

# PROJET DE LOI

ENTITLED

## **The States' Register of Contact Details (Guernsey and Alderney) Law, 2019**

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## **The States' Register of Contact Details (Guernsey and Alderney) Law, 2019**

**THE STATES**, in pursuance of their Resolutions of the 16<sup>th</sup> February, 2016<sup>a</sup> and the 4<sup>th</sup> September, 2019<sup>b</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Alderney, Guernsey, Herm and Jethou.

### PART I PRELIMINARY

#### **Purpose of this Law.**

1. The purpose of this Law is –
  - (a) to provide for the establishment and maintenance of a register of contact details to assist designated authorities to carry out designated functions efficiently, and
  - (b) to put in place adequate safeguards for the information

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<sup>a</sup> Article XII of Billet d'État No. III of 2016.

<sup>b</sup> Article IV of Billet d'État No. XVI of 2019.

in the register, in a manner consistent with the Data Protection Law.

**The Registrar.**

2. (1) The Committee must in writing appoint an officer responsible to the Committee to be the Registrar of Contact Details ("**the Registrar**") for the purposes of this Law.

(2) The Registrar is responsible to the Committee for the exercise and performance of the Registrar's functions under this Law.

(3) The Committee may at any time in writing revoke an appointment made under subsection (1).

(4) The Registrar must be regarded as –

(a) the holder of a public office, for the purposes of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991<sup>c</sup>, and

(b) the controller of any personal data kept in the register, for the purposes of the Data Protection Law.

(5) Nothing in subsection (4)(b) precludes the Registrar and any designated authority being joint controllers of any personal data kept in the register, within the meaning of the Data Protection Law.

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<sup>c</sup> Ordres en Conseil Vol. XXXIII, p. 478; as amended by Ordinance No. IX of 2016.

PART II  
THE REGISTER

**The States' Register of Contact Details.**

3. (1) The Registrar must establish and maintain a register of designated information in accordance with this Law.

(2) The register is to be called "The States' Register of Contact Details".

(3) Except as otherwise provided by or under this Law, the Registrar must enter in the register any designated information given to the Registrar under this Law.

**Designated authorities to give Registrar designated information on request.**

4. (1) The Registrar may at any time by giving notice in writing to a designated authority require the designated authority to give the Registrar any relevant designated information of a kind or description specified in the notice in accordance with specified conditions.

(2) Subject to section 5, a designated authority to which a notice under subsection (1) is given must comply with the requirement in the notice.

(3) The Registrar may allow a sharing authority to discharge its duty under subsection (2) by allowing the authority to view and update any registered information in accordance with specified conditions.

(4) In subsection (1), "**relevant designated information**" means designated information –

(a) collected, recorded, held or otherwise kept by or on behalf of the designated authority in carrying out, or otherwise in connection with, a designated function, and

(b) a copy of which the designated authority is able, with reasonable efforts, to obtain in a form suitable for transmission to the Registrar.

(5) In this section and sections 5 and 6, "**sharing authority**" means a designated authority to which a notice under subsection (1) is given.

**Sharing authority may withhold information to protect vital interest.**

5. (1) A sharing authority may temporarily or permanently withhold from the Registrar any designated information relating to a living individual sought under a notice given under section 4(1) where the authority considers it necessary to do so in order to protect the vital interest of the individual.

(2) Where a sharing authority withholds any information from the Registrar under subsection (1), the sharing authority must promptly give the Registrar notice in writing –

(a) explaining that the sharing authority has withheld designated information relating to the individual concerned under subsection (1) and the reason for doing so,

(b) specifying the kind or description of designated information that has been withheld, and

(c) stating how long the sharing authority intends to withhold that information.

(3) On receiving a notice under subsection (2), the Registrar must give a written notice to every other sharing authority instructing them to refrain from or cease providing the Registrar with designated information of the kind or description specified in subsection (2)(b) for the period stated in subsection (2)(c).

(4) An instruction given to a sharing authority under subsection (3) has effect as if it were a specified condition notified to the sharing authority under section 4(1).

(5) The Committee may make regulations to provide for a review of, or an appeal against, or both, a decision of a sharing authority to withhold designated information under subsection (1).

**Designated authorities may access and use the register.**

6. (1) The Registrar must permit a sharing authority to view, update and use any registered information in accordance with specified conditions.

(2) The Registrar may permit a designated authority that is not a sharing authority to view, update and use any registered information in accordance with specified conditions.

(3) Nothing in subsection (1) or (2) requires or authorises the Registrar to permit any designated authority other than the Committee for Health and Social Care to view or use registered information relating to the biological sex of any individual at birth unless that information was itself provided by the designated authority.

