

STATES OF JERSEY



CODE OF PRACTICE ON PUBLIC ACCESS TO OFFICIAL INFORMATION: ANNUAL REPORT FOR 2003

**Presented to the States on 27th April 2004
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.

The Code constitutes a States' policy and affects the States, States Committees and their sub-committees.

The Code confers –

- a general right of access to information held by authorities which is (a) not exempt, and (b) create 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;
- a right of access to Committee and sub-committee agendas and minutes, where these do not contain confidential information, but not to agenda support papers.

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

This report reflects the statistics of the working of the Code in its third year of operation. The introduction of the ministerial system of government will require the Code to be reviewed in the near future, a task which is being taken up by the Privileges and Procedures Committee.

Monitoring statistics

A. Applications to departments from the public

States departments are required to make an annual return regarding the number of applications from the public for personal and other information. The number of enquiries received during the year ending 31st December 2003 was as follows –

Housing Department

Number of applications which mention the Code:	0
Number of applications from private individuals:	4
Number of applications from politicians	1
Number of applications dealt with within 21 days:	5
Number of requests for which a charge was made	0

Health and Social Services Department

Number of applications which mention the Code:	57
Number of applications from private individuals:	212
Number of applications dealt with within 21 days:	203
Number of requests for which a charge was made:	3
Number of requests refused:	2
Number of appeals to President (data protection register)	1

Note: Refusals were made on the basis of (i) Exemption 3.2(c)– the requests were frivolous, vexatious or made in bad faith.

Human Resources Department

Number of applications which mention the Code:	1
Number of applications from private individuals:	1
Number of applications dealt with within 21 days:	0
Number of requests for which a charge was made	1

States Greffe

Number of applications which mention the Code:	4
Number of applications from private individuals:	2
Number of applications for academic information:	1
Number of applications for business information:	1
Number of applications dealt with within 21 days:	4
Number of requests for which a charge was made	0

NB: Those departments not mentioned made a zero return.

TOTALS FOR 2002	
Total number of applications which mention the Code:	62
Total number of refusals:	2

B. Access to agendas and Minutes

Each Committee produces its agendas in 2 parts, with publicly available matters being dealt with in Part A and confidential matters in Part B. All signed Part A Minutes enter the public domain.

Each Committee makes its Part A agendas available at convenient points in its reception area. This information together with signed Part A Minutes can also be obtained in the States' Bookshop.

In addition, certain Committees load their minutes onto their website. The establishment of the States of Jersey website has broadened the possibility of access by the general public to many types of documents prepared in the States Greffe.

Monitoring of public access to agendas and minutes has not occurred. The media, however, do use these sources of information in their news stories.

Future proposals

The Privileges and Procedures Committee, in accordance with its terms of reference, has prepared a consultation paper (R.C.15/2003) on proposals for the introduction of legislation to strengthen rights of access to official information. The Committee believes that it is time to build on the foundation provided by the current Code of Practice; it has reviewed the Code and is recommending a number of improvements, which will be the subject of a report and proposition imminently. It hopes therefore that, in future years, an Annual Report on Freedom of Information and Access to Information will be able to supply more meaningful data.