

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY DEPUTY M.R. HIGGINS OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 4th DECEMBER 2012**

**Question**

Further to his responses to written questions on 6th and 20th November 2012, will H.M. Attorney General list details of how many successful prosecutions or applications for injunctions or court orders his Department has brought under the Data Protection (Jersey) Law 2005 (since the date of the Appointed Day Act) instigated by the Police or Data Protection Commissioner, giving for each the date, nature of prosecution/injunction/Order etc and the instigator.

**Answer**

The Law Officers' Department does not keep separate records for prosecutions brought under the Data Protection (Jersey) Law 2005 (the Law) which came into force on 1<sup>st</sup> December 2005. After enquiry it is believed that three such prosecutions have been brought which have resulted in guilty pleas or convictions. Files for consideration of a prosecution under the Law have been referred to the Attorney General by both the States of Jersey Police and the Data Protection Commissioner. Criminal proceedings under the Law can only be brought with the consent of the Attorney General.

The three prosecutions have been brought under Article 55 of the Law ("unlawful processing of personal data") all of which were initially dealt with in the Magistrate's Court. In these three cases, the proceedings were commenced in 2009, 2010 and 2012. In one of the prosecutions, the defendant was also charged with and convicted of an offence under Article 17 of the Law ("processing personal data without being registered"). In one of the above cases, upon conviction, the Magistrate's Court made an order under Article 61 of the Law requiring the defendant to erase data which had been unlawfully processed.

As far as can be ascertained, the Law Officers' Department has not applied for any injunctions or court orders under the Law.