



## **HM Cayman Islands Prison Service (HMCIPS)**

### **External Privacy Notice**

**Version: 1.0**

**Initial release date: 03<sup>rd</sup> December 2024**

**Date of current version: 03<sup>rd</sup> December 2024**

## Document Administration

<b>Document location:</b>	HMCIPS Website
<b>Document name:</b>	HMCIPS External Privacy Notice

### Revision Record

Version	Date	Revision Description	Author
1.0	December 03 <sup>rd</sup> , 2024	Initial document issued – 03/12/2024	Steve Hu. Miller

### Version Control Notice:

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# **HM Cayman Islands Prison Service (HMCIPS) Privacy Notice**

## **1. Scope**

HM Cayman Islands Prison Service, “HMCIPS”, respects your privacy and takes care in protecting your personal data. As a data controller, we comply with the Cayman Islands Data Protection Act (2021 Revision) (the “Cayman Islands DPA” or “DPA”). This privacy notice (“Privacy Notice”) demonstrates our commitment to ensuring your personal data is handled responsibly and applies to HMCIPS. This policy does not apply to prisoners, detainees or employees of HMCIPS. This policy applies to all other individuals including visitors, legal advisors for prisoners, volunteers, contractors and temporary workers, suppliers and service providers.

## **2. What Personal Data We Collect**

HMCIPS collects personal data, including sensitive personal data, directly from you and may also collect your personal data indirectly from third party sources. Personal data collected by HMCIPS is limited to what is necessary for our processing activities. In this Privacy Notice, personal data includes any data relating to an identified or identifiable living individual and includes: name and address, telephone number, date of birth, gender, details of any offences (including previous convictions).

### **Personal data we collect directly from you**

HMCIPS may collect the following information directly from you:

- a. Personal data you provide when you visit HMCIPS offices and other locations; contact us by email, telephone or through our social media channels; or access our programmes and services.
- b. Personal data collected via CCTV at HMCIPS premises, including, but not limited to, images via cameras located in the parking lot, at the checkpoint office, the entrance and exit gate, in the gate lodge and in the visit room.
- c. And any information you choose to provide when interacting with HMCIPS on social media platforms, including Instagram and Facebook.
  - Instagram: [https://www.instagram.com/hm\\_ciprisonservice?igsh=ejRxMmJzN3hbbG0y](https://www.instagram.com/hm_ciprisonservice?igsh=ejRxMmJzN3hbbG0y)
  - Facebook: <https://www.facebook.com/hismajestyscaymanislandsprisonservice?mibextid=LQQJ4d>
- d. Any other personal data where the collection is necessary to achieve our lawful purpose(s).

### **Personal data collected from other sources**

HMCIPS may collect the following personal data from other sources:

- Personal data the nurses provide about doctors, dentists and other service providers from the Health Services Authority (HSA).
- Personal data inmates provide about potential visitors. When a prisoner applies to have someone added to their visit list, the person’s name and date of birth must be included on the application form. Following receipt of the application, a background check is conducted.

## **3. How We Use Your Personal Data**

The purpose of the Civil Service is to make the lives of those we serve better. We are dedicated to supporting the elected government by delivering caring, modern and customer-centred public services and programmes, which deliver value for money. HMCIPS may use your personal data for the following purposes:

- a. To verify your identity (e.g. visitors’ identity on entry and exit to a prison site.);
- b. Maintenance of security, good order and discipline and the prevention and detection of crime in Prisons.

- c. For law enforcement purposes carried out by the Prison Service;
- d. Implementing policies, providing services and programmes, and managing your relationship with us;
- e. Responding to your inquiries;
- f. Communications and public relations activities;
- g. Managing accounts payable and receivable, preventing fraud, and protecting public funds;
- h. Statistical and other reporting, both internally and externally;
- i. Seeking legal advice, and exercising or defending legal rights; and
- j. Complying with our legal obligations, including all legislation that applies across the public sector.

#### 4. How We Share Your Personal Data

HMCIPS may share your personal data as required, including under applicable legislation, with recipients that include joint data controllers, our data processors, and third parties. We will only share your personal data as permitted by the DPA.

