

GREFFE
ROYAL COURT
12 JUL 2002
GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2002 NO. 12

The Data Protection (Credit Reference Agency) (Statement of Rights) Regulations, 2002

Made

9th July, 2002

Coming into operation

1st August, 2002

Laid before the States

2002

THE STATES ADVISORY AND FINANCE COMMITTEE, in exercise of the powers conferred on it by sections 9(3) and 66(2) of the Data Protection (Bailiwick of Guernsey) Law, 2001^a and all other powers enabling it, and after consultation with the Data Protection Commissioner in accordance with section 66(3) of that Law, hereby makes the following Regulations -

Statement of rights under section 9(3).

1. The form in the Schedule to these Regulations, completed in accordance with the footnotes, is prescribed for the purposes of section 9(3) of the Law.

Interpretation.

2. (1) In these Regulations, unless the context otherwise requires “**the Law**” means the Data Protection (Bailiwick of Guernsey) Law, 2001.

(2) The provisions of the Interpretation (Guernsey) Law, 1948^b apply to the interpretation of these Regulations -

^a Order in Council No. V of 2002.

^b Ordres en Conseil Vol. XIII, p. 355.

(a) throughout the Bailiwick; and

(b) as they apply to the interpretation of an enactment.

(3) Unless the context otherwise requires, references in these Regulations to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

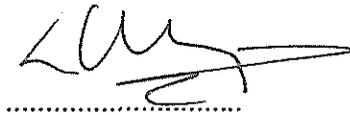
Citation.

3. These Regulations may be cited as the Data Protection (Credit Reference Agency) (Statement of Rights) Regulations, 2002.

Commencement.

4. These Regulations shall come into force on the 1st August, 2002.

Dated this 9th day of July, 2002.

A handwritten signature in black ink, appearing to read 'L. C. Morgan', is written over a horizontal dotted line.

L. C. MORGAN

President of the States Advisory and Finance Committee

For and on behalf of the Committee.

SCHEDULE

CREDIT REFERENCE AGENCY FILES

INDIVIDUALS

YOUR RIGHTS UNDER THE DATA PROTECTION (BAILIWICK OF GUERNSEY)
LAW, 2001, IF YOU THINK ANY ENTRY IN OUR FILE IS WRONG

This statement of your rights is provided by [^{Note 1}] together with all the information we hold about you on our files. Our postal address is [^{Note 2}]

Your rights are as follows -

If you think that any of the information we have sent you is wrong and that you are likely to suffer because it is wrong, you can ask us to correct it or remove it from our file.

You need to write to us telling us what you want us to do. You should explain why you think the information is wrong.

If you write to us, we have to reply in writing within 28 days.

Our reply will tell you whether we have corrected the information, removed it from our file or done nothing. If we tell you that we have corrected the information, you will get a copy.

Note 1 : Insert the name of the credit reference agency issuing the statement.

Note 2 : Insert the credit reference agency's postal address.

If our reply says that we have done nothing, or if we fail to reply within 28 days, or if we correct the information but you are not happy with the correction, you can write your own note of correction and ask for it to be included on our file.

To do this, you will need to write to us within 28 days of receiving our reply. If you did not get a reply from us and you want the information we sent you to be corrected, you will need to write to us within 8 weeks of the letter you wrote to us in which you asked us to correct the information or remove it from our file.

Your letter will need to -

- include the note of correction you have written. It must not be more than 200 words long and should give a clear and accurate explanation of why you think the information is wrong. If the information is factually correct but you think it creates a misleading impression, your note of correction can explain why.
- ask us to add your note of correction to our file and to include a copy of it whenever we give anyone any of the information you think is wrong or any information based on it.

If we accept your note of correction, we have to tell you in writing within 28 days that we are going to add it to our file.

If we think it would be wrong to add your note of correction to our file, we have to apply for a ruling from the Data Protection Commissioner.

We will apply for a ruling if we do not want to include your note of correction because we think it is wrong, or because we think it is defamatory, frivolous or scandalous, or unsuitable for publication for some other reason. We can only refuse to include your note of correction if the Commissioner agrees with us.

If we have not written to you within 28 days of receiving your note of correction, or if we have written telling you that we are not going to add your note of correction to our file, you can appeal to the Data Protection Commissioner.

If you want to do this, you will have to write to the following address [^{Note 3}]-

The Data Protection Commissioner,
Frances House,
Sir William Place,
Saint Peter Port,
Guernsey
GY1 1GX

Telephone no. 01481-742074
Fax no. 01481-742077
e.mail: dataprotection@gov.gg

When you write, you must give the following details -

- your full name and address
- our name and address
- details of the information you think is wrong, including -

why you think it is wrong,

why you think you are likely to suffer because it is wrong, and

an indication of when you sent us your note of correction.

It would be helpful to the Commissioner if you could include a copy of your note of correction.

Before deciding what to do, the Commissioner may ask us for our side of the story and send

Note 3 : If the address, telephone number, fax number or e.mail address of the Data Protection Commissioner have changed, substitute the correct details.

us a copy of your letter. In return, you will be sent any comments we make.

The Commissioner can make any order he thinks fit when he has considered your appeal. For example, he can order us to accept your note of correction and add it to our file.

If at any stage we fail to correct or remove wrong information, you can ask the Data Protection Commissioner to check whether we are meeting the requirements of the Data Protection (Bailiwick of Guernsey) Law 2001.

The Data Protection (Bailiwick of Guernsey) Law 2001 requires us to take reasonable steps to check the accuracy of personal information. If you think we have failed to correct or remove wrong information about you, you have the right to ask the Data Protection Commissioner, at the above address, to check whether our dealing with your information has met this requirement.

Important Note: The various time limits referred to in this statement (mostly 28 days) start with the day following receipt and end with the day of delivery. That means (for example) that if you have 28 days to reply to a letter from us, the period starts with the day after you receive our letter; and you then have to make sure that your reply is delivered to us no later than 28 days from that date. In order to avoid the risk of losing your rights you should therefore allow for postal delays.

EXPLANATORY NOTE.

(This note is not part of the Regulations)

These Regulations supplement section 9(3) of the Data Protection (Bailiwick of Guernsey) Law, 2001 ("the Law"), which relates to the disclosure to individuals of information about their financial standing held by credit reference agencies and the correction of such information where it is found to be wrong or incomplete.

Section 9(3) of the Law requires credit reference agencies to give individuals statements of their rights when complying with requests to disclose information. These Regulations prescribe the form of such statements (regulation 1 and the Schedule). The prescribed form incorporates a statement of certain rights under the Law.