

## **POLICY COUNCIL**

### **ESTABLISHING A CENTRAL REGISTER OF CONTACT DETAILS FOR INDIVIDUALS AND ORGANISATIONS**

#### **1. Executive Summary**

- 1.1. This Policy Letter sets out the current position regarding how individuals' and organisations' contact details are stored, maintained and shared by the States of Guernsey and the States of Alderney. It also outlines drivers for changing that position, together with the benefits that such change can bring.
- 1.2. Change is proposed in the form of a project which aims to achieve a more customer focussed and efficient "tell us once" position with regard to individuals' and organisations' contact details. The project involves establishing a Bailiwick register of contact details, which would give individuals and organisations easier access to, and greater control over, their own data. It would also result in a reduction in duplication of effort across the States.
- 1.3. The States are asked to approve the drafting of new primary legislation to enable this central register of contact details to be established in a manner that is transparent and deliberate and, in the case of personal data, consistent with the Data Protection Principles set out in the Data Protection Law.

#### **2. Drivers for change**

- 2.1. As at November 2015, 128 databases containing individuals' and organisations'<sup>1</sup> contact details were maintained by States of Guernsey Departments. These exist in various forms (from Excel spreadsheets to more complex operational IT systems). The subjects whose contact details are held within them may exist in one or many of the databases, but are likely to be held in more than one.
- 2.2. This means that Islanders have to deal with multiple service areas in order to provide updates relating to a single life event, when the majority of them would be happy for the information to be shared to enable a "tell us once" facility to be made available. (See section 8.1 for further details.) In addition, there is duplication of effort across the States, with different service areas each maintaining copies of the same data.
- 2.3. As a result, different versions of the same data exist, some of which are more up to date and correct than others, and resources can be wasted attempting to contact individuals and organisations using out of date contact details.

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<sup>1</sup> Organisations includes: businesses, employers, charities, not for profit organisations, companies and other legal structures

- 2.4. Furthermore, it is not easy for individuals to access or maintain the data relating to themselves. Multiple sets of the same data can lead to inconsistencies and errors. In addition, the volume of data held in some instances might be regarded as excessive. All these features of the manner in which some personal data are currently kept may be contrary to the Data Protection Principles.
- 2.5. In the case of individuals' data (as set out in the Data Protection Law), the data are held for a different purpose by each different service area. As a result, the databases cannot be merged without appropriate legal provision. Indeed, individual subjects may have good reasons to have different contact details for different services, which must be respected, although it should be noted that this is true for the minority rather than the majority. The majority (as the Rolling Electronic Census database can verify) use the same contact details across all service areas.
- 2.6. At present there is no mechanism to find out why individuals have provided different contact details to different service areas, unless they are suspected of fraudulent activity. This could be important for fraud prevention, particularly where the contact details are used for the purpose of making or receiving payments.
- 2.7. In the case of organisations, the Data Protection Principles and the provisions of the Data Protection Law do not apply, since they are specific to personal data relating to living individuals only. Whilst they do apply to data relating to individuals within an organisation, they do not apply to data relating to the organisation itself. However, in the preparation of any legislation and administration of the proposed new Register, it will be necessary to ensure that adequate safeguards are created to give protection to commercially sensitive information and information that may be subject to statutory duties of confidentiality (e.g. tax information).
- 2.8. The States have already recognised that this is an area of customer service that needs to be addressed. In March 2013 (Billet d'État V of 2013, Article 3) they agreed to split the Rolling Electronic Census Project into two phases. Phase 1, which was completed earlier in 2015, involved the delivery of an Information Technology ("IT") system to provide population statistics, which are now published on a quarterly basis. The objectives of Phase 2, were also agreed as follows:
  - 2.8.1. Enable Departments to achieve efficiencies via corporate data sharing where possible.
  - 2.8.2. Make it easier for Islanders to update personal data that is used by Government where possible.
- 2.9. Furthermore, the Framework for Public Sector Reform, which was endorsed by the States in September 2015, highlighted an intention to move to a "tell us once" position, which will both reduce the level of effort currently required from individuals and organisations and the level of duplication of effort currently occurring across the States. In order to achieve this in practice, the sharing of selected data will need to be enabled where appropriate. Another critical step will

involve introducing a single online portal giving Islanders access to all online government services, which are personalised and tailored to the needs of the customer.

