

GUIDANCE NOTE

Exemptions

Data Protection (Jersey) Law 2018

Article 41-62 of the Data Protection (Jersey) Law 2018

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INTRODUCTION

1. The 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 (**AL**) establishes the Data Protection Authority (the Authority) (which will replace the Office of the Information Commissioner). 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.

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OVERVIEW

- The rights and duties set out in the DPJL are designed to apply generally, but there are some exemptions from, and modifications to, various provisions of the DPJL. These are contained at Part 7 (Arts.40-62) of the DPJL.
- If an exemption applies, then (depending on the circumstances) you will be exempt from the requirement:
 - o to grant subject access to personal data; and/or
 - o to give privacy notices; and/or
 - o not to disclose personal data to third parties.
- Entitlement to an exemption depends in part on your purpose for processing the personal data in question - for example, there is an exemption from some of the DPJL's requirements about disclosure and non-disclosure that applies to processing personal data for purposes relating to crime and taxation.
- You must consider each exemption on a case-by-case basis because the exemptions only permit you to depart from the DPJL's general requirements to the minimum extent necessary to protect the particular functions or activities the exemptions concern.
- You should not routinely rely on exemptions or apply them in a blanket fashion – it must be appropriate in the circumstances of the particular request that has been made and a controller will always retain the discretion to release information that might otherwise be capable of being withheld (i.e., even if the exemption legitimately applies, a controller may still decide to release that information to the data subject).
- Similarly, any exemption should only be applied in reference to the specific subject access right, the exercise of which would prejudice the interest in question (i.e. a controller's interests in respect of (for example) management forecasting could be prejudiced by the release of information in response to a subject access request, but may not be prejudiced in respect of a request for rectification).
- Art.6(1)(a) of the DPAL 2018 sets out that “a controller is responsible for, and must be able to demonstrate compliance with, the data protection principles”. This means that a controller is responsible for showing that everything it does is in compliance with the law, including responding to requests for information.
- You will need to explain why the exemption is required in each case, and how and by whom this was considered at the time. You should clearly document your decision-making process at the time as you should be able to explain to a data subject (where possible) why exemptions have been applied and may also need to explain your thought process to the JOIC.



EXEMPTIONS

Division 1 - General and wider exemptions (Arts.40-22 of the DPJL)

National security (Art.41)

4. Personal data are exempt from any of the provisions of:
 - a. The data protection principles;
 - b. The transparency and subject rights provisions;
 - c. The offence in Art.71 of the DPJL (which prohibits the unlawful obtaining etc. of personal data); and
 - d. Parts 3 and 4 of the AL

If the exemption from that provision is required for the purpose of safeguarding national security.

5. A certificate signed by the Minister for Home Affairs is conclusive evidence of the fact that the exemption is required for safeguarding national security. Such a certificate may identify the personal data by describing it in general terms. A person directly affected by the issue of the certificate may apply to the Royal Court for a review of the decision to issue the certificate. If the Royal Court finds that the Minister did not have reasonable grounds to issue the certificate, the court may quash the decision and void the certificate.

Criminal record certifications (Art.42)

6. Art.42 overrides the Law in respect of criminal record certifications.

Manual data held by public authorities (Art.43)

7. Manual data (i.e. that not processed automatically, and that is not part of a filing system (or intended to be part of a filing system) held by public authorities are exempt from all aspects of the DPJL except in relation to the right of access provisions, the right to rectification, processing that is necessary for national security or in respect of criminal record certifications and processing for the “special purposes” (see below). Individuals retain the right to bring proceedings against controllers and against the unlawful obtaining of personal data.

Academic, journalistic, literary or artistic material (Art.44)

8. This exemption protects freedom of expression in academia, journalism, art and literature (which are known as the ‘special purposes’ as defined in Art.1(1) of the DPJL).
9. The scope of the exemption is very broad and it can exempt from most provisions of the DPJL, including subject access – but never Arts.68 and 69 (proceedings against controllers and compensation).
10. However it does not give an automatic blanket exemption. In order for the exemption to apply:



- a. the data must be processed only for academia, journalism, art or literature,
 - b. it must be being processed with a view to publication,
 - c. with regard to the importance of freedom of expression, you must have a reasonable belief that the publication is in the public interest, and
 - d. the public interest outweighs the interests of the data subject and the application of those provisions.
11. You will need to explain why the exemption is required in each case, and how and by whom this was considered at the time. You should document your decision making process.
12. When deciding whether or not publication would be in the public interest, regard may be had to the controller's compliance with any code of practice relevant to the publication in question and the extent to which the publication is regulated.

