

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 4th FEBRUARY 2014**

Question

- (a) What checks and balances, if any, does the Department have to prevent defamatory material being placed in its records to the detriment of members of the public?
- (b) Is it acceptable for officers to record defamatory material in Planning records and then to cover up their actions?
- (c) What course of action, if any, is available to aggrieved applicants or members of the public against persons who by recording false statements are themselves committing defamation?
- (d) Would such actions be defended by the Department?

Answer

- (a) In carrying out its duties, the department receives information from various sources and records these in good faith. The department is generally unable to determine if this information is defamatory.

It would be impractical for the Department to review all information recorded by officers in its many electronic and paper based records systems and relies on officers to record information which is relevant and appropriate to department activities.

The department has agreed a Customer Charter which sets out how department staff will behave when carrying out their work. This includes behaving in a professional manner and respecting the rights of others.

Full details of the Customer Charter can be found on the States of Jersey website:

<http://www.gov.je/Government/Departments/PlanningEnvironment/Pages/ServiceComplaint.aspx>

- (b) Officers will record information received which is relevant and appropriate to department activities without knowing if this information is defamatory. In receiving information, the department has an obligation under the Data Protection (Jersey) Law 2005 to protect individuals, including the source of any information received.
- (c) Complaints or comments about Department of the Environment activities can be made to the department by phone, submitted via the gov.je website or in writing. Formal complaints made in writing will be investigated by a relevant Manager or Director and a response provided within 20 working days. If the complainant is not satisfied with the result of any investigation they can request that the complaint is reviewed by the Chief Executive Officer. If the complainant is still not satisfied they can contact the States of Jersey Complaints Board. In some instances the complainant may be able to refer the complaint to another independent body (eg: Data Protection Commissioner).

Full details of the Department Customer Feedback Policy are available on the States of Jersey website:

<http://www.gov.je/Government/Departments/PlanningEnvironment/Pages/ServiceComplaint.aspx>

- (d) Any matter that relates to an employee of the State's Employment Board, following a formal complaint and investigation, would be dealt with by the departmental Chief Officer or his nominee in accordance with State of Jersey disciplinary procedure.