(4) A designated authority must not view, update or use any registered information under subsection (1) or (2) except –

- (a) to ensure the accuracy and completeness of the information,
- (b) to assist the designated authority to carry out a designated function,
- (c) to protect the vital interest of a living individual,
- (d) where necessary for the purposes of any legal proceedings involving the designated authority, including any proceedings in connection with this Law,
- (e) where necessary for the purposes of complying with any enactment or court order, or
- (f) subject to section 26, where the person to which the registered information relates has given consent to the designated authority's viewing, updating or use of that information.



**Registered persons may access and update their registered information.**

7. (1) The Registrar must permit a registered person and any person authorised by a registered person to view and update any registered information relating to the registered person –

(a) in accordance with specified conditions, and

(b) free of any charge.

(2) Nothing in subsection (1) limits or restricts the data subject rights of a registered person under Part III of the Data Protection Law.

**Registrar may revoke access to the register.**

8. (1) Despite sections 6 and 7(1), the Registrar may at any time by giving notice in writing to any person, suspend or revoke any access to registered information given to the person if –

(a) the Registrar has reasonable grounds to believe that that person has viewed, updated or (as the case may be) used any registered information in contravention of any provision of this Law or any other enactment, and

(b) the Registrar is not satisfied that that person has taken appropriate steps to prevent the occurrence or recurrence of any further contraventions of this Law or the other enactment.

(2) Nothing in subsection (1) limits or restricts the data subject rights of a registered person under Part III of the Data Protection Law.

**Prohibition on unauthorised access, use, etc.**

9. The Registrar must not allow any person to view, use or update any registered information except –

- (a) in accordance with section 6 or 7,
- (b) where otherwise necessary to assist the Registrar to carry out the Registrar's functions under this Law, or
- (c) where required to do so by –
  - (i) any other enactment, or
  - (ii) a court order.

**Registrar may withhold information to protect vital interest.**

10. (1) On request by any person, where the Registrar considers it necessary to do so in order to protect the vital interest of a living individual, the Registrar may temporarily or permanently –

- (a) withhold any designated information relating to the living individual from the register, or
- (b) by giving written notice to any person, wholly or partially restrict the person's access to any registered information relating to that living individual.

(2) As soon as practicable after making a decision to withhold or refuse to withhold information under subsection (1)(a), or restrict or refuse to restrict access to information under subsection (1)(b), the Registrar must give written notice of the decision to –

(a) the person making the request under subsection (1),  
and

(b) unless that person is the living individual, that living individual.

(3) A request under subsection (1) must –

(a) be made in accordance with any specified conditions,  
and

(b) satisfy any specified conditions, including any condition requiring the requestor to provide additional information, documentation or evidence to support the request within any time limit specified by the Registrar.

(4) Subsection (1) has effect despite any provision to the contrary in section 3(3), 6 or 7.

**Registered person's duty to verify registered information.**

11. (1) The Registrar may by notice in writing given to a registered person require the person to verify any registered information relating to the registered person on or before a date specified in the notice ("**the return date**").

(2) For the purposes of subsection (1), the Registrar may send the registered person any registered information relating to the registered person and in the notice under subsection (1) require that person to –

- (a) make a statement either confirming that the information is correct or correcting any registered information that is incorrect or has changed,
- (b) sign and date the statement, and
- (c) return the statement to the Registrar no later than the return date.

(3) The return date must be a date at least one calendar month following the date on which the notice under subsection (1) is given by the Registrar.

(4) A person to which a notice is given under subsection (1) must comply with the requirements imposed under subsection (2) before the return date.

(5) A person who contravenes subsection (4) without reasonable excuse is guilty of an offence.

**Retention and erasure of registered information.**

12. (1) The Registrar must maintain registered information in the register until the Registrar determines that the information is no longer needed.

(2) Before determining that any registered information is no longer needed, the Registrar must, so far as practicable, consult –

- (a) any designated authority that provided the information to the Registrar,
- (b) any other designated authority that has viewed, used or updated the information under section 6, and
- (c) the registered person.

(3) Where the Registrar determines that any registered information is no longer needed, the Registrar must –

- (a) erase the information from the register, and
- (b) so far as practicable, give written notice to the designated authorities and registered person mentioned in subsection (2).

(4) In this section, "**no longer needed**", in relation to any registered information, means the information is no longer required to be kept in the register for the purposes of designated functions.

### PART III

#### REVIEWS AND APPEALS

##### **Review of Registrar's decisions.**

13. (1) This section applies to a decision of the Registrar ("**original decision**") –

- (a) under section 6(2), to refuse to permit a designated authority to view, update and use any registered information,
- (b) under section 8, to suspend or revoke any person's access to registered information,
- (c) under section 10(1)(a), to refuse to withhold any designated information,
- (d) under section 10(1)(b), to restrict or refuse to restrict any person's access to any registered information, or
- (e) under any provision of Part II, to impose, provide or otherwise determine any specified conditions for or in connection with the provision, viewing, use or (as the case may be) updating of information.

