

STATES OF JERSEY



DRAFT STATISTICS AND CENSUS (JERSEY) AMENDMENT LAW 202- (P.29/2024) : COMMENTS

Presented to the States on 16th August 2024
by the Corporate Services Scrutiny Panel

STATES GREFFE

COMMENTS

Introduction and Context

1. The proposition *Draft Statistics and Census (Jersey) Amendment Law 202-[P.29/2024]* - (hereafter the “the draft Law”), which was lodged by the Chief Minister on 14th May 2024 proposes amendments to bring the [Statistics and Census \(Jersey\) Law 2018](#) (hereafter the “2018 Law”) into line with international best practice standards and to maintain the public’s trust and confidence in Jersey’s statistical system.
2. The draft Law was informed through a review undertaken by the [Statistics Legislation Steering Group](#) (hereafter “ the Steering Group”), which concluded that the 2018 Law should be amended to accomplish the proposals as set out within its [Vision Paper – A New Legislative Framework for Statistics in Jersey](#) and accompanying [Policy Report](#). Public consultation was undertaken on the Vision Paper between October and December 2021 and feedback, which has been noted as broadly consistent and largely supportive of the proposals, was [reported](#) thereafter.
3. Should the States Assembly adopt the draft Law, thereby amending the 2018 Law, changes will be implemented in the following key areas:
 - a. Governance of Statistics Jersey (*the governance model will be improved*)
 - b. Tier 1 Statistics¹ (*the term ‘official statistics’ will be replaced*)
 - c. The Statistics Council (*the Statistics Users’ Group will be replaced*)
 - d. The Jersey Statistical System (*Jersey’s existing decentralised system will be centralised and formalised*)
4. In addition to the changes being proposed to deliver these, the opportunity has also been taken, simultaneously, to propose further minor changes to tidy up the 2018 Law.
5. The Chief Minister has requested Deputy Morel, Minister for Sustainable Economic Development, in his capacity as Chair of the Steering Group, to act as rapporteur for the States’ debate on the draft Law.
6. On 11th June 2024 an [Amendment](#) was lodged by Deputy Bailhache which proposes to amend Article 21A of the draft Law to make the proposed limitation of liability fairer in its application to individuals who may have been wronged.
7. On 19th June 2024 an [Amendment](#) was lodged by the Chief Minister which proposes to amend Deputy Bailhache’s Amendment. In the report accompanying that Amendment, the Chief Minister explains Government’s acceptance of the Deputy’s Amendment, which intends to narrow the limitation of liability, however, raises Government’s concern that the Statistics Council

¹ Tier 1 Statistics will replace Official Statistics and will introduce a new concept under the 2018 Law. The current legal definition of Official Statistics does not accord with the definition under the United Nations Generic Law on Official Statistics (GLOS) and the United Nations Guidance on Modernising Statistical Legislation (UNECE Guidance).

should be able to produce information or statistics properly and without the fear of being liable to damages. Therefore, the Chief Minister's Amendment proposes to amend the Deputy's Amendment to narrow the scope of the limitation on liability and to in turn narrow the provision to address the risk of claims being brought that could affect the proper production of information or statistics under the Law. It is understood that this Amendment is agreeable to Deputy Bailhache.

