

PRIVILEGES AND PROCEDURES COMMITTEE

(84th Meeting)

3rd September 2008PART A

All members were present, with the exception of Deputy G.C.L. Baudains, from whom apologies had been received.

Connétable D.F. Gray of St. Clement - Chairman
 Senator M.E. Vibert
 Connétable K.A. Le Brun of St. Mary
 Deputy S.C. Ferguson
 Deputy J. Gallichan
 Deputy I.J. Gorst

In attendance -

M.N. de la Haye, Greffier of the States
 P. Monamy, Acting Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A and Part B.

Minutes.

A1. The Minutes of the meetings held on 23rd July (Part A and Part B), 25th July (Part A only) and 6th August 2008 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

States meeting
 dates for 2009.
 1240/2(72)

A2. The Committee considered a paper, dated 14th August 2008, prepared by the Greffier of the States setting out a schedule of proposed meeting dates for the States during 2009.

The Committee recalled that it had previously decided that, as a matter of principle, States meetings should not take place during school holidays if at all possible. Having taken into account the requirements of Standing Orders, the Committee noted that the first meeting of the first session would be held on 20th January 2009, with the normal 2-weekly cycle thereafter, interrupted only by the February half-term, the Easter break and the half-term holiday at the end of May. The second session would commence on 8th September 2009, with the States meeting on only the morning of 10th September (because of the International Air Display) but also on Friday 11th September, if necessary. Thereafter the normal 2-weekly cycle of meetings would resume, with the session ending on 8th December 2009.

The Committee, having considered the desirability of including a coloured chart in the document to be presented to the States, agreed its inclusion and asked for the report to be presented to the States on 9th September 2008.

Data Protection
 Register:
 registration of
 electoral
 candidates -
 access and use of
 electoral register.
 939/1(69)

A3. The Committee, with reference to its Minute No. A6 of 6th August 2008, considered a response from the Data Protection Commissioner to queries which the Committee had raised regarding fees for the use by States members of the electoral register database and data protection requirements for such members.

As regards the possible revision to the fee to accompany notification, it was noted that the Data Protection Commissioner advised that, as a technical matter, there might be scope for the States to make new Data Protection (Notification) (Jersey) Regulations 200- pursuant to Articles 18(6) and 26(1) of the Data Protection

(Jersey) Law 2005 based on an amended version of the 2005 Regulations. As a matter of process, it was suggested that it might be appropriate for discussions to be held with the Minister for Treasury and Resources and/or relevant officers prior to proceeding. It was noted that there were minor budgetary issues and more significant policy issues relating to differential treatment in relation to different groups.

It was noted that the Data Protection Commissioner had indicated that the obligation relating to notification was upon the data controller (i.e. the person/organisation processing personal data), not the regulatory authority. It was recognised that the Data Protection Commissioner, in working with limited resources to ensure that all members of the community were aware of their obligations, made available on the Data Protection website specific guidance for States members. It was noted that the Judicial Greffier had been provided with a link to the relevant guidance notes on the basis that the Data Protection Commissioner considered that it would clearly be helpful if data protection requirements could be raised with candidates at the earliest opportunity.

In commenting on the induction programme for new States members, the Data Protection Commissioner indicated that her previous attempts had met with a rather mixed response and, at present, and for a variety of reasons, no commitment could be given to participating in such a programme. However, it was confirmed that it would be useful for a copy of the guidance notes for States members to be included in any information pack distributed.

The Committee noted the position and the Greffier of the States undertook to have further discussions with the Data Protection Commissioner on these and related issues.

States Members' Remuneration Review Body: reconstitution - re-advertising of vacancies.
1240/3(86)

A4. The Committee, with reference to its Minute No. A2 of 26th June 2008, having recalled that it had decided to reconstitute the States Members' Remuneration Review Body, further recalled that an advertisement had been placed during August 2008 in the Jersey Gazette seeking expressions of interest from persons who wished to be considered for membership.

The Committee was disappointed to note that, to date, only 4 applications for membership of the Review Body had been received.

The Committee, having recognised that the previous advertisement had been placed during a busy holiday period, agreed that advertising of the vacancies should be undertaken - possibly by means of a press release and/or being featured on local radio - decided to give further consideration to the re-appointment of existing members and/or the appointment of new members once the names of all applicants were available.

The Greffier of the States undertook to write to existing members of the Review Body in order to determine their interest in again offering their services in that capacity.

Draft Amendment No. 9 of the Standing Orders of the States of Jersey: approved for lodging 'au Greffe.'
450/2(9)

A5. The Committee, with reference to its Act No. A3 of 25th July 2008, considered a paper dated 26th August 2008 prepared by the Greffier of the States concerning proposed amendments to Standing Orders arising principally from the recommendations of the Machinery of Government Review.

The Committee recalled that it had previously approved a number of amendments for lodging 'au Greffe' once H.M. Attorney General had advised that there were no human rights issues arising from the proposed changes. The Committee, having noted however that the advice requested was unlikely to be received until after mid-September, agreed that it would be unwise at this stage to proceed with the amendments relating to suspension, involving changes to the periods of suspension

and associated matters such as the loss of remuneration during suspension.

The Committee recognised that in order to allow those amendments which related to the appointment of Ministers, etc. to be lodged 'au Greffe' in time for debate on 21st October 2008 (the last available sitting on which to do so) the Law Draftsman had separated the amendments into 2 parts. The Committee accordingly considered the amendments and the accompanying report which related to those amendments which could proceed without the advice of the Attorney General.

Having noted those amendments which might be considered to be contentious, the Committee accordingly approved the draft projet and asked that it be lodged 'au Greffe' on 5th September 2008 for consideration by the States on 21st October 2008.

Date of next meeting.

A6. The Committee noted that its next meeting would be held on 24th September 2008 at 9.30 a.m. in the Le Capelain Room, States Building, Royal Square, St. Helier.