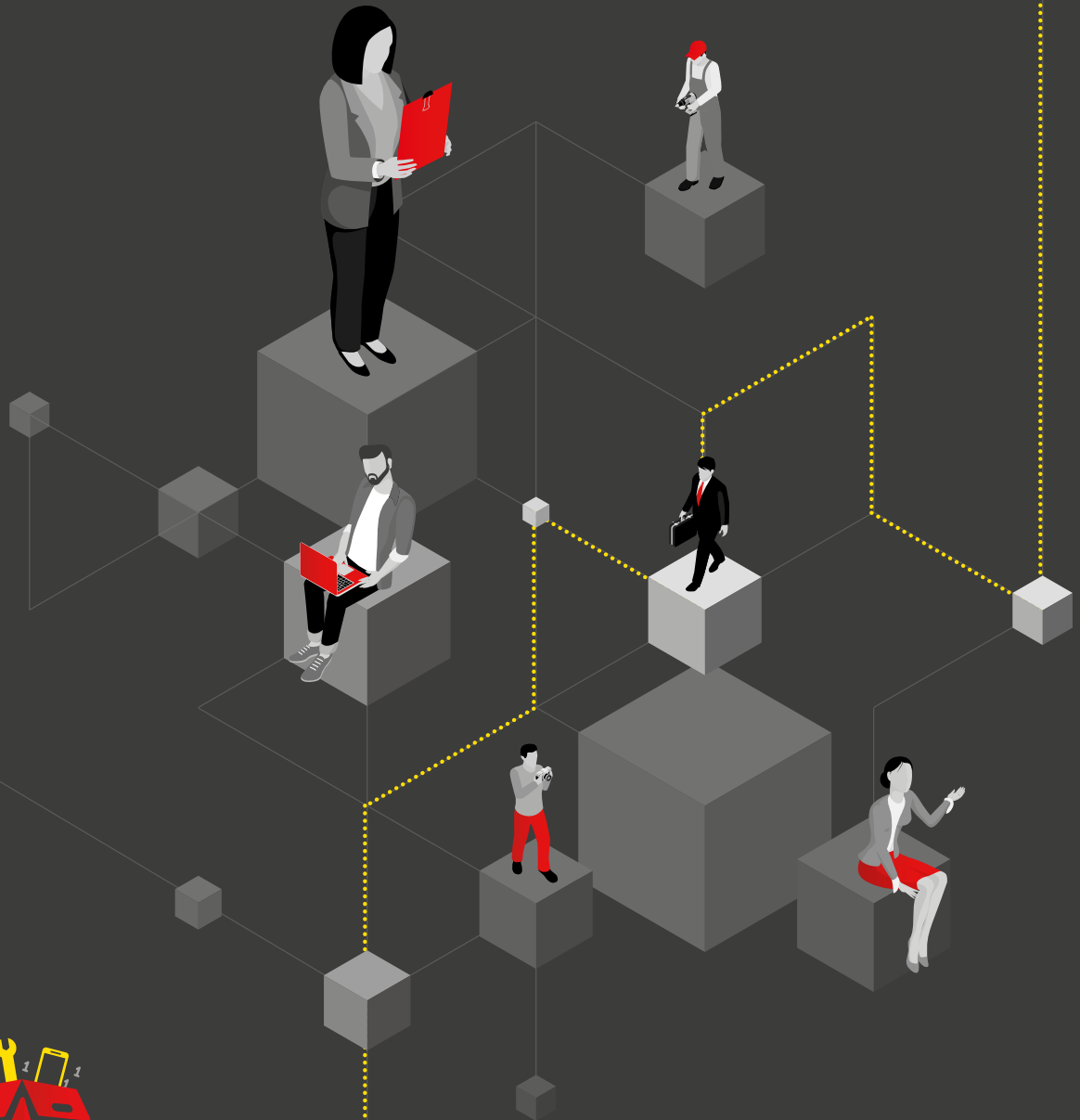




PRIVACY POLICY CHECKLIST



Guidance for Organisations

This document is purely for guidance and does not constitute legal advice or legal analysis. It is intended as a starting point only, and organisations may need to seek independent legal advice when renewing, enhancing or developing their own processes and procedures or for specific legal issues and/or questions.



