

STATES OF JERSEY



CODE OF PRACTICE ON PUBLIC ACCESS TO OFFICIAL INFORMATION: ANNUAL REPORT FOR 2005

**Presented to the States on 7th April 2006
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. A revised Code of Practice was adopted by the States on 8th June 2004.

The Code constitutes a States' policy and affects the States, Ministers and their Departments, Committees, Panels and any sub-committees and sub-panels.

The Code confers –

- a general right of access to information held by authorities which is (a) not exempt, and (b) created 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 agendas, support papers and minutes, where these do not contain confidential information.

Further to the foregoing, the Code now includes provisions which have resulted in the creation of a central 'Information Asset Register'. The purpose of the Information Asset Register is to provide the public with a single, readily accessible point of access to the following –

- (a) strategic and/or policy reports;
- (b) reports deemed to be of public interest;
- (c) third party reports or consultancy documents, which have been prepared for the authority or which are under preparation, where the cost of the report/document exceeds an amount fixed from time to time by the Privileges and Procedures Committee;
- (d) all unpublished third party reports or consultancy documents which are over 5 years old.

The names of any such reports are added by Departments to the Information Asset Register which is now maintained on the States website (www.gov.je). In the case of third party reports or consultancy documents, details of their status and cost of preparation are also included within the Register.

The Code has 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 fifth year of operation.

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 2005 was as follows –

Economic Development Department

Number of applications which mention the Code:	2
Number of applications from private individuals:	1
Number of applications from journalists:	1
Number of requests for personal information:	2
Number of applications dealt with within 21 days:	2
Number of requests for which a charge was made:	0
Number of requests refused:	1
Number of appeals to President (data protection register):	0

Note: Refusals were made on the basis of Exemption 3.2.1(b) in that the information concerned was given to the authority concerned in confidence on the understanding that it would be treated by it as confidential, unless the provider of the information agrees to its disclosure.

Education, Sport and Culture Department

Number of applications which mention the Code:	1
Number of applications from journalist:	1
Number of requests for personal information:	0
Number of applications dealt with within 21 days:	1
Number of requests for which a charge was made:	0
Number of requests refused:	0

Health and Social Services Department

Number of applications which mention the Code:	55
Number of applications from private individuals:	55
Number of requests for personal information:	55
Number of applications dealt with within 21 days:	43
Number of requests for which a charge was made:	19
Number of requests refused:	1
Number of appeals to President (data protection register):	0

Note: Refusals were made on the basis of Exemption 3.2(c) in that the requests were considered to be frivolous vexatious or made in bad faith.

Human Resources Department

Number of applications which mention the Code:	1
Number of applications from journalists:	1
Number of requests for personal information:	0
Number of applications dealt with within 21 days:	1
Number of requests for which a charge was made:	0
Number of requests refused:	0

Planning and Building Services

Number of applications which mention the Code:	1
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Number of applications from journalists:	1
Number of requests for personal information:	1
Number of applications dealt with within 21 days:	1
Number of requests for which a charge was made:	0
Number of requests refused:	1

Note: Refusals were made on the basis of Exemption 3.2.1(a)(i) in that the request constituted an unwarranted invasion of the privacy of an individual.

States of Jersey Police

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

NB: Those departments not mentioned made a zero return.

TOTALS FOR 2005	
Total number of applications which mention the Code:	62
Total number of refusals:	3

B. Access to agendas, supporting papers and Minutes

During 2005, before the abolition of the Committee system, each Committee produced 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 entered the public domain.

Many Committees took steps to make their Part A agendas available at convenient points such as a Departmental reception area. This information together with signed Part A Minutes could also be obtained in the States' Bookshop.

In addition, certain Committees loaded their minutes onto their website. The States Assembly website also enables the general public to access many types of documents prepared by the States Greffe.

On the matter of access to supporting papers, Committees were required during 2005 to ensure as far as is possible that such papers were prepared in a form which excluded exempt information, so as to ensure that the granting of public access was a straightforward matter.

Monitoring of public access to agendas, supporting papers and minutes did not occur. The media, however, did use these sources of information in their news stories.

Future proposals

The Privileges and Procedures Committee conducted an extensive evaluation of the Code of Practice on Public Access to Official Information in 2004 and published R.C.55/2004 entitled: 'Freedom of Information: Position Paper' on 21st December 2004. After a period of consultation the Committee acknowledged that the arguments in favour of introducing legislation were compelling and, as a result, lodged a proposition asking the States to agree that legislation should be drafted to replace the Code. This proposition (P.72/2005) was adopted by the States on

6th July 2005 and, after appropriate consultation, the Committee intends to bring forward the draft Law for approval later this year.