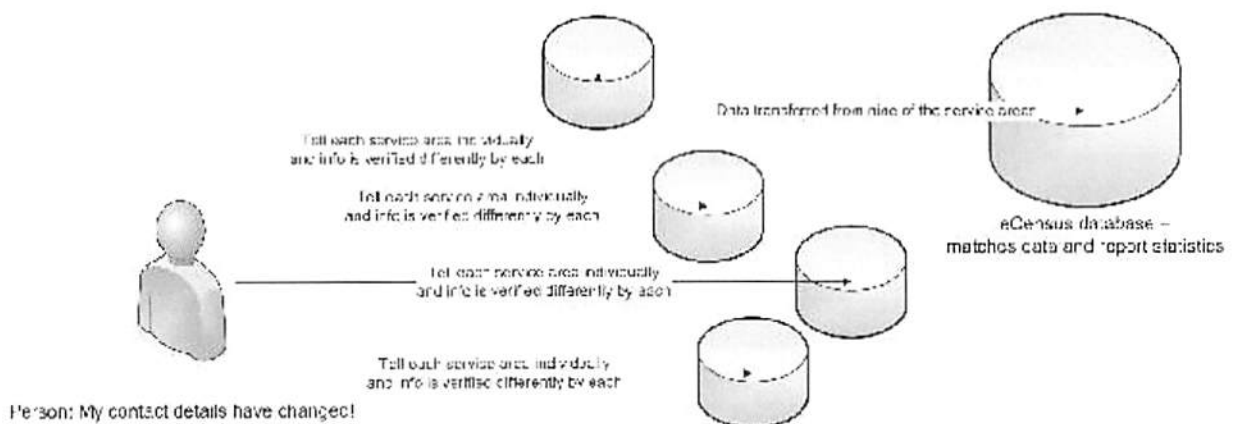
### **3. Methods by which data sharing can be achieved at present**

- 3.1. The most appropriate method via which data sharing can be achieved is determined by the particular circumstances, primarily: the purposes for which the data is to be shared; the sensitivity of the data; and the existing legal provisions to restrict or enable sharing of the data. In some cases, data sharing is not appropriate. In other instances data sharing may be appropriate provided that it is accompanied by suitable legislative and practical safeguards.
- 3.2. For example, to implement the proposal to invoice customers and manage debtors centrally via the Shared Transaction Service Centre (“the Hub”), an Order was made by the Home Department under the Data Protection Law. That Order (The Data Protection (Processing of Personal Data) (STSC) Order, 2012) enabled the merging of customer and debtor databases (including contact details) to occur in a manner that was consistent with the provisions of the Data Protection Law. In particular the Order prescribed the specific (and legitimate and proportionate) purposes for which personal data could be used and those bodies to which and by which personal data might be disclosed.
- 3.3. In March 2013, The Electronic Census (Guernsey) Ordinance, 2013 was enacted, which enabled data (including addresses) that had previously been collected from individuals to be collected from States databases instead and centrally collated. The Ordinance contained amendments to The Social Insurance (Guernsey) Law, 1978, The Attendance and Invalid Care Allowances (Guernsey) Law, 1984 and The Income Tax (Guernsey) Law, 1975, which contained specific clauses restricting the sharing of data held for those purposes. Via this route, the Rolling Electronic Census database was compiled and the purposes for which that data could be used were defined. The purposes are research and statistical only, as would have been the case with census data collected via traditional methods.
- 3.4. It would be possible to make similar amendments on a case by case basis to enable further merging and centralisation of contact details as and when suitable projects emerge (e.g. the Joint Contributions and Tax Services project). However, this approach provides only limited improvements on the current position and would also not be entirely transparent to data subjects.

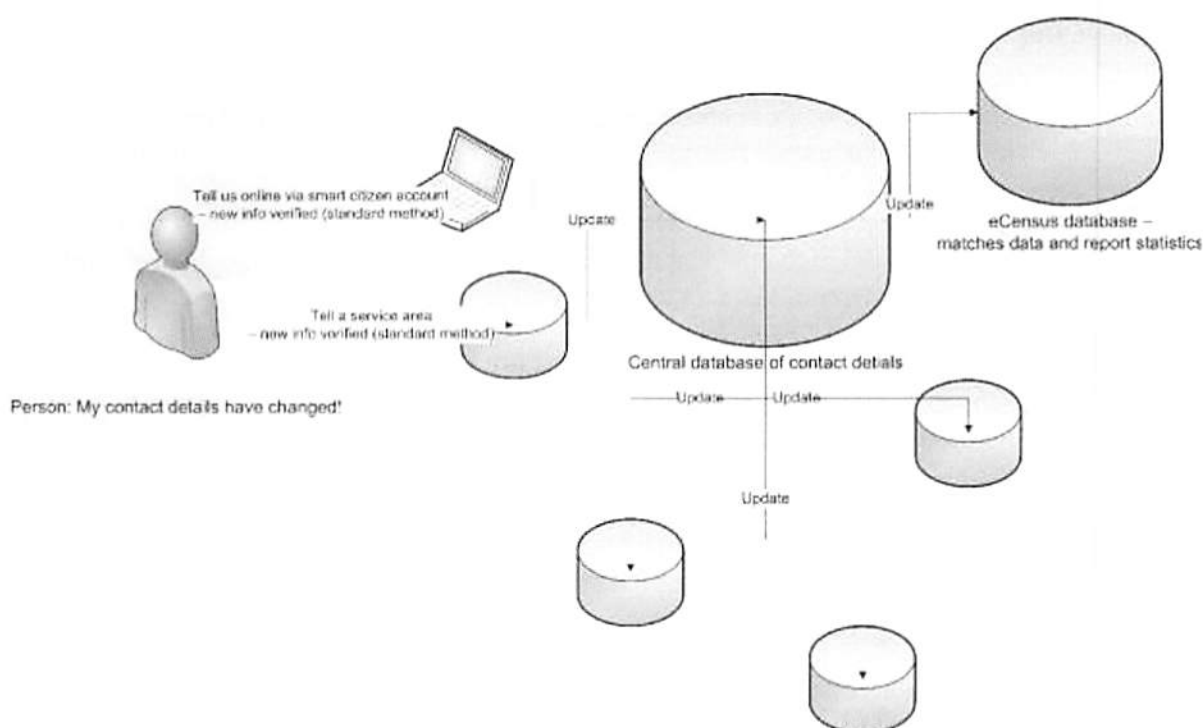
### **4. Proposed changes to the way contact details are stored, maintained and shared**