Division 2 - Exemptions from transparency and subject rights provisions

Crime and taxation (Art.45)

13. The DPJL recognises that it is sometimes appropriate to disclose personal data for certain purposes to do with criminal justice or the taxation system. In these cases, individuals' rights may occasionally need to be restricted. In particular, the DPJL deals with several situations in which personal data is processed for the following "crime and taxation purposes":
- a. the prevention, detection or investigation anywhere of crime;
 - b. the apprehension or prosecution, anywhere of offenders who have committed or are alleged to have committed, an offence anywhere; and
 - c. the assessment or collection, anywhere of any tax or duty, or imposition of a similar nature, wherever due;
 - d. the disclosure made to a police officer under Art.32/32A or any Order made under Art.37 of the Proceeds of Crime (Jersey) Law 1999; or
 - e. the reporting of suspicious activities under any Tax Information Exchange Agreement (Art.45(1)).
14. Personal data processed for any of these purposes is exempt from:
- a. an organisation's duty to comply with the transparency principle (but not including the duty to satisfy one or more of the conditions for processing – you must still do this); and
 - b. the rights afforded to individuals under Part 6 of the DPJL.



Example 1

The States of Jersey Police (“SOJP”) process an individual’s personal data because they suspect him of involvement in a serious crime. If telling the individual they are processing his personal data for this purpose would be likely to prejudice the investigation (perhaps because he might abscond or destroy evidence) then the police do not need to do so.

However, the exemption applies, in any particular case, only to the extent that applying those provisions would be likely to prejudice the crime and taxation purposes. You need to judge whether or not this effect is likely in each case - you should not use the exemption to justify withholding subject access to whole categories of personal data if for some individuals the crime and taxation purposes are unlikely to be prejudiced.



Example 2

A taxpayer makes a subject access request to the Taxes Office for personal data they hold about him in relation to an ongoing investigation into possible tax evasion. If disclosing the information which the Taxes Office have collected about the taxpayer would be likely to prejudice their investigation (because it would make it difficult for them to collect evidence, for example), the Taxes Office could refuse to grant subject access to the extent that doing so would be likely to prejudice their investigation.

If, however, the taxpayer does not make the subject access request until some years later when the investigation (and any subsequent prosecution) has been completed, it is unlikely that complying with the request would prejudice the crime and taxation purposes – in which case the Taxes Office would need to comply with it.

Nor would the exemption justify withholding all the personal data about an individual when only part of the personal data would be likely to prejudice those purposes.



Example 3

In the above example about an ongoing investigation into possible tax evasion, the Taxes Office would be entitled to refuse subject access to personal data which would be likely to prejudice their investigation. However, this would not justify a refusal to grant access to other personal data they hold about the taxpayer.

15. The DPJL does not explain “likely to prejudice”. However, our view is that for these exemptions to apply, there would have to be a substantial chance (rather than a mere risk) that complying with the provision would noticeably damage one or more of the crime and taxation purposes.



Example 4

SOJP ask an employer for the home address of one of its employees as they wish to find him urgently in connection with a criminal investigation. The employee is absent from work at the time. The employer had collected the employee's personal data for its HR purposes, and disclosing it for another purpose would ordinarily breach the lawfulness and purpose limitation principles. However, applying those principles in this case would be likely to prejudice the criminal investigation. The employer may therefore disclose its employee's home address without breaching the DPJL.

16. If challenged, you must be prepared to defend your decision to apply an exemption, to the Authority or the court. So we advise you to ensure that any such decisions are taken at an appropriately senior level in your organisation and that you document the reasons for the decision.
17. Another limb of the crime and taxation exemption is that personal data which:
 - a. is processed for the purpose of discharging statutory functions; and
 - b. consists of information obtained for this purpose from someone who held it for any of the crime and taxation purposes is exempt from the transparency and subject rights provisions to the extent that applying those provisions to the personal data would be likely to prejudice any of the crime and taxation purposes. This prevents the transparency and subject rights provisions applying to personal data which is passed to statutory review bodies by law enforcement agencies, and ensures that the exemption is not lost when the information is disclosed during a review.