Scrutiny of the Proposals

8. The Corporate Services Scrutiny Panel (hereafter "the Panel") was briefed on the proposals on 15th April 2024 and sought clarification on several areas of the proposals during the briefing.
9. Considering the involvement of the Statistics Users Group (hereafter "the SUG") in the development of the draft Law and that the draft Law proposes to establish the Statistics Council in place of the current SUG, the Panel wrote to the SUG requesting its views on the draft Law. In particular, the Panel sought feedback from the SUG on the following areas:
 - a. Government's engagement while developing the draft Law.
 - b. Replacement of the Statistics Users' Group with the Statistics Council.
 - c. Role of the Statistics Council.
 - d. Whether the draft Law will deliver on its intended aims.
 - e. Establishing the Chief Statistician as a corporation sole.
 - f. Regulation of statistics in the absence of a regulatory authority.
 - g. Any evident gaps in respect of the proposals
10. The Panel is grateful for the [submissions](#) received from the SUG, Chief Statistician and Minister for Sustainable Economic Development, which has assisted in informing its Comments.
11. The Panel understands that substantial work has taken place between February 2020 and February 2024 to develop the draft Law. This has been clearly acknowledged within the feedback received.
12. The feedback received also expresses overall support for the draft Law. However, the SUG, although strongly supportive of the draft Law, its intended aims and the majority of the proposed changes, has also raised a few specific areas where, in its view, the draft Law could benefit from minor adjustments.
13. In response to the SUG's submission, the Minister for Sustainable Economic Development (in his role as rapporteur) wrote to the Panel on 7th June 2024 to clarify where the Government's views differed from those of the SUG on the specific areas it raised. The Panel demonstrates this within its Comments.
14. Further views were shared by the SUG on 28th June 2024 following the Minister for Sustainable Economic Development's submission. The SUG reiterated its strong support of the intended aims and most of the changes being proposed in the draft Law, however, highlighted its key observation that the draft Law removes the independent oversight or 'watchdog' element from

Jersey's statistical system by transforming the SUG into the Statistical Council, which primarily would have an advisory role with some reporting obligations.

15. The Panel became aware of observations made by the Privileges and Procedures Committee (PPC) regarding particular provisions within the draft Law and to address these, a meeting with Government followed, jointly with the PPC, on 24th June 2024. To accommodate the meeting and any subsequent Scrutiny following the meeting, the debate of the Proposition was deferred to the States Assembly sitting commencing on 10th September 2024.
16. It is the understanding of the Panel that sufficient clarification was received by the PPC during that meeting and, therefore, no further action by the PPC or Panel was deemed necessary regarding the PPC's observations on the draft Law.

Panel's Observations

Guidance and Engagement on the Draft Law

17. The Chief Statistician noted within his [submission](#) that both he and the Chair of the SUG were members of the Steering Group. The SUG raised that the Steering Group discussions and supporting research to set the vision and scope of the draft Law was helpful and largely provided by the Chief Statistician. A detailed outline of the meetings held to develop the draft Law is provided in the Annex to the Proposition.
18. For developing the draft Law, the Chief Statistician noted that the Steering Group was guided by international guidance including the United Nation's [Generic Law on Official Statistics](#) and [Handbook on Management and Organization of National Statistical Systems](#).
19. An area of improvement highlighted by the SUG was that it felt that more engagement and consultation with it on the preparation of the law drafting instructions would have been beneficial.
20. However, the Panel understands that the SUG undertake its role on an unpaid voluntary basis. Therefore, how to appropriately balance the level of engagement with the SUG's capacity would always need to be considered. It is also the Government's view, particularly as the SUG undertake its work on a voluntary basis, that under the circumstances, it would not have been possible to have further engaged with the SUG. Appreciation to the SUG for its work over several years to develop the draft Law has been acknowledged by the Minister for Sustainable Economic Development within his [submission](#).

Governance Model

21. At the briefing, the Panel heard that the draft Law proposes to amend the 2018 Law to provide improvements to the governance of Statistics Jersey. This would be accomplished through the establishment of the Chief Statistician as a

corporation sole² and the legal establishment of the Office of the Chief Statistician, which would ensure that the Chief Statistician is supported in the performance of their duties.

22. The Panel observed that multiple governance models were considered prior to deciding on the corporation sole model as most appropriate and notes the following models were considered by the Steering Group:

Option Number	Model of Governance	Examples under Jersey Law
1	The current model	Statistics Jersey and the Chief Statistician, Official Analyst
2	Corporation sole	Chief of the States of Jersey Police, Charity Commissioner, Children’s Commissioner
3	Non-ministerial departments	The Law Officers’ Department, Viscounts Department
4	Body corporate	Jersey Care Commission, Data Protection Authority, Gambling Commission

