

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY J.M. MAÇON OF ST. SAVIOUR
QUESTION SUBMITTED ON MONDAY 25TH OCTOBER 2021
ANSWER TO BE TABLED ON MONDAY 1ST NOVEMBER 2021**

Question

Will H.M. Attorney General advise what legislation, if any, exists in Jersey to state that individuals of alleged crimes who have not been charged should not be named, nor have their occupation identified publicly by the police, civil service, media or others; and what provisions, if any, there are for the protections of such individuals' identity?

Answer

No legislation in Jersey expressly prescribes that individuals who have not been charged must not be named.

The following legislation may be relevant when considering the protections of pre-charge suspects:

Data Protection (Jersey) Law 2018

Human Rights (Jersey) Law 2000

Further, an individual may have grounds to claim in the tort of defamation if they can prove damage to their reputation depending on the facts of the specific case.

Case law in England and Wales has held that an individual has a reasonable expectation of privacy in relation to a police investigation where it extended to the search of that individual's home. The case attracted media interest as to whether it affected the ability of journalists to report on police investigations. Human rights legislation requires a balance to be struck between the right to respect for private and family life and freedom of expression. Such case law is likely to be of persuasive authority to Courts in Jersey but is not binding precedent.

In England and Wales, a Private Members' Bill (the Anonymity (Arrested Persons) Bill) originated in the House of Lords (1st Reading, January 2020). The Bill proposes the introduction of a criminal offence which would criminalise anyone who published information which identified a person who has been arrested for an offence without charge.