

GUERNSEY STATUTORY INSTRUMENT

2017 No. 28

The Prison (Guernsey) (Amendment) Regulations, 2017

Made

3rd April, 2017

Coming into operation

1st April, 2017

Laid before the States

, 2017

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by sections 49 and 51 of the Prison (Guernsey) Ordinance, 2013^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment of Regulations of 2013.

1. The Prison (Guernsey) Regulations, 2013^b ("the principal Regulations") are amended as follows.

2. In regulation 120 of the principal Regulations –

- (a) in paragraph (3), for "placed in any part of the prison", substitute "in accordance with Prison Orders, whether the CCTVs are placed in any part of the prison or carried or worn by authorised persons", and

^a Ordinance No. XXIX of 2013; as amended by No. XXVII of 2015; and Nos. IX and XXXVI of 2016.

^b G.S.I. No. 58 of 2013; as amended by No. 39 of 2016.

- (b) in paragraph (4), for "and disclosure", substitute ", disclosure and any other processing", and
- (c) immediately after paragraph (4), insert the following paragraph –

"(5) In paragraph (4), "**processing**" has the meaning given by section 1(1) of the Data Protection (Bailiwick of Guernsey) Law, 2001."

3. In regulation 143 of the principal Regulations –

- (a) in paragraph (1)(a), for "28", substitute "30",
- (b) in paragraph (1)(b), immediately after "time", insert "provided by Prison Orders or as",
- (c) in paragraph (2), immediately after "review", insert "of intercepted communication material", and
- (d) immediately after paragraph (2), insert the following paragraph –

"(3) The review, retention, destruction and any other processing (within the meaning given by section 1(1) of the Data Protection (Bailiwick of Guernsey) Law, 2001) of CCTV material must be carried out in accordance with Prison Orders, subject to

any other provision of these Regulations or the Ordinance."

4. In regulation 148(1) of the principal Regulations, for the definition of "CCTV", substitute the following definition –

"CCTV" means –

- (a) an overt closed circuit television system, or
- (b) any other overt camera system capable of recording video, sound, or both, including a body-worn video camera or body-worn video camera system, a digital camera or a digital camera system,".

Interpretation.

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

Citation.

6. These Regulations may be cited as the Prison (Guernsey) (Amendment) Regulations, 2017.

Commencement.

7. These Regulations come into force on the 1st April, 2017.

Dated this 3rd day of April, 2017



Deputy Mary M. Lowe

President

Committee for Home Affairs

For and on behalf of the Committee.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Prison (Guernsey) Regulations, 2013 ("**the principal Regulations**") to clearly authorise the use of body-worn video cameras, digital cameras or any overt camera system where considered appropriate, and to provide for the collection, storage, retention, destruction use and disclosure of CCTV material (derived from fixed cameras or body cameras) to be governed by Prison Orders.

Regulation 1 of these Regulations provides for the principal Regulations to be amended by these Regulations.

Regulation 2(a) of these Regulations amends regulation 120(3) of the principal Regulations to authorise the Governor to exercise his functions by the use of CCTVs used in accordance with Prison Orders, including fixed CCTVs or those carried or

worn by authorised persons. Regulation 2(b) and (c) of these Regulations amend regulation 120(4) of the principal Regulations to provide for the Governor to make Prison Orders for the processing of CCTV material, and insert a new regulation 120(5) to define "**processing**" by reference to the section 1(1) of the Data Protection (Bailiwick of Guernsey) Law, 2001.

Regulation 3(a) and (b) of these Regulations amend regulation 143(1) of the principal Regulations to require periodic reviews of the retention of intercepted communication material or CCTV material at minimum intervals of 30, instead of 28, days. Regulation 3(c) of these Regulations amends regulation 143(2) of the principal Regulations to confine regulation 143(2) to intercepted communication material only. Regulation 3(d) of these Regulations inserts a new regulation 143(3) that requires review, retention, and any other processing of CCTV material to be carried out in accordance with Prison Orders.

Regulation 4 amends regulation 148(1) of the principal Regulations, to include, in the definition of "CCTV", any other overt camera system capable of recording video, sound, or both, including a body-worn video camera or body-worn video camera system, a digital camera or a digital camera system.

Regulation 5 is the interpretation provision.

Regulations 6 and 7 are the citation and commencement provisions respectively.

These Regulations come into force on the 1st April, 2017.

