

ANNUAL REPORT OF:

FREEDOM OF INFORMATION ACTIVITIES



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JOIC

JERSEY OFFICE OF THE
INFORMATION COMMISSIONER

THE JERSEY OFFICE OF THE INFORMATION COMMISSIONER



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THE JERSEY OFFICE OF THE INFORMATION COMMISSIONER (JOIC)

The Information Commissioner has separate responsibility for regulating the Freedom of Information (Jersey) Law 2011 (the FoI Law). This includes encouraging public authorities to follow good practice in their implementation of the FoI Law (including adherence to the relevant code of practice) and help to promote transparency by supplying the public with information about the law and advice and guidance on how to exercise their rights.

Our vision

Our vision is to create an island culture whereby the protection of personal data and privacy becomes instinctive, with individuals and organisations taking a proactive approach to embed such protection throughout their daily activities and business planning.

Our purpose

To provide those who interact with Jersey organisations and the Government of Jersey with the highest standard of personal data protection.

Our values

Our values are hugely important to us, they create our identity and inform how we do business. We created our values to be more than words on a page, using them to guide decisions, select behaviours and drive continuous improvement in our service. Our values apply to us all, regardless of rank and flow through each area of our service, every day.

We are Fair.

We treat people equally, without favouritism or discrimination. We are impartial in our activities and free from bias or dishonesty. We are competent, reliable and respectful. Our decisions are open, honest and rationalised by a sound evidence base to promote integrity and trust.



We are Collegial.

We share responsibility, including being honest and fair in our conduct towards others. We are willing to be judged on our performance. We work together to achieve our strategic outcomes. A collaborative approach allows us to work effectively together or individually. We communicate clearly, actively listen to others, take responsibility for mistakes and respect the diversity of our team. We demonstrate impartiality and accountability.



We are Respectful.

We respect those we work with and liaise with; this means that we actively listen to others and behave considerately towards others. We have self-respect and make responsible choices in what we say and do, to reach personal and organisational outcomes. We treat others in the way we want to be treated.



We are Energetic.

We are enthusiastic and approach our activities with vigour and vitality.



PAUL VANE BA(HONS) SOC POL CRIM (OPEN)
INFORMATION COMMISSIONER

Information Commissioner's Foreword



As the regulator responsible for overseeing and enforcing Freedom of Information (FoI) laws, I am pleased to present this annual report, reflecting on the past year's progress, challenges and future priorities in ensuring transparency and accountability in public institutions.

The right to access information is fundamental to a healthy democracy, empowering citizens to engage with government decisions, hold public authorities accountable and build trust in Government. Over the past year, our office has continued to uphold this right by monitoring compliance, resolving disputes and promoting best practices in information disclosure.

“ Our commitment remains unwavering: to uphold the right to information and to foster a more open, transparent, and responsive Government.”

2024 continued to show a steady increase in FOI requests received by Scheduled Public authorities (SPAs), reflecting a growing public demand for openness and transparency. While many public bodies have made significant strides in responding efficiently and proactively publishing information, challenges remain. We have observed instances of delays, excessive redactions, and concerns over misuse of exemptions. We are liaising with the Government of Jersey's Central Information Governance Office to understand more about such delays and how, as the regulator, our office could support. Our role has been to provide guidance, enforce compliance and ensure that refusals to disclose are justified and proportionate.

A key focus of 2024 has been on strengthening a culture of openness across government and public authorities through collaboration with the Government of Jersey's Central Information Governance Office. We have worked closely with officers to improve response times, reduce administrative burdens and enhance digital transparency initiatives. The evolution of technology and data management continues to reshape the FOI

landscape, presenting both opportunities and challenges in ensuring that access to information remains meaningful and effective. We have also used 2024 to upskill our own team at the JOIC, ensuring our caseworkers are fully equipped with the knowledge and expertise to handle the ever-growing complexity of the appeals that reach our door. Looking ahead, we will continue to advocate for stronger implementation of FOI principles, ensuring that public authorities remain accountable to the people they serve. Our commitment remains unwavering: to uphold the right to information and to foster a more open, transparent, and responsive Government. Our Office is engaged in the discussions with the Chief Minister's Office as they review the Freedom of Information (Jersey) Law 2011 and we hope to see positive reforms where necessary.

I extend my gratitude to my team and to the Government of Jersey's Central Information Governance Office for their dedication to creating a seamless process, and transparency remains crucial in sustaining democratic values and strengthening public trust.

ANNE KING
OPERATIONS DIRECTOR

Governance, Accountability & Transparency

The FoI Law provides the public with a legal right for individuals to request access to, and be provided with, information held by Scheduled Public Authorities. This covers 'information recorded in any form' held by a SPA and includes printed documents, computer files, letters, emails, photographs, and sound or video recordings. SPAs covered by the FoI Law include Government of Jersey departments, Parishes, States of Jersey Police, Andium Homes and The Office of the Commissioner for Children and Young People.