23. It is the Panel’s understanding that the corporation sole model was considered most suitable as it also provides the professional independence³ of the function and the right to the Chief Statistician to provide professional leadership to producers of statistics as well as to deliver commentary on all aspects of statistics in relation to funding, use, accuracy, reliability, adequacy, erroneous interpretation and misuse.
24. Under the corporation sole model, the Chief Statistician will also be empowered to rely on an established process to secure funding as appropriate to accomplish their responsibilities under the 2018 Law and will be accountable for the good governance of Statistics Jersey.
25. The SUG emphasised its understanding that the decision to establish the Chief Statistician as a corporation sole is a policy decision and noted that while the model may reduce complexity, it concentrates all strategic and executive authority in an individual, which may give rise to concerns about accountability, transparency and oversight. The SUG raised that a body corporate model would benefit from an independent board of directors and that such a model would be more robust from a governance perspective, however, would require more resource to effectively implement.
26. The Panel understand that extensive consideration was given to whether a body corporate would be a more effective model and heard during the briefing that although views differed, it was agreed that the corporation sole model would be

² Corporation sole – this provides the Office of the Chief Statistician with the legal personality distinct from the person holding the role. Other examples under Jersey Law include Office of the Chief of the States of Jersey Police, the Commissioner for Children and Young People and the Charity Commissioner

³ Professional independence - producers of official statistics shall decide, independently and free from any pressures or interference from political or other external sources, on the development, production, dissemination and communication of statistics, including the selection of data sources, concepts, definitions, methods and classifications to be used, and the timing and content of all forms of dissemination and communication. Producers of official statistics, in their respective areas of competence, may comment publicly on statistical issues and any misuse of official statistics.

the most appropriate approach for Jersey. The Minister for Sustainable Economic Development in his submission noted multiple reasons for deciding against establishing a body corporate model, which can be found [here](#).

27. The SUG⁴ noted that it is strongly supportive of the provisions of the draft Law that establish the stand-alone independent role of a Chief Statistician and remove the current accountability to a government department. Furthermore, the SUG is supportive of establishing the Chief Statistician as the professional head of all statistics producers across all public authorities supported by the Office of the Chief Statistician (currently Statistics Jersey).

Jersey Statistical System

28. The Panel understand that Jersey currently has a decentralised statistical system as currently key statistics are produced by several public authorities. Therefore, the draft Law aims to, as far as possible, promote better coordination across the existing decentralised statistical system to enable the sharing of knowledge and skills and thereby improving the quality of all statistics, which are produced by public authorities.
29. The Chief Statistician explains within his [submission](#) that as part of the Steering Group’s review it considered the statistical systems, both centralised and decentralised, used by a variety of jurisdictions of comparable complexity and size to Jersey (as outlined within Appendix 2 of the report to the Proposition – [P.29/2024](#)).
30. The Panel heard at the briefing that the draft Law would formalise the establishment of the Jersey Statistical System, which will comprise the Statistics Producers Group (a committee of producers of statistics across the public authorities), established by the Chief Statistician under powers provided by the draft Law. Moreover, that the Chief Statistician will be provided with professional leadership of the statisticians and analysts across public authorities and would also be required to oversee their professional development.
31. The Panel understand that the draft Law will introduce a definition for the Jersey Statistical System, which is defined as:

“The public authorities producing statistics that describe, on a representative basis, the economic, demographic, social and environmental; situation in Jersey.” - Public authorities are those bodies as defined under Article 1 of the [Freedom of Information \(Jersey\) Law 2011](#)

32. Discussions took place during the briefing in relation to considerations by the Steering Group on establishing a governance board to provide oversight of Jersey’s statistics, which is demonstrated in some other jurisdictions. It was explained that some views affirm benefits from the establishment of such governance boards, however considering Jersey’s size, the establishment of one would be excessive and, therefore, the approach was disregarded. Nevertheless,

⁴ [Submission – SUG](#)

the Panel understand that the Statistics Council will be empowered through the draft Law to raise concerns.

