

STATES OF JERSEY



MANAGING MIGRATION: NEW MECHANISMS – PART 1, THE POPULATION REGISTER AND JERSEY NAMES AND ADDRESS INDEX (R.110/2007) – REPORT ON THE SUMMARY OF RESPONSES

**Presented to the States on 3rd June 2008
by the Chief Minister**

STATES GREFFE

Summary of Responses

PAPER ON MIGRATION POLICY

3rd June 2008

SUMMARY OF CONSULTATION DETAILS

The Chief Minister issued a White Paper on behalf of the Migration Advisory Group entitled Managing Migration: New Mechanisms – Part 1: The Population Register and Jersey Names and Address Index as a consultation paper on December 12th 2007. Consultation closed on 15th February 2008.

Although the Migration Policy was consulted upon prior to being approved by the States in 2005, more detailed development was required in order to draft the legislation and implement the policy. As such, consultation was planned in two parts, to precede law drafting, and States debate. This first consultation paper dealt with issues to be covered in the first part of the Migration law relating to registration on the Population Register and also the proposal to establish a Jersey Names and Address Index (“JNAI”).

The following questions were posed in the first round of consultation:

1. Do you support the idea of a combined registration card showing only your name, residential status and Social Security number; **or** would you prefer the card to carry more information?
2. Do you agree that allowing name and address information to be shared between States departments and Parishes will result in a better public service?
3. Would you like the States and Parishes to share even more information to improve services?
4. Would you be satisfied if the States used the information it already holds to create the new Jersey Names and Address Index, **or** would you rather provide the information afresh?
5. Do you think the registration procedures for new arrivals will be effective?

CONSULTATION PROCESS

States members were given a short overview at a States Members briefing on 19th November 2007. A press briefing was held on 12th December, the day the consultation paper was launched. Copies were placed in Parish halls, the Public Library, the Population Office and the Customer Services Centre at Cyril Le Marquand House.

The JEP ran articles on the proposals, especially with regard to the Data Protection aspects, on 12th, 13th, 19th and 21st December and printed an advert and ran an article on 11th February 2008 reminding the public of the pending closing date. The Chair of the Migration Advisory Group (“MAG”), Deputy Gorst, was also featured in a Saturday Interview in the JEP in which he spoke of the Migration Policy.

Representatives from MAG also attended upon the Corporate Services Scrutiny Panel and the Comité des Connétables to answer their queries on the proposals in the paper.

OVERVIEW OF CONSULTATION RESPONSES

In total, 8 responses were received from organisations and members of the public.

This number of responses is both surprisingly and disappointingly low. It can perhaps be explained by making a number of assumptions about what people think:

- (i) that States' departments already share personal data;
- (ii) that the majority of people are used to giving out their personal details to business organisations and these proposals do not raise concern;
- (iii) that the majority of people are used to having cards bearing their name and/or a photograph and other details, e.g. bank and credit cards; frequent traveller and club cards so the proposed combined registration card is not of concern;
- (iv) that people feel they have consulted already on the Migration Policy;
- (v) that no strong opposition exists to the proposals;
- (vi) that the questions were not adequately phrased.

Details of the responses are provided in the Summary of Responses section below.

SUMMARY OF RESPONSES

A number of responses did not provide specific replies to the questions. The chart below records the clear responses that were given.

No.	Question	Yes	No
1	Do you support the idea of a combined registration card showing only your name, residential status and Social Security number; or would you prefer the card to carry more information? <i>(See (vii) below)</i>	5 2	
2	Do you agree that allowing name and address information to be shared between States departments and Parishes will result in a better public service? <i>(see (ix) below)</i>	4	3
3	Would you like the States and Parishes to share even more information to improve services? <i>(see (viii) below)</i>	2	2
4	Would you be satisfied if the States used the information it already holds to create the new Jersey Names and Address Index, or would you rather provide the information afresh? <i>(See (i) below)</i>	4 1	
5	Do you think the registration procedures for new arrivals will be effective? <i>(See (iv) below)</i>	3	1

However, respondents did put forward a considerable number of observations and suggestions for consideration. These are recorded in the following sections as it is felt they provide a clearer picture of the nature of the responses received than the chart above.

