

STATES OF JERSEY

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DRAFT REGULATION OF INVESTIGATORY POWERS (JERSEY) LAW 200- (P.196/2004): AMENDMENT

**Lodged au Greffe on 1st March 2005
by the Employment and Social Security Committee**

STATES GREFFE

PAGE 87, SCHEDULE 1 –

After the entry for Customs and Excise insert the following entry –

“Employment and Social Security Department	Attorney General”
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EMPLOYMENT AND SOCIAL SECURITY COMMITTEE

REPORT

Part 2 of the Draft Regulation of Investigatory Powers (Jersey) Law 200 addresses interception of telecommunications and acquisitions and disclosure of such information from a service provider.

The arrangement for obtaining information subject to Part 2 of the proposed Law is covered by Article 26(2) which provides for communication data to be obtained if it is necessary for the purpose of preventing or detecting crime or preventing disorder. Article 26(3) provides for a designated person to provide such authorisation, with Article 29 providing for the identification of a designated person set out in Schedule 1.

In order to carry out the regulatory functions of the Employment and Social Security Department in relation to Social Security, Employment, and Health and Safety legislation, its officers may, on occasion, be involved with individuals whose only contact is through a mobile phone. In such circumstances it would be necessary to obtain full name and address details from a service provider. Exclusion from Schedule 1 would prevent the possibility of such access and thereby limit the ability of the department to properly carry out its regulatory functions.

It is therefore felt appropriate that the Department be included in Schedule 1 as a Relevant Public Authority, with the Attorney General as the Designated Person for authorisation of such activity. It should be noted that the Employment and Social Security Department is included in Schedule 2 (Part 1) which deals with Direct Surveillance and Covert Human Intelligence Sources with the Attorney General as the Designated Person for authorisation.

There are no additional financial or manpower implications involved.