- 4.1. It is proposed that contact details should be stored and maintained in a different way in order to:
  - 4.1.1. Reduce duplication of effort across the States;

- 4.1.2. Make it easier for individuals and organisations to access and maintain the data relating to themselves and move towards a "tell us once" position;
- 4.1.3. Have one accurate and up to date version of the contact details for each individual and organisation (but allow for individuals or organisations to specify different contact details for different contact purposes as appropriate);
- 4.1.4. Have a fit for purpose system to enable Public Service Reform; especially improvements in customer service and digital services.
- 4.2. To achieve the above in practice, there will need to be fundamental changes in the way data is shared and accessed by the service areas of the States. The proposed changes are explained below.
- 4.3. The current position is illustrated below.



- 4.4. At present there are many isolated databases, with sharing of contact details only allowed under certain specific circumstances, the most common of which are: a legal requirement to do so; or the consent of the individual subject. For the reasons stated above, this position, which mainly involves one-way flows of information, has arisen from natural evolution rather than by design, and is not ideal.
- 4.5. The proposed position is illustrated overleaf.



#### 4.6. The proposed position involves:

- 4.6.1. A central Register (database), which is the "master" for individuals' and organisations' contact details (listed in Appendix 1) and is accessible to service areas on the basis of access to only those individuals for whom they require the data in order to deliver services<sup>2</sup>;
  - 4.6.2. Standardising the way this information is verified by Departments and enabling them to update the register electronically and receive updates;
  - 4.6.3. Enabling people to view and update their own master information on the register (with suitable verification of their entitlement to do so) via an online "smart citizen" account or via contact with any one of the service areas;
  - 4.6.4. Enabling the contact details of all (including vulnerable) people to continue to be protected in a manner consistent with the Data Protection Principles set out in the Data Protection Law;
  - 4.6.5. Service areas continuing to maintain data specific to the services they provide and not sharing this data (except where this is allowed via other mechanisms; see Section 6 for further details).
- 4.7. The plan for when each of these elements will be delivered is attached as Appendix 2.

<sup>2</sup> This database would include a full audit capability, to ensure records of who the data was accessed and/or edited by could be accessed if needed.

## 5. Legislative Requirements

- 5.1. The establishment of the central register or master database of core data and contact details will, to the extent that they comprise personal data (as defined in the Data Protection Law), involve the processing (again as defined in the Law) of that data. In order to process personal data lawfully in these circumstances a new Law will be required. In relation to data that are not personal data, it is also thought preferable to effect the transfer of the data to the central register under a Law.
- 5.2. The provisions of a Law are likely to be similar in many respects to those of The Register of Names and Addresses (Jersey) Law, 2012. The Law will extend to both Guernsey and Alderney and its key provisions will:
  - 5.2.1. Establish a register of core data and contact details which will be under the control of the Policy Council using information already held by any service area of any Committee<sup>3</sup> of the States of Guernsey or Committee of the States of Alderney;
  - 5.2.2. Establish a statutory role for a Registrar, who oversees the register;
  - 5.2.3. Specify for whom/which individuals / organisations a record must be included in the register (broadly those individuals and organisations for whom/which a record is held by a Committee of the States of Guernsey or Committee of the States of Alderney for the purposes identified below) and provide for amendment of those categories or types by Ordinance;
  - 5.2.4. Specify how long records should be retained once they are no longer in active use;
  - 5.2.5. Specify the categories or types of core data and contact details that are to be held on the register (as per Appendix 1) and provide for amendment of those categories or types by Ordinance;
  - 5.2.6. Prescribe who can access the core data and contact details (i.e. States of Guernsey employees and data subjects only) and for what purposes;
  - 5.2.7. Identify the purposes for which the core data and contact details can be used (any changes of, or additions to, those purposes will require an Ordinance) will be enabling or facilitating:
    - the provision of any specified service to an individual by a service area of a States Committee;

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<sup>3</sup>In this context, the term "States Committee also includes other administrative services carried out on behalf of the States of Guernsey.

