

GUERNSEY  
ROYAL COURT  
12 JUL 2002  
GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2002 NO. 19

**The Data Protection (Non-disclosure Exemption) Order,  
2002**

<i>Made</i>	<i>9<sup>th</sup> July, 2002</i>
<i>Coming into operation</i>	<i>1<sup>st</sup> 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 and the rights and freedoms of other individuals to exempt from the non-disclosure provisions disclosures of personal data in certain circumstances:

THE STATES ADVISORY AND FINANCE COMMITTEE, in exercise of the powers conferred on it by sections 38(2) and 66(2) of the Data Protection (Bailiwick of Guernsey) Law, 2001<sup>a</sup>, 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 -

**Exemption.**

1. The disclosure to a relevant body of personal data, consisting of information relating to any person, is exempt from the non-disclosure provisions where the disclosure is reasonably necessary for the purpose of protecting that person or any other person from suffering serious harm.

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<sup>a</sup> Order in Council No. V of 2002.

**Interpretation.**

2. (1) The provisions of the Interpretation (Guernsey) Law, 1948<sup>b</sup> apply to the interpretation of this Order -

(a) throughout the Bailiwick; and

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

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

(3) In this Order, unless the context otherwise requires -

“**relevant body**” means a committee of the States and any body, association or agency which has as its objects, or part of its objects, the protection of persons from suffering serious harm; and

“**serious harm**” includes psychological and bodily injury.

**Citation.**

3. This Order may be cited as the Data Protection (Non-disclosure Exemption) Order, 2002.

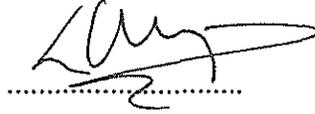
**Commencement.**

4. This Order shall come into force on the 1<sup>st</sup> August, 2002.

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<sup>b</sup> 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.

L. C. MORGAN

President of the States Advisory and Finance Committee  
For and on behalf of the Committee.

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EXPLANATORY NOTE.

(This note is not part of the Order)

This Order exempts from the non-disclosure provisions of the Data Protection (Bailiwick of Guernsey) Law, 2002, disclosures of personal data relating to an individual, where the disclosure is reasonably necessary for the purpose of protecting that individual or another individual from suffering serious harm. The provisions of the Order are intended to ensure that restrictions on the disclosure of personal data contained within the Law do not, for example, inhibit the sharing of information by agencies concerned with ensuring the protection of children.