

**The Digital Switchover (Prescription of Information)
(Guernsey and Alderney) Order, 2010**

| | |
|-------------------------------|-----------------------------|
| <i>Made</i> | 1 st April, 2010 |
| <i>Coming into operation</i> | 1 st April, 2010 |
| <i>Laid before the States</i> | , 2010 |

THE HOME DEPARTMENT, in exercise of the powers conferred on it by sections 2 and 5 of the Digital Switchover (Disclosure of Information) (Guernsey and Alderney) Law, 2009^a and of all other powers enabling it in that behalf, hereby makes the following Order:-

Prescription of information: "social security information" and "care home residency information."

1. (1) Information of a description given in paragraph (2) is prescribed -

- (a) in relation to the Social Security Department, as "social security information" for the purposes of section 1(1) of the Law (which permits disclosure of social security information by the Social Security Department to certain bodies and other persons in connection with switchover help functions), and

^a Order in Council No. XXV of 2009.

(b) in relation to the Health and Social Services Department and the Housing Department as "**care home residency information**" for the purposes of section 1(2) of the Law (which permits disclosure of care home residency information by the Health and Social Services Department and the Housing Department to certain bodies and other persons in connection with switchover help functions).

(2) The information referred to in paragraph (1) is -

(a) in relation to a qualifying individual -

(i) his name and any alias,

(ii) his date of birth,

(iii) his address,

(iv) his social security number,

(v) whether he lives in a care home,

(vi) the name, any alias and address of a person appointed to act on his behalf, and

(vii) whether the individual is entitled to receive assistance free of charge under the Digital Switchover Help Scheme, and

(b) in a case where an individual who was a qualifying individual has died, that fact and the date on which he died.

(3) In this article -

"Digital Switchover Help Scheme" means the agreement -

(a) relating to a switchover help scheme for the provision of help to individuals in Guernsey and Alderney, and

(b) made on 26th March, 2010 between the Secretary of State for Culture, Media and Sport and the BBC in pursuance of the BBC Charter and Agreement^b,

"qualifying individual" means an individual -

^b Cm 7830.

(a) to whom it has been decided that supplementary benefit is payable in accordance with sections 1 and 3 of the Supplementary Benefit (Guernsey) Law, 1971^c, on the basis of that individual being -

(i) a handicapped person, or

(ii) a person over school-leaving age who is incapable of supporting himself and is likely to remain so incapable for a prolonged period,

in each case within the meaning of the Supplementary Benefit (Class of persons to whom the Law applies) Ordinance, 2009^d,

(b) who is entitled to attendance allowance under section 1 of the Attendance and Invalid Care Allowances (Guernsey) Law, 1984^e,

^c Ordres en Conseil Vol. XXIII, p. 26; amended by Vol. XXVI, p. 292; Vol. XXXI, p. 278, Vol. XXXIX p. 107; and as amended by Ordinance No. XIV of 1993 and as varied by Ordinance No. XXXIX of 2009.

^d Ordinance No. XXXIX of 2009.

^e Ordres en Conseil Vol. XXVIII, p. 353; amended by Vol. XXIX, p. 198; Vol. XXXIII, p. 241; Vol. XXXIV p. 461, Vol XXXIX p. 107 and Order in Council No. X

(c) who is aged 73 years or over, or

(d) who is resident in a care home.

Prescription of information: "visual impairment information".

2. (1) Information of a description given in paragraph (2) is prescribed in relation to the Guernsey Blind Association, as "**visual impairment information**" for the purposes of section 1(3) of the Law (which permits disclosure of visual impairment information by the Guernsey Blind Association to certain bodies and other persons in connection with switchover help functions).

(2) The information referred to in paragraph (1) is, in relation to an individual who is registered as blind or partially sighted -

(a) his name and any alias,

(b) his date of birth,

(c) his address,

(d) the name, any alias and address of a person appointed to act on his behalf,

of 2003 and as amended by Recueil d'Ordonnances Tome XXVI, p. 177 and as modified by G.S. I. No. 43 of 2003.

(e) his preferred method for receiving communications from the Guernsey Blind Association, and

(f) in a case where the individual has died, that fact and the date on which he died.

(3) For the purposes of this article a person is registered as blind or partially sighted if he is registered as blind or partially sighted in a register maintained by or on behalf of the Guernsey Blind Association.

Interpretation.

3. (1) In this Order, unless the context requires otherwise, "the Law" means the Digital Switchover (Disclosure of Information) (Guernsey and Alderney) Law, 2009 and other expressions have the same meaning as in the Law.

(2) The Interpretation (Guernsey) Law, 1948^f applies to the interpretation of this Order.

(3) Any reference in this Order 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.

4. This Order may be cited as the Digital Switchover (Prescription of Information) (Guernsey and Alderney) Order, 2010 and shall come into force on the 1st day of April, 2010.

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

Dated this 1st day of April, 2010

G. H. Mahy

G. H. Mahy

Minister of the States Home Department

For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the Digital Switchover (Disclosure of Information) (Guernsey and Alderney) Law, 2009 ("the Law") prescribes the descriptions of information that the Social Security Department, the Health and Social Services Department, the Housing Department and the Guernsey Blind Association may supply pursuant to the Law for the purposes of help to be provided to individuals under the Digital Switchover Help Scheme (as defined in article 1(3) of this Order). A copy of the Digital Switchover Help Scheme (Cm 7830) can be obtained from the Stationery Office (TSO).