<b>Purposes</b> Enabling or facilitating the person to carry on insurance business
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	acting for or on behalf of such a person
<p><b>Conditions</b></p> <p>The processing –</p> <ul style="list-style-type: none"> <li>(a) is necessary for a purpose relating to an objective that is in the public interest, and</li> <li>(b) where condition A applies, satisfies condition B.</li> </ul> <p>Condition A applies where-</p> <ul style="list-style-type: none"> <li>(a) the processing is not carried out for the purposes of measures or decisions with respect to the data subject, and</li> <li>(b) the data subject does not have and is not expected to acquire – <ul style="list-style-type: none"> <li>(i) rights against, or obligations in relation to, an insured person under an insurance contract entered into by or on behalf of the controller, or</li> <li>(ii) any other rights or obligations in connection with such a contract.</li> </ul> </li> </ul> <p>Condition B is satisfied if the controller –</p> <ul style="list-style-type: none"> <li>(a) cannot reasonably be expected to obtain the consent of the data subject, and</li> <li>(b) the controller is not aware of the data subject withholding consent</li> </ul>	

	<b>Personal data</b>	<b>Controller</b>	<b>Purposes</b>
<b>6.</b>	Health data relating to a data subject who is the parent, grandparent, great grandparent or sibling of a member of a pension scheme.	Any person making determinations in connection with eligibility for, and benefits payable under, a pension scheme	Enabling or facilitating the person to make determinations of the kind specified in column 2
<p><b>Conditions</b></p> <p>The processing –</p> <ul style="list-style-type: none"> <li>(a) needs to be carried out without the data subject's consent – <ul style="list-style-type: none"> <li>(i) because the data subject is physically or legally incapable of giving consent, or</li> <li>(ii) because the controller cannot reasonably be expected to obtain the consent of the data subject, and</li> </ul> </li> <li>(b) does not support measures or decisions affecting the significant interests of the data subject.</li> </ul>			

	<b>Personal data</b>	<b>Controller</b>	<b>Purposes</b>
<b>7.</b>	Criminal data	Any person	A purpose in connection with any of the following –

		<p>(a) the recruitment of an individual as an employee,          (b) the continued employment of an individual,          (c) any contract for the provision of services to the controller by another person, or          (d) the provision (for payment or not) of goods, facilities or services to the public or any section of the public</p>
<p><b>Conditions</b></p> <p>The processing –</p> <p>(a) is required or authorised by law, or          (b) in the particular circumstances, is justified as being in the public interest.</p>		

	<b>Personal data</b>	<b>Controller</b>	<b>Purposes</b>
<b>8.</b>	Special category data	Any person	Exercising any right or power, or performing or complying with any duty, conferred or imposed by law on the controller in connection with employment

	<b>Personal data</b>	<b>Controller</b>	<b>Purposes</b>
<b>9.</b>	Special category data	An elected representative	Carrying out any function as an elected representative
<p><b>Conditions</b></p> <p>The processing –</p> <p>(a) is carried out pursuant to a request made by the data subject to the elected representative to take action on behalf of the data subject or any other individual, and          (b) is necessary for the purposes of, or in connection with, the action reasonably taken by the elected representative pursuant to that request.</p>			

<b>10.</b>	<b>Personal data</b> Special category data	<b>Controller</b> An elected representative	<b>Purposes</b> Carrying out any function as an elected representative
	<b>Conditions</b> The processing – <ul style="list-style-type: none"> <li>(a) is carried out pursuant to a request made by an individual other than the data subject to the elected representative to take action on behalf of the data subject or any other individual,</li> <li>(b) is necessary for the purposes of, or in connection with, the action reasonably taken by the elected representative pursuant to that request, and</li> <li>(c) needs to be carried out without the data subject's consent –               <ul style="list-style-type: none"> <li>(i) because the data subject is physically or legally incapable of giving consent,</li> <li>(ii) because the controller cannot reasonably be expected to obtain the consent of the data subject,</li> <li>(iii) in order to protect or safeguard the significant interests of another individual, in any case where the data subject has unreasonably withheld consent, or</li> <li>(iv) in order not to prejudice the action taken by the elected representative pursuant to that request.</li> </ul> </li> </ul>		

<b>11.</b>	<b>Personal data</b> Special category data	<b>Controller</b> Any person	<b>Purposes</b> Responding to a communication to the controller made by an elected representative pursuant to a request made by the data subject
	<b>Conditions</b> The processing – <ul style="list-style-type: none"> <li>(a) consists of a disclosure of special category data to the elected representative, and</li> <li>(b) the special category data is relevant to the communication specified above.</li> </ul>		

<b>12.</b>	<b>Personal data</b> Special category data	<b>Controller</b> Any person	<b>Purposes</b> Responding to a communication to the controller made by an
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		elected representative pursuant to a request made by an individual other than the data subject
<p><b>Conditions</b></p> <p>The processing –</p> <ul style="list-style-type: none"> <li>(a) consists of a disclosure of special category data to the elected representative,</li> <li>(b) the special category data is relevant to the communication specified above, and</li> <li>(c) needs to be carried out without the data subject's consent – <ul style="list-style-type: none"> <li>(i) because the data subject is physically or legally incapable of giving consent,</li> <li>(ii) because the controller cannot reasonably be expected to obtain the consent of the data subject,</li> <li>(iii) in order to protect or safeguard the significant interests of another individual, in any case where the data subject has unreasonably withheld consent, or</li> <li>(iv) in order not to prejudice any action taken by the elected representative pursuant to that request.</li> </ul> </li> </ul>		

<b>13.</b>	<b>Personal data</b>	<b>Controller</b>	<b>Purposes</b>
	Special category data	Any person	The prevention, detection or investigation of any unlawful act or omission
<p><b>Conditions</b></p> <p>The processing –</p> <ul style="list-style-type: none"> <li>(a) needs to be carried out without the data subject's consent in order not to prejudice the purpose in listed above, and</li> <li>(b) is in the public interest.</li> </ul>			

<b>13A.</b>	<b>Personal data</b>	<b>Controller</b>	<b>Purposes</b>
	Any personal data	Any controller	Publication of a judgment or other decision of a court or tribunal
<p><b>Conditions</b></p> <p>The processing –</p> <ul style="list-style-type: none"> <li>(a) consists of the publication of such a judgment or other decision, or</li> <li>(b) enables or facilitates the publication of such a judgment or decision.</li> </ul>			

<b>14.</b>	<b>Personal data</b> Special category data	<b>Controller</b> Any person discharging a protective function	<b>Purposes</b> Properly discharging the protective function
	<b>Conditions</b> The processing – (a) needs to be carried out without the data subject's consent in order not to prejudice the purpose listed above, and (b) is in the public interest.		

<b>15.</b>	<b>Personal data</b> Special category data	<b>Controller</b> A police officer	<b>Purposes</b> Exercising or performing any function conferred or imposed on the police officer by any rule of law or customary law
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<b>16.</b>	<b>Personal data</b> Special category data	<b>Controller</b> Public authority	<b>Purposes</b> Identifying or assessing the risk to the Bailiwick of money laundering, terrorist financing, breaches of international sanctions or other forms of financial crime.
	<b>Conditions</b> The processing needs to be carried out in order to maintain the reputation and standing of the Bailiwick.		