(2) Any person to whom notice of an original decision was, or should have been, given under any provision of this Law may apply to the Committee to review the original decision in accordance with Schedule 1.

(3) Upon completion of its review, the Committee must determine the application for review by giving written notice to the applicant and the Registrar with one or more of the following effects –

- (a) confirming the original decision in whole or in part,
- (b) varying the original decision in whole or in part

(making any decision in respect of the matter that the Registrar is authorised to make under any provision of this Law), and

- (c) annulling the original decision in whole or in part and remitting the matter back to the Registrar for reconsideration with any directions the Committee thinks fit.

- (4) Schedule 1 has effect.

**Appeal to Royal Court.**

**14.** (1) An applicant for review under section 13 may appeal a determination of the Committee under section 13(3)(a) or (b) ("**review determination**") to the Royal Court in accordance with this section.

- (2) The grounds of an appeal are that -
  - (a) the review determination was ultra vires or there was some other error of law,
  - (b) the review determination was unreasonable,
  - (c) the review determination was made in bad faith,
  - (d) there was a lack of proportionality, or
  - (e) there was a material error as to the facts or as to the procedure.

(3) An appeal must be made -

- (a) no later than 28 days after the date on which notice of the review determination was given to the appellant under section 13(3), and
- (b) by summons served on the Committee stating the grounds and material facts on which the appellant relies.

(4) Where an appeal is made, the Committee may apply to the Court by summons served on the appellant for an order to dismiss the appeal for want of prosecution; and on hearing the application the Court may –

- (a) dismiss the appeal or the application (in either case on any terms and conditions that the Court directs), or
- (b) make any other order that the Court considers just.

(5) The provisions of subsection (4) are without prejudice to the inherent powers of the Court or to the provisions of rule 52 of the Royal Court Civil Rules, 2007<sup>d</sup>.

(6) On the application of the appellant, the Court may, on any terms that the Court thinks just, suspend or modify the effect of the review

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<sup>d</sup> Order of the Royal Court No. IV of 2007; as amended by Orders of the Royal Court No. II of 2008 and No. IV of 2009.



determination or (as the case may require) the original decision pending the determination of the appeal.

- (7) On determining an appeal, the Court may -
  - (a) set aside the review determination in whole or in part and remit the matter back to the Committee with any directions that the Court thinks fit, or
  - (b) confirm the review determination, in whole or in part.

(8) An appeal from a decision of the Court under this section lies to the Court of Appeal on a question of law.

(9) In this section, "**the Court**" means the Royal Court sitting as an Ordinary Court, constituted by the Bailiff sitting unaccompanied by the Jurats; and for the purposes of an appeal under this section the Court may appoint one or more assessors to assist it in the determination of any matter before it.

#### PART IV

#### OFFENCES AND PENALTIES

##### **Duty of confidentiality.**

15. (1) This section applies where, in the exercise or performance of a function under this Law, an official acquires any information in relation to which a person ("**identifiable person**") is identified or identifiable.

(2) Except as authorised by subsection (3), the official must not disclose the information to any other person.

(3) An official may disclose the information to another person where –

(a) subject to section 26, the identifiable person has given consent to the official for the disclosure,

(b) the disclosure is necessary for the purpose of –

(i) exercising or performing any function under this Law,

(ii) assisting any other person to exercise or perform any function under this Law,

(iii) seeking advice from a qualified person on any matter requiring the exercise of professional skills, for a purpose mentioned in subparagraph (i) or (ii), or

(iv) protecting the vital interest of a living individual,

(c) at the time of disclosure, the information is or has already been made public as a result of steps deliberately taken by the identifiable person,

(d) the information is disclosed in the form of a summary or collection so framed as not to enable information

relating to the identifiable person to be ascertained from it,

(e) the disclosure is necessary for the purposes of any legal proceedings, including any proceedings in connection with this Law, or

(f) the disclosure is necessary for the purposes of complying with any enactment or court order.

(4) The duty in subsection (2) survives the expiry or termination of the office or employment of the official concerned.

(5) A person who contravenes subsection (2) is guilty of an offence.

(6) In this section, "**official**" means –

(a) the Registrar,

(b) a designated authority or, in any case where a designated authority is made up of several members, any member of the designated authority, or

(c) any person exercising or performing functions under this Law for or on behalf of the Registrar or a designated authority.

**Offence of unauthorised access, use, etc..**

16. (1) A person must not view, use or update any registered information except –

(a) where necessary for the purpose of exercising or performing any function of the person under this Law,  
or

(b) where required or authorised to do so –

(i) by or under any provision of this Law or any other enactment, or

(ii) by a court order.

(2) A person who contravenes subsection (1) is guilty of an offence.

