

Isle of Man Immigration Service

Privacy Notice

Who we are

The Isle of Man Immigration Service is an office within the Isle of Man Borders Division of the Cabinet Office, which is a Department of the Isle of Man Government as established under the Government Departments Act 1987 (as amended).

The Immigration Service holds and processes personal information supplied or collected for the purposes of:

- entering or leaving the Isle of Man
- securing the border
- making an application for a visa
- other immigration services
- forms of humanitarian protection

Alternatively, processed as part of:

- the process of securing the border
- enforcing immigration laws
- law enforcement for criminal matters
- any other lawful matter including those related to public health

The Isle of Man Immigration Service holds and processes personal data supplied or collected for the purposes of:

- entering or leaving the UK/Isle of Man
- securing the border
- making an application for a visa
- leave, settlement, citizenship or other immigration service
- claiming asylum
- other forms of protection

Or processed as part of:

- the process of securing the border
- enforcing immigration laws
- law enforcement for criminal matters
- any other lawful matter including those related to public health

Data protection law in the Isle of Man changed on 1 August 2018. This notice reflects your rights under the new laws and lets you know how we will look after and use your personal information. This includes what you tell us about yourself, what we learn about you as you engage with the Isle of Man Borders Division and what others share with us to fulfil their legal obligations or help prevent abuse of the immigration system and/or prevent and detect crime. It also covers what information we may share with other organisations. This personal data will be held on our immigration casework system.

The statutory obligations to be followed in relation to immigration functions are set out in the legislation section of the [Immigration website](#).

How we gather and use your personal information

The Immigration Service collects and processes personal information to fulfil its legal and statutory functions. We only use, gather and share personal information where we have an appropriate legal basis to do so under the Annex to the [Data Protection \(Application of the GDPR\) Order 2018 \(SD 2018/0143\)](#) ('Applied GDPR').

The legal basis for the processing of your data will, in most cases, be Article 6(1)(e) of the (GDPR), namely that the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

On occasion, for example in considering asylum claims and verifying your identity, we may also process special categories of personal data. In this case we would ensure that our processing was lawful under Article 9 of the Applied GDPR for example, on the basis of Article 9(2)(g) where the processing is necessary for reasons of substantial public interest. This may include information about political beliefs, sexual orientation, religious beliefs and biometrics.

We may also process personal data under the [Data Protection \(Application of the LED\) Order 2018 \(SD2018/0144\)](#) as applied to the Isle of Man, for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public or national security.

Examples of ways in which we may gather your personal information include when:

- You travel to the Isle of Man
- You enter the Common Travel Area by crossing the UK border e.g. an airport
- You make an application or claim (via United Kingdom Visas & Immigration (UKVI), on paper or in person to this office)
- You attend an interview
- We seek to verify your information, documents or identity
- You supply biometric information (for example, fingerprints or a facial photograph)
- We receive information from a sponsor or other third party in relation to your application

- We receive allegations or intelligence from law enforcement agencies and others involved in preventing crime and fraud
- We are notified of a relevant criminal conviction

We may also request information from third parties. For example, this might be for the purposes of verifying information you supplied in support of an application, obtaining information needed for a safeguarding purpose, obtaining new address details of people we are trying to trace, or undertaking other enforcement actions. This may involve, for example:

- Contacting your sponsor or linked applicant
- Obtaining information from other government departments both on and off the Island these may include, but are not restricted to the Cabinet Office, Secretary of State for the UK Home Office, The Treasury, The Department of Health and Social Care, The Department for Enterprise, The Isle of Man Constabulary
- Obtaining information from, fraud prevention agencies and local authorities
- Seeking to verify documents, information, or identity in relation to your application. This may include private and public authorities in other countries
- Local authority services (for example, social services)

The main ways we process personal information are given in the table below.

