

STATES OF JERSEY



FREEDOM OF INFORMATION: IMPLEMENTATION PLAN

Lodged au Greffe on 13th October 2010
by Deputy R.G. Le Hérissier of St. Saviour

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Chief Minister to present to the States before 28th February 2011 an Implementation Plan to ensure that the Draft Freedom of Information (Jersey) Law 201- (P.101/2010) is fully implemented by the end of 2015.

DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR

REPORT

Freedom of Information was one of the key checks and balances required to make the Government of Jersey more responsive and because of the need to counter the perception that Jersey was seen as a secretive jurisdiction. Furthermore, it was thought and is strongly argued in P.101/2010 (paragraphs 2.5 – 2.14 of the Report) that a Code is no longer sufficient. The force of law is needed.

The gestation of this draft Law has been long and it seems ironic that just as it gets near the finishing post, the PPC should have disowned responsibility for implementation on the grounds that “The Committee has no jurisdiction over the executive function of the States of Jersey”. It may lack jurisdiction but it can certainly bring influence to bear and, indeed, one would have expected it be pushing mightily given the numerous delays that have dogged this law. Some of which are thought to lie with agencies of the Executive who have no real enthusiasm for it.

Indeed, these agencies must be heartened by the onset of the recession, which gives them a further apparently disinterested reason to delay implementation.

The matter must not be allowed to hang as seems to be the stance adopted in paragraph 2.55 of the Report in P.101/2010.

Proposal

I am proposing a reasonably lengthy lead in period, preceded by the laying of an Implementation Plan by the States which, if approved, should provide impetus to the process.

Given the suspiciously long process of development it is remiss of PPC to “pass over” responsibility at this point without ensuring a robust handover process is in place. The time frame I have proposed takes account of the difficult economic situation but ensures the matter is not buried.

Financial and manpower implications

The production of an Implementation Plan by the Chief Minister’s Department should not require additional resources.