

STATES OF JERSEY



FREEDOM OF INFORMATION: EXTENSION TO COMPANIES OWNED OR CONTROLLED BY THE STATES

**Lodged au Greffe on 16th September 2014
by the Deputy of Grouville**

STATES GREFFE

PROPOSITION

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

- (a) to agree that the scope of the Freedom of Information (Jersey) Law 2011 should be extended so that it applies to –
 - (i) Andium Homes, the States of Jersey Development Company, Jersey Post, Jersey Telecom and all other companies wholly-owned by the States;
 - (ii) the Jersey Electricity Company, Jersey Water and all other companies in which the States hold a controlling interest as majority shareholder;
- (b) to request the Chief Minister to bring forward for approval the necessary legislation to give effect to the proposal, with the measures to come into force as soon as practicable after the coming into force of the Freedom of Information (Jersey) Law 2011;
- (c) to request the Chief Minister to investigate the feasibility and desirability of further extending the scope of the Law to other entities that receive a majority of their funding from the States, and to report back to the States with recommendations within 6 months.

DEPUTY OF GROUVILLE

REPORT

I believe many Members were shocked to learn that the Freedom of Information Law does not extend to States-owned bodies. Indeed, when Members have passed propositions such as the transfer of Housing stock into entities such as Andium Homes, it was with some comfort that there was a belief that access to information could be achieved when deemed necessary.

I believe States Members would have taken a very different view when transferring States-owned assets into independent entities, if they had thought these organisations would not be subject to the same degree of transparency and laws governing freedom of information, as States departments themselves.

I cannot imagine that well-run and managed States-owned and partly-owned entities would have any issue with the Freedom of Information Law being extended to them.

After all, it is the Jersey taxpayer who has funded these bodies and owns the assets they manage and administer. I therefore can see no reason whatsoever, why these entities should not disclose information that is required by those who, in effect, own them.

I had thought there might have been reasons for not disclosing certain pieces of information that may have been of a commercially sensitive nature. But in actual fact, the Law does not give a blanket right to information. There are a number of exemptions that can be invoked, which would cover commercially sensitive material for example, and the entities would be able to use those exemptions as and when required.

I am also asking the Chief Minister to come forward with recommendations to the feasibility of including other States-funded bodies, such as the Jersey Appointments Commission, the Jersey Financial Services Commission, and many others that could be included.

Financial and manpower implications

There are no direct financial or manpower implications for the States of Jersey arising from this proposition. However, there will be financial and manpower implications for the States-owned body, or partly-owned body, in the form of time spent for the allocated member of staff to collate the information, when a Freedom of Information request is made.