33. The Chief Statistician within his submission⁵ further explained that there were differing views on whether a statistics authority should be established, however the Steering Group concluded that statistics authorities are not included in the international guidance and the cost would be disproportionate for the Island.
34. The SUG noted in its [submission](#) that in the United Kingdom, the oversight and regulatory elements are included within the statistical system and therefore raised that the draft Law should ensure that the Statistics Council is considered a key element of Jersey's Statistical System. However, it is noted within the submission of the Sustainable Economic Development Minister that the Steering Group had agreed that there should not be a statistics regulator in Jersey (further detailed in paragraph 70 of the report to the proposition).

“The Group considered whether the Law should establish a body to regulate statistics. It found that very few countries have a statistical regulator – only the UK and Malta have been identified. In addition, international guidance does not state that a statistical regulator is appropriate or necessary. Given the relatively small scale of Jersey's Statistical System by international standards, the Group considered that the costs of introducing a regulator far outweighed any benefits which might accrue for statistics users.”⁶

Tier 1 Statistics

35. The Panel heard at the briefing that the proposed introduction of Tier 1 Statistics to replace Official Statistics (Jersey's most significant statistics) will bring Jersey's definition in line with international standards. Furthermore, the draft Law will permit all public authorities⁷ to produce Tier 1 Statistics and the Island's most important statistical publications will be protected.
36. The Panel understand that under the draft Law the Chief Statistician will be responsible for producing a Code of Practice and for assessing compliance with it. Moreover, that reviews of Tier 1 Statistics can be authorised by the Chief Minister or Chief Statistician as appropriate. The Statistics Council will also be provided with the power to request that reviews of Tier 1 Statistics be undertaken by the Chief Minister or Chief Statistician. These provisions intend to uphold the quality of Jersey's statistics.
37. The SUG raised in its [submission](#) that to further strengthen independence in the production of Tier 1 Statistics, the draft Law should ensure that the Chief Statistician, following consultation with the Statistics Council, has the authority to compel the Minister responsible for the relevant public authority to collect data and produce Tier 1 Statistics. However, the Minister for Sustainable Economic Development highlighted in his [submission](#) that the need to uphold

⁵ [Submission – Chief Statistician](#)

⁶ [Submission - MSED](#)

⁷ Public Authorities under the draft Law include those bodies as defined under Article 1 of the Freedom of Information (Jersey) Law 2011

the professional independence of the Chief Statistician must be balanced with the principles of democratic accountability, which dictate that it would not be appropriate for an unelected official to hold the responsibility for determining the Government's entire statistical output and that this power is untrammelled, even by elected Ministers. It is further noted that to provide the Chief Statistician with unrestrained powers to determine Tier 1 Statistics may be as problematic as it would be to provide the power, unrestrained, to Ministers. (further detailed in paragraph 74 of the report to the proposition).

38. Considering that the draft Law provides a process for the Chief Statistician to secure funding, the Panel sought to understand whether the draft Law distinguishes between the statistics that are 'nice to have' (optional workstreams) and those that are legally required. It is the Panel's view that this is particularly important as it will impact upon considerations for approving funding requests for workstreams.
39. During the briefing it was clarified that although there is a function within the draft Law for the production of Tier 1 Statistics, legally they are required to be produced in an economic, effective and efficient manner. Furthermore, that the draft Law ensures a balance of powers, as although the Chief Statistician is able to demonstrate any funding requirements within the Annual Report and Accounts for Statistics Jersey, any requests will need be considered by the Chief Minister and the final decision for the approval of any funding requests will need to be sought from the States Assembly.
40. During the briefing, the Panel explored further whether the draft Law prescribes any statutory Tier 1 Statistics that will need to be produced. The Panel heard that the scope for Tier 1 Statistics was expansive and will, therefore, cover all statistics produced by public authorities.
41. Considering that the draft Law defines Public authorities *as those bodies as defined under Article 1 of the [Freedom of Information \(Jersey\) Law 2011](#)* the Panel queried that certain public authorities are not covered by the Freedom of Information Law (such as Port of Jersey) and therefore, sought to understand in such circumstances, whether those entities will be classified as public authorities for producing Tier 1 Statistics. It was confirmed that the definition for a public authority in respect of the draft Law includes those entities. It was further clarified that the list of associated entities is broad and also include the Courts, Arm's Length Organisations and Parishes.
42. Nevertheless, it was emphasised that although the purpose of the Code of Practice is to encourage the production of statistics, that public authorities will not be obligated to publish any statistics. Furthermore, that developed criteria will ensure that the statistics collected are of good quality and conform with the requirements of the draft Law in order to be considered for inclusion within the list of Tier 1 Statistics for publication.
43. It was highlighted that the list of Tier 1 Statistics will expand incrementally as the statistics will need to be at the required quality level as prescribed by the draft Law to be included on the list. It was further clarified that legally, to be included on the list, although a body can nominate statistics for inclusion, these will need to be quality assured by the Chief Statistician to ensure they meet the

