

GUIDANCE NOTE

Registration of Controllers and Processors

Article s17 and 18 Data Protection Authority (Jersey) Law 2018
Data Protection (registration and Charges)(Jersey) regulations 2018

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CONTENTS

Introduction	3
Overview	4
What is registration?	5
More information	16

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INTRODUCTION

1. The Data Protection (Jersey) Law 2018 (“**DPJL**”) is based around six principles of ‘good information handling’. These principles give people (the data subjects) specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it.
2. The Data Protection Authority (Jersey) Law 2018 (“**DPAJL**”) establishes the Data Protection Authority (the **Authority**) which replaces the Office of the Information Commissioner upon implementation of the laws on 25 May 2018. The Information Commissioner (the **Commissioner**) is the Chief Executive Officer of the Authority.
3. This is part of a series of guidance to help organisations fully understand their obligations, as well as to promote good practice.
4. The DPAJL requires all controllers and processors established in Jersey who process personal data to register, with the Authority and to pay a fee (subject to certain exemptions). Under the DPAJL anyone who does not comply with these provisions is guilty of a criminal offence and subject to a fine.
5. This guidance will explain the various provisions concerned with registering as a controller or a processor.

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OVERVIEW

6. This guidance applies to data controllers and processors, as defined under Art.1 (1) of the DPJL.
7. Registered controller means a controller registered under Art.17 of the DPAJL and registered processor means a processor registered under Art.17 of the DPAJL.
8. This guidance note contains the Commissioner's guidance on registration under the DPAJL. Registration is a statutory requirement and every controller and processor must register with the Authority. Any failure to do so is a criminal offence.
9. Registration is a process by which a controller or processor informs the Commissioner of certain details about their processing of personal information. These details are then used by the Commissioner to make an entry describing the processing in a register (the **Register**) that is available to the public for inspection.

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WHAT IS REGISTRATION?

What is Registration?

10. Registration is the process by which data controllers and data processors (organisations that process personal data on behalf of controllers) inform the Authority of certain details about their processing of personal information. These details are used by the Commissioner to make an entry describing the processing in a register that is available for inspection by the public.
11. The principal purpose of registration is transparency and openness. It is a basic principle of data protection that the public should know (or should be able to find out) who is processing their personal information as well as other details about the processing (such as why the processing is taking place).
12. The Register will not contain very detailed information about information processed by a controller or processor. The aim is to keep the content at a general level, with sufficient detail to give an overall picture of the processing being carried out.

Who is required to Register?

13. All data controllers and processors are required to register with the Authority and may not process personal data unless they are so registered, unless an exemption applies:

“A controller or processor established in Jersey must not cause or permit personal data to be processed without being registered as a controller or processor...”¹

14. You do not need to register if:
 - a. The information you hold is not “personal data”²;
 - b. You are holding information for domestic purposes only; or
 - c. Your process data (as a controller or processor) purely for the purpose of safeguarding national security³.
15. Any data processor processing data on behalf of a data controller in one of these categories, must also register.

¹ Art.17(1) of the AL

² Personal data is defined in Art.2(1) of the JDPL as “any data relating to a data subject”. This would include pseudonymised data (data which has been anonymised to the extent that the data subject cannot be identified)

³ Art.41 of the JDPL

**How do I register?**

16. You can register by online registration and all new customers will be provided a registration number at the point of registration together with a security number which must be quoted each time you contact us about your Register entry. You should keep this number safe.
17. Once you have completed the online registration we will review the submission to make sure that all the necessary information has been provided and once approved, the submissions will go “live” on the Register.
18. You will receive a notification from us when your registration is live on the Register.

What is the fee for registration?

19. Under the 2018 Regulations, a £50 fee is payable by controllers and processors at the time of registration save for in respect of certain controllers who do not need to pay a fee.
20. You may pay online, by cash in person or you can send us a cheque. If you choose to pay us by cheque, please make it out to the Treasurer of the States, write your registration number on the back of the cheque and send it to:

Jersey Office of the Information Commissioner
2nd Floor
5 Castle Street
St Helier
Jersey JE2 3BT.

When do I have to renew my registration?

21. You need to renew your registration every year and your entry will automatically expire unless it is renewed. It is very important that we receive payment for renewal prior to the expiry of your Register entry.
22. Prior to the expiry of your registration you will receive an automatic notification reminding you that your registration is coming up for renewal. All controllers and processors are required to register and any failure to do so will constitute a criminal offence.
23. You will be asked whether there have been any changes to the controller/processor name or the address/contact details.

What if I need to change my registration?

24. You must tell us about any changes as soon as possible and you must do it by logging onto your Registration, and in any event within 28 days of the change. Failure to keep your registration entry up-to-date is a criminal offence. Changes can be made free of charge.
25. If you no longer need to be registered you must write to us explaining why registration is no longer required. We may contact you if we need further information.

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Changes of legal entity

26. A Register entry is non-transferable from one controller or processor to another. Therefore, if there is a change in the legal entity of the data controller or processor a new entry must be made to the Register. You will not receive any refund on your previous registration.

Is the Register published?

27. Yes. The Register is published on our website, www.jerseyoic.org You will not be sent a copy of your Register entry but you can print a copy off from our site if you so wish.

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MORE INFORMATION

28. Additional guidance is available on our guidance pages with more information on other aspects of the DPJL and DPAJL.
29. This guidance has been developed drawing on the Commissioner's experience. It will be reviewed and considered from time-to-time in line with new decisions by the Commissioner and/or the Jersey courts.
30. It is a guide to our general recommended approach, although each individual case will likely be different and will be decided on the particular circumstances of the case.
31. If you need any further information about this, or any other aspect of the DPJL or DPAJL, please contact us or visit our website www.jerseyoic.org

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