



## Jersey Financial Services Commission

# DATA PROTECTION (JERSEY) LAW 2018 MAKING A SUBJECT ACCESS REQUEST

### DOCUMENT OVERVIEW

Document Overview.....	1
<b>1 Introduction .....</b>	<b>1</b>
<b>2 Your rights .....</b>	<b>1</b>
<b>3 Processing by the Commission.....</b>	<b>2</b>
<b>4 Completing the Request Form.....</b>	<b>3</b>
Section 1 - About yourself .....	3
Section 2 - Proof of identity.....	3
Section 3 - Helping the Commission to find the data.....	3
Section 4 - Declaration .....	3
Section 5 - Countersignature.....	4
<b>5 Submission.....</b>	<b>4</b>

### **1 Introduction**

- 1.1 These notes are intended only as a guide to completing the Jersey Financial Commission's (the "**Commission**") Subject Access Request Form<sup>1</sup> (the "**Request Form**"), not as a guide to the [Data Protection \(Jersey\) Law 2018](#) (the "**Data Protection Law**") itself.
- 1.2 A copy of the Data Protection Law is obtainable from the States Greffe Bookshop or on [www.jerseylaw.je](http://www.jerseylaw.je).

### **2 Your rights**

- 2.1 Under the Data Protection Law, an individual has (subject to certain exemptions) the right to be told whether the Commission, as a data controller, is processing any personal data about that individual; and if so, to be provided with a copy of that data. The records covered by the Data Protection Law include all computer records and limited categories of manual records.

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<sup>1</sup> Copies of the Commission's Subject Access Request Form are available on the Commission's Website. [http://www.jerseyfsc.org/the\\_commission/general\\_information/policy\\_statements\\_and\\_guidance\\_notes/index.asp](http://www.jerseyfsc.org/the_commission/general_information/policy_statements_and_guidance_notes/index.asp).

- 2.2 Where an exemption is available under the Data Protection Law, personal data may be withheld. For example:
- 2.2.1 where data contain details about another individual<sup>2</sup> - unless that other individual agrees to their data being provided or it is reasonable in all of the circumstances to comply with a request without the consent of the other individual;
  - 2.2.2 where data are processed for the prevention, detection or investigation anywhere of crime; or
  - 2.2.3 to the extent to which the disclosure of data would be likely to prejudice the proper discharge of the Commission's statutory functions.
- 2.3 Where the Commission is obliged by or under any enactment to make data available to the public, e.g. under the [Companies \(Jersey\) Law 1991](#), then the Data Protection Law cannot be used as an alternative way of accessing such data.
- 2.4 Further information about your rights and the Commission's handling of personal data provided in the Commission's Privacy Notice.

### **3 Processing by the Commission**

- 3.1 The processing of requests may take up to four weeks and could be extended by a further eight weeks, as permitted under the Data Protection Law, from the date that the Commission accepts the written request along with the subject's proof of identity.
- 3.2 Requests will not be accepted or processed unless they are in writing, with all requested information being supplied, and proof of identity provided and verified.

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<sup>2</sup> In any event, as much of the information sought in the request will be communicated without disclosing the identity of the other individual concerned.

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## 4 Completing the Request Form

### Section 1 - About yourself

- 4.1 Please provide information about yourself that will assist the Commission in finding the personal data you require. You should complete this Section fully and carefully, as the information will be used as the basis for the Commission's internal searches.
- 4.2 Note that for your protection, any correspondence that the Commission sends to you (including any personal data that the Commission sends to you in response to your Request Form) will be sent **only** to the present home address that you give here.
- 4.3 Where you have submitted the Request Form via a legal representative, you are still required to complete the Request Form in full and provide proof of identity. Our response will be sent to your legal representative's offices.
- 4.4 The information will also help the Commission to confirm your identity.

### Section 2 - Proof of identity

- 4.5 The Commission has a duty to ensure that the personal data it processes are secure, and the Commission will only provide personal data to you if it is satisfied that you are entitled to the data. The Commission therefore requires you to provide reasonable proof of your identity. Request Forms that do not include acceptable identification will not be processed.
- 4.6 If you believe that any personal data the Commission holds about you may identify another individual, you may wish to obtain that individual's written consent (to you being given their information). This should be submitted to the Commission with your Request Form, along with their proof of identity (to the same standard that is required for you).

### Section 3 - Helping the Commission to find the data

- 4.7 In order to assist the Commission with its internal searches, please try to specify the nature of the personal data that you are seeking, its possible location if known (e.g. who in the Commission was/might be dealing with the matter), and the time period in which data was processed.
- 4.8 The Commission is not obliged to comply with a request unless it is supplied with such information as it may reasonably require in order to locate the personal data which an individual seeks. In most cases an open-ended request will not satisfy this provision.

### Section 4 - Declaration

- 4.9 Please sign and date the application. The Commission is unable to accept Request Forms that have not been signed by the individual whose details are supplied in Section 1, and will not process any Request Form unless it has been signed and dated.

**Warning:** attempting to obtain personal data to which you are not entitled may be an offence under the Data Protection Law.

## Section 5 – Countersignature

4.10 The request must be counter-signed by someone of standing in order to assist in validating the request. Examples of possible counter-signatories are given. For your added security, the Commission may contact the counter-signatory to confirm that they know you and that they have counter-signed the request for you.

## 5 Submission

5.1 Please send requests, together with your proof of identity to:

Data Protection Officer  
Jersey Financial Services Commission  
PO Box 267  
14 - 18 Castle Street  
St Helier  
Jersey  
JE4 8TP

**If the information provided in a request is insufficient for the request to be processed or suitable identification has not been received then the requester will be notified and processing of the request put on hold until the missing item(s) are provided.**