

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY S. Y. MÉZEC OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 10th MAY 2016**

Question

What steps are taken to ensure that identifying information about members of the public who make a Freedom of Information request is kept confidential from the States departments which are required to deal with the requests?

Answer

Article 2(1) of the Freedom of Information (Jersey) Law 2011 (the “2011 Law”) requires the person submitting a request to give his or her name and contact details. For most purposes the 2011 Law is applied without regard to the identity and purpose of the person making the request. However, scheduled public authorities do often need to know who has submitted the request so that they can:

- a) If necessary, seek further clarification or information in respect of the request so that it can be answered;
- b) Determine whether the request should be dealt with under the 2011 Law, or as a subject access request under the Data Protection (Jersey) Law 2005 (the “2005 Law”);
- c) properly apply the provision in Article 16 of the 2011 Law (and in the Freedom of Information (Costs) (Jersey) Regulations 2014) concerning the cost limit on answering aggregated requests; and
- d) Determine whether the request is vexatious or repeated for the purposes of Article 21 or 22 of the 2011 Law.

Notwithstanding the above, individuals who make FOI requests should have their details handled fairly and in accordance with the 2005 Law. Steps are taken to ensure that information about individual requesters is not shared unnecessarily.