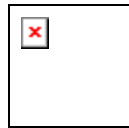


ACCESS TO THE DRAFT PUBLIC ACCESS TO OFFICIAL INFORMATION: CODE OF PRACTICE

**Lodged au Greffe on 23rd February 1999
by Senator S. Syvret**



STATES OF JERSEY

STATES GREFFE

175

1999

P.28

Price code: A

PROPOSITION

THE STATES are asked to decide whether they are of opinion -

to direct the Special Committee on Freedom of Information to supply without delay a copy of the most recent draft of the Code of Practice on Access to Information held by Public Authorities to any States member who so requests.

SENATOR S. SYVRET

Report

I wrote to Deputy Le Main, the President of the Special Committee on Freedom of Information, requesting that he supply me with certain information, including a copy of the most recent draft of the proposed Code of Practice on Freedom of Information (see Appendix). In response he spoke to me on the morning of 16th February stating that his Committee intended to publish the Code early in March. He however refused to supply me with a copy of the draft and went so far as to assert that I did not have a right to information held by the Committee.

I regard as profoundly alarming this apparent ignorance of the opinion given to the States by the Attorney General on 2nd June 1987, which opinion held that "a member has a clear right of access to Committee minutes and papers in custody of the Greffier and a right of access to other information in the possession of a Committee unless there are good grounds for denying access". It is extremely difficult - to say the least - to conceive of any legitimate "good grounds" for denying interested members access to a draft code of practice on freedom of information. The irony is apparently lost upon the President of the Special Committee on Freedom of Information.

As the originator of the present development by the States of a freedom of information policy, I have a long-standing legitimate interest in this subject and can see no legitimate reason why I or any other member of the States should be refused access to a draft of the proposed Code simply because the Committee intend to publish it at a future date. The present situation is simply beyond parody.

There is a broader issue here than simply this particular refusal to supply information. It is of transcendent importance if members are to adequately discharge their public duty that they have ready access to information without having to contend with obstruction and obfuscation. This fact was acknowledged in the Attorney General's opinion of 2nd June 1987 which stated "Because individual members of the States do not necessarily have researchers or secretaries available to do specific research for them, access to information is vital in order that they may perform their functions as a member of the States satisfactorily". Regrettably it is now necessary to ask the States to reaffirm the essential right of individual members to information held by committees; it is also particularly sad that this action should be rendered necessary in respect of - of all bodies - the Special Committee on Freedom of Information.

APPENDIX

Deputy Terry Le Main
President, Special Committee on Freedom of Information
States Greffe
Morier House
St. Helier
JE1 1DD

Dear Sir,

I write in connection with the activities of the Freedom of Information Committee, I wish to be supplied with information in respect of the Committee's work; in particular I wish to receive a copy of the most recent draft of the proposed Code of Practice on Freedom of Information, any relevant explanatory notes and the committee's minutes since you assumed its Presidency. In respect of the Code of Practice I understand that it may be undergoing further revision. I would still nevertheless wish to receive a copy of the most up-to-date draft.

As President of the F.O.I. Committee you will no doubt be aware that as a States member I have a right to this information. I therefore look forward to receiving the information I have requested without delay.

Thank you for giving this matter your attention.

Yours sincerely,

Senator Stuart Syvret.

cc: Anne Harris, Committee Clerk.