

2023 No. 744

DATA PROTECTION

**The Data Protection (Law Enforcement) (Adequacy) (Bailiwick
of Guernsey) Regulations 2023**

<i>Made</i>	- - - -	<i>3rd July 2023</i>
<i>Laid before Parliament</i>		<i>7th July 2023</i>
<i>Coming into force</i>	- -	<i>28th July 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 74A(1)(a), (3), (5) and (6)(b) of the Data Protection Act 2018 (“the 2018 Act”)(a).

In accordance with section 74A(1)(a) and (3) of the 2018 Act, the Secretary of State considers that the Bailiwick of Guernsey ensures an adequate level of protection of personal data for certain transfers.

In accordance with section 182(2) of the 2018 Act, the Secretary of State has consulted the Commissioner(b) and such other persons as the Secretary of State considered appropriate.

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Data Protection (Law Enforcement) (Adequacy) (Bailiwick of Guernsey) Regulations 2023 and come into force on 28th July 2023.

(2) In these Regulations “Guernsey” means the Bailiwick of Guernsey.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Adequate level of protection

2.—(1) For the purposes of Part 3 of the Data Protection Act 2018 (law enforcement processing) the Secretary of State specifies Guernsey as ensuring an adequate level of protection of personal data(c) for a transfer described in paragraph (2).

(2) A transfer described by this paragraph is a transfer of personal data by a competent authority(d) to a relevant authority(e) in Guernsey which is subject to the Data Protection (Law

(a) 2018 c. 12 (“the 2018 Act”); section 74A was inserted by S.I. 2019/419. There are other amendments to the 2018 Act but none are relevant.

(b) See section 3(8) of the 2018 Act for the definition of “the Commissioner”.

(c) See section 3(2) of the 2018 Act for the definition of “personal data”.

(d) See section 30 of the 2018 Act for the definition of “competent authority”.

(e) See section 72(2) of the 2018 Act for the definition of “relevant authority”.

Enforcement and Related Matters) (Bailiwick of Guernsey) Ordinance, 2018(a), as that Ordinance forms part of the law of Guernsey and has effect from time to time.

Independent supervisory authority

3. The independent supervisory authority(b) in Guernsey is the Data Protection Authority established by section 60 of the Data Protection (Bailiwick of Guernsey) Law, 2017 as it forms part of the law of Guernsey(c).

3rd July 2023

Chris Philp
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the Bailiwick of Guernsey (“Guernsey”) as a third country which provides an adequate level of protection of personal data for the purposes of Part 3 (law enforcement processing) of the Data Protection Act 2018 (c. 12).

This means that personal data can be transferred by UK competent authorities to relevant authorities in Guernsey (authorities with comparable law enforcement functions to a UK competent authority), which are subject to the relevant Guernsey data protection legislation (specifically the Data Protection (Law Enforcement and Related Matters) (Bailiwick of Guernsey) Ordinance, 2018) without the need for any specific authorisation.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector or community bodies is foreseen.

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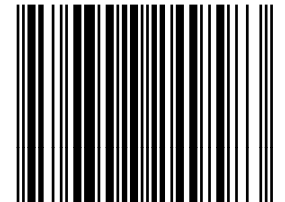
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- (a) Electronic copies of this legislation can be obtained from <https://guernseylegalresources.gg/ordinances/guernsey-bailiwick/d/data-protection/data-protection-law-enforcement-and-related-matters-bailiwick-of-guernsey-ordinance-2018/> Hard copies can be inspected during office hours and free of charge at the offices of the Home Office at 2 Marsham Street, London, SW1P 4DF.
 - (b) Referred to in section 74A(4)(b) of the 2018 Act.
 - (c) Electronic copies of this legislation (v.0014) can be obtained from <https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=80494>. Hard copies can also be inspected during office hours and free of charge at the offices of the Home Office, 2 Marsham Street, London, SW1P 4DF.

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