Example 5

The Jersey Police Complaints Authority (JPCA) begins an investigation into the conduct of certain individuals working within SOJP. Documents passed to the JPCA for the purposes of the investigation contain personal data about Mr A which the police force would not have been obliged to disclose to Mr A in response to a subject access request - because doing so would be likely to prejudice its criminal investigation. If Mr A then makes a subject access request to the JPCA, he has no greater right of access to the personal data in question.

18. There is another exemption that is designed to prevent the DPJL being used to force organisations to disclose information about the operation of crime detection and anti-fraud systems, where such disclosure might undermine the operation of those systems.
19. Personal data processed by a public authority are also exempt from the transparency and subject rights provisions to the extent which:
 - a. They consist of a classification applied to the data subject as part of a system of risk assessment operated by that authority for any of the purposes set out in Art.45(4); and
 - b. The exemption is required in the interests of the operation of the system.



20. The purposes are:

- a. The assessment or collection of any tax or duty or any imposition of a similar nature;
- b. The prevention or detection of a crime; or
- c. The apprehension or prosecution of persons who commit an offence, if the offence concerned involves any unlawful claim for any payment out of, or any unlawful application of, public funds.

Corporate finance (Art.46)

21. The DPJL provides for an exemption from the transparency and subject rights provisions if certain personal data are processed for the purposes of, or in connection with, a corporate finance service provided by a relevant person. It exempts a controller from the DPJL's provisions on:

- a. Transparency;
- b. Subject rights provisions (see Part 6 of the DPJL, Arts. 27-39)

But only to the extent that complying with those provisions:

- a. could affect the price of any instrument already in existence or that is to be or may be created, or the controller reasonably believes that the application of those provisions to the data could affect the price of any such instrument; or
- b. is required for the purpose of safeguarding an important economic or financial interest of Jersey

Definitions

22. As noted under Article 46(1), the corporate finance exemption to transparency and subject right provisions applies only "for the purposes of, or in connection with, a corporate finance service provided by a relevant person". A "corporate finance service" means a service consisting of

- a. Underwriting in respect of issues of, or the placing of issues of, any instrument;²
- b. Advice to businesses on capital structure, industrial strategy and related matters and advice and service relating to mergers and the purchase of businesses; or
- c. Services relating to such underwriting.

23. "A relevant person" means:

- a. A registered person within the meaning of the Financial Services (Jersey) Law 1998;¹
- b. A person authorised under the Financial Services and Markets Act 2000 or is an exempt person in respect of investment business;
- c. A person prescribed by Regulations;
- d. A person who in the course of their employment provides their employer with a services of paragraphs (b) or (c) of the definition of corporate finance service; or
- e. A partner who provides to other partners in the partnership a service falling within either of those paragraphs.

¹ "registered person" means a person registered by the Jersey Financial Services Commission under Article 9, and "registered" shall be construed accordingly

² "instrument" means an instrument listed in section B of the Annex to the European Council Directive on investment services in the securities field (93/22/EEC) or an investment within the meaning of the Financial Services (Jersey) Law 1998.



24. There are no Regulations in force at the present time and so Art.46 can only be relied on by controllers/processors involved in financial services business i.e. only those which fall within the definition of “corporate finance service” as set out under Article 46(4) of the DPJL and that are registered/authorised persons under the applicable financial services legislation.



Example 6

JerseyFund Ltd is a Jersey company offering fund and corporate services including investment of client monies in funds, the management of those funds and any distributions. It is registered with and regulated by the Jersey Financial Services Commission and been granted a licence to operate as an FSB. It is a ‘registered person’ under the Financial Services (Jersey) Law 1998.

Example 7

JerseyFund (London) Ltd is a company incorporated in England and Wales. Under section 19 of the Financial Services and Markets Act 2000 (FSMA 2000), a person cannot carry out regulated activities in the UK, or purport to do so, unless that person is authorised or exempt. JerseyFund(London) Ltd offers investment services and advice and is authorised under the Financial Services and Markets Act 2000 and is regulated by the Financial Conduct Authority.

