

**WRITTEN QUESTION TO THE CHAIRMAN OF PRIVILEGES AND PROCEDURES
COMMITTEE BY THE DEPUTY OF ST. MARTIN
ANSWER TO BE TABLED ON TUESDAY 7th JUNE 2011**

Question

Following the Privileges and Procedures Committee's comments on P.69/2001 (Standing Orders; Publication of Register of Members' interests), will the Chairman advise -

- (a) the name of the States Member who submitted correspondence;
- (b) when the correspondence was received;
- (c) when was it considered by the Committee and, if a vote was taken on the outcome, detail the vote;
- (d) what were the Member's concerns particularly regarding security implications for States Members and their families;
- (e) how could the published information be misused and what evidence is there of misuse in other jurisdictions;
- (f) why might the publishing of Members' Interests online discourage people from standing for office, when they are available at Morier House already;
- (g) whether the Committee undertook research as to whether risk assessments and data protection implications were undertaken before the States of Guernsey, the UK House of Commons, the Scottish Parliament, the National Assembly for Wales and Eire agreed to publish registers of members' interests on line, and, if so, what was the outcome;
- (h) whether the Committee shares the views expressed to it that a risk management report and review of data implications should be undertaken prior to a decision to publish the register online?

Answer

- (a) The member who raised concerns with the Committee has stated that they did so in confidence. Their identity is therefore confidential in accordance with paragraph 3.2.1(a)(i) of the Code of Practice on Public Access to Official Information, which reads as follows: "Information shall be exempt from disclosure, if – [...] such disclosure would, or might be liable to – constitute an unwarranted invasion of the privacy of an individual;" and paragraph 3.2.1(b) of the Code, which reads as follows: "Information shall be exempt from disclosure, if – [...] the information concerned was given to the authority concerned in confidence on the understanding that it would be treated by it as confidential, unless the provider of the information agrees to its disclosure."
- (b) The correspondence was received via email to the Chairman and Senator B.I. Le Marquand on 5th May 2011.

- (c) The correspondence was considered at a meeting of the Privileges and Procedures Committee on 10th May 2011 when it was agreed that a draft comment in respect of the proposition P.69/2011 should be prepared. The draft comment was considered at a Committee meeting on 24th May 2011, at which time it was approved for presentation to the States by Deputy J.B. Fox; Senator S.C. Ferguson and Connétable P.M. Hanning; with the dissent of Deputies J.A. Martin and T.M. Pitman being recorded in respect of the final paragraph.
- (d) Concerns were expressed as follows:
- putting the information on a website could prevent people from standing for office on the grounds that they would be required to disclose all their interests for world-wide publication on the internet;
 - the internet is not a secure location for placing information in the public domain and could put a member at risk of kidnap, for example;
 - Standing Order 154 also requires the spouse and/or partner of the States member to disclose their assets, although that person did not stand for public office.
- (e) The Committee did not seek to obtain evidence in respect of misuse in other jurisdictions, it rather sought to use its opportunity to comment on the proposition in order to advise members of the concerns that had been expressed by a fellow States member.
- (f) People might be discouraged from standing from office on the basis that they do not wish their interests to be published online.
- (g) The Committee did not undertake research as to whether risk assessments and data protection implications had been undertaken before the States of Guernsey, the UK House of Commons, the Scottish Parliament, the National Assembly for Wales and Eire agreed to publish registers of members' interests online.
- (f) The Committee did not form a view as to whether a risk management report and a review of data protection implications should be undertaken prior to a decision being taken to publish the register online.