- anything done by a service area of a States Committee to enable or facilitate compliance by an individual with any specified duty under any specified enactment;
- anything done or to be done by a specified service area of a States Committee in consequence of a breach or alleged breach by an individual of any specified duty under any specified enactment.

("specified" in these instances, meaning specified by regulations made by the Policy Council.)

- 5.2.8. Create powers enabling the Policy Council to verify the core data and contact details;
- 5.2.9. Include penalties for misuse of the core data and contact details (similar to those in The Electronic Census (Guernsey) Ordinance, 2013 in addition to those defined in the Data Protection Law); and
- 5.2.10. Make suitable amendments where necessary to other legislation (including income tax, social insurance and legal aid legislation) to enable core data and contact details held by the Director of Income Tax, the Social Insurance Administrator and the Legal Aid Administrator to be disclosed for the purposes of the register entries.

## **6. Extent of the legislation**

- 6.1. It should be noted that there is other data, which individuals and organisations may need to provide to more than one service area (particularly if the information changes), for example:
  - 6.1.1. An individual's employer and earnings;
  - 6.1.2. The type of economic activity undertaken by the organisation;
  - 6.1.3. Whether a young person is in full time education.
- 6.2. It is proposed that the sharing of data beyond that listed in Appendix 1 should continue to be controlled via existing mechanisms and enabled on a case by case basis. The reason for this is that the other/additional data could be required for very different purposes by different service areas; whereas, contact details will only be required for the purpose of contacting an individual or organisation (in person, by phone or digitally) and the proposed legislation will restrict the use of the data to this purpose only.

## **7. Risks of proceeding**

- 7.1. The proposed solution is not, of course, free of all risk. For example, one of the key risks identified is that a register of this type could become a target for malicious data access attempts. This is equally true of the existing arrangements, albeit that, if successful, any hacker would potentially be able to see a wider range of data than would be the case at present.
- 7.2. This risk can be mitigated by ensuring that no highly sensitive personal information is stored, coupled with the highest possible security levels for the IT system in question.
- 7.3. A further risk is that the database has the potential to become a single point of failure, which would cause operational problems for all service areas. However, this need not be an issue provided that sufficient back-up takes place at regular intervals.
- 7.4. Therefore, the Policy Council considers that, with suitable mitigation in place, the benefits that will ensue from the project outweigh the potential risks.

## **8. Consultation**

- 8.1. The Data Protection Commissioner advised that a register of this nature should only be established via a transparent process and within a robust legal framework. As such, consultation has occurred at each stage before reaching the States for public debate.
- 8.2. This issue was included in the recent Community Survey, by way of asking the public the extent to which they agreed with the following statement: *"I would be happy for States Departments to share my contact details with each other, so I don't have to tell them each individually when something changes."*
- 8.3. Analysis of the survey responses has not yet been finalised but initial indications are that 75% of respondents (1,485 for this question) agreed or strongly agreed, with only 10% strongly disagreeing. There was no discernable common reason for respondents to strongly disagree.
- 8.4. Whilst these are not finalised figures, they give an indication that the majority of individuals would support moves to enable the sharing of their contact details between service areas.
- 8.5. The Alderney Policy and Finance Committee sees the merit in this Policy Letter, and is keen to ensure that Alderney is included in step with Guernsey as the project develops. The Committee feels that, not only will the initiative assist in gathering much needed evidence for policy making, but it will reduce bureaucracy for islanders and save public money – three very good reasons to support the timely initiative.



- 8.6. The Law Officers have been consulted about the proposals contained within this Policy Letter and have advised that the proposed Law can be drafted within the timetable required to commence the establishment of a central register of individuals' core data and contact details in September 2018 provided that the drafting is given the necessary priority by the Policy Council.
- 8.7. In general terms the Income Tax Office Management Team support the aim and intention of the Policy Letter to deliver a customer focussed "tell us once" service; as this aligns with the objectives of Income Tax Office Improvement Programme. Some potential practical issues were highlighted, which although not insurmountable, will need to be worked through when planning the system build stage.
- 8.8. The Administrator of the Social Security Department supports the proposal, which will be much easier for the customer than the current separate arrangements of Departments. He notes that notifications of changes of address will still have different consequences for different Departments. Some actions will require the change of address to be verified, while others may not. The Administrator notes that these matters have been acknowledged in this Policy Letter and will be accommodated in the drafting of the legislation and in the development of the detailed operating arrangements of the new system.
- 8.9. Whilst there are some concerns regarding the logistics of implementing a centralised register of details (particularly with regard to the more vulnerable members of society), the Legal Aid Administrator is in support of achieving efficiency savings and improving customer experiences.

