



Jersey

DATA PROTECTION (INTERNATIONAL CO-OPERATION) (JERSEY) REGULATIONS 2005

Official Consolidated Version

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THE STATES, in pursuance of Articles 54 and 67 of the Data Protection (Jersey) Law 2005, have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In these Regulations –
 - “Convention” means the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, which was opened for signature on 28th January 1981;
 - “foreign designated authority” means an authority designated for the purposes of Article 13 of the Convention by a party bound by the Convention, but does not include the Authority;
 - “Law” means the [Data Protection \(Jersey\) Law 2018](#).¹
- (2) The functions of the Authority set out in these Regulations are functions to be performed by the Authority as the designated authority in Jersey for the purposes of Article 13 of the Convention.²

2 Co-operation between the Authority and foreign designated authorities³

- (1) The Authority shall, at the request of a foreign designated authority and for the purposes of Article 13(3)(a) of the Convention, furnish to that foreign designated authority such information on the law and administrative practice in the field of data protection in Jersey as is the subject of the request.⁴
- (2) The Authority shall, at the request of a foreign designated authority and for the purposes of Article 13(3)(b) of the Convention, take, in conformity with the law of Jersey and for the sole purpose of protection of privacy, all appropriate measures for furnishing factual information relating to specific automatic processing carried out in the territory of Jersey, with the exception however of the personal data being processed.⁵

- (3) A function of the Authority is to request a foreign designated authority to furnish the Authority with or, as the case may be, to take appropriate measures for furnishing the Authority with, the information referred to in Article 13(3) of the Convention.⁶

3 Persons resident outside Jersey

- (1) This Regulation applies if a person resident outside Jersey makes a valid request to the Authority under Article 14 of the Convention (whether directly or through a foreign designated authority) seeking assistance in exercising any of the rights under Article 8 of the Convention.⁷
- (2) A request is a valid request for the purposes of paragraph (1) if it states –
- (a) the name and address of the person making the request;
 - (b) particulars that identify the personal data to which the request relates;
 - (c) the rights under Article 8 of the Convention to which the request relates; and
 - (d) the reasons why the request has been made.
- (3) If the request –
- (a) seeks assistance in exercising the rights under Article 28 of the Law; and
 - (b) does not indicate that the relevant data controller has failed, contrary to that Article, to comply with the same request on a previous occasion,

the Authority shall notify the person who made the request of the data controller's address for the receipt of notices from data subjects exercising their rights under that Article and of such other information as the Authority considers necessary to enable that person to exercise his or her rights under that Article.⁸

- (4) If the request indicates that a data protection principle has been contravened by a data controller the Authority shall –
- (a) except if sub-paragraph (b) applies, notify the person who made the request of the rights of data subjects and the remedies available to them under Part 6 of the Law together with such particulars as are contained in the data controller's entry in the register as are necessary to enable the person to avail himself or herself of those remedies; or
 - (b) if the Authority considers that notification in accordance with sub-paragraph (a) would not assist the requesting person or would, for any other reason, be inappropriate, treat the request as if it were a request for an assessment under Article 21 of the Authority Law.⁹
- (5) The Authority shall not be required, in response to a request that comes within paragraph (3) or (4), to supply to the person who made the request a duly certified copy in writing of the particulars contained in an entry made in the register other than on payment of such fee as is specified for the purposes of Article 17(3)(a) of the Authority Law.¹⁰

4 Persons resident in Jersey

- (1) If a request for assistance in exercising, in a country or territory outside Jersey, any of the rights referred to in Article 8 of the Convention is made by a person resident in Jersey and submitted to the Authority under Article 14(2) of the Convention, the Authority shall, if satisfied that the request contains all necessary particulars referred to in Article 14(3) of the Convention, send it to the foreign designated authority in the specified country or territory.¹¹
- (2) If the Authority decides that he or she is not required to comply with paragraph (1) in respect of a request he or she shall, if practicable, notify the person who made the request of the reasons for the decision.¹²

5 Restrictions on use of information

If the Authority receives information from a foreign designated authority as a result of –

- (a) a request by the Authority referred to in Regulation 2(3); or
- (b) a request received by the Authority under Regulation 2(2) or 3,

the Authority shall not use the information except for the purposes specified in the request.¹³

6 Citation

These Regulations may be cited as the Data Protection (International Co-operation) (Jersey) Regulations 2005.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	°Projet No (where applicable)
Data Protection (International Co-operation) (Jersey) Regulations 2005	R&O.138/2005	1 December 2005	P.231/2005
Data Protection Authority (Jersey) Law 2018	L.4/2018	25 May 2018	P.117/2017

°Projets available at www.statesassembly.gov.je

Table of Endnote References

¹ Regulation 1(1)	<i>amended by L.4/2018</i>
² Regulation 1(2)	<i>amended by L.4/2018</i>
³ Regulation 2	<i>amended by L.4/2018</i>
⁴ Regulation 2(1)	<i>amended by L.4/2018</i>
⁵ Regulation 2(2)	<i>amended by L.4/2018</i>
⁶ Regulation 2(3)	<i>amended by L.4/2018</i>
⁷ Regulation 3(1)	<i>amended by L.4/2018</i>
⁸ Regulation 3(3)	<i>amended by L.4/2018</i>
⁹ Regulation 3(4)	<i>amended by L.4/2018</i>
¹⁰ Regulation 3(5)	<i>amended by L.4/2018</i>
¹¹ Regulation 4(1)	<i>amended by L.4/2018</i>
¹² Regulation 4(2)	<i>amended by L.4/2018</i>
¹³ Regulation 5	<i>amended by L.4/2018</i>