



Country or jurisdiction report

GUERNSEY

Website: www.gov.gg/dataprotection

Peter Harris commenced his second five-year term of office as Commissioner on 1st October, 2006.

In September, 2006 the States of Guernsey had approved a number of amendments to the Data Protection (Bailiwick of Guernsey) Law, 2001. It was originally anticipated that the legislation implementing these Resolutions would be enacted during 2007. However, owing to pressures on legislative drafting, it would appear that this target may not now be met.

Furthermore the Commissioner has recommended that a custodial sentence be considered for the commission of a section 55 offence (of unlawful disclosure). If this recommendation is approved by the States, there may be a possibility in the future of extradition of offenders to the UK, provided that custodial sentences for section 55 offences are also approved by the UK Parliament.

First prosecution

Guernsey had its first prosecution under the Data Protection Law early in 2007 for a section 55 offence. A local policeman had unlawfully disclosed the criminal record of a past girlfriend to a current girlfriend. He pleaded guilty to the section 55 offence and was also found guilty of two counts under the Computer Misuse Law.