## **9. Resource implications**

- 9.1. There are no additional costs associated with the drafting of the proposed legislation and other associated costs are met from the existing Rolling Electronic Census Project capital vote.
- 9.2. The Policy Council has a capital vote of £633,000 in order to fund the Rolling Electronic Census project. Expenditure on Phase 1 totalled £341,795. Therefore £291,205 remains, which is sufficient and it is planned to use this to fund the core enabling technology, such as:
  - 9.2.1. Mydetails.gg, a webpage people can choose to use to inform all States service areas in one go i.e. tell us once, when they move house (the highest frequency/volume update, which will have the highest impact on customer experience);
  - 9.2.2. Other high frequency/volume updates (in highest impact order), which people may prefer to tell us once;
  - 9.2.3. Smart citizen account (eID) and secure mailbox.

- 9.3. There will be no ongoing revenue resource implications arising from these projects.
- 9.4. These activities are effectively stand-alone precursors to the main project, which will not start until 2018. They are not dependent on this project, which means that benefits can be realised even if the next phase is not delivered as planned – i.e. there is no risk of abortive expenditure.
- 9.5. The proposed legislation would enable significant parts of the Public Sector Reform Programme. Further extensive research is required to determine the resource implications from 2018 onwards, which is the earliest date that links to the central register could start to be established. This will be funded as part of service transformations for Public Sector Reform. As such, it is proposed that the business case be presented to the States for approval of any additional resourcing required, once the details have been determined.
- 9.6. As far as possible, links to the central register will be created at the time of planned system upgrades to minimise costs. The programme of work would be likely to span approximately 5 years.

## **10. Compliance with Principles of Good Governance**

- 10.1. The Policy Council is satisfied that the proposals conform with the six Principles of Good Governance, particularly as they will facilitate compliance with: Core Principle 1, focusing on the organisation's purpose and on outcomes for citizens and service users; Core Principle 4, taking informed transparent decisions and managing risks; and Core Principle 5, developing the capacity and capability of the governing body to be effective.

## **11. Conclusions**

- 11.1. The current position described in this policy letter can only be transformed into a more efficient and customer focussed "tell us once" position, which the States has previously endorsed, by implementing some fundamental changes to the way core data and contact details are stored, maintained and shared. The States can enable individuals and organisations to regain ownership and control of their core data and contact details, which will bring about efficiency savings across the organisation. As set out in this policy letter, this will require legislation to ensure that the data can be centralised in a transparent manner that ensures its continued protection from misuse.

## **12. Recommendations**

- 12.1. The States are asked to:

- 12.1.1. Support the principle of the establishment of a register of core data and contact details as outlined in Section 5 of this Policy Letter;

12.1.2. Direct the preparation of such legislation as may be necessary to facilitate the establishment of such a register;

12.1.3. Direct the Policy Council (and its successor) to research further the resource implications of the practical establishment of such a register, prepare a business case and report back to the States once these details are known.

J P Le Tocq  
Chief Minister

14<sup>th</sup> December 2015

A H Langlois  
Deputy Chief Minister

Y Burford  
P L Gillson  
S J Ogier

R W Sillars  
M G O'Hara  
K A Stewart

P A Luxon  
D B Jones  
G A St Pier

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**POLICY & RESOURCES COMMITTEE**

**PROJET DE LOI ENTITLED "STATES' REGISTER OF CONTACT DETAILS  
(GUERNSEY AND ALDERNEY) LAW, 2019" – INCLUSION OF BIOLOGICAL SEX AT BIRTH**

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled "Projet de Loi entitled "States Register of Contact Details (Guernsey and Alderney) Law, 2019" – inclusion of biological sex at birth", dated 14<sup>th</sup> June 2019 they are of the opinion to:-

1. Approve, in addition to the information approved to be held within the Register of Contact Details by the States at their meeting held on 16<sup>th</sup> February 2016 (see Article 12 on Billet d'État III of 2016 – P. 2016/337) the inclusion of title and biological sex at birth of each individual within the Register, as set out in the Policy Letter; and
2. Approve the Projet de Loi entitled "The States' Register of Contact Details (Guernsey and Alderney) Law, 2019" and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**EXPLANATORY MEMORANDUM**

This Law provides for the establishment and maintenance of a register of contact details ("the Register") to assist selected committees and entities of the States of Guernsey or States of Alderney and selected holders of public office to carry out their functions efficiently.

Section 1 sets out the purpose of this Law. Other than the establishment and maintenance of the Register, the Law is intended to put in place appropriate safeguards for the information in the Register in a manner consistent with the Data Protection (Balliwick of Guernsey) Law, 2017 ("the Data Protection Law").

Section 2 provides for the appointment and responsibilities of a Registrar, who will be the controller of personal data in the Register for the purposes of the Data Protection

Law, and section 3 provides for the Registrar to establish and maintain the Register in accordance with this Law. Section 4 requires designated States' committees and office-holders ("designated authorities") to give the Registrar designated information when required by the Registrar to do so. Designated authorities and designated information are listed in Schedules 2 and 4 respectively.

