

GUERNSEY STATUTORY INSTRUMENT

2002 NO. 13

The Data Protection (Miscellaneous Subject Access Exemptions) Order, 2002

<i>Made</i>	<i>9th July, 2002</i>
<i>Coming into operation</i>	<i>1st August, 2002</i>
<i>Laid before the States</i>	<i>2002</i>

WHEREAS the States Advisory and Finance Committee considers it necessary for the safeguarding of the interests of data subjects or the rights and freedoms of other individuals that the prohibitions or restrictions on disclosure contained in the enactments and instruments listed in the Schedule to this Order ought to prevail over section 7 of the Data Protection (Bailiwick of Guernsey) Law, 2001:

THE STATES ADVISORY AND FINANCE COMMITTEE, in exercise of the powers conferred on it by sections 38(1) 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 Order -

Exemptions.

1. Personal data consisting of information the disclosure of which is prohibited or restricted by the enactments and instruments listed in the Schedule to this Order are exempt from section 7 of the Law.

Interpretation.

2. (1) In this Order, unless the context otherwise requires -

^a Order in Council No. V of 2002.

“**an instrument**” means any order (including any Order of the Royal Court), regulations, rules or other subsidiary legislative instrument; and

“**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 this Order -

(a) throughout the Bailiwick; and

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

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

Citation.

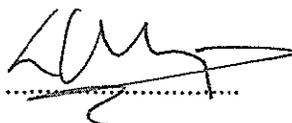
3. This Order may be cited as the Data Protection (Miscellaneous Subject Access Exemptions) Order, 2002.

Commencement.

4. This Order shall come into force on the 1st August, 2002.

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

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. The signature is stylized and cursive.

L. C. MORGAN

President of the States Advisory and Finance Committee

For and on behalf of the Committee.

SCHEDULE

EXEMPTIONS FROM SECTION 7

PART I

ENACTMENTS AND INSTRUMENTS EXTENDING TO GUERNSEY

Adoption records and reports

Sections 17, 20A and 20B of the Adoption (Guernsey) Law, 1960^c.

Rules 9, 15, 27 and 28A of the Adoption Rules, 1961^d.

PART II

ENACTMENTS AND INSTRUMENTS EXTENDING TO ALDERNEY

Adoption records and reports

Sections 17, 20A and 20B of the Adoption (Guernsey) Law, as extended to Alderney by the Alderney (Application of Legislation) (Adoption) Ordinance,

^c Ordres en Conseil Vol. XVIII, p. 192; Vol. XXI, p. 34; Vol. XXIII, p. 238; No. VIII of 1997 and XII of 2000.

^d O.R.C. Vol. I, pp. 180 and 222 and No. I of 1968.

1974^e.

Rules 9, 15, 27 and 28A of the Adoption Rules, 1961, as having effect in Alderney under the Adoption (Alderney) Rules, 1974^f.

^e Ordinance No. XIV of 1974.

^f O.R.C. No. I of 1974.

EXPLANATORY NOTE.

(This note is not part of the Order)

This Order exempts from section 7 of the Data Protection (Bailiwick of Guernsey) Law, 2001, which entitles individuals to gain access to personal data held about them, personal data the disclosure of which is prohibited or restricted by certain enactments and subordinate instruments in the interests of safeguarding the interests of the data subject himself or the rights and freedoms of some other individual (article 1).

The personal data exempted by the Order concern adoption records and reports in Guernsey and Alderney.