**Offence of providing false, deceptive or misleading information.**

17. A person is guilty of an offence if –

(a) in purported compliance with any condition imposed under this Law,

(b) in purported compliance with any requirement or duty imposed by or under this Law, or

(c) otherwise than as mentioned in paragraph (a) or (b) but in circumstances where the person intends, or could

reasonably be expected to know, that the information would or could be used by the Registrar in carrying out a function of the Registrar under this Law,

that person does any of the following –

- (i) makes a statement which that person knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,
- (ii) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,
- (iii) produces or furnishes, or causes or permits to be produced or furnished, any information which that person knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or
- (iv) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information which is false, deceptive or misleading in a material particular.

**Penalties for offences.**

18. (1) A person guilty of an offence under section 11(5) is liable on summary conviction to a fine not exceeding level 2 on the uniform scale.

(2) A person guilty of an offence under any other provision of this Law is liable on summary conviction or conviction on indictment to a fine not exceeding level 5 on the uniform scale.

**Defence of due diligence.**

19. (1) In any proceedings for an offence under any provision of this Law, it is a defence for the person charged ("**the defendant**") to prove that the defendant took reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) Despite subsection (1), if in any case the defence provided by subsection (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the defendant is not entitled to rely on that defence without the leave of the court, unless –

- (a) at least 7 clear days before the hearing, and
- (b) where the defendant has previously appeared before the court in connection with the alleged offence, within one month of the defendant's first appearance,

the defendant has served on Her Majesty's Procureur a notice in writing giving any information identifying or assisting in the identification of the other person that was then in the defendant's possession.

(3) This section does not apply to the offence in section 11(5).

PART V  
GENERAL AND MISCELLANEOUS

**Legal duties not contravened.**

20. (1) Despite any enactment to the contrary, no disclosure restriction is contravened by any person by reason only that the person, in accordance with any provision of this Law –

- (a) gives the Registrar any designated information,
- (b) views, uses or updates any registered information, or
- (c) permits any person to view, use or update any registered information.

(2) In subsection (1), "**disclosure restriction**" means –

- (a) any duty as to confidentiality, or
- (b) any other restriction on the disclosure of information,

imposed by any provision of a contract or an enactment or otherwise by any rule of law.

**Service of documents.**

21. (1) A notice or document to be issued or given under this Law may be issued or given to –

- (a) an individual, by being delivered to that person, or by being left at, or sent by post to, that person's usual or last known place of abode, or by being transmitted to that person's relevant electronic address,
- (b) a legal person with a registered office in Guernsey or Alderney, by being left at, or sent by post to that registered office or by being transmitted to its relevant electronic address,
- (c) a legal person without a registered office in Guernsey or Alderney, by being left at, or sent by post to its principal or last known principal place of business in Guernsey or Alderney, or if there is no such place, its registered or principal office elsewhere, or by being transmitted to its relevant electronic address,
- (d) an unincorporated body, by being delivered, left, sent or transmitted in relation to any partner, member of the committee or other similar governing body, manager, or officer thereof in accordance with paragraph (a), or by being left at, or sent by post to the body's principal or last known principal place of business in Guernsey or Alderney or, if there is no such place, its principal or last known principal place of business elsewhere, or by being transmitted to its relevant electronic address,
- (e) a public committee or an office-holder (other than the Registrar), by being left at, or sent by post to, the principal offices of the public committee or office-



holder or by being transmitted to its relevant electronic address, and

- (f) the Registrar, by being left at, or sent by post to, the Committee's principal offices or by being transmitted to its relevant electronic address.

(2) If a notice or document cannot, after reasonable enquiry, be issued or given by the Registrar in accordance with subsection (1), the notice or document may be issued or given –

- (a) by being published by the Registrar in any manner and for any period that the Registrar thinks fit, or
- (b) by being published in La Gazette Officielle (or, where service is required to be effected in Alderney, in the Alderney Official Gazette) on two occasions falling on successive weeks.

(3) Subsections (1) and (2) are without prejudice to any other lawful method of service.

(4) A document or notice sent by post is, unless the contrary is shown, deemed for the purposes of this Law to have been received –

- (a) in the case of a document sent to an address in the United Kingdom, the Channel Islands or the Isle of Man, on the third day after the day of posting,

(b) in the case of a document sent elsewhere, on the seventh day after the day of posting,

excluding in each case any non-business day (within the meaning given by section 1(1) of the Bills of Exchange (Guernsey) Law, 1958<sup>e</sup>).

(5) Service of a document sent by post shall be proved by showing the date of posting, the address thereon and the fact of prepayment.

(6) Notwithstanding this section and any other rule of law in relation to the service of documents, no notice or document to be given or issued to the Registrar under this Law shall be deemed to have been so given or issued until it is received.

**Powers to amend this Law.**

22. (1) The Committee may by regulations amend all or any part of Schedule 1.

(2) The States of Deliberation may by Ordinance amend all or any part of section 6(3) or Schedule 2, 3, 4 or 5.

