



TREASURY DEPARTMENT

PRIVACY NOTICE

H.M. GOVERNMENT OF GIBRALTAR
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1. INTRODUCTION

The Treasury Department of H.M. Government of Gibraltar (“the Treasury”) as data controller for the purposes of the Data Protection Act 2004, together with any regulations made under them, takes its data protection and privacy responsibilities seriously.

This privacy notice explains how we receive, use and share personal information in the course of our business activities.

(a) Our Privacy Notice

This Privacy Notice sets out the what information we hold, how we use it, the reasons why we need the information, under what circumstances we share it and how long this is kept.

This Privacy Notice applies to all services conducted by the Treasury other than services offered by the [Gibraltar Savings Bank](#) which are covered under a separate Privacy Notice.

This Privacy Notice applies to all the Treasury’s clients, prospective clients including employees and pensioners paid by the Treasury as well as persons nominated by an employee or pensioner who may be eligible to receive monies in the event of their death.

This Privacy Notice covers Personal Data that is held electronically and in well-structured paper-based filing systems.

(b) Explanation of terms used in the Privacy Notice

Personal Data – is information held on a live person from which such a person can be identified. It does not include data where the identity of the person has been removed (anonymous data).

Special Category Personal Data – means personal data that reveals any of the following; racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

(The Treasury Department does not necessarily process all of the above Special Category Personal Data).

2. THE INFORMATION WE PROCESS

The Treasury collects, stores and processes information, including personal data, to provide effective and efficient services and so that we may carry out our lawful functions, in accordance with the Public Finance (Control and Audit) Act, Pensions Act, Gibraltar Coinage and Currency Act, Data Protection Act 2004, Employment Act, Administration of Estates Act, Income Tax Act, General Orders, Conditions of Service, Accounting Instructions, Industrial Regulations and/or any other legislation in force at any given time, inclusive of any other agreements and/or contracts which H.M. Government of Gibraltar may enter into with other entities and/or individuals from time to time.

Personal data about you is private and confidential and will not be disclosed to anyone not connected with the service that is being provided to you, unless you give us your consent, the disclosure forms part of a data sharing agreement or the law permits or requires it.

For the avoidance of doubt, where personal data is shared, the Treasury will do so, in accordance with the pertinent data sharing agreements and/or as permitted by law..

Where required by law, we will disclose information to law enforcement or fraud prevention bodies, judicial bodies, Government departments, agencies or authorities, taxation or regulatory authorities.

(a) Examples of the type of data we may collect:

Category of data	Examples of the type of data
Personal details	Name, email address, telephone number, address
Personal details of third parties, including beneficiaries, *nominees, spouse, civil partner , other members of your family or anyone else who lives with you	Their name, address, date of birth
Personal identification data	Identity Card or Passport details
Government identifiers	Tax Reference Number, Social Insurance Number, Personal Identification Number
Financial details	Income and expenditure details, wealth, debts, bank account details, penalties and fines
Employment details	Past, current and prospective employers, terms and details of service, amounts paid, pension scheme details, medical condition, deduction details
Goods or services provided	Details of the goods or services supplied such as licences issued, agreements, contracts, etc.
Education and training details	Academic qualifications, training courses undertaken or to be undertaken, Continuous Professional Development (CPD) details
Family, lifestyle and social circumstances	Dependents, marital status, next of kin, nationality and contact details
Special Category Personal Data	Trade union membership. Details on any mental health condition, including details of the individuals assigned to deal in the financial affairs of persons who do not have the capacity to handle these (please refer to Section 4 (a)(ii) How we use your Special Category Personal Data)
Other information	Feedback, comments, complaints. Details of Civil, Family and Tribunal cases and/or offences (including alleged offences) and/or criminal proceedings, outcomes and sentences.

*We may also process data on third parties in relation to Death in Service Forms completed by our employees. Such persons (i.e. the Nominees) are nominated to receive any monies due in the event of the death of the Nominator. Such data will only be processed with the consent of the Nominee.