Section 5 allows designated authorities to withhold personal data relating to an individual if necessary to protect the life, health or safety of an individual.

Section 6 provides for the Registrar to share information in the Register with designated authorities. The exception to this is the biological sex of an individual at birth, which can only be shared with the Committee for Health and Social Care. A designated authority can view, update or use registered information only for specified purposes, including to assist the authority to carry out a designated function. Designated functions are listed in Schedule 3.

Section 7 requires the Registrar to permit registered persons to view and update their personal data in the Register, and section 8 allows the Registrar to suspend or revoke any person's access to the Register if the person has viewed, updated or used registered information in contravention of this Law or any other enactment.

Section 9 prohibits the Registrar from allowing any person to view, use or update any registered information except in accordance with this Law, where necessary to assist the Registrar with his or her functions or where required by another enactment or a court order.

Section 10 allows the Registrar to withhold information from the Register or restrict any person's access to registered information where necessary to protect the life, health or safety of any individual, and section 11 allows the Registrar to require any person to verify any registered information relating to the person. Failure to comply with this requirement without a reasonable excuse is an offence.

Section 12 provides for the Registrar to erase any registered information if the Registrar determines that it no longer needs to be kept.

Section 13 allows any person to whom notice is given to seek a review of various decisions of the Registrar in accordance with Schedule 1.

Section 14 provides for a right to appeal any review decision to the Royal Court.

Section 15 imposes a duty of confidentiality on the Registrar, designated authorities and any person acting for either. Breach of this duty is an offence.

Section 16 makes it an offence to view, use or update any registered information except where necessary to perform functions under this Law or where required or authorised

by this Law, any other enactment or a court order, and section 17 makes the provision of false, deceptive or misleading information an offence. Section 18 sets out penalties for the offences under this Law, and section 19 sets out a defence of due diligence.

Section 20 provides that no legal duties are contravened by any person doing the following in accordance with this Law: giving the Registrar any designated information; or viewing, using or updating any registered information or permitting any person to do so.

Section 21 provides for the giving of notices and service of documents, and section 22 provides for the States of Guernsey Policy & Resources Committee to amend Schedule 1 by regulations, and for the States of Deliberation by Ordinance to amend section 6(3) or any of Schedules 2, 3, 4 and 5 to this Law. The States of Deliberation can also amend this Law by Ordinance on a number of specified grounds. Sections 23 to 25 deal with the making of secondary legislation, and definitions.

Section 26 regulates consent under this Law.

Section 27 and Schedule 5 makes consequential amendments to a number of other enactments, and sections 28 to 30 deal with extent, citation and commencement.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**POLICY & RESOURCES COMMITTEE**  
**COMMITTEE FOR HEALTH & SOCIAL CARE**

**PROJET DE LOI ENTITLED "STATES' REGISTER OF CONTACT DETAILS  
(GUERNSEY AND ALDERNEY) LAW, 2019" – INCLUSION OF BIOLOGICAL SEX AT BIRTH**

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

1st July, 2019

Dear Sir

**1 Executive Summary**

- 1.1 In February 2016, the States of Deliberation supported the principle of establishing a Central (i.e. shared organisation-wide, but not public) Register of Contact Details for Individuals and Organisations (Billet d'État III of 2016). The policy intention was to give people better sight and control of their own information and reduce duplication of effort across States of Guernsey service areas.
- 1.2 Further, the States resolved "To direct the preparation of such legislation as may be necessary to facilitate the establishment of such a Register."
- 1.3 The resulting draft Register of Contact Details (Guernsey and Alderney Law, 2019 (the Law) is attached. It sets out:
  - which data can be held in the Register;
  - the role of the Registrar;
  - data sharing principles and gateways (via Amendments to existing legislation) and appeal processes; and
  - personal data safeguards and retention periods.
- 1.4 This Policy Letter proposes the inclusion, within the information held in the Register, of an individual's biological sex at birth. This will enable the Register (in addition to the purposes of the Register described above and set out in the

earlier Billet) to be used by the Committee *for* Health & Social Care for the purposes of targeting public health and preventative health and care services, including issuing invitations for population-based interventions, such as medical screening and immunisation programmes.

- 1.5 For this purpose, the States are asked to approve the inclusion of biological sex at birth of each individual within the Register, in addition to the information approved to be held within the Register of Contact Details by the States at their meeting held on 16<sup>th</sup> February 2016 (see Article 12 on Billet d'État III of 2016 – P. 2016/337).
- 1.6 Further the States are asked to approve the Law entitled “The States’ Register of Contact Details (Guernsey and Alderney) Law, 2019”.

