

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT**

ANSWER TO BE TABLED ON TUESDAY 23rd OCTOBER 2007

Question

Following the decision of the U.K. Home Secretary to grant a right of access from 1st October 2007 to all landline and mobile phone call information to many hundreds of U.K. public bodies and quangos (including local councils), without the checks and balances applied in other European countries, and an intention to extend this to internet use from 2009 as well, would the Minister advise whether this will apply to telephone users in Jersey and, if so, how and what safeguards, if any, are in place for local residents?

Answer

The question relates to the recent enactment of the Data Retention (EC Directive) Regulations 2007 (SI 2007 No. 2199)("the regulations") in the UK, which are intended to implement in the UK, in relation to telephone calls on public landline and mobile telephone networks, Directive 2006/24 of the European Council and Parliament. This Directive is concerned with the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks. The UK regulations were made under the European Communities Act 1972.

The Regulations do not, however, 'grant a right of access' to phone call information referred to at the beginning of the question; they require such information to be retained for a period of 12 months. I understand that, under previous arrangements, communication service providers were required to retain information for six months. Access to the information by public authorities will remain subject to the controls in the Regulation of Investigatory Powers Act 2000.

The Regulations will require public telecommunications service providers to retain communications data relating to phone calls - note that this does not include the content of calls, but such information relating to the calls as the number from which a call was made, the time it was made and the destination called. A full description of the data concerned is set out in Regulation 5 of the Regulations.

It appears that the UK has taken a decision not to implement the Directive in relation to internet communications, for the time being. Jersey is not obliged to implement the EC Directive but, as it will become the European standard, it is possible that consideration may be given to it in due course.