

## GDPR AND ITS APPLICATION IN SHG

GDPR is NOT applicable to the overseas territories except:

- a. Where a BOT is governed from the UK (as in the case of the British Antarctic Territory, for example) the GDPR/Applied GDPR will apply to all processing done by or on behalf of the person administering the government of the BOT;
- b. Where the government of a BOT has a representative office in the UK, then processing done “in the context of” that office (whether in the UK itself or in the overseas territory) will be subject to the GDPR/Applied GDPR;
- c. Where the government of a BOT is offering goods or services to data subjects in the EU, the processing that is related to such offers of goods or services is subject to the GDPR;
- d. Where the government of a BOT is monitoring the behaviour of data subjects in the EU then, insofar as that behaviour takes places in the EU, the processing that is related to such monitoring is subject to the GDPR.

In St Helena’s case (b) and (d) apply as we carry out certain types of data processing which will be caught by the provisions of GDPR e.g. with regard to processing of HR information/personal data on subjects living within the EU, and critically, the use of the SHG UK rep office in particular in processing these data transfers. An additional risk area is around the IT monitoring and processing techniques we undertake (such as the use of cookies, data analytics and online surveys to name a few as an example).

The reality is that for SHG, it is Human Resources data transfers, IT processes and potentially procurement issues that bring us within scope for GDPR.

### **Next Steps:**

1. SHG will undertake a review into its data processes with regard to the applicability of GDPR in the above areas.
2. SHG will also undertake an analysis of whether SHG or any of the State Owned Entities, are providing or offering goods and services to data subjects in the EU.
3. Once 1 and 2 above are completed, an assessment will be carried out of how SHG will comply with those areas of GDPR which are affected.

It is recognised that technical assistance will be required to direct and support the above review and analysis work and this has been incorporated into resource plans for next year.

Corporate Services will have oversight for this work and will be responsible for developing the Terms of Reference for the technical assistance.

It is anticipated that this work will be finalised during FY20/21

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04.10.19