
STATES OF JERSEY



CODE OF PRACTICE ON PUBLIC ACCESS TO OFFICIAL INFORMATION: ANNUAL REPORT FOR 2008

Presented to the States on 31st March 2009
by the Privileges and Procedures Committee

STATES GREFFE

REPORT

Introduction

The Code of Practice on Public Access to Official Information was approved by the States on 20th July 1999 and came into force on 20th January 2000. A revised Code of Practice was adopted by the States on 8th June 2004.

The Code constitutes a States' policy and affects the States, Ministers and their Departments, Committees, Panels and any sub-committees and sub-panels.

The Code confers –

- a general right of access to information held by authorities which is (a) not exempt, and (b) created after 20th January 2000;
- a right of access to personal information, that is information about an identifiable individual, subject to exemptions, and while safeguarding an individual's right to privacy. The authority has an obligation to correct any personal information held about an individual that is shown to be incomplete, inaccurate or misleading, except that expressions of opinion given conscientiously and without malice will be unaffected. For personal information, access is retrospective; and
- a right of access to agendas, support papers and Minutes, where these do not contain confidential information.

Further to the foregoing, the Code now includes provisions which have resulted in the creation of a central 'Information Asset Register'. The purpose of the Information Asset Register is to provide the public with a single, readily accessible point of access to the following –

- (a) strategic and/or policy reports;
- (b) reports deemed to be of public interest;
- (c) third-party reports or consultancy documents, which have been prepared for the authority or which are under preparation, where the cost of the report/document exceeds an amount fixed from time to time by the Privileges and Procedures Committee; and
- (d) all unpublished third-party reports or consultancy documents which are over 5 years old.

The names of any such reports are added by Departments to the Information Asset Register which is maintained on the States' website (www.gov.je/statesreports). In the case of third-party reports or consultancy documents, details of their status and cost of preparation are also included within the Register, which is managed by the Chief Minister's Department.

The Code established a minimum standard of openness and accountability by the States of Jersey, which may, by its very nature, be exceeded.

Monitoring statistics

The number of enquiries received during the year ending 31st December 2008 was as follows –

Economic Development

Number of applications which mentioned the Code:	3
Number of applicants submitting more than one request:	0
Category of applicant –	
Private individual	1
Journalist	2
Representing charity/lobby group	0
Academic	0
Business	0
Politician	0
Number of requests for personal information:	0
Number of applications dealt with within 21 days:	1
Number of requests unanswered as information not held:	0
Number of requests for which a charge was made:	0
Number of times a request was refused:	0
Number of appeals to President/Minister:	0

Education, Sport and Culture

Number of applications which mentioned the Code:	2
Number of applicants submitting more than one request:	0
Category of applicant –	
Private individual	0
Journalist	1
Representing charity/lobby group	0
Academic	0
Business	0
Politician	1
Number of requests for personal information:	–
Number of applications dealt with within 21 days:	–
Number of requests unanswered as information not held:	–
Number of requests for which a charge was made:	–
Number of times a request was refused:	–
Number of appeals to President/Minister:	–

The Department noted that this figure did not accurately reflect the volume of requests for information received as the majority of these requests did not mention the Code.

Health and Social Services

The Health and Social Services Department noted that they deal with requests for information on a routine basis, and although these would be dealt with in accordance with the Code, applying relevant exemptions where necessary, none specifically mentioned the Code. Requests for personal information were dealt with by the Department under the Data Protection Law.

One request for information was received which would have been considered by the Department for release under the Code; however, upon requesting the applicant to confirm that they wished to proceed with an application under the Code, no response was forthcoming.

H.M.P. La Moye

It was noted that 8 applications for information had been received by H.M.P. La Moye during 2008, none of which had mentioned the Code, and 3 of which were requests for personal information. Of the 8 requests, 3 were from private individuals, 4 from journalists, and 1 from an academic. All applications were dealt with within 21 days, and one request was refused under exemption 3.2.1(a)(i).

