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# STATES OF JERSEY



## REPORTS ACCOMPANYING PROPOSITIONS: GUIDELINES

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Presented to the States on 29th April 2010  
by the Privileges and Procedures Committee

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STATES GREFFE

## REPORT

1. The Privileges and Procedures Committee has been approached by the Data Protection Commissioner who has asked the Committee to consider whether guidelines should be issued in relation to the inclusion of personal information in reports. The Committee has discussed this matter and agreed to issue the following guidance to assist members.
2. The Committee recognises that the freedom of speech given to members by parliamentary privilege is a fundamental right and one that must be defended. No civil or criminal proceedings can be instituted against any member in respect of anything he or she has written in a report accompanying a proposition. The Committee is nevertheless conscious that members have imposed certain restrictions on themselves concerning the matters that can and that cannot be included in speeches through the rules set out in Standing Order 104 (see Appendix). The Committee notes that the former Bailiff ruled, using his power under Standing Order 167(1), that these same restrictions should apply to the contents of reports; and the Committee supports this ruling as it would be illogical to suggest that matters that would be out of order if spoken in the Assembly could simply be included in a written report instead.
3. Historically, propositions and reports were printed, circulated to a small number of other people and then made available for purchase in hard copy from the States Greffe. They were also available in hard copy at the Jersey Public Library. In practice, the documents were not easily accessible outside the Island and certainly not searchable from other parts of the world. The advent of publication on the Internet has made a huge change. Standing Order 170(3)(c) requires the Greffier of the States to publish all propositions on the States Assembly website as soon as possible after they are lodged. This means that all propositions and accompanying reports are immediately available across the world and searchable through Internet search-engines. PPC believes it is therefore incumbent on members to adopt a responsible attitude when drafting reports.
4. The Code of Conduct for Elected Members (paragraph 8) states that: *“Elected members must at all times have regard to all relevant data protection, human rights and privacy legislation when dealing with confidential information and be aware of the consequences of breaching confidentiality”*.
5. Names of persons who are not members of the Assembly should not be included in reports unless there are very compelling reasons to do so. Whenever a person such as a public sector employee has a job title, that should be used rather than his or her name. Personal home addresses of individuals should not be included. In general, every care must be taken not to include personal information about identifiable individuals.
6. Particular care should be taken when dealing with Unreported Judgements of the Royal Court. These are available through the Jersey Legal Information Board (JLIB) website to persons who register with the site. The conditions of use of registration make it clear that: *“information accessed will not be reproduced, stored in a retrieval system, further processed, transmitted, copied or otherwise disseminated without the prior permission, in writing, of*

*JLIB*". It is therefore inappropriate to quote from such judgements without permission from the Judicial Greffe as this breaches the conditions of registration. Although some court unreported judgements do not contain any personal or private information some, particularly those in cases involving children, may contain significant amounts of personal information where publication could lead to harm to the individuals concerned.

**APPENDIX****104 Contents of speech**

- (1) A speech by a member of the States must be relevant to the business being discussed.
- (2) A member of the States must not –
  - (a) unduly repeat his or her own arguments or the arguments of others;
  - (b) use offensive or insulting language about any member of the States;
  - (c) impute improper motives, directly or by innuendo, to any member of the States;
  - (d) refer to the private affairs of any member of the States, unless they are of direct relevance to the business being discussed;
  - (e) use the name of Her Majesty the Queen or the Lieutenant-Governor in order to seek to influence the States;
  - (f) refer to the conduct of Her Majesty the Queen, any other member of the Royal Family, any member of the States or any Jurat or other person performing judicial functions, unless the debate is upon a proposition the purpose of which is to discuss such conduct;
  - (g) refer to a case pending in a court of law in such a way as might prejudice the case;
  - (h) seek, within a debate, to re-open discussion of, a decision of the States made within the preceding 3 months, unless the debate is upon a proposition to rescind the decision; or
  - (i) refer to any individual who is not a member of the States by name, unless use of the individual's name is unavoidable and of direct relevance to the business being discussed.