Your personal data may be shared with the following recipients that support our public functions and operations:

- a. **With other public authorities:** Personal data may be shared with other public authorities – here, “public authorities” means Ministries, Portfolios, Offices, Departments, Statutory Authorities, Statutory Bodies and Government Companies – for the purposes set out in this Privacy Notice. In particular, HMCIPS may share your name, date of birth and other relevant information with:
  - o Royal Cayman Islands Police Service
  - o Cayman Islands Law Courts
  - o Department of Community Rehabilitation
  - o Department of Children and Family Services
- b. **With legal advisors and other persons if required by law or in relation to legal proceedings or rights:** Personal data may be disclosed as legally required, for the purpose of or in connection with proceedings under the law, if necessary to obtain legal advice, or if the disclosure is otherwise necessary to establish, exercise or defend legal rights. This may include disclosing your personal data for the following purposes:
  - i. Seeking legal advice;
  - ii. Exercising or defending legal rights;
  - iii. Complying with internal and external audits or investigations by competent authorities; and
  - iv. Complying with information security policies or requirements;

#### 5. Our Legal Bases for Processing Your Personal Data

Depending on applicable laws and other circumstances, HMCIPS will rely on specific legal bases, or “conditions of processing”, under the DPA to process your personal data. These may include:

- a. A **legal obligation** to which HMCIPS is subject, and to comply with various obligations under the Procurement Act (2022 Revision) and Procurement Regulations (2022 Revision), the Public Management and Finance Act (2020 Revision) and Financial Regulations (2022 Revision), the Public Service Management Act (2018 Revision), Personnel Regulations (2022 Revision), the Data Protection Act (2021 Revision) and Data Protection Regulations, 2018, and the National Archive and Public Records Act (2015 Revision);



- b. To exercise **public functions**, including the functions of HMCIPS, to maintain good order and discipline and prevent and detect crime in prisons, e.g. criminal background checks;
- c. To perform or enter into a **contract** with you;
- d. To protect your **vital interests**;
- e. For the purposes of **legitimate interests** pursued by HMCIPS or by a third party or parties to whom the personal data may be disclosed., e.g. when disclosing records containing third party personal data in response to a request submitted under the Freedom of Information Act (2021 Revision).

Where we process your sensitive personal data, we will also meet a second legal basis. These may include:

- a. To exercise our **public functions**. Criminal background checks are conducted for visitors to determine outstanding warrants and existing criminal history. Checking for warrants is a way for HMCIPS to prevent persons of interest from visiting and consulting with accomplices or acquaintances in the prison;
- b. In relation to **legal proceedings**, including obtaining legal advice and otherwise establishing, exercising or defending legal rights; and
- c. If **you have taken steps to make the personal data public**

## 6. Children's Personal Data

HMCIPS collects personal data relating to children under the age of 18 to enable us to deliver public services and programmes and carry out our functions. We may collect children's personal data for any of the purposes set out in section 3 of this Privacy Notice.

## 7. Security and International Transfers

HMCIPS has put in place appropriate technical, physical and organisational measures in order to keep your personal data secure. These safeguards to maintain the confidentiality, integrity and availability of your personal data may include:

- Physical measures: gates, guards, cameras, security checkpoints, locked filing cabinets, fob access, locks, bolts and bars.
- Technical measures: role-based access controls, least privilege access management, monitoring, threat detection, audit logs, encryption, backup systems.
- Organizational measures: policies, procedures, incident response plan, ensuring employees are trained on security policies and measures that have been implemented, auditing security measures.

We will only transfer your personal data to a country or territory that ensures an adequate level of protection for your rights and freedoms in relation to the processing of your personal data, unless there is a relevant exemption or exception under the DPA. Exceptions may include your consent or appropriate safeguards.

## 8. How Long We Keep Your Personal Data

HMCIPS may store your personal data for as long as we need it in order to fulfil the purpose(s) for which we collected your personal data, and in line with any applicable laws. This includes the National Archive and Public Records Act (2015 Revision), which governs the creation, maintenance and disposal of all public records. Sometimes, we may anonymise your personal data so that it is no longer associated with you.

