

STATES OF JERSEY

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DRAFT DATA PROTECTION (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-

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

STATES GREFFE



Jersey

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REPORT

Act to bring the Law into force on 1st December 2005 (Article 56(1) to (6) not to commence at this time*)

* Article 56 makes enforced subject access relating to police records an offence. Until the Island is able to provide criminal records taking into account the Rehabilitation of Offenders legislation, subject access is the only way in which employers can seek confirmation of past criminal record details of potential employees. It is, therefore, undesirable to prohibit this entirely until such a time as the Island resolves the legal problems surrounding the Rehab Law. Home Affairs are currently working with the U.K. authorities in this respect.

All anticipated resource implications of the Data Protection (Jersey) Law 2005 are already provided for within the resources of the Finance and Economics Committee.

Explanatory Note

The object of this Act is to prescribe the date on which the substantive provisions of the Data Protection (Jersey) Law 2005 are to come into force. Certain formal provisions of the Law, as well as the provisions conferring power to make Regulations, have already come into force on registration of the Law.

However, the substantive paragraphs of Article 56 will not commence at this stage. Except where the law or the public interest indicates otherwise, the effect of this Article would be to prohibit an employer, or a person who hires the services of another person or supplies goods or services, from requiring the supply of a document detailing convictions and certain other matters.



Jersey

DRAFT DATA PROTECTION (JERSEY) LAW 2005 (APPOINTED DAY) ACT 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 72(3) of the Data Protection (Jersey) Law 2005, ^[1] have made the following Act –

1 Substantive commencement of Data Protection (Jersey) Law 2005

The Data Protection (Jersey) Law 2005 (except Articles 1– 3, 25(1) and (4), 26, 56(1) – (4), 69 and 72, and paragraph 13 of Schedule 5, as well as so much of any other provision of that Law as confers any power to make Regulations) shall come into force on 1st December 2005.

2 Citation

This Act may be cited as the Data Protection (Jersey) Law 2005 (Appointed Day) Act 200-.

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