

## PUBLIC STATEMENT

### Data Controller: The Parish of Grouville

### Registration No: 16327

1. This is a Public Statement made by the Authority pursuant to Art.14 of the DPAJL 2018 following an Investigation by the Authority.
2. Following an investigation commenced on 13 June 2024 pursuant to Art.20 of the Data Protection Authority (Jersey) Law 2018 (**DPAJL 2018**), the Data Protection Authority for the Bailiwick of Jersey (the **Authority**) has determined that the Parish of Grouville (**POG**) has contravened Art.8(1)(a), Art.8(1)(b) and Art.8(1)(f) of the Data Protection (Jersey) Law 2018 (the **DPJL 2018**).
3. POG was issued with a formal reprimand together with Orders to improve its compliance with the DPJL 2018.
4. ORDER 1: POG will review the Outstanding Rates process to ensure it is fit for purpose, and the full procedure is documented, to include appropriate checks to identify individuals responsible for Rates payments. A copy of the updated process is to be provided to the Authority, via email, by the 28 February 2025.
5. ORDER 2: POG will ensure all staff are trained on the Outstanding Rates process to ensure it is followed. Training is to be carried out by the 6 February 2025. Evidence of this training to be provided to the Authority via email, by the 28 February 2025.
6. ORDER 3: POG will review and update their Privacy Policy to ensure it is a true reflection of the Parish's processing activities. A copy of the updated Privacy Policy is to be provided to the Authority, via email, by the 28 February 2025.

(The Orders were completed, as required.)

### Background

7. This Public Statement relates to an investigation by the Authority, following receipt of a complaint (the **Complaint**) from a member of the public (the **Complainant**) about the processing operations of POG.
8. The POG incorrectly identified a member of the public owing rates to it. The Complainant had the same name as the person owing rates but the proper checks to verify the identity were not undertaken.
9. POG accessed information which had been collected for another purpose, without appropriate detailing of this activity and the use of personal information in their Privacy Policy. It then gave incorrect

information to a debt collection agency with the intention that it would be used to obtain judgement against the Complainant for the outstanding rates payment (although thankfully matters did not get to that stage).

**The contraventions of the DPJL 2018**

10. The Authority found that POG should have had better processes in place in order to identify the correct individual who owed parish rates, and they should have provided the public with more information on how they may do this in their Privacy Policy, providing more transparency to their processes. POG should also have had a better appreciation of the negative impact, being wrongly accused, would have on an individual who had done nothing wrong.

11. **FINDING 1:** Breach of Art.8(1)(a) of the DPJL 2018

Art.8(1)(a) of the DPJL 2018 says that a controller must ensure that the processing of personal data in relation to which the controller is the controller, complies with the data protection principles, namely that data are processed lawfully, fairly and in a transparent manner in relation to the data ("lawfulness, fairness and transparency.")

POG accessed the LICAR system as a cross-reference to obtain contact details for an individual that owed Parish Rates. The LICAR system collects personal data for a certain purpose (driving licence management). It is not collected in relation to Rates collection. Therefore, at the time of the contravention, the data contained in the LICAR system was processed unlawfully and without transparency.

POG also failed to make all necessary checks to ensure the details provided to the debt collector were those of the individual owing Rates payment to the Parish.

12. **FINDING 2:** Breach of Art.8(1)(b)

Art.8(1)(b) of the DPJL 2018 says that a controller must ensure that the processing of personal data in relation to which the controller is the controller, complies with the data protection principles, namely that data is collected for specified, explicit and legitimate purposes and once collected, not further processed in a manner incompatible with those purposes. ("purpose limitation").

POG admitted to obtaining the information from the LICAR system.

POG's Privacy Policy entry about personal data collected in relation to Jersey Driving Licences, held in the LICAR system, did not mention the personal data collected can also be used in order to identify individuals who owe outstanding rates, and therefore should not have

been used to identify individuals who owe outstanding rates, and is a breach of Art.8(1)(b).

13 **FINDING 3:** Breach of Art.8 (1)(f) of the DPJL 2018

Art.8(1)(f) of the DPJL 2018 says that a controller must ensure that the processing of personal data in relation to which the controller is the controller, complies with the data protection principles, namely that data is processed in a manner that ensures appropriate security of the data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ("integrity and confidentiality").

POG did not have a written process for the collection of outstanding Rates.

POG allowed information that had not been checked, to be sent to a debt collector to chase the outstanding debt.

POG failed to exercise fair and full diligence in identifying the correct individual. They demonstrated poor governance and a lack of controls over a significant and long-standing activity of rates management.

The Authority has considered whether POG knew/ought to have known that a contravention of this kind would be likely to cause substantial distress.

### **Sanctions and Orders**

14. An impact statement was given by the Complainant who outlined the very real distress that had been caused by POG's actions. The Complainant stated that they had lost trust and confidence in POG.
15. The Authority has considered whether POG failed to take reasonable steps to prevent the contravention. The Authority considers that, on balance, the process for identification of individuals with outstanding debts failed to do so appropriately. The lack of proper documented process in place at the time of the contravention, led to incorrect information being shared with a debt collector that could have had significant consequences for the Complainant, and it ought not to have been.
16. The Authority considered the range of sanctions available and decided that a public statement was appropriate, noting POG's particular circumstances.

### **Lessons Learned**

## PUBLIC STATEMENT

# PUBLIC STATEMENT

JERSEY OFFICE OF THE INFORMATION COMMISSIONER

17. Public Authorities such as the POG should have proportionate, relevant and practical systems and procedures which can be relied upon in order to identify correct individuals; in this case, owing Parish Rates. POG should appreciate the risks associated of identifying an individual incorrectly.
18. Organisations need to have appropriate controls and governance protocols in place in order to process personal data appropriately, which are reviewed periodically, including, for example, data sharing agreements where applicable
19. Public Authorities such as the POG should recognise the importance of transparency, making this information available to its customers via a fit for purpose Privacy Notice.

### **More Information**

More information about how we regulate and enforce the DPJL 2018 can be found in our Regulatory Action and Enforcement Policy [here](#).

