

STATES OF JERSEY



FREEDOM OF INFORMATION: EXTENSION TO COMPANIES OWNED OR CONTROLLED BY THE STATES (P.149/2014) – COMMENTS

**Presented to the States on 24th November 2014
by the Council of Ministers**

STATES GREFFE

COMMENTS

The Council of Ministers strongly supports openness and transparency in government.

Ministers are preparing for the introduction of the Freedom of Information (Jersey) Law 2011 (FOI) on 1st January 2015, and have been placing increasing amounts of information into the public domain.

FOI will enhance how we are perceived by the public we serve and demonstrate our commitment to being transparent about the decisions and services that affect Islanders.

The Law is being introduced a year earlier than envisaged. As confirmed by the States Assembly in the summer, the first group of public authorities to be covered under the FOI Law will primarily be government departments.

Andium Homes have been brought within the scope of the Law from the start as they are a service provider of affordable homes for the more vulnerable in our society, not a commercial enterprise, and because they were a government department until recently.

The Parishes will be included before the end of 2015 and other public authorities will be included in a phased manner as the impact of the Law is assessed.

In addition, the information that government itself holds on companies owned or controlled by the States of Jersey will be covered by the Law.

However, these companies largely operate in a commercial environment and we should be wary of imposing on them higher costs and more rigorous requirements than on their competitors. We should also be wary of the reaction of suppliers and business partners, and the need for these companies to be independent of government in operational matters so they can achieve the value we expect from our investments.

It was for these reasons that the Privileges and Procedures Committee, when lodging the Law (P.39/2011), was clear that these companies should not be included.

Accordingly, at this time and pending experience of the Law and further examination, the Council of Ministers rejects this proposition. The Council of Ministers will report to the Assembly on these matters by 30th June 2015 in more detail.