



GUERNSEY STATUTORY INSTRUMENT

2010 No. 51.

**The Data Protection (Processing of Personal Data) Order,
2010**

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

THE STATES OF GUERNSEY HOME DEPARTMENT, in exercise of the powers conferred on it by section 66(2) of and paragraph 6(2) of Schedule 2 to 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 -

Circumstances in which personal data may be processed.

1. For the purposes of paragraph 6 of Schedule 2 to the Law, the circumstances specified in the Schedule to this Order are circumstances in which personal data may be processed.

Interpretation.

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

"**abandoned motor vehicle**" means a motor vehicle which appears to have been abandoned on privately owned land without the permission of the owner or occupier of that land,

^a Order in Council No. V of 2002 as amended by Ordinance No.II of 2010.

"the Law" means the Data Protection (Bailiwick of Guernsey) Law, 2001,

"occupier" means any person occupying land under a lease for a term of at least 12 months, and

"registered keeper", in relation to a motor vehicle, means the person in respect of whom that motor vehicle is for the time being registered as prescribed under the Motor Taxation and Licensing (Guernsey) Law, 1987^b.

(2) The provisions of the Interpretation (Guernsey) Law, 1948^c 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 are references thereto as amended, re-enacted (with or without modification), extended or applied.

(4) Unless the context otherwise requires -

(a) a reference in the Schedule to this Order to a numbered paragraph is a reference to the paragraph of the Schedule so numbered, and

^b Ordres en Conseil Vol. XXX, p. 341; Vol. XXXVI, p. 256; Vol. XL, p. 298 and Order in Council No. XIX of 2007.

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

- (b) a reference in a provision of this Order to a numbered sub-paragraph is a reference to the sub-paragraph of that provision which is so numbered.

Citation.

3. This Order may be cited as the Data Protection (Processing of Personal Data) Order, 2010.

Commencement.

4. This Order shall come into force on the, 1st June 2010.

Dated this, *17 May* 2010.

G. H. Mahy
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G. H. MAHY
Minister of the States Home Department
For and on behalf of the Department.

SCHEDULE

CIRCUMSTANCES IN WHICH PERSONAL DATA MAY BE PROCESSED

The processing -

- (a) is in the public interest,
- (b) is by way of disclosure by the States Environment Department, upon such reasonable terms and conditions as that Department, having sought advice from the Commissioner, thinks fit,
- (c) is restricted to personal data concerning the name and address of the registered keeper of an abandoned motor vehicle,
- (d) is necessary to enable the owner or occupier of the land upon which the vehicle has been abandoned to take action to enable the removal and disposal of the vehicle, and
- (e) must necessarily be carried out without the explicit consent of the data subject, because it is not possible to identify the data subject with reasonable certainty.

EXPLANATORY NOTE.

(This note is not part of the Order)

The first data protection principle set out in paragraph 1 of Schedule 1 to the Data Protection (Bailiwick of Guernsey) Law 2001 ("the Law") prohibits the processing of personal data unless one of the conditions in Schedule 2 to the Law is met. The condition set out in paragraph 6 of that Schedule is that the processing is necessary for the purposes of the legitimate interests pursued by the data controller or the third party or parties to whom the data are disclosed and that the Committee [now the Home Department] may by Order specify particular circumstances in which this condition is, or is not, taken to be satisfied.

Article 1 of, and the Schedule to, this Order enable a person to process data disclosed by the Environment Department consisting of the name and address of the registered keeper of a vehicle which appears to have been abandoned without consent on land which is the private property of that person.

The Order comes into force on 1st June 2010.