The issues arising from the meetings held with the Corporate Services Scrutiny Panel and the Comité des Connétables are also included in the respondents' comments sections below. Many of the issues they raised were reflected in the general comments made by the other respondents.

General comments:

- (i) JNAI database
- (ii) Fields of data
- (iii) Data security
- (iv) Issues around registration
- (v) Access to and management of the information on the JNAI
- (vi) De-registration from the JNAI
- (vii) Issues around the combined registration card
- (viii) Sharing of Information
- (ix) A more efficient public service?
- (x) Part 2 – Housing and Regulation of Undertakings issues
- (xi) General

(i) The JNAI database:

- Five respondents agreed that the JNAI should be established.
- Two respondents raised the issue of who would be responsible for the JNAI and one suggested the Chief Minister.

- Four agreed that the JNAI should be established using current data, three specifying that verification procedures would be important.
- One respondent specified that people should not have to provide data already held by the States.
- One respondent suggested that the JNAI be established using the data from the next census.
- Another, though not totally disagreeing with the current proposals asked how much collecting new data to create the JNAI would cost.
- Two asked questions about how much it will cost to establish and maintain the JNAI.
- Another asked if a delay in the implementation of the Migration Policy would result if new data was collected specifically for the JNAI.
- One raised concerns about the amount of data to be “matched” as part of the data creation exercise whilst another, although preferring the creation of a new database, said it would take too long and would only create another database (as opposed to a merged one).
- One respondent asked how it would be certain that all those living in lodging houses would be registered if the JNAI was created using the proposed alignment method.
- One respondent sought further information on previous States’ experience of using the alignment software.
- One asked whether out-sourcing the creation of the JNAI had been considered.

(ii) Fields of data on the JNAI:

- Three respondents were satisfied with just the limited number of fields indicated in the paper.
- One felt that there should be additional data fields for multiple addresses and also e-mail and phone numbers stating that in this day and age having a facility for only written communication was outdated.
- Clarity was sought that the references to the “thin set of data” and “name and address data” did comprise just these fields. It was felt that any additional data fields should be ones common to departments.
- One respondent raised concerns that the addition of other data fields would raise the danger of the exponential misuse of the JNAI – one respondent stressed the need for the fields in the JNAI to be established in primary law in order to safeguard against expansion of the JNAI.
- One respondent suggested a “States Private/States Common” approach whereby all departments, including the police, should share common information such as the fields proposed, but that data strictly relating to the department’s work “departmental data,” could be classified as “States Private” and remain accessible only to those authorised in the department.
- One respondent advised against having one “mega database” with all information on it. The view was that departmental data would be more secure if retained in separate departmental databases and if data about an individual was stored by reference to his/her security number it would not be readily identifiable if lost.
- One respondent believed that there was a general public interest in keeping to a minimum the amount of data on any central database for security reasons.
- One respondent stated there was no concern about what personal details were available.
- One felt that the data was far more sensitive than that in the phone-book – it was the type of data commonly used in credit-referencing/identification and was therefore ideal for identity theft.

(iii) Data security:

- Six respondents referred to the need for strict data security to be in place with two respondents referring to recent loss of data cases in the UK.
- Additional information was asked for regarding how the JNAI would be managed.
- One respondent asked whether the Data Protection Law applied to the States.
- Two respondents raised concerns as to the security of other data stored on departments’ databases.
- One respondent felt that the Chief Minister’s department should be responsible for the security of the JNAI and for the use of the data on it across all departments.
- One respondent wanted to see sanctions imposed for breaching the Law and suggested

imprisonment and fines. Sanctions would “need teeth”.

