**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON MONDAY 14th JULY 2014**

Question

Will the Attorney General state whether the Viscount is authorised to publish Income Tax information relating to a bankrupt and whether the Viscount's protocols are human rights compliant, especially with regard to Article 8 of the Convention, and, if so, will he explain why?

Answer

Under the Bankruptcy (Désastre) (Jersey) Law 1990 and the Bankruptcy (Desastre) Rules 2006 ("the Rules"), the Viscount must require all creditors of a person *en désastre* to prove their claims. On occasion, the Comptroller of Taxes will be a creditor and will be required to prove his debt like any other creditor.

The Rules provide that the Viscount must, as soon as practicable after the date for filing claims has expired, fix a time and a place for claims to be inspected and notice of the period and place must be published in the Jersey Gazette and in any other way the Viscount thinks fit, and must be notified to the debtor. Inspection will include from time to time inspection of the claims of the Comptroller of Taxes as creditor.

Article 8 of the European Convention on Human Rights provides that everyone shall have the right to respect for his private and family life, his home and correspondence.

However, Article 8 is a qualified right and the protection afforded by it is subject to proportionate action by a public authority in accordance with the law where necessary in a democratic society in the interests of, amongst other things:

  i.   the economic wellbeing of the country; or
  ii.   the protection of the rights and freedoms of others.

Interference with a debtor's right to privacy by the Viscount in the discharge of his statutory obligations is accordingly justified on the basis that it is proportionate, in accordance with the law and necessary to protect the rights of creditors and the economic wellbeing of the Island.

The Attorney-General is not aware of any formal "protocols" as set out in the question.