

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY DEPUTY T. M. PITMAN OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 17th NOVEMBER 2009**

**Question**

“Would H.M Attorney General confirm whether members of the public, through certain rights as guaranteed under the European Court of Human Rights and a traditional common-law right of confidentiality, are free to contact their elected representatives, without such communications being monitored or seized by the police or other authorities?”

**Answer**

The right to respect for private and family life, one’s home and correspondence guaranteed by Article 8 of the European Convention of Human Rights is not absolute and is subject to the qualifications set out in Article 8 (2) of that Convention. These include the ability of a public authority to interfere with that right, if to do so is in accordance with the law and is necessary in a democratic society for, amongst other things, the prevention of disorder or crime.

By way of example, the Laws of the Island, in common with comparable laws in the United Kingdom and elsewhere, provide for circumstances in which the Police or other authorities, on strict criteria, can seize or monitor communications.

Subject to these and other exceptions in law, the ordinary principles of confidentiality of communications would apply to communications between members of the public and their elected representatives.