



Office of Fair Trading Privacy Notice

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1. Purpose of this privacy notice

The Office of Fair Trading (“OFT”) is committed to protecting and respecting your right to privacy. This privacy notice aims to provide you with information on what data we collect about you, what we do with that information and why we do it, who we share it with, and how we protect your privacy.

This notice covers all personal data collected by the OFT and where we tell other organisations to collect information for us. This is the same whether the data are collected by letter, email, face to face, telephone or online.

The OFT holds and processes personal data in accordance with the European Union’s General Data Protection Regulation (“GDPR”) and the Data Protection Act 2004.

It is important that you read this privacy notice together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data.

We may change this privacy notice from time to time, so please check this page occasionally to ensure that you are happy with any changes.

2. Who we are

The OFT is the data controller and is responsible for your personal data (collectively referred to as the OFT, “we”, “us” or “our” in this privacy notice).

If you have any questions about this privacy notice or any of our privacy practices, please contact us on the below details-

Department name: Office of Fair Trading
Email address: oft@gibraltar.gov.gi
Postal address: Suite 975, Europort, Gibraltar
Telephone number: +350 200 71700

Alternatively, you can contact our Data Protection Officer on-

Email address: dpo@gibraltar.gov.gi
Postal address: Government Law Offices, No.40 Town Range, Gibraltar

3. What is Personal Data?

Personal data are information that identifies a living person. That can be obvious information like a name or an address, but it may also be something like an IP address.

This includes information you tell us about yourself, information we are provided by other people or organisations, or what we learn when you use services we provide.

Some information are considered more sensitive or special:

- ❖ sexuality and sexual health;
- ❖ religious or philosophical beliefs;
- ❖ ethnicity;

- ❖ physical or mental health;
- ❖ trade union membership;
- ❖ political opinion;
- ❖ genetic/biometric data;
- ❖ criminal history,

The OFT takes extra care when collecting and using these types of special information.

4. What personal data do we collect?

Personal data means any information about you from which you can be identified. It does not include data where the identity has been removed (anonymisation).

We may collect, use, store and transfer different kinds of personal data about you as follows:

- ❖ **Identity Data** – this includes first name, maiden name, last name, title and date of birth.
- ❖ **Contact Data** – this includes residential address, email address and telephone numbers.
- ❖ **Business Data** – this includes details about your ownership or control of a business and your role within that business.
- ❖ **Transaction Data** – this includes details about payments to and from you and the OFT.
- ❖ **Financial Data** – this includes bank account and payment card details.
- ❖ **Conviction and Sanction Data** – this includes data about previous convictions and any sanctions you are subject to.

5. How we collect your personal data

We use different methods to collect data from and about you including through:

Direct interactions.

You may give us your Identity, Contact, Business, Transaction and Financial Data by filling in application forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:

- ❖ Make an application;
- ❖ Make a complaint;
- ❖ Submit a report or survey; or
- ❖ Give us feedback or contact us.

Third parties or publicly available sources.

We will receive personal data about you from other government departments and public sector authorities, or from other third party organisations, as set out in Annex 1.

6. How we use your personal data

We will only use your personal data for the purpose for which we collected it. We have set out in Annex 2 a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data.

Generally, we do not rely on consent as a legal basis for processing your personal data.

7. Sharing, disclosure and security of personal data

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

We 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.

Sharing and disclosure

We are sometimes required to share personal data with other Government Departments and agencies, enforcement bodies and other supervisory and regulatory authorities in relation to the carrying out of our or their legal functions and obligations. When doing so we require all third parties to respect the security of your personal data and to treat it in accordance with the law.

We do not allow third parties to which we disclose your personal data to use it for purposes other than the specified purposes for which they have been requested and always in accordance with our instructions. Before disclosing your personal data we will consider the request carefully and only disclose it to the third party where we are obliged by law to do so or where the basis on which the data is being shared is clearly understood and is in keeping with your rights.

Security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We will investigate any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

All of our staff are trained in the importance of protecting personal and other sensitive information. All civil servants are required to work in line with the core values set out in the General Orders, including; integrity and honesty.

8. Transferring your personal data internationally

We do not transfer your personal data outside the European Economic Area (EEA) other than in relation to requests from international enforcement bodies which transfers are governed and required in compliance with Gibraltar law.