## **2 Strategic context of the proposals**

### **i) Establishing a Register of Contact Details**

- 2.1 The concept of an e-citizen database, which was initially proposed in 2010 (Billet d'État XVII of 2010), was formalised into Phase Two of the Rolling Electronic Census Project in 2013 (Billet d'État V of 2013). Subsequently, in February 2016, the States resolved “To support the principle of the establishment of a Register of core data and contact details as outlined...” and “direct the preparation of such legislation as may be necessary to facilitate the establishment of such a Register.”
- 2.2 The legislation has been prepared in the form of the draft States’ Register of Contact Details (Guernsey and Alderney) Law, which reflects the requirements set out in 2016.
- 2.3 The list of information about each individual to be held in the Register was set out in Appendix 1 (Page 337) of Billet d'État III of 2016 for absolute transparency regarding the extent of the Register. This has been reflected in Schedule 4 of the draft Law.
- 2.4 Biological sex at birth was not listed since, at that time, the requirement for it had not been identified.
- 2.5 However, in the intervening period, it has been highlighted by the Committee *for* Health & Social Care (the Committee) that recording the biological sex at birth of each individual in the Register will enable the Register to be better used to effectively target a range of public health preventative health and care services.
- 2.6 In its Policy Letter entitled “A Partnership of Purpose: Transforming Bailiwick Health and Care” (Billet d'État XXIV of 2017), the Committee *for* Health & Social



Care described the need for the transformation of health and care to be pursued on the basis of the foundations of integrated care which, which among other key aims, should focus on prioritising prevention and early intervention that will benefit the greatest number of people at an affordable cost.

- 2.7 Furthermore, in approving Resolution 9 of the Partnership of Purpose Policy Letter, the States has agreed that the processing of health and care data should be premised on the equally important dual functions of protecting the integrity and confidentiality of such data and its sharing, where in the interests of the service user or the delivery of a public health function.
- 2.8 This is complementary to the purpose of the Law, to provide for the establishment and maintenance of a register of contact details to assist designated authorities to carry out designated functions effectively.
- 2.9 This Policy Letter therefore asks the States of Deliberation to agree to the inclusion of provision, at section 6(3) and paragraph 3(e) of Schedule 4 to the Law, to allow each individual's biological sex at birth to be held within the Register and appropriately safeguarded.

**ii) The need to record biological sex at birth on the Register so it can be used for preventative public health services**

- 2.10 As above, the Committee *for* Health & Social Care has identified that the inclusion of biological sex at birth in the Register will support the delivery of targeted public health preventative services.
- 2.11 The importance of medical screening to identify potentially serious health conditions at the earliest possible stage is one of the important determining factors in securing positive outcomes for islanders.
- 2.12 The screening programmes currently offered and to whom they are offered are shown in Table 1:

**Table 1: Eligibility for population-based health screening programmes**

<b>Programme</b>	<b>Age Range</b>	<b>Biological Sex</b>
Cervical Cancer screening	25-64	Female only*
Bowel Cancer screening	55-74	Male and Female
Breast Cancer Screening	50-71	Female only
Abdominal Aortic Aneurysms	65+	Male only**

\* Cervical cancer screening is currently administered by GP practices on behalf of the Committee

\*\*This service is not currently routinely available but the possibility of offering it is being scoped during 2019.

- 2.13 As will be evident from Table 1 overleaf, appointments for medical screening are targeted on the basis of an individual's biological sex and/or age.
- 2.14 The Committee presently issues bowel and breast cancer screening invitations using data purchased from private medical practices, which tend to have more up to date and complete records. In each case a list is obtained once a year from private medical practices, cross-referenced and then added to the 'Trakcare' system used in the Princess Elizabeth Hospital before being used to issue invitations.
- 2.15 This administrative process is required because the Committee currently only has access to the records of those individuals who have attended hospital. While this covers approximately 95% of the population, a truly preventative approach to health and care would ensure that appropriate medical screening is available to all. The reach of the data sets sourced from private medical practices has proven to be more comprehensive. However, neither the Bowel Cancer Screening nor Breast Cancer Screening service currently has a complete list of individuals eligible for screening.
- 2.16 The inclusion of biological sex at birth on the Register offers an opportunity to generate an equally or potentially more comprehensive data set (as it would include individuals that had registered with any States' service) and at a lower cost.
- 2.17 The current approach results in appointments being put aside for individuals who left the Island or died between data being obtained from surgeries and screening invitations being issued. This is an inefficient use of resources, which could be addressed by the introduction of a centrally provided list of eligible persons by the Register.
- 2.18 The current approach also results in a risk of people who have moved to or within the Island not receiving an invitation. If a person eligible for screening was missed and then went on to develop the disease that screening aims to prevent, there is a concern that this may make the States of Guernsey vulnerable to litigation. The Committee might also expect that women would be disproportionately affected by missed invitations for screening due to there currently being two female-only screening programmes (cervical and breast).
- 2.19 Recording this additional information within the Register, as would be permitted by the inclusion of biological sex at birth in Schedule 4 of the Law, would allow the Committee to more effectively target preventative public health measures. In addition to the above, this also includes providing a more robust data set for immunisation programmes and will enable the cross checking of this data with

existing sources. This also offers the opportunity to make the process for inviting individuals for preventative health care services more robust and, when fully established, will remove the reliance on private GP practices to provide this information and the associated cost.

