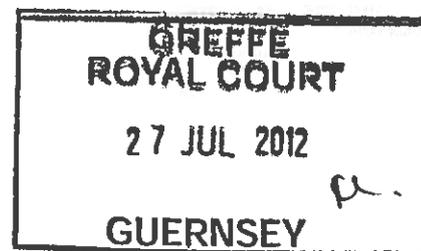


GUERNSEY STATUTORY INSTRUMENT

2012 No. 36.



**The Data Protection (Processing of Personal Data) (STSC) Order,  
2012**

*Made* 23<sup>rd</sup> July 2012

*Coming into operation* 23<sup>rd</sup> July 2012

*Laid before the States* 2012

**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<sup>1</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 -

**Circumstances for the purposes of paragraph 6(1) of Schedule 2 to the Law.**

1. For the purposes of paragraph 6(1) of Schedule 2 to the Law, the processing of personal data (excluding sensitive personal data) concerning any employee, debtor or creditor of a relevant body are circumstances in which the condition set out in that paragraph is taken to be satisfied; provided that the processing is -

- (a) for the purpose of enabling the STSC to carry out a relevant function on behalf of the body concerned, and

<sup>1</sup>

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

- (b) by way of disclosure -
  - (i) to the STSC by a relevant body, or
  - (ii) to a relevant body by the STSC.

**Interpretation.**

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

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

"**relevant function**" means a function which the STSC has agreed with any relevant body, or any person acting on behalf of a relevant body, that the STSC will carry out on behalf of that body,

"**relevant body**" means -

- (a) any department, council or committee (however called) of the States of Guernsey,
- (b) any committee (however called) of the States of Alderney,
- (c) any office, or

(d) any other person or body,

to which the STSC delivers services, and

"STSC" means that division or part of the States Treasury and Finance Department, known as the Shared Transactional Service Centre, which is responsible for administering and implementing policies approved by the States for the delivery of shared services and includes any successor body to which its functions may be delegated or assigned.

(2) The provisions of the Interpretation (Guernsey) Law, 1948<sup>2</sup> 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

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<sup>2</sup>

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.

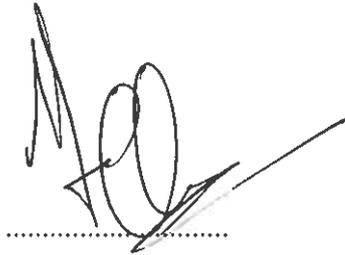
**Citation.**

3. This Order may be cited as the Data Protection (Processing of Personal Data) (STSC) Order, 2012.

**Commencement.**

4. This Order shall come into force on the, 23<sup>rd</sup> July 2012.

Dated this, 23<sup>rd</sup> day of July, 2012.

A handwritten signature in black ink, appearing to be 'F.W. Quin', written over a horizontal dotted line. The signature is stylized and cursive.

F.W .Quin

Deputy Minister of the States Home Department

For and on behalf of the Department.

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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. One of the conditions (set out in paragraph 6 of the Schedule) is where 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. That paragraph also provides that the Committee [now the Home Department] may by Order specify particular circumstances in which the condition is, or is not, taken to be satisfied. This Order is made in exercise of that power.

Article 1 of the Order provides that, for the purposes of paragraph 6(1) of Schedule 2 to the Law, the processing of personal data (excluding sensitive personal data) concerning any employee, debtor or creditor of a relevant body are circumstances in which the condition set out in that paragraph is taken to be satisfied; provided that the processing is for the purpose of enabling the Shared Transactional Service Centre of the Treasury and Resources Department (the "STSC") to carry out a relevant function and is by way of disclosure to the STSC by a relevant body or to a relevant body by the STSC.

Article 2 contains the interpretation provisions and defines a "relevant body" as any department, council or committee of the States of Guernsey, any committee of the States of Alderney, any office or other person or body, to which the STSC delivers services. A "relevant function" is defined as meaning a function which the STSC has agreed with any relevant body, or any person acting on behalf of a relevant body, that the STSC will carry out on behalf of that body.

The Order comes into force on 23<sup>rd</sup> July 2012.