9. Retention of personal data

By law we have to keep basic information about our service users (including Contact, Identity, Financial and Transaction Data) in compliance with HM Government of Gibraltar's General Orders and Accounting Instructions.

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for 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 purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

In some circumstances you can ask us to delete your data: see *your rights* below for further information.

In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

10. Your rights

You have the right to ask us:

- ❖ to confirm whether we hold any of your personal data;
- ❖ to provide you with a copy of any personal data that we hold about you;
- ❖ to correct any inaccuracies in your personal data and to modify it in such a way if you believe the personal data we hold is incomplete;
- ❖ to delete (in as much as is possible in the specific circumstances) any of your personal data, where we are required to do so by law;
- ❖ to stop processing your personal data, where required to do so by law;
- ❖ to let you have a portable copy of the personal data we hold about you, where required to do so by law;
- ❖ to stop processing any of your personal data that is processed by us on the basis of our legitimate interests; and

- ❖ where we process your personal data on the basis that you have given us your consent to do so, you may contact us at any time to withdraw your consent.

If you wish to exercise any of these rights, or object to our processing your personal data, please contact us:

- ❖ Office of Fair Trading
Suite 975, Europort
Gibraltar
GX11 1AA
- ❖ (+350) 20071700
- ❖ oft@gibraltar.gov.gi

11. Dissatisfied with the OFT's handling of your data?

If you are dissatisfied, you can make a complaint about the way we process your personal information to the Gibraltar Regulatory Authority. Under the Data Protection Act 2004, the Gibraltar Regulatory Authority is nominated as the Data Protection Commissioner. The Gibraltar Regulatory Authority is thereby the independent statutory body responsible for the enforcement of the Data Protection Act 2004, and carries out the functions assigned to it, to uphold the rights of individuals and their privacy. Amongst other things, this includes the provision of advice on data protection related matters and the investigation of complaints, as well as raising awareness on privacy issues.

Contact:

- ❖ Gibraltar Regulatory Authority,
2nd floor, Eurotowers 4
1 Europort Road
Gibraltar.
- ❖ (+350) 20074636
- ❖ info@gra.gi

Annex 1 – Third Parties or publicly available sources

We will receive personal data about you from other Government departments and public sector authorities, or from other third party organisations, as set out below:

The Gibraltar Financial Intelligence Unit

- Type of data: your contact details, business interests, criminal activity and convictions, criminal intelligence.
- Purpose: to assist the OFT with its anti-money laundering and countering the financings of terrorism (“**AML/CFT**”) obligations under the Proceeds of Crime Act (“**POCA**”).

HM Customs

- Type of data: your contact details, business interests and activities and details of personal importations.
- Purpose: to assist the OFT with its AML/CFT obligations under POCA and with its business licensing responsibilities.

The Royal Gibraltar Police

- Type of data: your contact details, business interests and activities, criminal convictions and criminal intelligence.
- Purpose: to assist the OFT with its AML/CFT obligations under POCA, with its business licensing responsibilities and with its consumer protection responsibilities.

The Department of Employment

- Type of data: your contact details, business interests and activities, your employment status and your entitlement to seek work in Gibraltar.
- Purpose: to assist the OFT with its business licensing responsibilities and consumer protection responsibilities.

The Income Tax Office

- Type of data: your contact details, business interests and activities, your tax residency and your compliance with tax obligations.
- Purpose: to assist the OFT with its business licensing responsibilities and consumer protection responsibilities.

Civil Status and Registration Office

- Type of data: your contact details, nationality, residence, marital status, civil status and entitlement to reside in Gibraltar.
- Purpose: to assist the OFT with its business licensing responsibilities.

Borders and Coastguard Agency

- Type of data: your contact details, nationality, residence, marital status, civil status and entitlement to reside in Gibraltar.
- Purpose: to assist the OFT with its business licensing responsibilities.

Companies House

- Type of data: your business interests and activities, including management and ownership.

- Purpose: to assist the OFT with its business licensing responsibilities, consumer protection responsibilities and its AML/CFT obligations under POCA.

Gibraltar Port Authority

- Type of data: your contact details and business interests and activities.
- Purpose: to assist the OFT with its business licensing responsibilities.