(3) The States of Deliberation may by Ordinance also amend all or any part of this Law other than section 6(3) or Schedule 2, 3, 4 or 5, where it appears to be necessary or expedient in order to –

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<sup>e</sup> Ordres en Conseil Vol. XVII, p. 384; as amended by Vol. XXIV, p. 84; Vol. XXXIV, p. 504 and Vol. XXXV(1), p. 367. There are other amendments not relevant to this Law.

- (a) protect the rights of individuals in relation to their personal data in a manner consistent with the Data Protection Law,
- (b) enable the Registrar, any designated authority or any sharing authority to exercise or perform their functions more effectively or more efficiently,
- (c) ensure the effective, efficient and fair conduct of reviews or appeals under this Law,
- (d) make provision relating to any matter of a kind for which regulations may be made under any provision of this Law,
- (e) ensure the effective enforcement of this Law, or
- (f) provide for any other matters necessary or expedient for giving full effect to this Law and for its due administration.

**General provisions as to Ordinances.**

23. (1) An Ordinance under this Law –
- (a) may be amended or repealed by a subsequent Ordinance, and
  - (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without limitation, provision making consequential amendments to any enactment).

(2) Any power to make an Ordinance under this Law may be exercised –

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to prescribed exceptions, or in relation to any prescribed cases or classes of cases, and

(b) so as to make, as respects the cases in relation to which it is exercised –

(i) the full provision to which the power extends or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases, or classes of cases, or different provision for the same case or class of case for different purposes, or

(iii) any such provision either unconditionally or subject to any prescribed conditions.

**General provisions as to regulations.**

24. (1) Regulations under this Law –

(a) may be amended or repealed by subsequent regulations hereunder,

(b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Committee to be necessary or expedient, and

(c) shall be laid before a meeting of the States of Deliberation as soon as possible and shall, if at that or the next meeting the States of Deliberation resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(2) Any power conferred by this Law to make regulations may be exercised –

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised -

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases,

or different provision for the same case or class of case for different purposes,

- (iii) any such provision either unconditionally or subject to any conditions specified in the regulations.

**Interpretation.**

25. In this Law, unless the context requires otherwise –

**"chief officer"**: see paragraph 2(5) of Schedule 1,

**"the Committee"** means the States of Guernsey Policy & Resources Committee,

**"consent"**: see section 26,

**"the Court"**: see section 14(9),

**"the Data Protection Law"** –

- (a) means the Data Protection Law (Bailiwick of Guernsey) Law, 2017<sup>f</sup>, and

- (b) includes any Ordinance or subordinate legislation

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<sup>f</sup> Order in Council No. VI of 2018; as amended by Order in Council No. IV of 2018; Ordinance No. X of 2018 and G.S.I. No. 21 of 2018. There are other amendments not relevant to this Law.

made under it,

**"the defendant"**: see section 19(1),

**"designated authority"** means any public committee or office-holder specified in Schedule 2,

**"designated function"** means any function specified in Schedule 3,

**"designated information"** means –

- (a) information of a kind or description specified in Schedule 4, and
- (b) in relation to any person, means any information of a kind or description specified in Schedule 4 relating to the person,

**"disclosure restriction"**: see section 20(2),

**"identifiable person"**: see section 15(1),

**"the Islands"** means the Islands of Alderney, Guernsey, Herm and Jethou,

**"maintain"** includes update,

**"no longer needed"**: see section 12(4),

**"office-holder"** means the holder of any office (however created) to which functions are specifically assigned by an enactment, where the holder of the office is remunerated out of funds provided by the States or any public committee,

**"official"**: see section 15(6),

**"original decision"**: see section 13(1),

**"person"** includes a designated authority,

**"personal data"**: see section 26(2),

**"processing"**: see section 26(2),

**"public committee"** –

(a) means any authority, board, committee or council of the States (however named) constituted by or under a Resolution, a Law or an Ordinance approved by the States, and

(b) for the avoidance of doubt, includes any sub-committee or person to which or whom a public committee within the meaning of paragraph (a) delegates any of its functions,

**"the register"** means the States' Register of Contact Details established and maintained under section 3,



**"registered information" –**

- (a) means any designated information kept in the register, and
- (b) in relation to any registered person, means the designated information kept in the entry in the register relating to the registered person,

**"registered person" –**

- (a) means any person in relation to which an entry containing designated information is kept in the register, and
- (b) in relation to any registered information, means the person in relation to which the entry containing the information is kept in the register,

**"the Registrar"** means the person appointed to be the Registrar of Contact Details under section 2(1),

**"relevant designated information"**: see section 4(4),

**"the return date"**: see section 11(1),

**"review determination"**: see section 14(1),

"**sharing authority**": see section 4(5),

"**specified conditions**", in relation to the provision, viewing, use or updating of any information, or the making of any request –

(a) means any requirements, restrictions, procedures, terms or conditions for or in connection with the provision, viewing, use or (as the case may be) updating of the information, or the making of the request –

