

Fair Processing Notice

The Marriage (Bailiwick of Guernsey) Law, 2020

This notice relates to the administration of The Marriage (Bailiwick of Guernsey) Law, 2020
The Data Controller for this information is The Registrar General, H.M. Greffier

Before marrying in the Bailiwick of Guernsey a couple must give formal notice of marriage either to The Registrar-General or if marrying in the Church of England to The Dean.

If a certificate of no impediment is requested because a person is proposing to marry in a different jurisdiction an application is made to the Registrar -General.

Personal information must be provided and supported by documentation. The information is used to verify that there are no legal reasons why the proposed marriage cannot take place.

Information will be passed to the Registrar-General by the Dean regarding details of notices of marriage accepted by the Dean.

Details of all forthcoming marriages in the Bailiwick will be published on the Royal Court website.

If marrying in the Bailiwick a meeting must take place with the parties to be married before a license which authorizes the celebrant to conduct the marriage is issued.

Information may be shared with other agencies including the Guernsey Border Agency and will be shared with the celebrant who is to conduct the ceremony.

Once the marriage has taken place information will be returned to the Greffe and included on the marriage register.

The Data Protection Law

The controller acknowledges its obligations as per the data protection law, which provides a number of requirements in terms of processing activities involving personal data. The controller further acknowledges the general principles of processing as well as the rights of a data subject and more information in relation to these provisions are provided within this fair processing notice.

1. The Principles of Processing

a. Lawfulness, fairness and transparency

Personal data must be processed lawfully, fairly and in a transparent manner.

The lawful basis and purpose for collecting each type of personal data is provided within The Marriage (Bailiwick of Guernsey) Law, 2020 (and subsidiary legislation)

Disclosure by Registrar-General.

56. (1) The Registrar-General may disclose to any person any information or documents obtained in the exercise of the Registrar-General's functions under this Law and may request further information from any person for the purpose of –

(a) verifying the accuracy of any information or the authenticity of any documentation provided to the Registrar-General for the purposes of this Law, or
(b) determining any matter which the Registrar-General is required to determine under this Law.

(2) Without prejudice to the generality of subsection (1), the Registrar-General may, for the said purposes, disclose information or documents to, or request information from, the following –

(a) Her Majesty's Procureur,
(b) a police officer, customs officer or immigration officer,
(c) any committee of the States of Guernsey, the States of Alderney or the Chief Pleas of Sark,

(d) the Royal Court of Guernsey, the Court of Alderney or the Court of the Seneschal.

(3) The Registrar-General may, at the request of a person who carries out functions in another jurisdiction, similar to the functions of the Registrar-General, in respect of persons entering into a marriage in that other jurisdiction, disclose any information that the Registrar-General reasonably believes may assist that other person in the exercise of his or her functions in that other jurisdiction.

(4) The Registrar-General may disclose information or documents to, and request information from, any person who carries out functions in another jurisdiction similar to the functions of an officer of police, customs officer or immigration officer in the Bailiwick, and who is investigating the immigration status of a person intending to marry in that other jurisdiction, for the purpose of assisting that other person in the exercise of his or her functions in that jurisdiction.

The information collected from each applicant

- Time date and location of intended marriage
- Name of celebrant
- Name and surname and any previous names,
- date of birth
- sex
- nationality and place of residence
- immigration status in the Bailiwick,

- occupation
- contact telephone number and email,
- marital status and if they have been married or in a civil partnership how that marriage or civil partnership ended
- parent's names (optional)

Supporting documents

- Birth certificate, or adoption certificate
- Deed poll
- Copy passport or other photographic ID
- Utility bill or similar
- Divorce final order or death certificate of former spouse.
- If a minor consent from each person who has parental responsibility
- Anything else which the Registrar -General requires

Special category data

The sexual orientation of the data subject may be inferred from the details of the person they intend marry however once notice has been accepted the names of the parties to be married will be published and become a matter of public record.

- The personal data is collected from
- the data subject directly
- The Dean of the Church of England where notice is accepted by him.
- Information regarding immigration status is collected from The Guernsey Border Agency.
- Information is shared with the civil and religious celebrant who is to conduct the ceremony. If data subject is not a British subject with the Guernsey Border Agency but only data required to establish the data subjects immigration status.

b. Purpose limitation

Personal data must not be collected except for a specific, explicit and legitimate purpose and, once collected, must not be further processed in a manner incompatible with the purpose for which it was collected.

The controller acknowledges its responsibility with regards to this data protection principle and therefore the controller maintains that it will not further process that personal data in a way which is incompatible to its original reason for processing as specified in section 2a, unless the controller is required to do so by law. The personal data will not be transferred to

a recipient in an authorised or an unauthorised jurisdiction (as per the definition within data protection law).

Minimisation

Personal data processed must be adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.

The controller maintains that it will only process the personal data which is detailed in section 2a, and will not process any further personal data that is not necessary in relation to the original reason for processing personal data as specified in section 2a, unless the controller is required to do so by law.

Accuracy

Personal data processed must be accurate, kept up-to-date (where applicable) and reasonable steps must be taken to ensure that personal data that is inaccurate is erased or corrected without delay.

The controller will ensure that all personal data that it holds is accurate and kept up-to-date, and any personal data that is inaccurate will be erased or corrected without delay.

Subject to :-

Correction of errors in register.

54. (1) Where it appears to the Registrar-General that an entry in the Marriage Register contains an error of form or of substance, other than a clerical error or an error which is not of material significance, the Registrar-General must apply to the Royal Court sitting as an Ordinary Court ("**the Court**") for permission to correct the error.

(2) If, on an application under subsection (1), the Court grants permission to correct an error in the Marriage Register, the Registrar-General must make the correction in the margin of the entry in question, without any alteration of the original entry.

(3) Any such marginal entry made by the Registrar-General must include the signature of the Registrar-General, the date the correction is made and the date when the permission under subsection (1) is granted.

Storage limitation

Personal data must not be kept in a form that permits identification of a data subject for any longer than is necessary for the purpose for which it is processed.

A Marriage Register will be kept indefinitely by The Registrar-General (section 51)

The Marriage Register will be retained indefinitely as is required in the Law. Details provided when giving Notice of Marriage will be retained for 5 years.

c. Integrity and confidentiality

Personal data must be processed in a manner that ensures its appropriate security, including protecting it against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

The information will be held electronically on a system supported by the Sates of Guernsey.

d. Accountability

The controller is responsible for, and must be able to demonstrate, compliance with the data protection principles.

2. Contact Details

The contact details of the controller are as follows:

The Registrar General, H M Greffier

Tel: 01481 725 277

Email: Registrar@guernseyroyalcourt.gg

The contact details for the Royal Court are as follows:

Data Protection Officer, the Royal Court – Matthew Loaring

Tel: 01481 717 000

Email: data.protection@gov.gg