(b) Treasury may use your personal data:

- Where you have agreed to the process
- To allow us to communicate with you
- To process payments you make to us
- To make payments to you
- To provide access to other services provided by the Treasury

(c) Treasury holds your personal data where you:

- are in receipt of a Government salary, wage or other benefit
- are a member of a pension scheme administered by the Treasury
- are a Government pensioner
- are paid for providing a service to Government
- require a service or product from Government
- have opted to have deductions made from your salary/pension for the direct payment of utilities
- have an outstanding debt due to Government
- have made a claim in relation to public liability or other insurance

3. HOW WE COLLECT YOUR PERSONAL DATA

We collect your personal data to provide services and to carry out our lawful functions. This information is collected directly from you when you seek, apply or are provided with information or services from us, or by corresponding with us by post, phone, email or otherwise.

4. HOW WE USE YOUR PERSONAL DATA

As a data controller, we are responsible for deciding how we store and use your Personal Data. We may use your Personal Data before, during and after our relationship with you.

(a) Legal basis for processing:

The Treasury will only process your personal data if it is lawful to do so.

i. Personal Data

We will only use your Personal Data when the law allows us to, specifically:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.
- Where we need to protect your interest.
- Where there is a data sharing agreement in place.

Generally, we do not rely on consent as the lawful basis for processing your personal data. However, in the case that we do rely on your consent, this can be withdrawn at any time by communicating the withdrawal of consent to the pertinent government department, agency or authority. Please refer to Section 8 - Your Rights for further details.

As part of our processing, the Treasury will use your Personal Data as follows:

Propose/Activity	Types of Data	Lawful basis
To know you as a client; To create and administer your account or record; To provide products and services to you; To recover debts owed to Government; As required to be able to trace you in relation to your pay, pension or other treasury service being provided to you; To assess any complaint made in relation to a service or product of the Treasury	Identity and contact details	Performance of a Contract and/or provision of a service under the pertinent act.
To carry out operational and administrative activities, including recordkeeping and audits	Identity and contact details, details of bank accounts, sick record and any other requirement specific to the service being provided	Performance of a Contract and/or provision of a service under the pertinent act.
To comply with Law enforcement or fraud prevention bodies; Taxation Authorities; Regulatory Authorities; Reporting suspicious activity	Identity and contact details, details of bank accounts	To comply with local and international tax agreements or legislations and/or Anti-money laundering, Terrorist funding and Crime prevention legislation and/or any other legislation in force at any time.

(ii) Special Category Personal Data

Data processing may include the processing of limited Special Category Personal Data about you, which also requires protection. Such data is only collected and stored in the following circumstances:

- In an exceptional case and where explicit written consent has been received.
- Where the Treasury needs to carry out its legal obligations in lines with its data protection policy.

- (*) Where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent.

(*) This type of processing may occur when, for example,

- You suffer from a mental health condition and you are no longer able to make your decisions due to loss of mental capacity, in which case we will amend our own procedures in order to take instructions from your duly appointed lawyer, receiver or trustee. With regard to processing of this category of information the Treasury Department relies on Article 9 (1)(g) of the GDPR in that it is necessary for reasons of substantial public interest and that further, the Treasury Department is obliged to safeguard the economic wellbeing of individuals in accordance with Schedule 1, Part 2 paragraph 19 of the Data Protection Act 2004.
- Where you have appointed someone to take care of your financial affairs through a Power of Attorney.

5. SECURITY, SHARING AND DISCLOSURE OF PERSONAL DATA

The security and confidentiality of your information is very important to us.

Treasury will:

- Ensure safeguards are in place to make sure personal data is kept secure in compliance with government's information security policy;
- Ensure that your data remains under the control of our authorised controllers and processors with adequate safeguards to protect your rights
- Ensure only authorised staff are able to view your data
- Not make your information available for commercial use
- Only ask you for what is needed

Where data is shared internally, in order to provide you with a service, we have operational policies to manage the sharing of personal data within the department. This is mainly through limited and specific staff access to secure network areas and paper-based files on a need to use/read basis.

Where data is shared with other government departments, agencies or authorities and in order to provide you with our services, we will have interdepartmental data sharing agreements to manage the sharing of the personal data.

We shall share information with other government departments, agencies and authorities as follows:

- To assist law enforcement and other government agencies engaged in the protection or detection of crime, or to provide evidence in civil or criminal prosecutions;
- Protect the misuse of Public Funds;
- For audit purposes;
- Software developers employed directly by the Treasury to carry out development and maintenance work.

Please be aware that in these cases, the Treasury will make an independent assessment of the third party request, but will **NOT** seek your approval to share this information beforehand.

We will also provide information to other government departments and/or entities for the recovery of any debts owed to Government where the law permits it.

