

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY DEPUTY J.H. YOUNG OF ST. BRELADE  
ANSWER TO BE TABLED ON TUESDAY 3rd JUNE 2014**

**Question**

Would H.M. Attorney General inform the Assembly whether the Public Finance Legislation and/or States of Jersey Law and Standing Orders provide a statutory or legal authority which would enable or require the disclosure by the Minister for Planning and Environment of information which is presently held by him, including individual property addresses; information which presently falls within the Data Protection (Jersey) Law 2005, on publicly funded grants made by him to property owners and tenants to carry out energy conservation work to these properties, for which the address of the premises to which these works have been carried out, has been withheld by the Minister?

**Answer**

The Public Finances (Jersey) Law 2005 places duties on Ministers and Accounting Officers for States funded bodies to ensure the proper financial management of those bodies resources. It is the duty of the Comptroller and Auditor General to provide the States with independent assurance that the public finances of Jersey are being regulated, controlled and supervised and accounted for in accordance with the Law. The Controller and Auditor General reports to, inter alia, the States Assembly on these matters and under the Public Finances (Jersey) Law 2005 has powers to require access to information held by States funded bodies for the purpose of fulfilling those functions. However there are no disclosure obligations on States funded bodies or the Comptroller that would require disclosure of the type of information the question refers to the States or public at large.

The Freedom of Information (Jersey) Law 2011 is due to be brought into force at the beginning of 2015. In the meantime, the Code of Practice on Access to Information (“the Code”) applies to information held by the Minister for Planning and Environment and his Department. Under the Code the Minister and his Department are required to disclose information in their possession on request, except where an exemption applies. Information is exempt from disclosure if its disclosure would, or might be liable to, constitute an unwarranted invasion of privacy for an individual.

The handling of any particular request for information needs to be considered on its own merits and considering the nature of the information at hand. However, it is doubtful whether it would be appropriate to disclose the names and addresses of property owners who have benefitted from the energy conservation grants under the Code. Such information is likely to be personal data for the purposes of the Data Protection (Jersey) Law 2005 and any disclosure of that information under the Code could only take place in accordance with the provisions of that Law. In the absence of the consent of the subjects of this information or of a compelling public interest in its disclosure, it is not apparent that disclosure could take place in accordance with the Data Protection (Jersey) Law 2005.