

2025.02.04

**Deputy J. Renouf of St. Brelade of the Chief Minister regarding amend the Freedom of Information (Jersey) Law 2011 (OQ.26/2025):**

Following recent comments from the Deputy Chief Minister to the media on this matter, will the Chief Minister detail what plans, if any, there are to amend the Freedom of Information (Jersey) Law 2011?

**Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):**

There are currently no firm plans to amend the law, but the Government would like to review the law to ensure it is still fit for purpose. Ministers have, therefore, asked officials to consider some options and recommendations. It is now more than 10 years since the law was introduced and, as in other jurisdictions, I think there is an opportunity to review, look at the lessons learned and potentially make improvements to the law. Ministers are conscious that F.O.I. (freedom of information) requests now cost in excess of £1 million a year and that the volume of requests has increased considerably, now exceeding 1,000 requests a year. A reasonably small number of requesters make up around 50 per cent of the 1,000 requests we are receiving per annum, but of course we do not want to restrict provision to freedom of information; quite the opposite. I think the Deputy Chief Minister raised one of the things we would like to do is make information more available, more readily available to the public, to perhaps reduce the necessity or the need for a freedom of information request.

**4.14.1 Deputy J. Renouf:**

Can the Chief Minister give us a little more detail on this review that he is proposing? Who is leading the review? Does it have a terms of reference? When will it be expected to report?

**Deputy L.J. Farnham:**

I can provide terms of reference to the ... I cannot recite them right now. The review is being led by the Cabinet Office and it is expected to report later this year, but I will tie down those details and let Members know once we have agreed internally the parameters and the timescales.

[11:30]

**4.14.2 Deputy A.F. Curtis of St. Clement:**

The Chief Minister mentioned an aspiration to make data more open. Can the Chief Minister give any examples of where a freedom of information request has led to the continued and automated publication of the data requested?

**Deputy L.J. Farnham:**

I am sure there has. I could not list any examples right now, but it is a good question and I think it is valid. Because the information we give out under F.O.I. requests, that data will be important in guiding how we might make improvements and what information we make more readily available.

#### **4.14.3 Deputy A.F. Curtis:**

Does the Chief Minister agree that as part of any review understanding how many times the same data is repeatedly published versus the opportunity to publish it open by default as mentioned should be a key part of that review and that the Minister should look to implement more open data prior to looking to cost cut by reducing access to data?

#### **Deputy L.J. Farnham:**

Yes, absolutely. We do need to learn from what has happened over the past 10 years, all sorts of lessons, both positive and negative. So I would agree with that.

#### **4.14.4 Deputy I. Gardiner of St. Helier North:**

There is a long outstanding action from the Government to extend freedom of information to arm's length organisations. How will this action progress forward or will it also go back now to the review?

#### **Deputy L.J. Farnham:**

That will be part of the review of the legislation because we would have to change the legislation if we were to extend that. We are currently developing proposals, as requested, to extend law to A.L.O.s in a phased manner alongside strengthened commercial exemptions. As part of this, officials may also come back to the Council of Ministers with other suggestions for improving the law. All that is yet to be decided, but it is work in progress.

#### **4.14.5 Deputy I. Gardiner:**

I welcome that freedom of information to extend to A.L.O.s is in progress. Would the Chief Minister give a bit more detail what "phased approach" means?

#### **Deputy L.J. Farnham:**

A phased approach broadly means we would, depending on what the proposals are and what we decide to accept and how we decide to implement them, could mean ... it is difficult to say exactly what it means without knowing what the detailed proposals are, but it broadly means that rather than bring everything all at once we will bring it in in a phased and timely manner to allow the organisations that it impacts upon to deal with it appropriately.

#### **4.14.6 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

Deputy Alex Curtis asked a question about availability of more data. I was wondering whether the Chief Minister could maybe explain a bit more about what he means by the Government being more open so that hopefully that will then reduce the amount of freedom of information requests that were needed. But what kind of actions does that entail when he says about openness and what kind of instructions would he be giving his civil servants to be more open?

#### **Deputy L.J. Farnham:**

Initially, that looks at the information we gather from government functions and using our I.T. platforms to make that information public. As Deputy Curtis pointed to, we can look, we can get a theme from previous freedom of information acts to look at specifically areas and

requests where we get repeated information from difficult ... off the top of my head, but there are facts and figures and statistics that we have that we do not publish that perhaps we could do. All of that will help, of course, to promote the democratic principles that the Government want to continue to promote.

**4.14.7 Deputy H.L. Jeune:**

I believe many times those that use the freedom of information tool is because they may have tried to begin with to get the information from civil servants but they have been told that they are unable to disclose that information. Therefore, could the Minister give assurance to Jersey citizens that when they are phoning up for that kind of information from now on that they will have much more access to that and not have to do freedom of information requests?

**Deputy L.J. Farnham:**

Well, of course it depends what is being asked for, how commercially sensitive it is, but the aim is to make more information public to reduce the requirement for a freedom of information request. I cannot say exactly what that looks like, but the aim is to be more transparent, to provide more information, to make more information readily available, to potentially extend some freedom of information to arm's length organisations while at the same time protecting the commerciality of some of those organisations. That is all the work in progress, but I want to stress that the aim is to do this more productively, to make information more readily and more easily available.

**4.14.8 Deputy J. Renouf:**

I think the thing about freedom of information is that it is very easy to champion in principle but harder in practice. The Deputy Chief Minister was quoted as saying that people should just pick up the phone and ask government departments for what they need, the issue being that the Freedom of Information Act sits there as a backstop to when those requests are turned down. Does he agree that that backstop is very, very important and the independent oversight that comes from the Information Commissioner of that law is the thing that means that there can be independent arbitration of whether or not something is in the public interest or not?

**Deputy L.J. Farnham:**

I would think so. Obviously, it can depend upon ... I certainly agree with that principle wholeheartedly, yes.