requirements under the draft Law and be endorsed by the Chief Minister prior to their inclusion.

44. The Panel understand that statistics could also be suspended from the list, should they not meet the requirements relating to quality. Therefore, any removal of statistics from the list of Tier 1 Statistics would demonstrate their poor quality, so public authorities would be inclined to endeavour to maintain the production of good quality statistics to avoid being represented in a negative manner. It was also observed that statistics could be retired from the list where they were no longer relevant. The Panel was provided with an example of, in the future, should fossil fuel cars no longer be in use, those statistics may no longer be relevant and could, therefore, be retired.
45. The Panel understand that once statistics are included on the list of Teir 1 Statistics, any removal of them would need to be sought through a proposition brought to the States Assembly by the Chief Minister and only on adoption of that proposition could the removal be actioned.

Statistics Council

46. At the briefing, the Panel heard that the draft Law proposes to replace the SUG with a Statistics Council, with the role of overseeing Jersey's statistical system. Its responsibilities will include advising public authorities on the production, use, quality, relevance and integrity of the statistics they produce that describe, on a representative basis, the economic, demographic, social and environmental situation in Jersey. Also, to provide more general advice on the Tier 1 Statistics that the draft Law proposes.
47. The SUG noted within its [submission](#) its support for the proposal to change the name of the SUG to the Statistics Council. It noted that the change of name would be helpful to convey that the independent statutory body has oversight, advisory, consultation and reporting responsibilities that extend beyond the usual mandate of a user group.
48. The Panel understand that the draft Law would also ensure that the Statistics Council functions as a forum for the public and statistics users to interact with the Chief Statistician, Statistics Jersey and other producers of statistics in public authorities on the quality, relevance and integrity of Tier 1 Statistics. Moreover, will empower the Statistics Council to raise and publish any concerns in that regard and to report annually to the States Assembly.
49. To ensure adequate funding for its functioning, the draft Law requires this from the Chief Minister. The Panel was informed that the annual budget for the Statistics Council will be relatively small and in the region of £90k.
50. It is the Panel's understanding that although the draft Law proposes the replacement of the SUG by the Statistics Council, the general function will remain unchanged. However, one difference will be that the role of the Statistics Council will be specified within the 2018 Law, which is not the case currently for the SUG.

51. The SUG⁸ raised that it is strongly supportive of the proposal within the draft Law to acknowledge at the policy level the role of the Statistics Council as the independent “watchdog” to ensure independent oversight and scrutiny of a decentralised operating model for Jersey’s statistical system.
52. However, the SUG raised concern that overall, the draft Law reduces the oversight function and scrutiny authority of the SUG while adding formal engagement and representation responsibilities for statistics users. The Minister for Sustainable Economic Development in his [submission](#) emphasised that the Statistics Council takes on ostensibly the same role as the SUG, however, the role is now clarified in the draft Law (see below table for further detail) to ensure that it is a more effective provision. Moreover, the powers and functions of the Statistics Council will be extended by the draft Law (shown in the table below).

Article 5(1) of the current Law	Article 7E(1) of the Amended Law
“The Group is independent of government and has the primary function of overseeing the quality, relevance and integrity of statistics compiled by or on behalf of a public authority.”	(1)The Statistics Council is independent of the Minister and has the primary function of overseeing the Jersey Statistical System by – (a) advising public authorities on the production, use, quality, relevance and integrity of the statistics produced by the authorities that describe, on a representative basis, the economic, demographic, social and environmental situation in Jersey; and (b) advising any person or body in relation to tier 1 statistics.