Gibraltar Health Authority

- Type of data: your contact details and business interests and activities.
- Purpose: to assist the OFT with its business licensing responsibilities and consumer protection responsibilities.

Land Property Services

- Type of data: your contact details and property interests.
- Purpose: to assist the OFT with its business licensing responsibilities.

Town Planning and Building control

- Type of data: your contact details and property interests.
- Purpose: to assist the OFT with its business licensing responsibilities.

Director of Public Health & Gibraltar Medical Registration Board

- Type of data: your contact details and business interests and activities.
- Purpose: to assist the OFT with its business licensing responsibilities and consumer protection responsibilities.

Central Arrears Unit

- Type of data: your contact details, business interests and activities, your compliance with tax obligations and details relating to outstanding debts owed to Government.
- Purpose: to assist the OFT with its business licensing responsibilities.

Environmental Agency

- Type of data: your contact details and business interests and activities.
- Purpose: to assist the OFT with its business licensing responsibilities.

Care Agency

- Type of data: your contact details, business interests and activities and safeguarding intelligence.
- Purpose: to assist the OFT with its business licensing responsibilities.

The Department of Education in relation to your business

- Type of data: your contact details, business interests and activities and safeguarding intelligence.
- Purpose: to assist the OFT with its business licensing responsibilities.

Annex 2 - The ways we plan to use your personal data

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To process business licence applications	(a) Identity (b) Contact (c) Financial (d) Business (e) Transaction	Necessary to comply with legal obligations and the performance of a task carried out in the exercise of official authority vested in the controller: (a) Part 9, Fair Trading Act 2015 (b) Article 6(1)(e), the GDPR
For ongoing business licensing matters including, but not limited to, renewals and to take enforcement action	(a) Identity (b) Contact (c) Business	Necessary to comply with legal obligations and the performance of a task carried out in the exercise of official authority vested in the controller: (a) Part 9, Fair Trading Act 2015 (b) Article 6(1)(e), the GDPR
To process your complaints	(a) Identity (b) Contact	Necessary to comply with legal obligations and the performance of a task carried out in the exercise of official authority vested in the controller: (a) Part 4, Fair Trading Act 2015; and (b) Article 6(1)(e), the GDPR.
To process complaints made against your business	(a) Identity (b) Contact (c) Business	Necessary to comply with legal obligations and the performance of a task carried out in the exercise of official authority vested in the controller: (a) Part 4, Fair Trading Act 2015; and (b) Article 6(1)(e), the GDPR.
To supervise the carrying on of your business pursuant to our legal obligations	(a) Identity (b) Contact (c) Business (d) Conviction and Sanction	Necessary to comply with legal obligations and the performance of a task carried out in the exercise of official authority vested in the controller: (a) Part 4 and Part 9, Fair Trading act 2015; (b) Part II and III, Proceeds of Crime Act 2015; and

		(c) Article 6(1)(e), the GDPR
For ongoing monitoring of the implementation of policies and procedures pursuant to our legal obligations	(a) Identity (b) Contact (c) Business (d) Conviction and Sanction	Necessary to comply with legal obligations and the performance of a task carried out in the exercise of official authority vested in the controller: (a) Part 4 and Part 9, Fair Trading act 2015; (b) Part II and III, Proceeds of Crime Act 2015; and (c) Article 6(1)(e), the GDPR
Where we need to comply with a legal obligation	(a) Identity (b) Contact (c) business (d) transaction (e) Conviction and Sanction	Necessary to comply with our legal obligations generally and the performance of a task carried out in the exercise of official authority vested in the controller including, but not limited to: (a) Fair Trading act 2015; (b) Proceeds of Crime Act 2015; (c) Relevant subsidiary legislation; and (d) Article 6(1)(e), the GDPR.
Where we need to provide a service for you.	(a) Identity (b) Contact (c) Financial (d) Business (e) Transaction	Necessary to comply with legal obligations and the performance of a task carried out in the exercise of official authority vested in the controller: (a) Part 4 and Part 9, Fair Trading act 2015; and (b) Article 6(1)(e), the GDPR.
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for the performance of a task carried out in the exercise of official authority vested in the controller: (a) Article 6(1)(e), the GDPR.