The aim of the FoI Law is to promote a culture of openness and transparency across the public sector, improve accountability and promote good governance by providing individuals with a better understanding of how SPAs carry out their duties, make the decisions they do and spend public funds.

(The FoI Law does not give individuals a right of access to their own personal data because this right is available under the Data Protection (Jersey) Law 2018)

Our role in regulating the FoI Law includes the following functions:

- To encourage SPAs to follow good practice in their implementation of this Law and the supply of information.
- To supply the public with information about the FoI Law.
- To deal with FoI appeals.

An applicant who is dissatisfied with a decision of a SPA in responding to their request may, within six weeks of the notice of that decision being given or within six weeks of the date the applicant exhausts any complaints procedure provided by the SPA, appeal to the Information Commissioner on the basis that the decision of the SPA was not reasonable.

The Information Commissioner must decide the appeal as soon as is practicable but may decide not to do so if satisfied that:

- The applicant has not exhausted any complaints procedure provided by the Scheduled Public Authority.

- There has been undue delay in making the appeal.
- The appeal is frivolous or vexatious; or
- The appeal has been withdrawn, abandoned or previously determined by the Information Commissioner.

In each case, the Commissioner conducts a formal appeal process adhering to the principles of administrative fairness and the laws of natural justice. Both sides are provided with an opportunity to make formal written submissions in support of their position. The Commissioner presumes that when making its submissions, each party is providing their full and complete arguments and all relevant evidence in support.

The Information Commissioner must serve a notice of his or her decision in respect of the appeal on the applicant and on the SPA. This is done by way of a formal Decision Notice based on the submissions of the parties, the precise wording of the legislation and any relevant case law. It will set out the Commissioner's decision and, without revealing the information requested, the reasons for the decision.

The decision is objective and includes adequate reasons. If a party is dissatisfied with the Decision Notice, the only avenue of appeal is to the Royal Court. The Royal Court may review the Commissioner's decision to determine whether it was reasonable.

The Commissioner's team also provides informal advice and assistance to both members of the public and SPAs prior to any formal appeal. Further information is available at www.jerseyoic.org

2024 FoI Grant

The Information Commissioner signed an Agreement with the Government of Jersey on the 23 October 2023 to separately fund the Information Commissioner and the relevant team members for the delivery of FoI related activities. The activities ensure that the Information Commissioner's statutory functions are as provided for in the FoI Law.

The Agreement is effective from 1 January 2023 to 31 December 2025 and provides for an annual grant of £70,000.

STEPHANIE MACNEILL
COMPLIANCE AND ENFORCEMENT MANAGER

2024 Operational Performance & Appeals

The FoI Law provides the public with a legal right for individuals to request access to, and be provided with, information held by SPAs. The Scheduled Public Authorities are set out in Schedule 1 of the Freedom of Information (Jersey) Law 2011.

1. The States Assembly including the States Greffe.
2. A Minister.
3. A committee or other body established by resolution of the States or by or in accordance with standing orders of the States Assembly.
4. A department established on behalf of the States.
5. The Judicial Greffe.
6. The Viscount's department.
7. Andium Homes Limited.
8. The States of Jersey Police Force.
9. A Parish.
10. The Office of the Commissioner for Children and Young People.

The following table shows the volume of valid Freedom of Information requests for 2024.

In 2024 the SPAs received and responded to 1,292 valid requests, only 12 of these generated an appeal to our office, which represents less than 1%. It should be noted this is a testament to the work of the SPAs.

As the Government of Jersey's Central Information Governance Office continues to develop, we look forward to refined performance data.

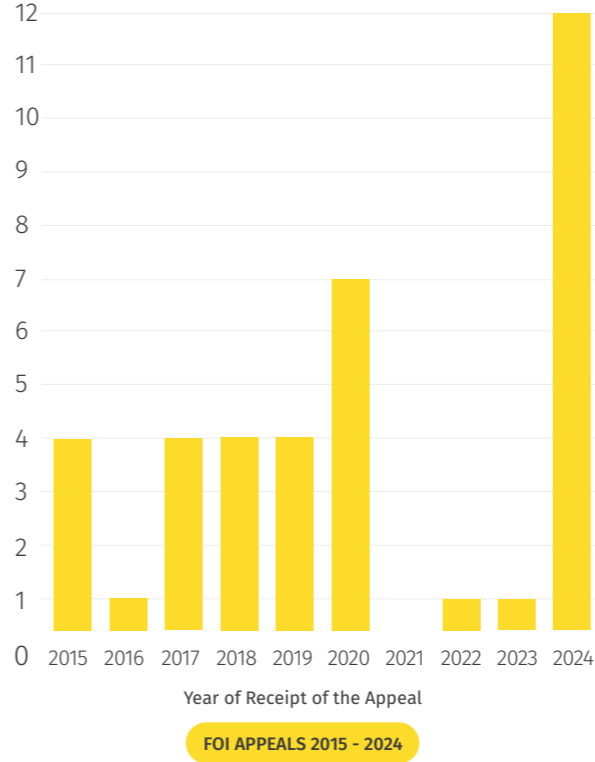
During 2024 we received 12 appeals, which is an unprecedented number compared to previous years. Since the law came into force in 2016, we have received on average one or two appeals per year. It is extremely difficult to narrate why we have received the volume of appeals in 2024. We will be reviewing whether a significant contribution to this volume is due to concerns raised over excessive redactions and misuse of exemptions. We will foster a lesson's learned approach to help the SPAs where possible.



