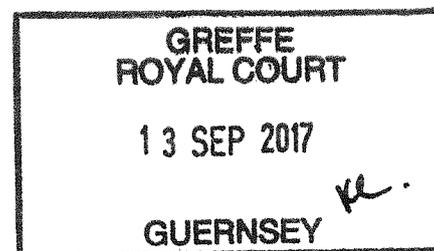


GUERNSEY STATUTORY INSTRUMENT

2017 No. 61



**The Data Protection**  
**(Processing of Sensitive Personal Data) (Ofsted)**

**Order, 2017**

<i>Made</i>	<i>11<sup>th</sup> September, 2017</i>
<i>Coming into operation</i>	<i>12<sup>th</sup> September, 2017</i>
<i>Laid before the States</i>	<i>, 2017</i>

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by section 66(2) and paragraph 10 of Schedule 3 to the Data Protection (Bailiwick of Guernsey) Law, 2001<sup>1</sup>, and after consultation with the Data Protection Commissioner in accordance with section 66(3) of that Law, hereby orders:-

**Circumstances in which sensitive data may be processed.**

1. For the purposes of paragraph 10 of Schedule 3 to the Data Protection (Bailiwick of Guernsey) Law, 2001 ("the Law"), sensitive personal data may be processed in

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<sup>1</sup> Order in Council No. V of 2002; as amended by Ordinance No. XXXIII of 2003 and No IX of 2016. There are other amendments not relevant to this Order.

circumstances in which the processing is necessary for the purpose of an inspection relating to any person, body, service or institution in the Bailiwick carried out by or on behalf of the Office for Standards in Education, Children's Services and Skills ("Ofsted") further to an approved arrangement.

**Interpretation.**

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

"**approved arrangement**" means an arrangement entered into in writing between Ofsted and any committee of the States and containing suitable safeguards in relation to any personal data which is processed for the purpose of the inspection,

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"**Ofsted**" has the meaning given in paragraph 1, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance,

and other expressions have the same meanings as in the Law.

(2) The Interpretation (Guernsey) Law, 1948<sup>2</sup> 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.**

3. This Order may be cited as the Data Protection (Processing of Sensitive Personal Data) (Ofsted) Order, 2017, and shall come into force on 12<sup>th</sup> September, 2017.

Dated this 11<sup>th</sup> day of September, 2017



M. M. LOWE

President of the Committee for Home Affairs

For and on behalf of the Committee

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<sup>2</sup> Ordres en Conseil Vol. XIII, p. 355.

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EXPLANATORY NOTE

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

This Order provides that sensitive personal data may be processed where that processing is necessary for the purposes of an inspection by Ofsted of any person, body, service or institution in the Bailiwick that is to be carried out pursuant to a written agreement containing appropriate safeguards in relation to the processing of personal data.

This Order comes into force on 12<sup>th</sup> September, 2017.