**iii) The need to record title in the Register to ensure customers are addressed appropriately when contacted**

- 2.20 While researching the options for best achieving targeted public health preventative services, it was identified that individual's titles had also been omitted from Appendix 1 (Page 337) of Billet d'État III of 2016. However, titles are routinely used in salutation when people are contacted by States' services and some customers expect them to be used.
- 2.21 As such, it is proposed that individual's titles are also included in the Register, enabling people to be addressed according to their preference (including gender-neutral titles and those that do not intimate a marital status). For the avoidance of doubt, this information will not be linked to or inferred from biological sex at birth.

**3 Required provisions in the Law**

- 3.1 The provisions that will be required to enable biological sex at birth to be included within the Register of Contact Details and the appropriate safeguards are included within the Law, which is laid before the States for approval.
- 3.2 If included in Schedule 4 to the Law, biological sex at birth will be the only information to be held in the Register that could be classed as special category data, as per the Data Protection (Bailiwick of Guernsey) Law, 2017. As such, specific safeguards have also been included in the Law to ensure the information is only available to those in Health & Social Care that need access to this information. This is to prevent medical or otherwise sensitive information (particularly information that may identify those people who have transitioned or who are transitioning between sexes) from being made available to services that have no legitimate business need for that information.
- 3.3 The Committees acknowledge the need for this to be handled in a sensitive way but strongly feel that the overriding public health benefits which support a preventative approach to health and care can be managed through the appropriate handling of the data, through the measures incorporated within the Law.

#### **4 Resource and implementation plan**

- 4.1 Capital funding to establish the Register was secured through the States' Capital Investment Programme, when £12.5m in total was prioritised for "Digital Channel Shift", of which this is a key initiative. This and the other initiatives that will enable Digital Channel Shift will be taken forward as part of the Future Digital Service Programme.
- 4.2 The estimated costs (and anticipated benefits) of delivering the Register will be refined once the extent of the legislation has been finalised and the practicalities of delivering the Register have been fully examined. This work will commence as soon as the legislation has been approved by the States, with the intention of delivering a prototype of the Register in 2020.
- 4.3 Once the prototype has been refined into an operational model, services will be connected to the Register one by one, in a programme of work that is expected to span five years.
- 4.4 Including biological sex at birth information within the Register is not expected to have a material impact on the overall cost or timings of implementing the Register.

#### **5 Compliance with Rule 4**

- 5.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 5.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications. She has advised that there is no reason in law why the Propositions should not to be put into effect.
- 5.3 In accordance with Rule 4(3) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that Proposition 1 above has marginal financial implications in the context of the overall cost of establishing and maintaining the Register.
- 5.4 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that Proposition 1 above has the unanimous support of the Committee for Health & Social Care and the Policy & Resources Committee.
- 5.5 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, as the States' Committee leading on Phase

Two of the Rolling Electronic Census Project and sponsoring the Law, it is confirmed that proposition 2 above has the unanimous support of the Policy & Resources Committee.

- 5.6 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee *for* Health & Social Care to protect, promote and improve the health and wellbeing of individuals and the community.
- 5.7 Also in accordance with Rule 4(5), the Committee *for* Health & Social Care has discussed the proposal to include biological sex at birth on the Register of Contact Details with Liberate<sup>1</sup>. Liberate is supportive of the approach described in this Policy Letter, as set out in its letter in Appendix 1.
- 5.8 In accordance with Rule 4(5), the Policy & Resources Committee is hereby discharging its responsibilities established by Resolution of the States of Guernsey.

Yours faithfully

G A St Pier  
President  
Policy & Resources Committee

H J R Soulsby  
President  
Committee *for* Health & Social Care

L Trott  
Vice-President  
Policy & Resources Committee

R H Tooley  
Vice-President  
Committee *for* Health & Social Care

A H Brouard  
J P Le Tocq  
T J Stephens

R G Prow  
D A Tindall  
E A Yerby

R H Allsopp, OBE  
Non-States Member

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<sup>1</sup> Liberate is a registered Guernsey charity, which educates and informs on a wide range of issues in support of the Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) community.

## Appendix 1

Deputy H Soulsby  
President, Committee *for* Health & Social Care  
Rue Mignot  
St. Andrew  
Guernsey  
GY6 8TW.

5<sup>th</sup> June 2019

Dear Deputy Soulsby,

Liberate is grateful to the Committee for Health & Social Care for requesting its feedback about the proposal to include biological sex in the States' Register of Contact Details Law. It is supportive of this approach as it is important to ensure that everyone is offered the right screening.

Thank you for you continued consultation and work with the LGBTQ community of the Channel Islands.

Kind regards

Ellie Jones  
Vice Chair – Liberate  
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