

Fair Processing Notice – Social Investment Fund

The right to information, as set out in section 12 and 13 of the Data Protection (Bailiwick of Guernsey) Law, 2017 ('the Law'), requires Data Controllers processing personal data to provide information to data subjects detailing the manner in which they process personal data for their various purposes. This fair processing notice contains the information you are entitled to, through your right to information, with regard to the processing of your personal data which is carried out by the Social Investment Fund for its relevant purposes.

The Data Controller "the Controller" for the processing set out in this notice is the Social Investment Fund, referred to as "SIF".

SIF is registered as a Data Controller with the Office of the Data Protection Authority for the processing undertaken for its various purposes.

SIF was established in 2020¹, following a recommendation to the States of Deliberation by the Policy and Resources Committee ("The P&RC"). It was incorporated as a Company Limited by Guarantee and registered as a charity with the Guernsey Registry in March 2020. Separate policies concern SIF's processing of data for its employees and its directors.

SIF's purpose is to invest in charitable and third sector organisations in the Bailiwick by providing financial and non-financial support. This will be achieved by holding and distributing privately and publicly sourced funds to organisations; by enhancing the capability and capacity of charitable and third sector organisations in the Bailiwick; and by working with appropriate partners, within the Bailiwick where that work will support these objectives.

1. The Data Protection Law

The Controller acknowledges its obligations as per the data protection law, which provides a number of requirements in terms of processing activities involving personal data. The Controller further acknowledges the general principles of processing as well as the rights of a data subject and more information in relation to these provisions are provided within this fair processing notice.

¹ States' [Resolution 8th November 2018 & Billet D'Etat VII of 2020](#)

2. The Principles of Processing

a. Lawfulness, fairness and transparency

Personal data must be processed lawfully, fairly and in a transparent manner.

1. The SIF will process personal data of the following types and for the following reasons:

- Receiving applications for funds which will contain personal data in terms of an organisation's officers identifying details: i.e. The Officers' names, addresses, email addresses and bank account details. (However, in most instances the bank account details collected and processed for this purpose would be those of the organisation rather than in relation to an individual's personal bank account so would not be classed as personal data). The processing of this personal data will enable SIF to maintain contact with and provide services to applicants.
- Records will be retained regarding funding decisions made, loans or services commissioned from applicants, in accordance with SIF's operations.
- SIF may be required to exchange information with the Guernsey Registry regarding applicants, which may include the Officers identifying details (names, addresses, email addresses). This exchange of information may be deemed necessary for governance purposes in order to ensure that organisations have appropriate governance measures in place and have complied with registry regulation and the relevant legal requirements. In most instances it is likely that the Registry will hold this information itself in any event and the names of the officers but not their other data be publicly available on the Guernsey Registry's registers.
- SIF will exchange information with the Guernsey Registry regarding its registrations as a company and charity.
- SIF will exchange information with its Cooperate Service Provider providing its registered office and company secretarial services (contact details of the registered office as provided on SIF's website).

2. Special Category data:

There is no intention or need for SIF to collect or process special category data for the purposes of SIF, although there may be occasions where this is collected when this data has been provided voluntarily by an applicant as part of a particular funding application.

3. Data Sharing:

In most instances, SIF will collect personal data directly from the individual to which it relates. However in some cases, data may be provided by another service or shared.

Personal data may be shared by SIF in the following circumstances, for the following purposes:

- Exchanging information with the Guernsey Registry regarding applicants. The Guernsey Registry has regulatory functions and its processing is authorised by regulation or other enactment. Legislation will permit SIF and Registry to exchange the information which is required to ensure registered organisations have the correct governance in place. A data sharing agreement will cover how and when this data will be shared.
- Sharing information with P&RC in terms of awards made by SIF (although in most instances this is unlikely to include sharing personal data). This is because P&RC is the voting member of SIF in its establishment as an incorporated company LBG and will provide SIF with the majority of its funds. P&RC will be informed by SIF about funding awards made for accountability and monitoring purposes and in accordance with governance requirements for SIF. However, the sharing of personal data will not be routinely undertaken for this purpose.
- Sharing information with other charitable and third sector funding bodies in the Bailiwick, including the Lloyds Bank Foundation for the Channel Islands and Guernsey Community Foundation in order to share details about awards and form partnership arrangements to share funding. The sharing of personal data will not be routinely undertaken for this purpose.
- The sharing of information (by receiving information and processing it) from partner organisations contracted by SIF to undertake its functions, including the organisation operating the small grants programme on behalf of SIF. These partner organisations will act as separate data controllers to SIF. SIF will not share personal data with these organisations but may receive personal data from them, although not routinely.
- With P&RC to investigate complaints regarding SIF or one of its directors.