25. The exemption is only available to the limited pool of controllers that carry out the type of business described above and only to the extent to which the application of the transparency and subject rights provisions could affect the price of particular instruments already in existence (or that is to be or may be created or the controller reasonably believes that the price could be affected). In order to rely on this exemption, the controller must be able to show that on the balance of probabilities, if it made the relevant personal information available, this could affect the price of instruments already in existence. It also would only apply to the information that could affect the price of the instrument – not to all information held by the controller about the data subject.
26. The exemption is also available if required for the purpose of safeguarding an important or economic financial interest of Jersey. This means that where data are not exempt from the transparency and subject rights provisions in connection with the price of an instrument, the only way that it could become exempt under this provision is if releasing the information could impact on an important economic or financial interest of Jersey. The DPJL 2018 defines these interests in the following way:

² For the purposes of paragraph (1)(b) a matter may adversely affect an important economic or financial interest of Jersey **if it has an inevitable prejudicial effect on –**

- (a) the orderly functioning of financial markets within Jersey or elsewhere; or**
- (b) the efficient allocation of capital within an economy whether in Jersey or elsewhere, that would result from the application (whether on an occasional or on a regular basis) of the transparency and subject rights provisions to data to which paragraph (3) applies.”**

² Art.46(4)(c) of the DPJL 2018



The threshold for this exemption to be used is very high because:

- a. the controller would need to show that release of the information would have an “inevitable prejudicial effect” on Jersey’s economic and financial interests; and
- b. only in relation to the orderly functioning of the financial markets or the efficient allocation of capital.

All the above criteria would need to be met and it would only apply to that particular piece of information, not the data subject’s information more widely.

Trusts (Art.47)

27. Personal data in respect of a Jersey trust are exempt from the transparency and subject rights provisions to the extent that the controller is permitted to withhold the information pursuant to Art.29 of the Trusts (Jersey) Law 1984 or its disclosure, erasure or rectification would be contrary to a prohibition or restriction under Jersey law;
28. Where personal data relates to a trust other than a Jersey trust, the information is exempt from the transparency and subject rights provisions if that information could be withheld by the controller in the relevant jurisdiction, or if the disclosure, erasure or rectification would be contrary to a prohibition or restriction under the law of that jurisdiction.

Financial loss, charities, health and safety, maladministration and practices contrary to fair trading (Art.48)

29. The DPJL provides an exemption from the transparency and subject rights provisions for the processing of personal data by reference to numerous different categories of function that are conferred on any person by any enactment, conferred on the Crown or a public authority; or of a public nature and exercised in the public interest. The functions are variously concerned with:
 - a. Protecting members of the public against financial loss due to dishonesty, malpractice, or other seriously improper conduct;
 - b. Protecting charities against misconduct or mismanagement and protecting their property from loss or misapplication;
 - c. Recovering charity property;
 - d. Securing the health, safety or welfare of persons at work;
 - e. Protecting persons other than those at work against risk to health or safety arising out of or in connection with the actions of a person at work.
30. In addition, the DPJL provides exemptions to a prescribed person or body, which are all variously concerned with:
 - a. Protecting members of the public against maladministration by public bodies, failures in services provided by public bodies; or a failure by a public body to provide a service which it was a function of the body to provide;
 - b. Protecting members of the public against conduct that may adversely affect their interests by persons carrying on a business;
 - c. Regulating agreements or conduct, that have as their object or effect the prevention, restriction or distortion of competition in connection with any commercial activity;
 - d. Regulating conduct on the part of one or more businesses that amounts to the abuse of a dominant position in a market and to other functions provided for under other enactments.



31. This is not a blanket exemption from the transparency and subject rights provisions. It is only available to the extent that the application of any or all of such provisions would be likely to prejudice the proper discharge of the functions set out above.

Management forecasts etc. (Art.49)

32. The exemption is available to businesses to protect confidentiality of personal data processed for the purposes of management forecasting or management planning. In any case to the extent to which the application of any of the transparency and subject rights provisions to personal data processed for such purposes would be likely to prejudice the conduct of that business or other activity, such personal data are exempt from the transparency and subject rights provisions.
33. This exemption can only apply to controllers that would likely suffer a harmful effect in the conduct of their operations as a result of having to comply with the transparency and/or subject rights provisions.

The harm must also be “likely” to prejudice that is to say, it must be more than a theoretical risk and the controller must be able to evidence why this is likely the case. It cannot rely on the exemption simply by saying that harm “might” happen – it must be likely that prejudice will be suffered by releasing the information and there must be a causal link between the disclosure and the prejudice claimed. There must be more than a mere assertion or belief that disclosure would lead to prejudice. There must be a logical connection between the disclosure and the prejudice in order to engage the exemption.