What we process and hold personal information for	Examples of how we may use or share your data
<p>To process visa applications. These may include but are not limited to applications for entry clearance, further leave to remain, EU residence permits, EU Settlement Scheme and transfers of conditions, etc</p>	<p>To verify your information, documents and identity</p> <p>To engage with your sponsors, or other relevant individuals including dependants and responsible adults</p> <p>To keep in contact with you</p> <p>We may notify you when your period of leave is due to come to an end</p> <p>To detect and prevent immigration crime</p> <p>To support enforcement action</p> <p>To support appeals processes</p> <p>To check with other countries via UKVI to determine if your application should be processed elsewhere</p>

	<p>To ensure compliance with employment regulations</p> <p>For safeguarding purposes</p> <p>To review processes</p> <p>For immigration related research purposes</p>
<p>To secure the Isle of Man border and the wider border of the Common Travel Area</p>	<p>To control entry of people subject to immigration controls</p> <p>To protect against threats to public security and safety</p> <p>To detect and prevent crime</p> <p>To refuse carriers authority to carry individuals who are within the scope of the Authority to Carry Scheme 2015 or other relevant legislation</p> <p>To develop risk and fraud profiles to work with Public Authorities in the discharge of their duties, such as public health</p> <p>To confirm your identity & nationality</p> <p>To enable you to travel through the UK Border</p>
<p>To enforce Isle of Man immigration laws</p>	<p>To promote voluntary return</p> <p>To support removals and deportation</p> <p>To prevent, detect and investigate immigration crime</p> <p>For detention purposes</p>
<p>To safeguard and promote the welfare of children and adults</p>	<p>To ensure that relevant authorities and services are able to provide support to vulnerable individuals and families</p> <p>To support decisions on vulnerable people</p> <p>To identify people at risk</p>

Please note: we will not share any of your information with authorities in your country of origin if this would put you or your family at risk.

Which other organisations we share data with

[The Immigration \(Isle of Man\) \(Amendment\) Order 2019](#) (SI 2019 No. 562) extended [sections 20 and 21 of the Immigration and Asylum Act 1999](#) (1999 c. 33) provides a statutory basis for the Cabinet Office Minister in respect of immigration purposes to supply information to and receive information from, but not limited to:

- the Secretary of State
- a Public Authority to assist them in delivering their statutory duties and public functions; for example protecting children and other vulnerable individuals in the community and in relation to rights to access public services
- the Chief Constable, for police purposes
- the Attorney General for use in connection with his prosecution functions
- the Financial Intelligence Unit
- the Treasury or the Collector of Customs and Excise for customs purposes
- The Governor for nationality purposes
- law enforcement agencies to support the prevention of crime, or for national security purposes – this may include international agencies, for example, Interpol, and national authorities
- organisations involved in the prevention of fraud

[The Immigration and Nationality \(Supply of Information\) \(Specified Persons\) \(No.2\) Order 2020](#) allows for Information held by the Minister for the Cabinet Office for immigration purposes to be disclosed to a public authority for use in connection with the performance and discharge of the authority's functions.

Automated decision-making and profiling

Article 22 of the Applied GDPR provides the right not to be subject to a decision made solely on the basis of automated processing which produces legal or other significant effects. Parts of our processing may involve degrees of automation, but complex or adverse decisions will always be taken by a trained officer or caseworker.

We may use personal information, for example from previous applicants, to develop tools that allow us to assess and then process applications in a particular way. This helps us to target our resources and ensure our processing is efficient, allowing us to minimise costs while protecting the public effectively. However, a case officer would still decide these cases. Any profiling must comply with our wider obligations under equality legislation.

Data transfers outside of the European Economic Area

We may transfer personal information to authorities or organisations in countries outside the European Economic Area via UKVI. When we do, this will be for specific purposes. These may include, for example, validating aspects of your application, preventing or detecting

crime, including fraud, supporting returns or helping to identify or prevent those seeking to enter or remain in the UK who may not comply with the conditions attached to their leave to enter or remain. When we do this, we seek to take appropriate steps to safeguard your information, for example by agreeing the method and purpose of sharing by way of written Agreements. We may rely on the derogations in Article 49(1) of the Applied GDPR where necessary.

Contacting you using your personal information

Beyond the normal processing of your application, we may use your personal information (for example, email address and mobile number) to send you prompts. For example, to remind you when your grant of leave is coming to an end or when documents are ready for collection. In addition, we may use your details to seek feedback on the handling of your application to help us improve our services.