53. The SUG further raised that the draft Law transfers the current independent standard setting and monitoring responsibilities of the SUG to the Chief Statistician who is not required to consult with the Statistics Council except in specific limited circumstances. The Minister for Sustainable Economic Development explained in his submission that the Statistics Council retains its role in the draft Law, except in respect of publishing the Code of Practice, which he highlights as necessary for two reasons:

- *The UNECE’s best practice Guidance makes it clear that this should be the role of the Chief Statistician (UNECE Guidance, paragraph 109, pp.27-28)*
- *The Statistics Council is an advisory body designed to represent statistics users.*

54. Furthermore, the Minister for Sustainable Economic Development raised that the Statistics Council is voluntary and does not have the expertise or capacity to develop a Code of Practice, noting that in practice, Statistics Jersey had developed the current Code of Practice and not the SUG. The Minister confirmed that the draft Law provides many consultation requirements that are not in the current Law, noting that the current position provides that the Chief Statistician is only required to seek the SUG’s advice when setting the policies and priorities of Statistics Jersey and when discontinuing or starting statistical reports. It was further confirmed that the Statistics Council retains the SUG’s role of overseeing the statistical system. However, the draft Law provides

⁸ [Submission – SUG](#)

enhanced powers enabling the Statistics Council to report concerns to the States Assembly via its annual report.

55. The SUG raised that currently its role is reflected as a quasi-regulatory role where it is the independent standard setter (Code of Practice) and also the entity that monitors the producers of statistics (Chief Statistician and Statistics Jersey) for compliance. However, the Minister for Sustainable Economic Development clarified that the current position provides the SUG with the role as a statistical advisory council and highlighted that the SUG is not a regulator. Furthermore, he noted that the SUG has never had the expertise or resources to act as a regulator and nor has it had the powers to do so under the 2018 Law. It has further been confirmed that there was never the intention to provide the SUG with a regulatory role. It is further noted that that position is not common and it would be disproportionately expensive to have a regulator in a Jersey context. The Minister for Sustainable Economic Development further clarified that it is not usual for a volunteer advisory council to set a professional Code of Practice, nor is it practical or in accordance with guidance. Moreover, that the SUG has never had a role in monitoring the producers of statistics, noting that it monitors the statistical outputs produced by Statistics Jersey and other public authorities.
56. The SUG also raised that the draft Law transfers its current independent standard setting and monitoring responsibilities to the Chief Statistician who is not required to consult with the Statistics Council except in specific limited circumstances. However, the Minister for Sustainable Economic Development clarified in his submission that the only roles being transferred to the Chief Statistician from the SUG/Statistics Council are to devise the Code of Practice and to develop the list of Tier 1 Statistics. The rationale for this is provided by the Minister for Sustainable Economic Development as threefold:
- *It accords with the UNECE Guidance.*
 - *These are technical documents that should be devised by a professional statistician and the SUG does not have the level of expertise required to develop them.*
 - *In practice, the SUG did not develop the current Statistics Code of Practice for Official Statistics it is Statistics Jersey drafted it.*
57. It is the view of the SUG that the overall governance of the statistical system is weakened by limiting the independent oversight function of the Statistics Council, leaving the Statistics Council with primarily nuclear options (through the annual report, Chief Minister, States Assembly) to raise concerns. However, the Minister for Sustainable Economic Development noted that this sentiment is inaccurate as the provisions enabling the SUG and the Statistics Council to comment on statistics are identical in the current position and through the draft Law. Moreover, the Minister for Sustainable Economic Development noted that draft Law provides the Statistics Council with an additional formal means to raise concerns via its annual report and through consultation with the Chief Minister and the Chief Statistician. In addition, the Minister for Sustainable Economic Development highlighted that all informal powers to raise concerns quietly behind the scenes, pursuant to its functions, are wholly available to the Statistics Council and are not limited by the draft Law. The Minister for Sustainable Economic Development also emphasised that that an annual report

is not “a nuclear option,” but rather it is designed to allow the Statistics Council to report to the States Assembly in the same way that the Chief Statistician is required to report to the States Assembly. Furthermore, the Statistics Council’s annual report also provides an opportunity for it to report on its activities for that year, on its plans and raise any concerns, which improves the ability of the States Assembly to provide oversight.

