

2.4 Deputy R.G. Le Hérissier of the Chairman of the Privileges and Procedures Committee regarding alternatives to a Freedom of Information Law:

Given the Committee has announced intention not to proceed with the Freedom of Information Law, would the Chairman identify the alternatives which will be put forward?

Connétable D.F. Gray of St. Clement (Chairman, Privileges and Procedures Committee):

P.P.C. (Privileges and Procedures Committee) has not stated that it does not intend to proceed with an F.O.I. (Freedom of Information) Law. It does however have concerns in connection with value for money, as stated in my reply to the Deputy's oral question on 29th January. The introduction of any legislation is not a step taken lightly. It is usually done to remedy a problem. P.P.C. has not been provided with evidence that there is currently a problem and, given the low number of appeals - only 2 over a 6-year period, and the complete absence of any application to the Complaints Board, this being a final independent appeal stage - the Committee finds it difficult to recommend that the States spend £500,000 a year to introduce a law. As I also stated on 29th January, it is possible that part of this £500,000 is necessary to enable departments to comply with the Public Records Law introduced in 2002 and the F.O.I. Law is not solely responsible. Nevertheless, P.P.C. felt it would need to provide the States with compelling evidence that the code is not working or could not be improved at lower cost. The Committee does not dispute that the F.O.I. law is desirable. It is currently trying to establish whether it is essential and whether any of the cost identified by the departments are in fact more properly attributable to the implementation of either the Public Records (Jersey) Law 2002 or are existing costs to the current code of practice on public access to official information.

2.4.1 Deputy R.G. Le Hérissier:

Would the Chairman, on the basis of that evidence, therefore say categorically, he will not be proceeding with the Freedom of Information Law?

The Connétable of St. Clement:

No, I cannot say that, Sir.

2.4.2 Deputy R.G. Le Hérissier:

Would the Chairman acknowledge that in answers to me on 16th July of last year, he spoke - or the Committee spoke - very positively and analysed the law and analysed how it could be simplified? They have now committed a u-turn since the provision of that information.

The Connétable of St. Clement:

We have not committed a u-turn.

2.4.3 Senator S. Syvret:

Could the Chairman of P.P.C. explain to the Assembly what methodology or what independent peer review his Committee has commissioned or undertaken to assess the validity of the alleged costs of the law which are put forward by the different departments of the States? It is standard practice in the introduction of F.O.I. laws that all government departments grossly over inflate the likely costs and I would have expected the P.P.C. to have undertaken an independent peer review of those assertions. Have they been?

The Connétable of St. Clement:

We have not at the moment instituted a private or independent process but it is something that the Committee will review.

2.4.4 The Deputy of St. Martin:

Will the Chairman not accept that the House has approved the Freedom of Information Law and is incumbent on his Committee to bring to the States for the House to agree it, not for P.P.C. to keep it under wraps?

The Connétable of St. Clement:

I do agree, Sir.

2.4.5 Deputy C.J. Scott Warren of St. Saviour:

Will the Chairman accept that sometimes the cost of legislation should be considered as secondary to the importance of the provision of the law, such as in this law? Thank you, Sir.

The Connétable of St. Clement:

I think that is what we are trying to do, Sir. Investigating the exact cost of this law by asking the relevant people.

2.4.6 Deputy C.J. Scott Warren:

I am sorry, I think I have been misunderstood in my question. I asked whether the cost should be put as secondary in the fact that an important law, really - a law such as this that has been agreed by the States - should be paramount to putting the cost above the law, which appears to be the case from this Committee. Thank you.

The Connétable of St. Clement:

I do not think we are putting the cost above the law at all. As I said before, the P.P.C. is committed to introducing a Freedom of Information Law but once we establish that it is affordable and relevant.

2.4.7 Deputy G.P. Southern:

Does the Chairman accept that all parts of this House are firmly committed to freedom of information and will he commit himself to bringing a law to the House in this session so that this House can make up its mind?

The Connétable of St. Clement:

It will be for the Committee to decide.

2.4.8 Deputy R.G. Le Hérissier:

Would the Chairman not admit that it seemed very strange that the estimates for the complex law and the simplified law were both £500,000? Would he not accept this is very strange?

The Connétable of St. Clement:

Yes, we do accept that and that is why we are looking into it further.

2.4.9 Deputy R.G. Le Hérissier:

A date as to when the look-in will be completed?

The Connétable of St. Clement:

I will give you that.