

4.2 Deputy K.C. Lewis of the Minister for Home Affairs regarding the establishment of computer criminal record checks with new European Union member countries:

What progress, if any, has the Minister made in association with the U.K. authorities to establish computer criminal record checks with new European member countries?

Senator W. Kinnard (The Minister for Home Affairs):

Under our European Union agreement in 2005 each member state agreed to set up a central office which would, within certain circumstances, have the capability to make and receive requests for exchange of criminal conviction data between member countries. As such the United Kingdom Central Authority for Exchange of Criminal Records has been in existence since May 2006. This limited agreement only allows for the exchange of criminal record information where it is connected to an ongoing police investigation or prosecution. In addition, the central authorities also notify each other of convictions when a national of one of the E.U. (European Union) states is convicted of committing an offence in a second member state. At present there does not exist any mechanism or agreement for general or automated access to criminal record information between the member states. However, Sir, as recently as 30th May 2008, the European Commission adopted a wide range of proposals to promote a European justice area, part of which includes creation of a European criminal records information system. Such a system would form technological links between the independent criminal record databases held by individual states. The main aim of this process is to extend the sharing of criminal records for the purpose of vetting persons having access to and working with children and other vulnerable groups. The States of Jersey Police has on a number of occasions gained access to E.U. criminal record information under the described arrangements. Similar conviction information has also been obtained from non E.U. countries through other alternative policing and mutual legal assistance links. The States of Jersey Police maintains continuing contact with national policing and U.K. government agencies involved in developing proposals for the sharing of such data.

4.2.1 Deputy K.C. Lewis:

I thank the Minister for her reply, Sir. My question is with the greatest of respect to E.U. citizens coming into Jersey to live and work there is a very, very small minority coming into Jersey with extensive criminal records. The only requirement appearing to be if they have a European Union passport they can come into Jersey. Does the Minister favour autochecks? Thank you, Sir.

Senator W. Kinnard:

Am I being asked if I favour the automatic checking of people coming into the Island?

Deputy K.C. Lewis:

The Minister made reference to in the future there would be an automatic checking system through the U.K. computer system.

Senator W. Kinnard:

This is really in relation to record checks. I thought the question was asked in relation to actual positions and jobs. The issue of whether or not people are checked for criminal records coming into and out of the Island is a matter that is really dealt with by the Chief Minister's Department under their powers and the migration policy.