58. In respect of the role of the Statistics Council, the Panel sought to understand its ability to direct the Chief Statistician and queried this during the briefing. It was emphasised to the Panel that the draft Law does not provide the Statistics Council with the provision to direct the Chief Statistician and that any influence from the Statistics Council can be made via its annual report.

Other Observations

Prioritisation of collection of data for the production of Tier 1 Statistics

59. The SUG raised concern regarding the absence of a requirement in the draft Law for all Government departments and public authorities to cooperate and prioritise the collection of appropriate data for the production of Tier 1 Statistics, noting that too much time is currently spent on the negotiation of priorities and drafting of data sharing agreements, putting Jersey as a whole at risk of not being able to have access to key data sets and statistics to make more timely and well-informed public policy decisions. The Minister for Sustainable Economic Development clarified within his submission, however, that the collection and publication of statistics by Government departments is a decision for Ministers which is independent of the 2018 Law. Moreover, the Minister for Sustainable Economic Development highlighted that the reporting arrangements proposed by the draft Law provide the opportunity for greater transparency about any data gaps. It has been further clarified that data sharing agreements are required by Data Protection Law and that the Government of Jersey is not a single legal entity, there are multiple departments and, therefore, multiple data controllers within Government.

Chief Statistician’s maximum term

60. The SUG, within its submission, also referred to how the draft Law describes the maximum term length for an individual to serve as Chief Statistician, which is 9 years. The SUG noted that the specific wording of the transition arrangements in Article 17 of the draft Law will result in a tenure exceeding 9 years for the incumbent Chief Statistician and raised that if the intention is to ensure that the incumbent continues on a permanent basis and is not limited to a specific term, it believes it is important to be transparent about this intention. The SUG emphasised, however, it is supportive of the incumbent’s continuation in the role.
61. The Minister for Sustainable Economic Development provided clarity on this and explained that there has been no attempt to conceal this transitional arrangement. It is noted that the current Chief Statistician is employed on a permanent employment contract. Therefore, if the 9-year term limit did apply, while the Chief Statistician would be required to step down from his role under the Law, as a matter of employment law, he would continue to be employed

unless there was some other reason to dismiss him and that would subvert the purpose of the statutory term limit.

Transition period

62. The SUG also raised the requirement for a transition period to further support public authorities to plan for the requirements under the draft Law and be able to demonstrate compliance. The Minister for Sustainable Economic Development confirmed that a transitional arrangement to address this is present in new Article 22(5) of the draft Law. Furthermore, that work is underway to prepare an initial list, restricted to Tier 1 Statistics produced by Statistics Jersey. It is noted that the addition of further Tier 1 Statistics can take place over time in line with the provisions of the draft Law and there is, therefore, no need to slow the passage of the draft Law as a result of this concern.

Conclusion

63. The Panel is mindful of the areas raised where further improvements could be made to the 2018 Law. However, when considering the statistical system in the context of Jersey as a small Island, the Panel is of the view that an appropriate and balanced approach has been proposed through the draft Law, of which stakeholders, in the main, have demonstrated support. The Panel notes that although the SUG has raised specific areas of potential improvement, it has also emphasised its strong support for the intended aims and the majority of the proposed changes. Furthermore, that it would not support any delay to the current timeline for implementation of the draft Law.
64. The Panel is supportive of the Chief Minister's proposed Amendment to Deputy Bailhache's Amendment.
65. In light of the above and having carefully considered the evidence gathered in line with the proposals of the draft Law, the Panel has concluded its support for P.29/2024. Moreover, is satisfied that the proposed changes to the 2018 Law will provide the appropriate balance of powers to safeguard Jersey's statistical system and establish it in line with international best practice standards.