How long do we keep your personal information?

We will keep your personal information for as long as it is necessary for permitted purposes. In the Immigration Casework System we maintain a long-term record of immigration history and immigration offending to support future decision-making and enforce penalties. Personal data will typically be retained for 25 years after a decision to grant settlement and for 15 years after the last action in other cases. Information on Foreign National Offenders may be retained until the death of the data subject. At the border, passenger name records data is retained for 5 years. Arrest and detention records may be held for 6 years. We continue to keep retention periods under review to ensure they meet our role of securing the Isle of Man and Common Travel Area border and ensuring we can support those who are seeking to enter or remain in the Isle of Man.

Collection and use of personal data

The Isle of Man Borders Division collects and processes personal information to fulfil its legal and statutory functions for each of the services it is responsible for. We only use, gather and share personal information where we have an appropriate legal basis to do so under the Annex to the [Data Protection \(Application of the GDPR\) Order 2018 \(SD 2018/0143\)](#) ('Applied GDPR').

The legal basis for the processing of personal data will be Article 6(1)(c) of the Applied GDPR, namely that processing is necessary for compliance with a legal obligation to which the controller is subject.

Personal data may also be processed under or that the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller and where the official functions are underpinned by common law or statute.

Or Article 6(1)(e) of the Applied GDPR namely that processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority

vested in the controller and where the official functions are underpinned by common law or statute.

How we protect your personal information

We have a duty to safeguard and ensure the security of your personal information. We do that by having systems and policies in place to limit access to your information and prevent unauthorised disclosure. Staff who access personal information must have appropriate security clearance and a business need for accessing the information, and their activity is subject to audit and review.

Detailed information about our statutory functions and how each services uses personal data can be found in each of the expandable sections below.

Contact Us

The Isle of Man Immigration Service
Government Office
Bucks Road, Douglas, IM1 3PN
Tel: +44 1624 685208
Email addresses:

immigration@gov.im

Complaints about our processing

The Isle of Man Borders Division seeks to meet the highest standards when collecting and using personal data. If you think that our collection or use of your personal data is unfair, misleading or inappropriate, please bring your concern to our attention.

Your Rights

The Isle of Man Immigration Service will provide any individual with access to their personal data upon request, unless, and to the extent necessary, that the right of access is restricted.

If we do hold information about you, you can ask us to correct any mistakes. You also have the right, subject to any statutory limitations, to object to processing, to erasure or restriction of processing, and to data portability.

Cabinet Office as Data controller

The Cabinet Office has appointed a Data Protection Officer (DPO) to help ensure that we fulfil our legal obligations when processing personal information. The Cabinet Office is a data controller for the purposes of the Data Protection Act 2018 and the GDPR and LED Implementing Regulations 2018. The Data Protection Officer for the Cabinet Office is:

How to get a copy of your personal information

Under the Applied GDPR at Article 15 you have a right of access to your personal data and to check the accuracy of that data by making a Subject Access Request.

A subject access request is made by contacting the Cabinet Office Data Protection Officer (DPO) as follows:

In writing to:

Data Protection Officer, Cabinet Office, Government Office,
Buck's Road, Douglas, Isle of Man, IM1 3PN.

By

Email: DPO-CabOff@gov.im

By telephone: +44 1624 686779

Subject access requests must be responded to promptly and in any event within a maximum of 1 month.

Under the GDPR you also have the right to object to and ask to restrict our use of your personal information, and to ask us to rectify or delete your personal information. However, there may be a number of legal or other official reasons why we need to continue to keep or use your data. If you want to exercise these rights please write to us at the address above.

How to complain

The Information Commissioner is the independent authority responsible for upholding the public's information rights and promoting and enforcing compliance with the Island's information rights legislation. You have the right to request the Information Commissioner to undertake an assessment as to whether the processing of your personal data has been carried out in accordance with the provisions of the Isle of Man's data protection legislation.

You also have the right to complain to the Information Commissioner's Office about the way we handle your information or respond to your requests for access to your personal information or the exercise of your other rights under the Applied GDPR or any of the other data protection legislation in force on the Isle of Man.

Further information can be found on the [Information Commissioner's website](#).

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