

STATES OF JERSEY

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DRAFT DATA PROTECTION (CREDIT REFERENCE AGENCY) (JERSEY) REGULATIONS 200

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

STATES GREFFE



Jersey

DRAFT DATA PROTECTION (CREDIT REFERENCE AGENCY) (JERSEY) REGULATIONS 200

REPORT

A data controller who is a credit reference agency must supply all data subjects who submit a subject access request with a statement of his rights as contained within the Law.

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

Explanatory Note

These Regulations set out the form of statement of an individual's rights under the Data Protection (Jersey) Law 2005 that a credit reference agency must give when an individual requests information about data concerning the individual that are being processed by the agency. Such a request may be made under Article 7 of that Law.

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.



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Jersey

DRAFT DATA PROTECTION (CREDIT REFERENCE AGENCY) (JERSEY) REGULATIONS 200-

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Articles 9(3) and 67 of the Data Protection (Jersey) Law 2005, ^[1] have made the following Regulations –

1 Interpretation

In these Regulations “Law” means the Data Protection (Jersey) Law 2005.

2 Statement of rights

- (1) For the purposes of Article 9(3) of the Law the prescribed form is the matter set out in the Schedule together with the telephone numbers and website addresses for each of the services mentioned in paragraph 3 of the Schedule and with the address, telephone number and website address of the Commissioner.
- (2) For the purposes of Article 9(3) of the Law the prescribed extent is in every case the full extent of the form prescribed in paragraph (1).

3 Citation and commencement

These Regulations may be cited as the Data Protection (Credit Reference Agency) (Jersey) Regulations 200- and shall come into force on 1st December 2005.

SCHEDULE

(Regulation 2(1))

YOUR RIGHTS AS A DATA SUBJECT

You have the following rights which you can enforce through a court.

1 Right of subject access (Article 7)

This is the right to find out what information about you is held on computer and in some paper records.

2 Correcting inaccurate data (Principle 4 and Articles 13 and 14)

You have the right to have inaccurate personal data rectified, blocked, erased, or destroyed.

If you believe you have suffered damage or distress as a result of the processing of inaccurate data you can ask the court to award you compensation.

3 Preventing direct marketing (Article 11)

You have the right to request in writing that a data controller not use your personal data for direct marketing by post (sometimes known as junk mail), by telephone or by fax.

Your request must be complied with. There are no exceptions to this.

You can also register with the mailing preference service, the telephone preference service and the fax preference service.

Once you have done this you should not receive any direct marketing from the United Kingdom unless you have asked for it or you are an existing customer of an organization.

4 Preventing automated decision-making (Article 12)

You can write to a data controller to ask that he or she not take any decision that significantly affects you based solely on an automated process. For example, many banks have a computerized system of credit scoring.

Where a decision has already been taken on this basis you can ask the data controller to reconsider or to use a different method to make the decision.

5 Preventing processing that may cause damage or distress (Article 10)

If you think that certain processing is, or is likely to, cause you or someone else to suffer substantial damage or distress which is not justified, you can ask the data controller to stop that processing.

In any case for information or advice on your rights you can contact the Data Protection Commissioner in Jersey.

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