

## Breach Determination

### Investigation into The Committee *for* Home Affairs (“Home Affairs”) under the Data Protection (Bailiwick of Guernsey) Law, 2017 (“the Law”) following Data Subject Access Request Failure

#### Notice to the Controller under section 71 of the Law

1. On 30 January 2025, a data subject access request was submitted to Home Affairs by the Complainant, requesting a copy of their personal data processed by the Family Proceedings Advisory Service between 1 August 2022 and 30 January 2025.
2. An extension was applied by Home Affairs to the compliance period of the request on the basis of its complexity, requiring that compliance be achieved by 30 April 2025. This deadline was not met by Home Affairs, with a series of disclosures of personal data being provided to the Complainant up until 28 May 2025.
3. On 20 June 2025, Home Affairs informed the Complainant that it had identified that some information subject to their request had been missed from its searches and provided this information to the Complainant on 10 July 2025, almost six months after the request was submitted.
4. Due to concerns relating to the significant delays in the provision of personal data, a complaint was submitted to the Authority, and an investigation was initiated.

#### Reasons for the determination

5. Based on the evidence submitted, the circumstances summarised above, and the various representations made by both the Complainant and Home Affairs, the Authority is of the view that Home Affairs **has breached** operative provisions of the Law, as detailed below.
6. Section 27 of the Law
7. Section 27 relates to “*Compliance with request to exercise data subject right*”.
8. In particular, subsection 27(1) provides that:

*“Subject to the following provisions of this section, sections 28 and 29 and any other exception or exemption provided by sections 14 to 22 or any other provision of this Law, the controller must comply with the request and notify the requestor of any action taken in compliance with the request –*

*(a) as soon as practicable, and*

*(b) in any event within the designated period”<sup>1</sup>*

9. Additionally, subsection 27(4) stipulates:

*“The controller may extend the time allowed for notification under subsection (1)(b) or (3)(b) by a further two months where necessary, taking into account the complexity and number of requests, but in this event the controller must notify the requestor, within the designated period, of –*

*(a) any such extension, and*

*(b) the reasons for the extension.”*

10. The Authority is of the view that Home Affairs **has failed** to comply with the requirements of this provision by virtue of the below:

11. The request was submitted to Home Affairs on 30 January 2025, with an extension being applied to the compliance period of the request. Therefore, Home Affairs was required to comply with the request by 30 April 2025.

12. An initial response was provided to the request on 25 April 2025, with further disclosures being made on 8 May, 15 May and 28 May respectively – such disclosures being made following the expiry of the extended compliance period.

13. It was also discovered by Home Affairs that its initial searches for the Complainant’s personal data failed to cover the full scope of the request, with searches failing to include personal data between 1 August 2022 and 1 September 2022. Further searches for this personal data were conducted on 20 June 2025, and this additional data was provided to the Complainant on 10 July 2025.

14. When questioned by the Authority, Home Affairs explained that there were different factors that led to the delay in the statutory deadline being met. These factors included the volume of records requiring review and redaction, staff shortages impacting capacity to process the response promptly, and changes in personnel leading to confusion regarding task ownership.

15. The initial searches for personal data conducted by Home Affairs resulted in 1,157 pages of documents being identified and reviewed, with the subsequent searches of 20 June 2025 identifying 24 pages of documents.

16. The Authority appreciates that given the nature of the processing undertaken by Home Affairs, there will often be increased risk when providing information to individuals in response to DSARs, and that careful consideration must be made to reviewing and redacting information, where appropriate in accordance with the Law. However, the Authority does not consider 1,157 pages to be an excessive amount of data to collate,

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<sup>1</sup> "the designated period", in relation to a request, means the period of one month following the relevant day.

review and redact within a 3-month period. Furthermore, the delay of 20 days between the additional 24 pages of documents being extracted on 20 June 2025 and the subsequent disclosure to the Complainant on 10 July is excessive for what is a small amount of personal data relating to a request that was already significantly overdue.

17. While the Authority understands that unexpected staff shortages and changes in personnel can present additional challenges when facilitating data subject rights, appropriate measures must be put in place to ensure ongoing business continuity. This is particularly important where an organisation has legal obligations such as the requirement to comply with data subject rights.

18. The Authority is encouraged that Home Affairs has since reviewed its internal processes and identified measures to reduce the likelihood of similar issues arising in future. These measures include: (i) tailored data protection training with a particular focus on the handling and fulfilment of Data Subject Requests, and (ii) the development of a new Subject Access Request policy for the Family Proceedings Advisory Service.

19. In summary:

- Home Affairs failed to comply with a data subject access request within the time required by the Law, with the final disclosure of information data taking place 71 days after the legal deadline.
- While Home Affairs explained that there were different factors that led to the delay in the statutory deadline being met, the Authority does not consider these reasons to be sufficient justification for such a delay.

### **Sanction**

The Authority hereby notifies the Controller that it is issuing the following sanction:

- A Reprimand