

2.15 Deputy G.C.L. Baudains of the Minister for Planning and Environment regarding the consultation undertaken before publishing planning applications on-line:

Will the Minister advise what consultation, if any, took place before the department began publishing planning applications on line and what consideration, if any, was given to the matter of security and privacy of applicants?

Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

The answer to the question is pretty much set out in the report which accompanied the decision to introduce the revisions to the planning system to allow applications to be viewed on line but, for those Members who have not read it, I will just précis the essence. The department took advice from law officers and from the data protection officers. That answers the first part and the second part, was any consideration given to the matter of security and privacy of applicants? Yes, it certainly was. Data protection is an important issue for Members and the Island and the officers who conduct the services from departments. In presenting comments by way of representation to be published on line, the department will retain an opportunity to redact the information; if indeed some of the things that are placed in those representations fall into the exemption categories as highlighted in Appendix 1 of the Ministerial Decision report.

2.15.1 Deputy G.C.L. Baudains:

I presume from the Minister's answer that he would not agree with me that there is a concern about these matters being published on line. Where previously if a person wanted to see details, they had to personally attend the department; now anybody anywhere in the world can access these details. Is that not a security issue, especially for premises that may have a significant amount of valuables? What about a bank that wants to move its strong-room? Is this going to be on line?

Deputy R.C. Duhamel:

Certainly, as I mentioned, there are a whole host of exemption clauses, some of which, if I just read one or two: "Disclosure would be or might be liable to being exempt from disclosure if it constituted unwarranted invasion of the privacy of an individual or prejudiced the administration of justice, including fair trial in the enforcement of proper administration of the law" and so on. There are other things about causing damage to economic interest, premature release of draft policy issues and any prejudicial causes. I think the exemption clauses are probably exhaustive but if the Deputy considers that there are some exemptions that should be further added to the list, I would be happy to work with him if he so wishes.

2.15.2 Connétable S.W. Pallett of St. Brelade:

Will the on-line facility be available at Parish Halls and if so, who will be bearing the cost and will he be withdrawing the hard copies currently available at Parish Halls?

Deputy R.C. Duhamel:

The hard copies will be available at the Parish Halls alongside the opportunity to view the applications on the computer terminals that presumably reside in the Parish Halls. The costs of the whole service I understand are being borne by the department.

2.15.3 Senator L.J. Farnham:

My question has been partially answered but to be absolutely clear, is this scheme completely mandatory or can an applicant choose to opt out?

Deputy R.C. Duhamel:

Overall the Minister is seeking to introduce a system that is as open and transparent as possible and as far as possible. All representations, excepting those that fall into the exemption classes as previously indicated, will be seen as fit for publication on the internet.

2.15.4 Connétable J. Gallichan of St. Mary:

Further to the Minister's recent answer, could he confirm that, in fact, there are not necessarily any specific look-up facilities at the Parish Halls for the public to access the internet? Certainly in St. Mary we do not have it. Is the Minister aware of that and does he confirm that paper copies are available for the purpose of allowing parishioners to consult?

[11:15]

Deputy R.C. Duhamel:

I am aware that specifically there are no open terminals that are available at the individual Parish Halls but I am also aware that there are computer terminals that are used by administrative staff. Indeed, I would have thought that if anybody approaching the counter perhaps at the Parish Halls, that they would be able to turn their computer round for the persons to see them. If that is not the case, then I would be interested to receive representations from the Parishes as to whether or not the department should be assisting to offset or defray any particular costs in supplying this open and transparent service.

2.15.5 Deputy G.C.L. Baudains:

The Minister identified a commendable number of exemptions but can he guarantee that officers will check every application against all these exemptions before putting them on line or is it going to be the case that applicants will find their details online when perhaps they should not have been. Where is the appeal process for applicants who feel that their information should not go on line? I do not want to find a situation where things are online and then you have got to appeal. It is too late once the cat is out of the bag.

Deputy R.C. Duhamel:

The department obviously, and officers within that department, will, I would hope, at all times apply the exemptions in an exemplary manner. I would certainly take issue if indeed any information was put on to the internet, whereby the officers could be shown not to have been diligent in their duties, which they have to be under the law. In terms of appeals, if an applicant is aggrieved, I think there are rights of appeal through the department.