## 9. Your Rights

HMCIPS will respect and honour your rights in relation to your personal data and implement measures that allow you to exercise your rights under the DPA and other applicable legislation.

In accordance with the DPA, your rights in relation to your own personal data include:

- a. **The right to be informed and the right of access:** The right to request access to all personal data HMCIPS maintains about you as well as supplementary information about why and how we are processing your personal data. This is commonly known as a Data Subject Access Request and certain supplementary information about our processing is contained within this Privacy Notice.
- b. **Rights in relation to inaccurate data:** The right to request the rectification, blocking, erasure or destruction of any inaccurate personal data HMCIPS maintains on you. We will ensure, through all reasonable measures, that your personal data is accurate, complete and, where necessary, up-to-date, especially if it is to be used in a decision-making process.
- c. **The right to stop or restrict Processing:** The right to restrict or stop how HMCIPS uses your personal data in certain circumstances.
- d. **The right to stop direct marketing:** The right to cease the use of your personal data by the HMCIPS for direct marketing purposes. The HMCIPS does not currently carry out any direct marketing activities. However, we will update this Privacy Notice and we will also notify you in writing as required if this position changes.
- e. **Rights in relation to automated decision making:** The right to obtain information about and object to the use of automated decision making by the HMCIPS using your personal data. The HMCIPS does not currently use automated means to make decisions about you. However, we will update this Privacy Notice and we will also notify you in writing as required if this position changes.
- f. **The right to complain:** The right to complain to the Ombudsman about any perceived violation of the DPA by HMCIPS.
- g. **The right to seek compensation:** The right to seek compensation in the Court if you suffer damage due to a contravention of the DPA by HMCIPS.

You may contact HMCIPS, using the contact details listed below, to access and review your personal data or to exercise any other rights provided to you under the DPA. HMCIPS will take into consideration circumstances where, under the DPA or other applicable legislation, your rights may be limited or subject to conditions, exemptions or exceptions.

Upon contacting HMCIPS, we may need to verify your identity prior to fulfilling a request and may request additional information as required. In accordance with the DPA, HMCIPS may also charge a reasonable fee in relation to your request if it is unfounded or excessive in nature, or HMCIPS may reserve the right not to comply with the request at all.

To learn more about your rights, visit [www.ombudsman.ky](http://www.ombudsman.ky).

## 10. Data Protection Principles

When processing your personal data, HMCIPS will comply with the eight Data Protection Principles defined within the DPA:

- a. **Fair and lawful processing:** Personal data shall be processed fairly. In addition, personal data may be processed only if certain conditions are met, for example the data controller is subject to a legal obligation that requires the processing or the processing is necessary for exercise of public functions.

- b. **Purpose limitation:** Personal data shall be obtained only for one or more specified, explicit and legitimate purposes, and not processed further in any manner incompatible with that purpose or those purposes.
- c. **Data minimisation:** Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are collected or processed.
- d. **Data accuracy:** Personal data shall be accurate and, where necessary, kept up-to-date.
- e. **Storage limitation:** Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose.
- f. **Respect for the individual's rights:** Personal data shall be processed in accordance with the rights of data subjects under the DPA, including subject access.
- g. **Security – confidentiality, integrity and availability:** Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- h. **International transfers:** Personal data shall not be transferred to a country or territory unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## 11. How to Contact Us

HMCIPS has appointed a Data Protection Leader. If you have any questions about this Privacy Notice or how your personal data is handled, or if you wish to make a complaint, please contact:

Name: Steve H. Miller, Data Protection Leader

Telephone number: (345) 929-0277

Email Address: Steve.Miller@gov.ky

Address: 24 Sheffield Drive, Northward Road, Box 1807, KY1-1109.

HMCIPS aims to resolve inquiries and complaints in a respectful and timely manner.

## 12. Changes to this Privacy Notice

HMCIPS reserves the right to update this Privacy Notice at any time and will publish a new Privacy Notice when we make any substantial updates. From time to time, HMCIPS may also notify you about the processing of your personal data in other ways, including by email or through our publications.

*This Privacy Notice was last updated on December 3<sup>rd</sup>, 2024.*