(iv) Issues around registration:

- One respondent asked how a new arrival could access accommodation without a card but also, how could he/she register without an address?
- Two respondents suggested that many people arrive to live and work in Jersey at present without registering. One suggested that arrivals should be asked their address at ports of entry as in other jurisdictions.
- One respondent wished to see registration used as a means to bar entry to those with criminal convictions and another saw a use for the card with regards crime prevention and security (see below).
- One respondent wanted to know which address would be used for registration purposes – the correspondence address or the residence address.
- One respondent felt that those already in possession of a Social Security card should not need to register at all as their details will be transferred automatically onto the JNAI.

(v) Access to and management of the information on the JNAI:

- Three respondents wanted greater clarity on the processes to be involved.
- The need for the JNAI to be maintained so as to keep the data accurate was raised.
- One respondent felt that a register should be maintained giving details of all departments accessing and using the JNAI and showing how the information is used.
- One respondent suggested that it might be sensible for departments to re-apply for use of the JNAI data every 3 years to ensure greater control over use.
- One respondent stated that individuals should have the right to view their data and request changes.
- One respondent suggested that the Superintendent Registrar have a rôle in maintaining the JNAI by recording births, deaths and marriages.
- Two respondents expressed concerns that it would be difficult to track those moving around in the unqualified sector. One suggested that the onus should be placed on house owners to register tenants with fines for those who did not.
- One respondent stated that the law should be clear on how the JNAI could be accessed and downloaded. It was felt unacceptable that large amounts of personal and sensitive data might be downloaded onto removable storage or laptops.
- One respondent suggested that access to the central register should only be lawful via encrypted and secure links.

(vi) De-registration:

- Two respondents sought confirmation of the processes around de-registration.
- One felt that asking people to notify of their departure was a non-starter although thought that the flagging up of “no activity” might be of help.

(vii) Issues around the combined registration card:

- Five respondents felt that the registration cards should contain details of only name, residential status and social security number.
- One respondent was concerned about safety and integrity of the systems holding any more data and identity theft.
- Three respondents felt that the registration card should have a wider use:
 - (i) it could, in this day and age, be used for crime prevention and security purposes and could be used abroad to access records back in the Island, e.g. if someone fell ill abroad they would be able to access medical records;
 - if this were to be the case it was suggested that the cards should incorporate higher levels of technology than currently suggested, e.g. electronic or biometric features;
 - (ii) it could be used as a proof of age, e.g. by 18–21 year olds wanting to access a pub;

- (iii) a plastic ID card, like a driving licence should be mandatory for all.
- One respondent did not want the card designed as an identity card and questioned whether a debate on identity cards would be held.
- One respondent felt the card might be open to abuse if there was no photograph, e.g. someone gaining housing using someone else's card.
- Another felt that having a photograph was of little value but that if the card were to incorporate electronic or biometric features, misappropriation of the card would have little value once the card was checked.
- One respondent was concerned that not everyone would have a passport to prove their identity.
- One respondent felt that the issue of the registration card was irrelevant and that the proposals would work so long as the identity of the individual could be established using an appropriate form of identity.
- One respondent felt that although the use of the social security number as the unique identifier was adequate it really did not matter what identifier was used so long as it could be used consistently across all States systems.
- One respondent stressed the need for the information on the registration card to be established in primary law in order to safeguard against expansion.

(viii) Sharing of Information:

- Two respondents felt that greater sharing of information between States and the Parishes was acceptable but:
 - one felt it may be beneficial as the parishes may have records that could help feed changes into the JNAI and so help maintain it and result in individuals being able to notify changes more easily;
 - the other felt that sharing data was acceptable only of common data that both parishes and departments had legal authority to use so as to remain compliant with Data Protection legislation.

(ix) A more efficient public service?

