

PRIVILEGES AND PROCEDURES COMMITTEE

(101st Meeting)

Business conducted by telephone and electronic mail

24th March 2011PART A

All members were present, with the exception of Senator B.I. Le Marquand.

Connétable J. Gallichan of St. Mary, Chairman
 Connétable P.F.M. Hanning of St. Saviour
 Deputy J.B. Fox
 Deputy J.A. Martin
 Deputy M.R. Higgins
 Deputy T.M. Pitman

In attendance -

Mrs. A.H. Harris, Deputy Greffier of the States
 Miss A-C. Heuston, Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A only.

Draft Freedom of
 Information
 (Jersey) Law
 201-
 P.39/2011
 670/1(37)

A1. The Committee, with reference to its Minute No. A7 of 8th March 2011, received a draft amendment to Article 43(g) of the Draft Freedom of Information (Jersey) Law 201-, lodged *au Greffe* on 15th March 2011 by the Committee (P.39/2011 refers).

The Committee noted that the amendment had been drafted as a result of ongoing consultation with the Jersey Financial Services Commission (J.F.S.C.). The Committee recalled that the J.F.S.C. was not included in the list of scheduled public authorities which would be subject to the Law from the outset; however, it was anticipated that the Commission would be subject to the Law at a future date. It was noted that the Law as presently drafted could prejudice the exercise of the statutory functions of the J.F.S.C. under the Companies (Jersey) Law 1991, the Control of Borrowing (Jersey) Order 1958 and the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008, and it was therefore considered appropriate that the matter be addressed. The Committee noted that Article 43(g) presently read as follows:

*“Information is qualified information if its disclosure would, or would be likely to, prejudice –
 [...] (g) the proper supervision or regulation of financial services”.*

It was **agreed** that an amendment should be lodged ‘*au Greffe*’ so as to ask the States to add a further paragraph at (h), as follows:

*“Information is qualified information if its disclosure would, or would be likely to, prejudice –
 [...] (h) the exercise, by the Jersey Financial Services Commission, of any function imposed on it by any enactment.”*

Deputy M.R. Higgins expressed his dissent from the Committee’s decision.

The Greffier of the States was requested to take the necessary action.