Home Affairs

Number of applications which mentioned the Code:	1
Number of applicants submitting more than one request:	0
Category of applicant –	
Private individual	0
Journalist	0
Representing charity/lobby group	0
Academic	0
Business	0
Politician	1
Number of requests for personal information:	1
Number of applications dealt with within 21 days:	1
Number of requests unanswered as information not held:	0
Number of requests for which a charge was made:	0
Number of times a request was refused:	0
Number of appeals to President/Minister:	0

Jersey Property Holdings

The Department noted that enquiries had been received from the public, and, on occasion, politicians, regarding land ownership and leases, for example, however, no mention had been made of the Code.

Planning and Building Services

Number of applications which mentioned the Code:	1
Number of applicants submitting more than one request:	0
Category of applicant –	
Private individual	0
Journalist	0
Representing charity/lobby group	0
Academic	0
Business	1
Politician	0
Number of requests for personal information:	0
Number of applications dealt with within 21 days:	1
Number of requests unanswered as information not held:	0
Number of requests for which a charge was made:	0
Number of times a request was refused:	0
Number of appeals to President/Minister:	0

Population Office

The Department noted that one request for information had been made by a private individual which did not mention the Code. The request had been for personal information, and was dealt with within 21 days.

Social Security

The Department noted that a number of requests had been received for personal information, which had not mentioned the Code, and had been dealt with under the Data Protection (Jersey) Law 2005.

States Greffe

Number of applications which mentioned the Code:	1
Number of applicants submitting more than one request:	0
Category of applicant –	
Private individual	1
Journalist	0
Representing charity/lobby group	0
Academic	0
Business	1
Politician	0
Number of requests for personal information:	1
Number of applications dealt with within 21 days:	1
Number of requests unanswered as information not held:	0
Number of requests for which a charge was made:	0
Number of times a request was refused:	0
Number of appeals to President/Minister:	0

States of Jersey Police

Number of applications which mentioned the Code:	11
Number of applicants submitting more than one request: <i>Number of requests made by Applicant A: 3</i> <i>Number of requests made by Applicant B: 2</i>	2
Category of applicant –	
Private individual	0
Journalist	7
Representing charity/lobby group	0
Academic	0
Business	4
Politician	0
Number of requests for personal information:	1
Number of applications dealt with within 21 days:	11
Number of requests unanswered as information not held:	0
Number of requests for which a charge was made:	0
Number of times a request was refused: <i>Exemption most commonly cited: 3.2.1(a)(xii)</i>	2
Number of appeals to President/Minister:	0

Treasury and Resources

Number of applications which mentioned the Code:	2
Number of applicants submitting more than one request: <i>Number of requests made by Applicant A: 2</i>	1
Category of applicant –	
Private individual	0
Journalist	2
Representing charity/lobby group	0
Academic	0
Business	0
Politician	0
Number of requests for personal information:	0
Number of applications dealt with within 21 days:	0
Number of requests unanswered as information not held:	0
Number of requests for which a charge was made:	0
Number of times a request was refused:	0
Number of appeals to President/Minister:	0

The Department noted that requests for information were frequently received from States members and members of the public, however, as they did not cite the Code of Practice, they were not included in the above return.

NB: Those Departments not mentioned made a zero return.

TOTALS FOR 2008	
Total number of applications which mentioned the Code:	21
Total number of refusals:	2

The below table shows the number of applications received and refused under the Code from 2003 to 2008 –

	2003	2004	2005	2006	2007	2008
Requests received	62	80	62	73	20	21
Requests refused	2	1	3	9	3	2
Appeals to President/Minister	1	0	0	2	2	0
Appeals to States of Jersey Complaints Board	0	0	0	0	0	0

During the compilation of this report, Departments have commented that they often receive requests for information, but that these requests are unlikely to mention the Code of Practice on Access to Official Information. Information is provided to members of the public on a day-to-day basis by officers of the States during the normal course of their work, with no mention of the Code being required. As a result, it is difficult to accurately measure the number of requests for official information received by the States of Jersey each year.