This interpretation is based on the judgment of Mr Justice Munby in the UK case of R (on the application of Lord) v. Secretary of State for the Home Office [2003] EWHC 2073 (Admin) (a Data Protection Act case) who said:

“Likely connotes a degree of probability that there is a very significant and weighty chance of prejudice to the identified public interests. The degree of risk must be such that there ‘may very well’ be prejudice to those interests, even if the risk falls short of being more probable than not.” (Paragraph 100)

This interpretation was relied on by the UK Information Tribunal in John Connor Press Associates v. Information Commissioner (EA/2005/0005, 25 January 2006), who said at paragraph 15:

*“We interpret the expression “likely to prejudice” as meaning that the chance of prejudice being suffered should be more than a hypothetical or remote possibility; **there must have been a real and significant risk.**”*

(Whilst it should be noted that judgments from the Courts of England and Wales are not binding in Jersey, they may be viewed by the Royal Court as being persuasive particularly in circumstances where there are similarities between the wording of the Jersey and UK legislation.)

34. A controller must be able to show how the disclosure of the specific information identified as falling within the scope of the exemption would be likely to lead to the prejudice. If the consequences of disclosure would be trivial or insignificant there is no prejudice and the information must be released (unless some other exemption applies).



Accordingly, a controller should:

- i. identify the specific information that falls within the scope of the exemption
- ii. identify the nature of the prejudice (what would happen if the information was released)
- iii. explain why the prejudice is likely to occur if that information was released (i.e. why is it more likely than not that this will be the case?)



Example 8

The senior management of an organisation is planning a re-structure as a result of a recent merger with another business and automation of certain activities. The management team have identified a number of individuals at risk of redundancy and the names of these individuals, their roles and salaries are included in the various reports the organisation has put together as part of its review. Before any announcement has been made or any redundancy exercise has been carried out however, one of the employees potentially marked for redundancy makes a subject access request. In responding to that request, the organisation does not have to reveal its plans to make him redundant if doing so would be likely to prejudice the conduct of the business (e.g. by causing staff unrest before the management's plans are finalised and/or announced).

Negotiations (Art.50)

35. Where personal data consist of records of the intentions of the data controller in relation to any negotiations with the data subject, such personal data are exempt from the transparency and subject rights provisions to the extent to which the application of those provisions would be likely to prejudice those negotiations.
36. This exemption may, for example, cover the situation where an organisation is in dispute with a former employee and records a potential settlement figure for the purpose of the organisation's own budget forecasting. If the figure was disclosed to the former employee it may prejudice negotiations between those parties.

Information available to public by or under enactment (Art.51)

37. Art.51 of the DPJL provides that when data consist of information which the data controller is obliged by, or under, any enactment to make available to the public (making it available for inspection or publishing it in another manner), such data are exempt from the transparency and subject access provisions.
38. This exemption only applies to the information that the data controller is required to publish. If the data controller holds additional data about the individual concerned, the additional data would not be exempt even if the organisation does publish that information.

Disclosure contrary to certain enactments (Art.52)

39. If disclosing certain information is prohibited or restricted under the following laws, it is exempt from the transparency and subject access rights:



- a. Arts.24(5), 27(1) and 30(4)(b) of the Adoption (Jersey) Law 1961
- b. Art.19B of the Misuse of Drugs (Jersey) Law 1978;
- c. Art.35 of the Proceeds of Crim (Jersey) Law 1999;
- d. Art.35 of the Terrorism (Jersey) Law 2002.

Confidential references given by the controller (Art.53)

40. Personal data in the form of a reference given in confidence to the data controller for the purposes of:
- a. The education, training or employment (or prospective education, training or employment) of the data subject;
 - b. The appointment or prospective appointment of the data subject to any office; or
 - c. The provision or prospective provision by the data subject of any service;

are exempt from the transparency and subject rights provisions.

41. This exemption is not available to the entity receiving the reference. If an employee makes a subject access request to the company giving the reference, the reference will be exempted from disclosure. If, however, the employee makes a subject access request to their new company then the reference is not automatically exempt from disclosure and the usual right of access rules apply.

