

GUIDANCE 6: Appointing a processor operating exclusively in the Bailiwick of Guernsey

This case study walks you through the basic steps you would need to take to appoint a processor based in the Bailiwick of Guernsey in compliance with the Law.

Case Study: Sally Limited outsources her HR function to HR Services (Guernsey) Limited

Sally runs a small chemist in Guernsey (Sally Limited) and employs 6 staff members. Sally Limited has no experience of HR or payroll and has decided to appoint 'HR Services (Guernsey) Limited' to carry out this function on its behalf. HR Services (Guernsey) Limited have confirmed that they do not employ any secondary processors and do not transfer or store any information outside of the Bailiwick of Guernsey.

To ensure that Sally Limited is compliant with the Law regarding the appointment of this processor, they must:

STEP 1: Ensure that a contract, in compliance with the Law, is put in place between Sally Limited and HR Services (Guernsey) Limited. This contract should include the following information:

- the subject matter of the processing;
- the duration of the processing;
- the nature, scope, context and purpose of the processing;
- the category of personal data to be processed;
- the categories of data subjects;
- the duties and rights of the controller and
- the duties imposed on the processor by sections 35 and 36.

You can learn more about each of these areas in the guidance on Contracts between controllers and processors¹.

The EU has issued '[Standard Contractual Clauses for Controllers and Processors \(EU 2021/3071\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021D0307)' that include contracts between controllers and processors.

STEP 2: Ensure that HR Services (Guernsey) Limited provide Sally Limited with sufficient guarantees that appropriate technical and organisational measures are in place to ensure the security of any personal data they process. These guarantees could include:

- the extent to which they comply with industry standards, if these apply in the context of the processing;

¹ This guidance is available at: www.odpa.gg/information-hub/guidance/engaging-processors

This document is part of a larger suite of guidance resources for anyone who is using third parties to perform certain tasks with people's data, please refer to www.odpa.gg/information-hub/guidance/engaging-processors for a general overview of this area, together with several detailed guidance resources.

- whether they have sufficient technical expertise to assist the controller, e.g., in carrying out obligations under the Law (technical measures, breach notifications and DPIAs);
- providing the controller with relevant documentation, e.g. their data processing notice, record management policy and information security policy; and
- adherence to an approved code of conduct or a certification scheme (where relevant).

You can learn more about the steps required in this regard in the guidance on Processor Assessments².

Once the above information is received, Sally Limited would need to review and conclude if they are comfortable that appropriate technical and organisational measures are in place to ensure the security of any personal data they intend to ask HR Services (Guernsey) Limited process on their behalf.

² This guidance is available at: www.odpa.gg/information-hub/guidance/engaging-processors