- Two respondents felt that a more efficient service would result whilst two others agreed the JNAI was needed.
- One respondent felt that the Chief Minister's Department should be responsible for ensuring increased efficiency across the States, derived from using the single data source.
- Three respondents were doubtful as to whether increased efficiency would result – one because the JNAI would contain only minimal information and each department would still have to maintain its own data, two sought specific evidence to support the claim, and one because of concerns about maintaining the accuracy of the JNAI.

(x) Part 2 – Housing and Regulation of Undertakings issues:

- One respondent expressed concern that the new proposals would be more intrusive on business.
- One thought the proposals would mean that those who currently have housing consent would need to apply for it when transacting in future.
- One sought greater clarity on the way the RUD regulations will work under the new Law.

(xi) General:

Some additional general comments were received about the Migration policy.

- One respondent believed that there are no accurate statistics on the numbers of people in the Island. Doubt was expressed as to whether controls at the Airport and Harbours did adequately monitor numbers and that cancellation of the last scheduled census had been a mistake. The immigration experiences of the UK need to be noted.
- One suggested that annual totals need to be capped and criminals deported immediately upon completion of their sentence.

- One suggested that the licensing of individuals was sufficient and that employers need not be licensed as well. The Migration Law was seen as an opportunity to create fairer housing rights for all residents.

MIGRATION ADVISORY GROUP'S RESPONSE TO THE CONSULTATION

The responses that were received were welcome, and the issues and concerns raised are recognised as valid ones.

However, it is a concern that the number of responses to this consultation was very low.

While some comfort can be taken that these proposals do not arouse strong objections, it is considered reasonable and sensible to continue to seek views on what are important initiatives. Further comment is particularly sought on the combined registration card, and the issue of sharing in a confidential manner name and address information between Departments.

As such, it is proposed that a States debate on the JNAI and Part 1 of the Migration Law take place early in 2009, at a time of the newly constituted Council of Ministers choosing – with a newly elected Chamber making these key decisions.

In the meantime –

- The Draft Jersey Names and Address Index (Jersey) Law 200- and the Draft Migration (Jersey) Law 200- Part 1 will be published in the summer of 2008 for further consultation.
- Questions will be posed in the 2008 Jersey Annual Social Survey, in particular around the proposed introduction of a combined registration card.
- Consultation will take place on Part 2 of the New Migration Mechanisms, dealing with Housing Law and Regulation of Undertakings issues, in the summer of 2008, as previously planned, and will be debated in early 2009, also as previously planned.

As well as further opportunity for public comment, this approach will allow greater opportunity for the mapping-out of processes, structures, and technical solutions that will support the new mechanisms. This work will enable a more informed debate, which can only be beneficial for a proposal of this nature.

Issues about the security and maintenance of data in information systems are of paramount importance, and increasingly topical as a result of events in the United Kingdom. Likewise, the United Kingdom is developing its own policies around identity cards and a population register. Whilst there are no plans to introduce an identity card under these proposals, we will be monitoring developments in the United Kingdom, in particular, around the population register, as invariably, lessons can be learned. This is considered prudent and sensible.

This approach will also ensure that the debates on all aspects of the new policies can be held in a short space of time early in 2009, and voted upon by the same Assembly.

The advantages of this approach are clear. The implications for the timetable are being finalised and will be reported in more detail in due course, with original commitments being met as far as is practical.

While these new policies are being developed, the existing Housing Law and Regulation of Undertakings and Development Law will continue to be administered by the Population Office under the guidance of the Migration Advisory Group in the pursuance of States objectives – with all businesses continuing to need a licence to commence and engage staff, and all persons continuing to need their housing qualifications in order to buy or lease property.

The Migration Advisory Group also look forward to continuing to work with the Corporate Services Scrutiny Panel and the Comité des Connétables, both of whom provided helpful comments during the consultation.

We also continue to firmly encourage comments from all sectors of the community.

Deputy Ian Gorst, on behalf of the Migration Advisory Group.