(i) considered appropriate by the Registrar, and

(ii) published or issued by the Registrar in any manner the Registrar considers fit, and

(b) for the avoidance of doubt, may include requirements, restrictions, procedures, terms and conditions relating to the provision of –

(a) documentation or information on a one-off, continuous or any other specified basis, for example at specified intervals,

(b) documentation or other evidence of the identity of the person –

(i) seeking to provide, view, use or update that information, or

- (ii) making the request, or
- (c) documentation or other evidence of the correct and up-to-date information, or any other relevant matter,

**"the States"** –

- (a) in respect of Guernsey, Herm or Jethou, means the States of Guernsey, and
- (b) in respect of Alderney, means the States of Alderney,

**"update"**, in relation to any information, includes correcting the information, and any cognate expression has a corresponding meaning,

**"use"**, in relation to any information, includes view, retrieve, copy, disclose or transmit, and any cognate expression has a corresponding meaning, and

**"vital interest"**, in relation to any individual, means the life, physical or mental health, or safety of the individual.

**Validity of consent.**

26. (1) Any consent purportedly given by a living individual to the processing of personal data relating to the individual for the purposes of section 6(4)(f) or 15(3)(a) must be disregarded for the purposes of the provision concerned

unless it is valid consent to the processing of that data in accordance with section 10(1) to (6) of the Data Protection Law.

(2) In subsection (1), "**personal data**" and "**processing**" have the respective meanings given by section 111(1) of the Data Protection Law.

**Consequential amendments.**

27. (1) The enactments specified in Schedule 5 are amended in the manner set out in that schedule.

(2) Nothing in subsection (1) or the amendments specified in Schedule 5 limits the generality of section 20.

**Extent.**

28. This Law has effect in the islands of Alderney, Guernsey, Herm and Jethou.

**Citation.**

29. This Law may be cited as the States' Register of Contact Details (Guernsey and Alderney) Law, 2019.

**Commencement.**

30. This Law shall come into force on the day after it is registered by the Royal Court of Guernsey.

## SCHEDULE 1

Section 13

### PROCEDURES FOR REVIEW

#### **1. Application for review.**

- (1) An application to the Committee to review an original decision –
  - (a) must be made no later than 28 days after the applicant receives any written notice under this Law of the original decision,
  - (b) must be made in the form and manner specified by the Committee and must include any information which the applicant believes would assist the applicant's case, and
  - (c) must be served on the Registrar by giving the Registrar a copy of the application.
- (2) Within 14 days of an application being made or, if this is impracticable, as soon as practicable afterwards –
  - (a) the Committee must appoint a review panel in accordance with paragraph 2, and
  - (b) the Registrar must provide the Committee with any information the Registrar believes the Committee should consider in connection with the matter.
- (3) On request by the applicant, the Committee may on any terms it considers appropriate suspend or modify the effect of the original decision pending determination of the review by giving written notice to the applicant, the Registrar and any other person the Committee considers appropriate.

#### **2. Review panel.**

- (1) Subject to subparagraph (2), the review panel is to be made up of –
  - (a) the chief officer of the Committee as chairperson,

- (b) the chief officer of one other public committee of the States of Guernsey, and
  - (c) the chief officer of the States of Alderney.
- (2) If the Committee or the States of Alderney is directly interested or otherwise conflicted in the decision to be reviewed, the Committee must appoint one or (as the case may require) two other chief officers from other public committees of the States of Guernsey to the panel.
  - (3) A chief officer may be represented on the panel by any officer or other person nominated by the chief officer.
  - (4) A chief officer nominating any person to represent the chief officer must have due regard to any need for technical or other expertise in relation to the decision to be reviewed.
  - (5) In this paragraph, "**chief officer**" means the highest-ranking executive officer, however designated.

**3. Procedure of the review panel.**

- (1) As soon as practicable after the panel is appointed, the Committee must –
  - (a) refer the application to the panel, and
  - (b) give the panel any information provided to the Committee under paragraph 1(1)(b) or 1(2)(b).
- (2) Within 14 days of the referral or, if this is impracticable, as soon as practicable afterwards, the panel must –
  - (a) review the application and any information given to it by the Committee,
  - (b) form an opinion as to whether the original decision should be confirmed, varied or annulled in accordance with section 13(3), and
  - (c) advise the Committee in writing accordingly.
- (3) For the purposes of subparagraph (2), the panel may do either or both of the following –

- (a) require the applicant, the Registrar or the Committee to provide the panel with any further written information the panel considers necessary, or
  - (b) invite oral submissions from any of the applicant, the Registrar or the Committee.
- (4) The applicant, the Registrar or (as the case may be) the Committee must provide the panel with any information required under subparagraph (3)(a).
- (5) Subject to this Schedule and any other provision of this Act, the panel may determine its own procedure.