4. Lawful basis for collection of personal data:

The processing of personal data by the Fund is necessary and the following conditions for lawful processing apply:

- **Schedule 2, Section 2(a)(i) of the Law**
 - The processing is necessary –

- For the conclusion or performance of a contract to which the data subject is party.
 - *When awarded funds, a contractual relationship will be formed between SIF and the applicant. This condition for lawful processing will apply for any processing undertaken in relation to the performance of that contract.*
- **Schedule 2, Section 5 of the Law**
 - The processing is necessary for the exercise or performance by a public authority of -
 - a function that is of a public nature, or
 - a task carried out in the public interest.

This condition will apply to all of SIF's processing.
- **Schedule 2, Section 8 of the Law**
 - The processing is necessary for the controller to exercise any right or power, or perform or comply with any duty, conferred or imposed on the controller by an enactment.
 - *The controller may be required to disclose information to another controller in order to comply with a duty conferred by Law.*
- **Schedule 2, Section 9**
 - The processing is necessary in order to comply with an order or a judgement of a court or tribunal having the force of law in the Bailiwick.
 - *The controller may be required to disclose information if they are served with a court order requiring the disclosure of personal data in connection with legal proceedings.*
- **Schedule 2, Section 18 of the Law**
 - The data subject has given explicit consent to the processing of the personal data for the purpose for which it is processed.
 - *This condition will only apply when information is provided by an applicant which the controller has not specifically requested for the application or funding process.*

b. Purpose limitation

Personal data must not be collected except for a specific, explicit and legitimate purpose and, once collected, must not be further processed in a manner incompatible with the purpose for which it was collected.

The Controller acknowledges its responsibility with regards to this data protection principle and therefore the controller maintains that it will not further process that personal data in a way which is incompatible to its original reason for processing as specified in section 2a, unless the controller is required to do so by law. The personal data will not be transferred to a recipient in an authorised or an unauthorised jurisdiction (as per the definition within data protection law).

c. Minimisation

Personal data processed must be adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.

The controller maintains that it will only process the personal data which is detailed in section 2a, and will not process any further personal data that is not necessary in relation to the original reason for processing personal data as specified in section 2a, unless the controller is required to do so by law.

d. Accuracy

Personal data processed must be accurate, kept up-to-date (where applicable) and reasonable steps must be taken to ensure that personal data that is inaccurate is erased or corrected without delay.

The controller will ensure that all personal data that it holds is accurate and kept up-to-date, and any personal data that is inaccurate will be erased or corrected without delay.

e. Storage limitation

Personal data must not be kept in a form that permits identification of a data subject for any longer than is necessary for the purpose for which it is processed.

- SIF will hold your personal information on its systems and in physical storage for as long as is necessary for the relevant service to be completed.
- SIF is legally required to hold its records for at least 6 years in accordance with Company Law requirements. In terms of its retention timescales and in order to meet these requirements, its policy will be to personal data for a 7 year period, and for any additional time required while there is a current funding award.

f. Integrity and confidentiality

Personal data must be processed in a manner that ensures its appropriate security, including protecting it against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

SIF will process all personal data with appropriate levels of security. Personal data is collected from you through manual and electronic means and, in order to prevent unauthorised or unlawful processing, we have put in place suitable physical, electronic and managerial procedures to protect and keep safe your information. Personal data is stored in both electronic and hard copy formats.

g. Accountability

The controller is responsible for, and must be able to demonstrate, compliance with the data protection principles.

3. Contact Details

The contact details of the Controller are as follows:

Social Investment Fund

Sir Charles Frossard House

La Charotterie

St Peter Port

GY1 1FH

For information on your rights as a data subject under the Data Protection (Bailiwick of Guernsey) Law, 2017, please go to the following link:

<https://odpa.gg/>