FREEDOM OF INFORMATION STATISTICS	2021	2022	2023	2024
Chief Operating Office	85	84	62	72
Health and Community Services	216	179	164	242
Strategic Policy, Planning and Performance	101	85	61	54
Justice and Home Affairs	216	48	48	93
Customer and Local Services	91	73	38	46
Office of the Chief Executive	74	65	66	82
Children, Young People, Education and Skills	70	48	95	116
Infrastructure, Housing and Environment	180	115	209	211
Department for the Economy	-	-	58	74
Treasury and Resources	67	58	79	78
States of Jersey Police	81	58	93	109
States Greffe	24	16	12	26
Jersey Courts (Judicial Greffe)	18	14	28	30
Parishes	25	19	31	58
The Office of the Commissioner for Children & Young People	1	1	0	1
Andium Homes	7	3	2	0
Total Valid Requests	1256	866	1046	1292

Of the appeals we received in 2024, 9 of the 12 are still ongoing and are likely to attract a considerable amount of work in 2025. Two appeals were rejected and one was not upheld and published. The appeals that are ongoing involve complex exchanges between parties and span across different areas of the scheduled public authorities.

Of the rejected appeals, one was closed because, an internal review had not been submitted. Following the



internal review process, the requestor did not want to resubmit an appeal.

The second appeal was rejected for being out of time. Appeals need to be lodged with the Information Commissioner within six weeks of the request response or response to internal review, whichever is the later.

The appeal which was not upheld related to the request of information from the Infrastructure and Environment Department about steps taken by the Government of Jersey to deal with land within and around Jersey Airport that had been contaminated with certain PFAS chemicals.

Specifically, the complainant sought information of relevant discussions, copies of Ministerial Decisions, copies of reports and identification of reports which had been submitted to the Law Officers' Department for advice. The full Decision Notice can be viewed on our [website](#).

At the time of writing the nine ongoing appeals relate to a blend of documents regarding such matters as:

- the MoneyVal assessment
- the JFSC
- Infrastructure and Environment Department's data protection matters
- correspondence from External Relations
- Health and Social Service employment matters
- Parish rates

CLAIRE LE BRUN
FINANCE DIRECTOR

Finance Overview

The Freedom of Information Partnership Agreement (the Partnership Agreement) between the Information Commissioner, the Jersey Data Protection Authority (included as the physical recipient of the grant) and the Government of Jersey covers the period from 1 January 2023 through to 31 December 2025 (three years) and allows for the annual funding of FoI activities only.



BUDGET AREA	BUDGET FULL YEAR	FULL YEAR	VARIANCE
Income	£70,000	£70,000	£0
Staff	£24,158	£24,613	-£455
Non-Staff	£45,842	£33,038	+£12,804
Total Variance			+£12,349

The annual grant of £70,000 was received during 2024 and £57,650 was utilised in the year for funded activities which includes the Information Commissioner’s statutory functions as provided by the Freedom of Information (Jersey) Law 2011 (the FoI Law), together with the performance of those functions by the appropriate JOIC team members (FoI Team). The two areas which see the most variability in terms of time allocation are the Compliance and Enforcement part of the FoI Team and External Legal Counsel. These are reactive to both the volume and complexity of the FoI Appeals submitted to the Information Commissioner.

DEPARTMENT	ACTUAL COST 2024
Compliance and Enforcement	£19,511
Community and Engagement	£1,091
Support (Finance)	£4,011
Total cost to end Q4	£24,613

2024 saw a high level of FoI activity which is reflected in the additional costs of the Compliance and Enforcement FoI Team and the External Legal Counsel for FoI paid in the year.

It should be noted that 2024 was an unprecedented year for FoI appeals being made to the Information Commissioner. We received 12 appeals. For comparison purposes we received one appeal in 2023.

The JOIC FoI team undertake broader roles and are multi-disciplinary, therefore they will also be subject to other demands and statutory requirements, meaning that time spent on FoI will also fluctuate.

82% of the grant has been utilised in the year, this underspend leaves the FoI grant with a cumulative grant balance of £19,402.69 (£7k b/f from 2023). This grant value remaining is in excess of 10% of the allocated grant so the intention is that the unspent grant will be returned to Government in line with the partnership agreement.



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JERSEY OFFICE OF THE
INFORMATION COMMISSIONER



+44 (0) 1534 716 530

2nd Floor, 5 Castle Street,
St. Helier, Jersey, JE2 3BT

www.jerseyoic.org