4. **Review determination.**

- (1) Within 14 days of receiving the panel's advice under paragraph 3(2)(c) or, if this is impracticable, as soon as practicable afterwards, the Committee must determine the application in accordance with section 13(3).
- (2) In making its determination, the Committee is not bound to follow the panel's advice.
- (3) The Committee must include in its notice of determination under section 13(3) –
- (a) a copy of the panel's advice, and
  - (b) to the extent that the Committee chooses not to follow that advice, a written explanation of its reasons.

## SCHEDULE 2

Section 25

### DESIGNATED AUTHORITIES FOR THE REGISTER

Any public committee of the States of Guernsey.

Any public committee of the States of Alderney.

The Administrator (within the meaning given by section 28(1) of the Income Support (Guernsey) Law, 1971<sup>g</sup>).

The Director of the Revenue Service (within the meaning given by section 209(1) of the Income Tax (Guernsey) Law, 1975<sup>h</sup>).

The Administrator (within the meaning given by the Sixth Schedule to the Social Insurance (Guernsey) Law, 1978<sup>i</sup>).

The Administrator (within the meaning given by section 39(1) of the Health Service (Benefit) (Guernsey) Law, 1990<sup>j</sup>).

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<sup>g</sup> Ordres en Conseil Vol. XXII, p. 26; as amended.

<sup>h</sup> Ordres en Conseil Vol. XXV, p. 124, as amended by Ordinance No. VII of 2015 and No. XXVII of 2018. There are other amendments to the Law not relevant to this provision.

<sup>i</sup> Ordres en Conseil Vol. XXVI, p. 292; amended by Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol. XXXI, p. 278; Vol. XXXII, p. 59; Vol. XXXIV, p. 510; Vol. XXXV(1), p. 161; Vol. XXXVI, pp. 123 and 343; Vol. XXXVIII, p. 59; Vol. XXXIX, p. 107; Vol. XL, p. 351; Order in Council No. X of 2000; No. IX of 2001; No. XXIV of 2003; No. XI of 2004; No. XVIII of 2007; No. V of 2012; No. IV of 2014; No. III of 2016; No. IV of 2017; Recueil d'Ordonnances Tome XXV, p. 148; Ordinance No. XXXIII of 2003; No. XLIV of 2007; Nos. VII and XLII of 2009; No. XVII of 2011; No. XXXVIII of 2012; No. XXX of 2013; Nos. IX and XXX of 2016; No. XXIII of 2017; No. VIII of 2018; and the Director of Income Tax (Transfer of Functions Ordinance), 2018.

<sup>j</sup> Ordres en Conseil Vol. XXXII, p. 192.



The Administrator (within the meaning of section 2(1) of the Legal Aid (Bailiwick of Guernsey) Law, 2003<sup>k</sup>).

The supervisor (within the meaning given by section 15 of the Electronic Census (Guernsey) Ordinance, 2013<sup>l</sup>).

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<sup>k</sup> Order in Council No. VI of 2004; amended by Ordinance No. XXXIII of 2003 and No. IX of 2016; and the Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018.

<sup>l</sup> Ordinance No. XXX of 2013; as amended by Order in Council No. IV of 2014 and Ordinance No. IX of 2016.

### SCHEDULE 3

Section 25

#### DESIGNATED FUNCTIONS OF THE REGISTER

The following are designated functions –

- (a) any function of a designated authority under any enactment,
- (b) the provision of any service, or giving of any benefit or privilege, to any person,
- (c) securing compliance with any duty or obligation imposed on any person under any enactment, and
- (d) taking any action or doing anything in consequence of a breach or alleged breach of a duty or obligation imposed on any person under any enactment.

## SCHEDULE 4

Section 25

### DESIGNATED INFORMATION FOR THE REGISTER

1. The name of the person (including the person's title).
2. Any reference or identification number or code used by a designated authority to refer to the person.
3. In the case of an individual –
  - (a) the date of birth of the individual,
  - (b) if deceased, the date on which the individual died,
  - (c) if applicable, the date on which the individual arrived to reside in the Islands,
  - (d) if applicable, the date on which the individual left the Islands to reside elsewhere, and
  - (e) the biological sex of the individual at birth.
4. In the case of any person other than an individual –
  - (a) the date of incorporation or registration, or any other date on which the person acquired legal personality, and
  - (b) if applicable, the date on which the person was wound up, de-registered or otherwise ceased to exist as a legal person.
5. Contact details of the person, namely –
  - (a) in the case of an individual, the residential address of the individual,
  - (b) in the case of a person other than an individual, the principal business address of the person, and
  - (c) in all cases, the following information for the person ("X") –
    - (i) postal address,
    - (ii) e-mail address,
    - (iii) telephone and mobile numbers,

- (iv) online account username used by X in relation to any of its dealings with a designated authority, the States of Guernsey or the States of Alderney, and
- (v) any other person –
  - (A) nominated by X as a contact person or representative of X for the purposes of this Law, any other enactment or all or any specific designated functions, or
  - (B) treated or regarded by or under law as the contact person or representative of, or person responsible for, X for the purposes of this Law, any other enactment or all or any specific designated functions.