Examination scripts etc. (Art.54)

42. Where personal data consist of information recorded by candidates during an academic, professional or other examination they are exempt from the transparency and subject access requirements.
43. Any comments recorded by an examiner in the margins of the script would not fall within the ambit of the exemption however, and as such would need to be provided (even if they may not appear to the data controller to be of much value without the script itself.)

Crown or judicial appointments and honours (Art.55)

44. Personal data processed for three specific purposes:
- a. Assessing suitability for employment by or under the Crown or any office to which appointments are made by Her Majesty;
 - b. Assessing suitability for any judicial officer or the office of Queen's Counsel; or
 - c. The conferring of any honour or dignity

are exempt from the transparency and subject rights provisions.

Armed forces (Art.56)

45. Where the application of the transparency and subject rights provisions to personal data would be likely to prejudice the combat effectiveness of any of the armed forces of the Crown, then such data are exempt from the transparency and subject rights provisions.



Legal professional privilege (Art.57)

46. If personal data consist of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, the personal data are exempt from the transparency and subject rights provisions.

Self-incrimination (Art.58)

47. If by complying with any of the transparency and subject rights provisions a person would reveal evidence of the commission of any offence, other than an offence under the DPJL or AL, exposing them to proceedings for that offence, that person need not comply with the transparency or subject rights provisions.

48. If in complying with the transparency or subject rights provisions a person provides information in response to a request (or any order enforcing them) then such information shall not be admissible in evidence against them in respect of proceedings under the DPJL or AL.

States Assembly privilege (Art.59)

49. This exemption applies to the extent required to avoid an infringement of the privileges of the States Assembly.

50. A certificate signed by the Greffier of the States certifying that the application of the exemption is necessary in order to avoid an infringement of the privileges of the States of Assembly stands as conclusive evidence of that fact.

51. Any person aggrieved by the decision of the Greffier to issue a certificate may appeal to the Royal Court on the grounds that the Greffier did not have reasonable grounds for issuing the certificate. The decision of the Royal Court is final.

Division 3 - Exemptions to Article 27 or 28

Examination marks (Art.60)

52. This is not an exemption as such but is rather an adaptation of the requirements in Art.28 to comply with a request for access within a specified period of time (four weeks from receipt of the requestor, or if later, receipt of the information required to comply with the request). In the case of a subject access request made in relation to examination marks ("marking data"), the timescale is extended to either:

- a. 20 weeks of the receipt of the request; or
- b. Within 4 weeks of the publication day,

Whichever ends first.

Health, education and social work (Art.61)

53. Personal data are exempt from the right of access provisions if the data are processed by the Court and consist of health, education or social work information that:

- a. Is supplied in a report or other evidence given to the Court in the course of proceedings relating to families or children; and



b. If the Court directs that such should be withheld from the data subject on the grounds that it is either impracticable to disclose the information in light of the individual's age and understanding or it is undesirable to disclose the information on the basis that serious harm might be suffered by the individual.

54. Personal data consisting of health, education or social work information are exempt from the right of access provisions if disclosure would be likely to cause serious harm to the physical or mental health of the data subject (or any other person). This exemption applies to someone who is able to make an application on the data subject's behalf for the information (a "defined person" i.e. someone with parental responsibility or who has been appointed by the court to manage that person's affairs).

55. The exemptions extends to information contained in a health record or social work information if disclosure would result in:

- a. Disclosure of information that had been provided by the data subject in the expectation that it would not be disclosed to the person making the request;
- b. Disclosing information obtained as a result of any examination or investigation to which the data subject consented on the expectation that it would not be disclosed;
- c. Disclosing information the data subject has expressly said should not be disclose.

56. In the case of an educational record, the exemption extends to information about whether the data subject (when a child) is or has been the subject of or may be at risk of abuse (physical, emotional and sexual).

Credit reference agency as controller (Art.62)

57. An individual may limit a request to a controller that is a credit reference agency to personal data relating to the financial standing of the individual and will be taken to have made such a limited request unless the request shows a contrary intention.

58. A data controller receiving such a request must also give the individual a statement of any other rights the individual has in respect of a credit reference agency.

Division 4 – Permissions and exemptions by Regulations

58. These provisions are outside the scope of this Guidance Note.



MORE INFORMATION

15. Additional guidance is available on our guidance pages with more information on other aspects of the DPJL and AL.
16. 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.
17. 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.
18. If you need any further information about this, or any other aspect of the DPJL or AL, please contact us or visit our website www.jerseyoic.org

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