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Privacy Policy Checklist

The privacy policy/notice (**'Policy'**) is a key document as it lets your employees, customers, suppliers and contractors know that you take your privacy responsibilities seriously, it spells out how you use personal information and what they can do if they would like clarification as to your use of their information. It should contain the specified information required in Article 12(4) of the Data Protection (Jersey) Law 2018 (the **'DPJL'**). This checklist is designed to help you achieve this.

The Policy must be in clear and straightforward (intelligible) language, which is appropriate for your audience. It does not have to be a written Policy (it could be audio and/or visual) but most organisations find it easier to do it in this way.

The information that needs to be contained in your **Privacy Policy Template** is as follows:

The identity and contact details of the controller (usually your organisation), and (where applicable), the controller's representative;

The contact details of the data protection officer if you have one;

Information about the purposes for which the personal information is intended to be processed (what you are going to do with it) and the legal basis for the processing. (The legal basis means why you are using the information – such as consent, to fulfil a contract or for any of the other reasons set out in Schedule 2 of the Law.) Please check out our document 52 of the toolkit - **Lawful Basis of Processing**;

An explanation of the legitimate interests pursued by the controller or by a third party, if the processing is based on those interests;

If you are sharing the personal information you are using – you must provide details of the recipients of the information, why you are sharing it and explain about how you are ensuring the security of the personal information;

If you are sending information to a third country or international organisation (so, if the recipients are outside of Jersey, Guernsey, the UK, Europe or any other country that has adequacy status), you must specify how you are ensuring the safety of the personal data meaning that the recipient will not share it, they will secure it, only use it for the purpose you are sharing it with them and that they comply with Data Protection legislation;

Indicate how long you will be keeping (retaining) personal information you use;

Set out and explain the rights individuals have under the **Law**;

If you are processing on the basis of consent, advise individuals that they can withdraw their consent at any time;

Give details of any automated decision-making which is involved in the use of the personal information you are collecting;



Advise that the individual has the right to complain to the Jersey Office of the Information Commissioner if they are concerned about the use of their personal information;

Whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the personal data and the possible consequences of failing to provide such data;

If the personal information hasn't been collected directly from the data subject (the individual/the customer/supplier etc) by you, explain where you got it from;

Any other relevant information that you consider necessary having regard to the specific circumstances in which the data are/are to be processed.



The privacy policy is a key document as it lets your customers, suppliers and contractors know that you take your privacy responsibilities seriously, it spells out how you use personal information and what they can do if they would like clarification as to your use of their information.

The policy must be written in clear and straightforward language, which is appropriate for your audience;

State the identity and contact details of the controller (your organisation), and (where applicable), a member of your team for contact purposes;

The contact details of the data protection officer if you have one;

The purposes for which the personal information is intended to be processed (used) and the legal basis for the processing. The legal basis means why you are using the information – such as to carry out a service, to fulfil a contract or to comply with legislative requirements;

An explanation of the legitimate interests pursued by the controller or by a third party, if the processing is based on those interests;

If you are sharing the personal information you are using – you must provide details of the recipients of the information, why you are sharing it and reference to the security of the personal information. If the recipients are outside of Jersey and Europe – specify how you are ensuring the safety of the personal data meaning, that the recipient will not share it, they will secure it, only use it for the purpose you are sharing it with them and that they comply with Data Protection legislation;

Indicate how long you will be keeping (retaining) personal information you use;

List out the rights individuals have under the **DPJL**;

Give details of any automated decision-making which is involved in the use of the personal information you are collecting;

Provide the reader with a statement that the individual has the right to complain to the Jersey Office of the Information Commissioner if they are concerned about the use of their personal information;

Whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the personal data and the possible consequences of failing to provide such data;

If the personal information hasn't been collected directly from the data subject (the individual/the customer/supplier etc) by you, provide information identifying the source of the personal information.

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