

**WRITTEN QUESTION TO THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES
COMMITTEE BY DEPUTY R.G. LE HÉRISSEIER
OF ST. SAVIOUR**

ANSWER TO BE TABLED ON TUESDAY 3rd JULY 2007

Question

Would the Chairman outline why the Corporate Scrutiny Panel was seen as the body which was qualified to assess the manpower implications of the proposed Freedom of Information Law? What other alternatives were or are being explored to expedite the process?

Answer

As the Deputy will be aware, considerable work had already been undertaken by the Privileges and Procedures Committee under his presidency to establish the costs of implementing a Freedom of Information Law. P.72/2005 'Freedom of Information: proposed legislation' sets out at sections 19 and 20 the human resource and financial implications that the Committee considered would accrue. In addition, it was not that Committee's intention to introduce publication schemes at the outset, so mitigating further any anticipated costs, and the current Committee maintains this position.

The draft Freedom of Information Law was sent out to consultation in the spring of 2006, and responses were received from many quarters, including the Council of Ministers, the Corporate Management Board and States' departments. On 26th July last year, the Privileges and Procedures Committee noted the recommendation of the Council of Ministers that, as there was uncertainty about the resource implications of introducing a new Law, an independent person should be invited to carry out an audit of the costs involved. The Council of Ministers believed that this proposal offered a sensible way forward and would help to give the States a better understanding of the resource implications. The Council of Ministers asked that the audit would assess the anticipated costs of responding to requests for information, implementing records management systems up to the required standard, and introducing different lead-in times for various provisions of the Law.

The Committee considered a suggestion that an approach be made to the Information Commissioner in the UK (Mr. Richard Thomas) either to request that his office review the draft Law, or a person nominated by him be approached. The Committee also considered whether it would be more appropriate in the Jersey context to seek assistance from the Corporate Services Scrutiny Panel, which had been established to consider the topics of corporate services, corporate policies and external relations. That Panel's terms of reference include the obligation "to scrutinize draft Laws and draft subordinate enactments which are to be made by the States and consider possible amendments to them, if appropriate". (Standing Orders 131(1)(a) and 132(c) refer).

The Committee considered that the Panel had the necessary local knowledge and was the appropriate body, and therefore decided to ask the Corporate Services Scrutiny Panel if it was prepared to review the draft Law, and in particular to assess the financial implications of introducing the Law, over and above the costs already expended on access to information in accordance with the Code of Practice on Public Access to Official Information. The Committee is mindful that there are costs associated with the proper implementation of the Data Protection (Jersey) Law 2005 and the Public Records (Jersey) Law 2002, which legislation is already on the statute book. It would, of course, be inequitable for the costs of implementing records management systems to meet the requirements of those Laws to be attributed to the proposed Freedom of Information Law.

The Corporate Services Scrutiny Panel has agreed to carry out the above review. In the light of the undertaking of the Panel to review the matter early in 2008, no alternatives are being explored at this time.