

**The European Communities (Implementation of Council
Directive on Privacy and Electronic Communications)
(Sark) (Amendment) Ordinance, 2010**

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of their 14th day of April, 2010, and in exercise of the powers conferred on them by sections 1 and 4 of the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994^a, hereby order:-

Amendment of the 2004 Ordinance.

1. (1) The European Communities (Implementation of Council Directive on Privacy and Electronic Communications) (Sark) Ordinance, 2004^b is amended as follows.

(2) In paragraph 4 of schedule 1 (modifications to section 43 of the Data Protection Law), for item (a) substitute -

"(a) for subsections (1) and (2) substitute the following -

"(1) If the Commissioner -

(a) reasonably requires any information for the purpose of determining whether a person has complied, or is complying, with the relevant requirements, he may serve that person, or

^a Order in Council No. III of 1994.

^b Folio No. 136.

- (b) whilst undertaking an assessment as to whether or not a person has complied or is complying with the relevant requirements, has reasonable grounds for suspecting that another person holds information that would assist in determining whether the person being assessed has complied, or is complying, with the relevant requirements, he may serve that other person,

with a notice (in this Law referred to as "an information notice") requiring him, within such time as may be specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to compliance with the relevant requirements as may be so specified.

(2) An information notice must contain -

- (a) in a case falling within subsection (1)(a), a statement that the Commissioner regards the specified information as relevant for the purpose of determining whether the person has complied, or is complying, with the relevant requirements and his reason for regarding it as relevant for that purpose,
- (b) in a case falling within subsection (1)(b), a statement that the Commissioner has reasonable grounds for suspecting that the

other person holds the specified information and that the Commissioner regards it as relevant for the purpose of determining whether the person being assessed has complied, or is complying, with the relevant requirements and his reasons -

- (i) for so suspecting that the person on whom the notice is served holds such information, and
- (ii) for regarding it as relevant for that purpose. ";".

Interpretation.

2. (1) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of this Ordinance.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

3. This Ordinance may be cited as the European Communities (Implementation of Council Directive on Privacy and Electronic Communications) (Sark) (Amendment) Ordinance, 2010 and shall come into force on the date on which it is approved by the Chief Pleas of Sark.

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