SCHEDULE 5

Section 27(1)

CONSEQUENTIAL AMENDMENTS

Enactment	Amendments
<p>Income Tax (Guernsey) Law, 1975</p>	<p>The following amendments –</p> <p>(a) immediately after section 206AA of that Law, insert the following section –</p> <p><b><u>"Disclosure of information etc. under States' Register of Contact Details (Guernsey and Alderney) Law, 2019.</u></b></p> <p>206AB. (1) Nothing in section 206, or in any oath taken in accordance with that section, precludes the Director of the Revenue Service from disclosing to the Registrar any designated information where required or authorised to do so under any provision of the States' Register of Contact Details (Guernsey and Alderney) Law, 2019.</p> <p>(2) In subsection (1), "<b>designated information</b>" and "<b>the Registrar</b>" have the respective meanings given by section 25 of the States' Register of Contact Details (Guernsey and Alderney) Law, 2019.", and</p> <p>(b) in section 206B(1) of that Law, for "or 206A", substitute ", 206A or 206AB".</p>

Enactment	Amendments
Social Insurance (Guernsey) Law, 1978	<p>Immediately after section 111(5) of that Law, insert the following subsections –</p> <p style="padding-left: 40px;">"(5A) Nothing in this section shall be taken to prohibit the Administrator or any person authorised by him in that behalf from disclosing to the Registrar any designated information where required or authorised to do so under any provision of the States' Register of Contact Details (Guernsey and Alderney) Law, 2019.</p> <p style="padding-left: 40px;">(5B) In subsection (5A), "<b>designated information</b>" and "<b>the Registrar</b>" have the respective meanings given by section 25 of the States' Register of Contact Details (Guernsey and Alderney) Law, 2019."</p>
Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984 <sup>m</sup>	<p>Immediately after section 20(4) of that Law, insert the following subsections –</p> <p style="padding-left: 40px;">"(5) Nothing in this section shall be taken to prohibit the Administrator or any person authorised by him in that behalf from disclosing any designated information to the Registrar where required or authorised to do so under any provision of the States' Register of Contact Details (Guernsey and Alderney) Law, 2019.</p>

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<sup>m</sup> Ordres en Conseil Vol. XXVIII p. 353; amended by Ordres en Conseil Vol. XXIX, p. 198; Vol. XXXIII, p. 238; Vol. XXXIV, p. 458; Vol. XXXIX, p. 107; Order in Council No. X of 2003; Orders in Council No. IV of 2014 and No. IV of 2018; Recueil d'Ordonnances Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; No. VII of 2009; No. XXX of 2013; No. IX of 2016; No. XXXVI of 2017; No. XXVII of 2018.

Enactment	Amendments
	<p data-bbox="608 360 1356 573">(6) In subsection (5), "<b>designated information</b>" and "<b>the Registrar</b>" have the respective meanings given by section 25 of the States' Register of Contact Details (Guernsey and Alderney) Law, 2019.</p> <p data-bbox="608 613 1356 707">(7) The States may by Ordinance amend subsection (5) or (6)."</p>
<p data-bbox="240 748 584 842">Legal Aid (Bailiwick of Guernsey) Law, 2003</p>	<p data-bbox="608 748 1356 842">Immediately after section 5(4) of that Law, insert the following subsections –</p> <p data-bbox="608 882 1356 1211">"(4A) Nothing in this section shall be taken to prohibit the Administrator from disclosing to the Registrar any designated information where required or authorised to do so under any provision of the States' Register of Contact Details (Guernsey and Alderney) Law, 2019.</p> <p data-bbox="608 1252 1356 1469">(4B) In subsection (4A), "<b>designated information</b>" and "<b>the Registrar</b>" have the respective meanings given by section 25 of the States' Register of Contact Details (Guernsey and Alderney) Law, 2019."</p>
<p data-bbox="240 1505 584 1659">Electronic Census (Guernsey) Ordinance, 2013</p>	<p data-bbox="608 1505 1356 1599">Immediately after section 9(4), insert the following subsections –</p> <p data-bbox="608 1639 1356 1917">"(5) Nothing in this section shall be taken to prohibit the supervisor from disclosing to the Registrar any designated information where required or authorised to do so under any provision of the States' Register of Contact Details (Guernsey and Alderney)</p>

Enactment	Amendments
	<p data-bbox="608 349 751 383">Law, 2019.</p> <p data-bbox="608 423 1361 636">(6) In subsection (5), "<b>designated information</b>" and "<b>the Registrar</b>" have the respective meanings given by section 25 of the States' Register of Contact Details (Guernsey and Alderney) Law, 2019."</p>