

STATES OF JERSEY



DRAFT DATA PROTECTION (TRANSFER IN SUBSTANTIAL PUBLIC INTEREST) (JERSEY) REGULATIONS 200

**Lodged au Greffe on 11th October 2005
by the Finance and Economics Committee**

STATES GREFFE



Jersey

DRAFT DATA PROTECTION (TRANSFER IN SUBSTANTIAL PUBLIC INTEREST) (JERSEY) REGULATIONS 200

REPORT

The Commission – being the Jersey Financial Services Commission – may transfer personal data for reasons of substantial public interest. The transfer should be in accordance with an enactment and the data should not be disclosed to a third party by the recipient except with the consent of the person making the transfer or the data subject, or in compliance with an order of court.

Any resource implications of these Regulations are already provided for within the resources of the Finance and Economics Committee.

Explanatory Note

The eighth data protection principle restricts the transfer of personal data from Jersey to another place that is outside the European Economic Area. The restriction is to situations where that place ensures adequate protection for the rights and freedoms of data subjects in relation to the processing of personal data.

These Regulations effectively allow the Jersey Financial Services Commission to transfer personal data to a place without that protection if the Commission is required or permitted to do so by law and the transferee agrees to certain safeguards on an ad hoc basis.

These Regulations contribute to the implementation of Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data.



Jersey

DRAFT DATA PROTECTION (TRANSFER IN SUBSTANTIAL PUBLIC INTEREST) (JERSEY) REGULATIONS 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of paragraph 10(a) of Schedule 4, and Article 67, of the Data Protection (Jersey) Law 2005,^[1] have made the following Regulations –

1 Transfer in substantial public interest

The following conditions are prescribed under paragraph 10(a) of Schedule 4 to the Data Protection (Jersey) Law 2005 as constituting circumstances, if all the conditions are satisfied, in which a transfer of personal data is taken for the purposes of paragraph 4 of that Schedule to be necessary for reasons of substantial public interest –

- (a) the transfer is a disclosure that is permitted or required under an enactment in force in Jersey;
- (b) the transfer is made by or on behalf of the Jersey Financial Services Commission;
- (c) the transferee has agreed in writing served on the Commission before the transfer takes place not to transfer the personal data to another person except –
 - (i) with the consent of the Commission;
 - (ii) with the consent of the person who is the data subject in respect of the data; or
 - (iii) in order to comply with an order of a court (whether or not a court of Jersey) that directs the transferee to transfer the personal data to the other person.

2 Citation and commencement

These Regulations may be cited as the Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 200- and shall come into force on 1st December 2005.

[\[1\]](#) L.2/2005.