

Fair Processing Notice

for

the Braye Harbour Booking Form

1. The States of Alderney Harbour Authority are collecting information for anyone wanting to travel to Alderney via a boat, from within the Bailiwick, during the Covid-19 pandemic. All visitors to Alderney need to confirm that they have no symptoms of Covid-19 and that they have supplied contact information to assist track and tracing of the virus if the visitors become infected or are suspected of being exposed to the virus.
2. The States of Alderney Harbour Authority are the controller of that personal data. The States of Alderney Harbour Authority and the Department of Health and Social Care will be the processor of the personal data.
3. You are being asked to declare if you have any symptoms of Covid-19, which is special category data¹, for example health data. If you have any symptoms of Covid-19 you should NOT be travelling to Alderney and will NOT be allowed to land on Alderney.
4. No decision will be made based on automated processing² of your personal data.
5. The States of Alderney Harbour Authority expects to disclose your personal data to one or more of these recipients or categories of recipients:
 - (a) The States of Alderney officers assisting the Harbour Authority to carry out the processing and storage of your personal data;
 - (b) The officers assisting the Department of Health and Social Care with monitoring and protecting the island from the Covid-19 pandemic; and
 - (c) The Guernsey Border Agency who will also be informed of all entry of boats into the Alderney Harbour.
6. The legal bases for processing your personal data are:

¹ Personal data revealing an individual's racial or ethnic origin, political opinion, religious or philosophical belief, or trade union membership; genetic data, biometric data, health data, personal data concerning an individual's sex life or sexual orientation, or personal data relating to the commission or alleged commission of a criminal offence, or proceedings for a criminal offence.

² Processing of personal data by automated means, where a decision affecting the significant interests of the data subject is solely based on such processing.

- (a) The processing is necessary for the exercise or performance by a public authority of a function that is of public nature or a task carried out in the public interest (the protection of people's health related to the Covid-19 pandemic);
 - (b) The processing is necessary for the controller to exercise any right or power, or perform or comply with any duty, conferred or imposed on the controller by an enactment; and
 - (c) Is necessary for reasons of public health, for example - for protection against serious threats to public health, or to ensure high standards of quality and safety for health care, medicinal products or medical devices, and is carried out with appropriate safeguards for the significant interests of data subjects.
7. The States of Alderney Harbour Authority does not intend to transfer your personal data to a recipient in any country or territory other than the Bailiwick of Guernsey and possibly the United Kingdom³. In the event that the United Kingdom leaves the European Union, the United Kingdom will be a designated jurisdiction (and an authorised jurisdiction for the purposes of personal data transfers).
8. The States of Alderney Harbour Authority will hold onto your personal data for at least a year after you have arrived in Alderney. The information may be used in an anonymous format to allow statistics to be published.
9. You have the data subject rights set out in sections 14 to 24 of the Data Protection (Bailiwick of Guernsey) Law, 2017, summarised in the attached Schedule.
10. The contact details of the data controller and its data protection officer are as follows:

The States of Alderney Harbour Authority

c/o Mr. John Taylor

States of Alderney

PO Box 1001

Alderney

GY9 3AA

The Channel Islands

Tel: 01481 820070

Email: john.taylor@gov.gg

³ For the purposes of electronic data storage.

Data Protection Officer:

Mr. Ian Haywood

Tel: 01481 820049

Email: dp@alderney.gov.gg

11. You may make a complaint in writing to the Data Protection Authority under section 67 of the Data Protection (Bailiwick of Guernsey) Law, 2017 if you consider that the Committee has breached, or is likely to breach, an operative provision of that Law, and the breach involves, affects or is likely to involve or affect your data subject rights (see paragraph 9 of this Notice and the Schedule) or any personal data relating to you.
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SCHEDULE

a. Right of access

A data subject has the right to be advised as to whether a controller is processing personal data relating to them and, if so, that individual is entitled to one free copy of their personal data (with further copies available at a fee prescribed by the controller). This is known as a Subject Access Request (SAR). Upon receipt of a SAR, the controller has a period of one month to adhere to the request (an extension of two further months can be sought by the controller depending upon the complexity and number of requests submitted by the data subject).

b. Right to data portability

A data subject has the right to data portability, this means that an individual is able to arrange for the transfer of their personal data from one controller to another without hindrance from the first controller. This right can only be utilized where the processing is based on consent or for the performance of a contract. This right cannot be used for processing by a public authority.

Where a data subject invokes the right to data portability, the data subject has the right to be given their personal data in a structure, commonly used and machine-readable format suitable for transmission from one controller to another. Upon the request of a data subject, the controller must transmit their personal data directly to another controller unless it is technically unfeasible to do so.

c. Exception to right of portability or access involving disclosure of another individual's personal data

A controller is not obliged to comply with a data subject's request under the right of access or right to data portability where the controller cannot comply with the request

without disclosing information relating to another individual who is identified or identifiable from that information.

d. Right to object to processing

A data subject has the right to object to a controller's activities relating to the processing of personal data for direct marketing purposes, on grounds of public interest and for historical or scientific purposes.

e. Right to rectification

A data subject has the right to require a controller to complete any incomplete personal data and to rectify or change any inaccurate personal data.

f. Right to erasure

A data subject has the right to submit a written request to a controller regarding the erasure of the data subject's personal data in certain circumstances. These include where:

- The personal data is no longer required in relation to its original purpose for collection by the controller;
- The lawfulness of processing is based on consent and the data subject has withdrawn their consent;
- The data subject objects to the processing and the controller is required to cease the processing activity;
- The personal data has been unlawfully processed;
- The personal data must be erased in order to comply with any duty imposed by law;
- or
- The personal data was collected in the context of an offer from an information society service directly to a child under 13 years of age.

g. Right to restriction of processing

A data subject has the right to request, in writing, the restriction of processing activities which relate to the data subject's personal data. This right can be exercised where:

- The accuracy or completeness of the personal data is disputed by the data subject who wishes to obtain restriction of processing for a period in order for the controller to verify the accuracy or completeness;
- The processing is unlawful but the data subject wishes to obtain restriction of processing as opposed to erasure;

- The controller no longer requires the personal data, however the data subject requires the personal data in connection with any legal proceedings; or
- The data subject has objected to processing but the controller has not ceased processing operations pending determination as to whether public interest outweighs the significant interests of the data subject.

h. Right to be notified of rectification, erasure and restrictions

Where any rectification, erasure or restriction of personal data has been carried out, the data subject has a right to ensure that the controller notifies any other person to which the personal data has been disclosed about the rectification, erasure or restriction of processing. The controller must also notify the data subject of the identity and contact details of the other person if the data subject requests this information.

i. Right not to be subject to decisions based on automated processing

A data subject has the right not to be subjected to automated decision making without human intervention.