



# Fair Processing Notice

The role of the Office of the Sark Electricity Price Commissioner is to determine whether electricity prices charged in Sark are fair and reasonable. On 1<sup>st</sup> January 2021, Sark Electricity Limited (SEL) introduced the minimum usage charge. The Office's Final Variation of the same date explained that the maximum unit charge may need to change each month so that the prices charged are fair and reasonable for both customers and SEL. This process is explained in the Appendix to the Final Variation.

The data controller for the purposes of this notice is the Office of the Sark Electricity Price Commissioner. This notice seeks to explain in more detail how your information is used.

## 1. 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.

## 2. The Principles of Processing

### a. Lawfulness, fairness and transparency

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

SEL sends this Office a spreadsheet each month containing the following information:

- Each property is listed with the meter number, the latest reading, the date of the reading, the units consumed since the last reading and meter type (Primary or Secondary).
- The spreadsheet also contains other information including the route ID, name, location and property name.

The information is added to indicate whether the meter enjoys a dispensation from the minimum usage charge and meters where the customer pays the minimum usage charge on account of low consumption are identified.

SEL's resulting additional income is calculated and an assessment made in line with the purpose of this Office.

The processing of the information described is lawful since it is necessary in order to allow this Office to undertake its duties in line with the Control of Electricity Prices (Sark) Law, 2016.

#### **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).

#### **c. 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.

#### **d. 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..

#### **e. 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.*

The monthly spreadsheets will be retained until 12 months following the end of the Price Control Order in December 2021. The controller may retain them for a longer period, should there be any disputes arising from the operation of the Price Control Order.

#### **f. 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 is held in excel spreadsheets and stored on a personal computer and backed up in the Cloud. This information is password protected.

#### **g. Accountability**

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

The contact details of the controller are as follows:

The Sark Electricity Price Control Commissioner

Tel: 07968 861 270

Email: [commissioner@epc.sark.gg](mailto:commissioner@epc.sark.gg)

## **3. Data Subject Rights**

#### **a. Right of access**

A data subject has the right to be advised as to whether a controller is processing personal data relating to them and, if so, that individual is entitled to one free copy of their personal data (with further copies available at a fee prescribed by the controller). This is known as a Subject Access Request (SAR). Upon receipt of an SAR, the controller has a period of one month to adhere to the request (an extension of two further months can be sought by the controller depending upon the complexity and number of requests submitted by the data subject).

#### **b. Right to data portability**

A data subject has the right to data portability, this means that an individual is able to arrange for the transfer of their personal data from one controller to another without hindrance from the first controller. This right can only be utilized where the processing is

based on consent or for the performance of a contract. This right cannot be used for processing by a public authority.

Where a data subject invokes the right to data portability, the data subject has the right to be given their personal data in a structure, commonly used and machine-readable format suitable for transmission from one controller to another. Upon the request of a data subject, the controller must transmit their personal data directly to another controller unless it is technically unfeasible to do so.

#### **c. Exception to right of portability or access involving disclosure of another individual's personal data**

A controller is not obliged to comply with a data subject's request under the right of access or right to data portability where the controller cannot comply with the request without disclosing information relation to another individual who is identified or identifiable from that information.

#### **d. Right to object to processing**

A data subject has the right to object to a controller's activities relating to the processing of personal data for direct marketing purposes, on grounds of public interest and for historical or scientific purposes.

#### **e. Right to rectification**

A data subject has the right to require a controller to complete any incomplete personal data and to rectify or change any inaccurate personal data.

#### **f. Right to erasure**

A data subject has the right to submit a written request to a controller regarding the erasure of the data subject's personal data in certain circumstances. These include where:

- The personal data is no longer required in relation to its original purpose for collection by the controller;
- The lawfulness of processing is based on consent and the data subject has withdrawn their consent;
- The data subject objects to the processing and the controller is required to cease the processing activity;
- The personal data has been unlawfully processed;
- The personal data must be erased in order to comply with any duty imposed by law; or
- The personal data was collected in the context of an offer from an information society service directly to a child under 13 years of age.

### **g. Right to restriction of processing**

A data subject has the right to request, in writing, the restriction of processing activities which relate to the data subject's personal data. This right can be exercised where:

- The accuracy or completeness of the personal data is disputed by the data subject who wishes to obtain restriction of processing for a period in order for the controller to verify the accuracy or completeness;
- The processing is unlawful but the data subject wishes to obtain restriction of processing as opposed to erasure;
- The controller no longer requires the personal data, however the data subject requires the personal data in connection with any legal proceedings; or
- The data subject has objected to processing but the controller has not ceased processing operations pending determination as to whether public interest outweighs the significant interests of the data subject.

### **h. Right to be notified of rectification, erasure and restrictions**

Where any rectification, erasure or restriction of personal data has been carried out, the data subject has a right to ensure that the controller notifies any other person to which the personal data has been disclosed about the rectification, erasure or restriction of processing. The controller must also notify the data subject of the identity and contact details of the other person if the data subject requests this information.

### **i. Right not to be subject to decisions based on automated processing**

A data subject has the right not to be subjected to automated decision making without human intervention.

To exercise these data subject rights, please contact use the contact details provided in 2g).

### **j. Right to make a complaint**

An individual may make a complaint in writing to the supervisory authority (the Office of the Data Protection Commissioner in Guernsey) if the individual considers that a controller or processor has breached, or is likely to breach, an operative provision of the data protection law, and the breach involves affects or is likely to affect any personal data relating to the individual or any data subject right of the individual (as listed above).

### **k. Complainant may appeal failure to investigate or progress and may appeal determinations**

An individual may appeal to the Court where:

- The Supervisory Authority has failed to give the complainant written notice that the complaint is being investigated or not within two months of receiving the complaint;

- The Supervisory Authority has failed to provide written notice of the progress and, where applicable, the outcome of the investigation at least once within three months of providing notice of the beginning of an investigation; or
- Where the individual seeks to appeal against a determination of the Supervisory Authority.