

GREFFE  
ROYAL COURT  
04 APR 2017  
DMS.  
GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2017 No. 17

**The Population Management  
(Employment Records) Regulations, 2017**

<i>Made</i>	31 <sup>st</sup> March, 2017
<i>Coming into operation</i>	3 <sup>rd</sup> April, 2017
<i>Laid before the States</i>	, 2017

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred upon it by sections 35 and 77, of the Population Management (Guernsey) Law, 2016<sup>a</sup>, hereby makes the following Regulations:-

**Information to be held by employers.**

1. (1) An employer must hold the following information in respect of each of his employees –

- (a) his full name,
- (b) his date of birth,
- (c) his social security number,

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<sup>a</sup> Order in Council No. VI of 2016.

- (d) the reference number of his Certificate, Permit, or old regime document (as the case may be),
- (e) the expiry date, if any, of his Certificate, Permit, or old regime document (as the case may be), and
- (f) the conditions, if any, imposed in respect of his Certificate, Permit, or old regime document (as the case may be).

(2) A self-employed person must hold the information set out at paragraph (1) in respect of himself.

(3) The information set out at paragraph (1) is referred to in these regulations as "**the required information**".

**Form in which information may be held.**

2. (1) An employer may hold the required information in respect of his employees (and a self-employed person may hold the required information in respect of himself) under, and in compliance with, Regulation 1(1) by entering that information onto the Employer Portal accessed via the population management pages of the States of Guernsey website, in accordance with any relevant guidance issued by the Office of the Administrator.

(2) An employer (or self-employed person) who does not hold the required information in the way described in paragraph (1) must hold it –

- (a) together,

- (b) in such a way that each employee may be identified,
- (c) in such a way that it is capable of being reproduced in legible form,
- (d) where there are more than 30 employees, in alphabetical order or with an alphabetical index, and
- (e) at, or in such a way that it may be inspected from, the principal premises from which the employer's business operates in Guernsey.

**Period for which off-line information must be retained.**

3. In any case where an employer (or self-employed person) holds the required information in respect of an employee (or himself, as the case may be) other than in the way described in regulation 2(1), he must retain it –

- (a) during the employee's employment and for the period of 28 days after that employment ceases; and, in the case of a self-employed person,
- (b) during each period of the person's self-employment, and for the period of 28 days after each period of self-employment ceases.

**Employer's duty where information is held online.**

4. In any case where an employer (or self-employed person) holds the required information in respect of an employee (or himself, as the case may be) in the way described in regulation 2(1), he must notify the Administrator within 28

days of the employment ceasing, and he must do so in accordance with any relevant guidance issued by the Office of the Administrator.

**Interpretation.**

5. In these Regulations expressions have the meaning they have in the Population Management (Guernsey) Law, 2016.

**Citation.**

6. These Regulations may be cited as the Population Management (Employment Records) Regulations, 2017.

**Commencement.**

7. These Regulations shall come into force on the 3<sup>rd</sup> April, 2017.

Dated this 31st day of March, 2017



DEPUTY M. M. LOWE

President of the Committee for Home Affairs  
For and on behalf of the Committee.

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe the information employers must keep relating to their employees (and self-employed people must keep relating to themselves) under the Population Management (Guernsey) Law, 2016; the form in which that information must be kept; and the period for which it must be retained. They provide for employers to be able to keep the information *via* the States of Guernsey online Employer Portal, but they do not make that mandatory.

These Regulations come into force on the 3<sup>rd</sup> April, 2017.