These are the departments we will share information with for the purposes set out above:

- Housing Department
- Education Department
- Department of Social Security
- Gibraltar Electrical Authority
- Land Property Services
- Gibraltar Health Authority
- Care Agency

This list is not exhaustive; however, where necessary we will inform you of when we have shared your personal information with other departments, in accordance with data protection laws and data sharing agreements in force.

We will share information in relation to the payments made with the bank to which you instruct us to make payments.

Your personal information will not be disclosed to any third party not mentioned above without your prior consent unless the Treasury is required to do so by law.

6. COMMUNICATION WITH YOU

Our preferred method of communicating with you will be via email, where an email is provided by you. Otherwise, communication will be via telephone or post.

7. RETENTION OF PERSONAL DATA

We are committed to keeping your personal data secure.

We will retain your personal data for as long as we need to provide you with a service.

We will only keep your information for the minimum time necessary. To determine how long we keep your personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purpose for which we process your personal data and whether we can achieve those purposes through other means, and our applicable legal or regulatory obligations.

This may be to:

- Respond to an enquiry from you
- To meet a legal obligation in carrying out our statutory functions
- Conclude financial end of year processing
- Review an award of a benefit or a state pension

In specific circumstances, we may store your personal information for longer periods so that we have an accurate record of your dealings with us in the event of any complaints or challenges or if their retention can be justified for statutory, regulatory, legal, audit or security reasons or for their historic value.

In some circumstances, we may anonymise your personal data so that it can no longer be associated with you. Once the information has been anonymised, we may use such information without further notice to you.

8. YOUR RIGHTS

We want to make you aware of your rights in relation to the personal data we hold on you. It is important that the data we hold about you is accurate and up to date. Please keep us informed of any Personal Data changes during your relationship with us.

Your rights in connection with Personal Data

You have the right by law to request the following:-

- **Access** to your Personal Data (data subject access request). Upon your written request, we will provide you with a copy of the Personal Data we hold of you.
- You can also request that we **correct and update** information we hold about you to ensure that all the information we hold is complete and accurate.
- You may request **erasure** of your Personal Data. This enables you to ask us to delete or remove Personal Data, which we no longer need to process or store. Note, however, that we may not always be able to comply with your request because of specific legal reasons, which will be notified to you, if applicable, at the time of your request.
- You may request us to **restrict** the processing of your personal data (please note that such restriction may require that we suspend the operation of the service being provided to you). In some cases, we may demonstrate that we have compelling legitimate grounds to process your personal data.
- Request the transfer of your Personal Data to another party (also known as “Data Portability”).
- You may **make a complaint** on how we have handled your personal data

The primary source of contact for all issues arising from this Privacy Notice is our Data Protection Co-ordinator. If you have any questions about this privacy notice or our privacy practices, please contact our Data Protection Co-ordinator or Data Protection Officer (DPO). If you want to request access, the correction, erasure, restriction or portability of your personal data, or you would like to make a complaint please contact our Data Protection Co-ordinator by writing to:-

**Treasury Data Protection Co-ordinator
Treasury Department
Unit 71/72 New Harbours
Gibraltar**

Or emailing dpc@treasury.gov.gi or calling telephone number +350 20048396.

We ask you to try to resolve any issues with us in the first instance. Please note, however, that you have a right to contact the Government’s Data Protection Officer directly by writing to:

**Data Protection Officer
No.6 Convent Place
Gibraltar**

Or emailing dpo@gibraltar.gov.gi. You may also wish to lodge a complaint with the Gibraltar Regulatory Authority at info@gra.gi.

9. FEES TO ACCESS PERSONAL DATA

You will not need to pay in order to access your Personal Data or to exercise any other rights. However, if your request is clearly unfounded or excessive, we may charge a reasonable fee to deal with your request or refuse to deal with the request.

In either case, we will need to justify our decision.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information or to exercise any of your other rights. This is another appropriate security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it.

10. CHANGES TO THIS PRIVACY NOTICE

We continually review and update this Privacy Notice to reflect changes in our services, as well as to comply with changes in the law. We will notify you of any updates either in writing or by updating this Privacy Notice in the Treasury Department section in the H.M. Government of Gibraltar website www.gibraltar.gov.gi under Treasury Department.

We may also notify you in other ways from time to time about the processing of your Personal Data.