

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 29th JANUARY 2013**

Question

Will the Chief Minister break down the expenditure of the Data Protection Commissioner for (a) legal advice and (b) prosecutions over the last five years, and explain how much money has been budgeted for legal advice and prosecutions during 2013?

Will he also explain whether the Data Protection Commissioner's office is entitled to or has received any funds from the Court and Case Costs Fund and if so how much it has received?

Answer

Deputy Higgins has already raised the general issue as to monies being spent by the Data Commissioner in Supplementary Questions to a question asked by Deputy Tadier on 9th October 2012. As I explained at that time the budget for the Data Protection Commissioner is published as a non-executive Ministerial department which is approved by the Assembly and an annual report is produced from the Data Protection Commissioner's office. For information, the relevant link to the States website is www.statesassembly.gov.je/Pages/Reports.aspx.

Deputy Higgins has, on 20th November 2012, asked a question regarding the number of prosecutions brought by the Data Protection Commissioner under the Data Protection (Jersey) Law 2005. The answer I provided to this question clearly stated that prosecutions for offences contrary to the law can only be brought by, and require the consent of, the Attorney General. Details of the costs incurred arising from prosecutions under the law would be a question more appropriately directed to the Attorney General.

At the last States Sitting Deputy T. Pitman asked an Oral question relating to money spent on actions under the law. The answer my Assistant Minister gave then explicitly stated that where there are proceedings that are on-going, disclosure of information, including comment on any costs incurred which have been funded from the Court and Case Costs budget, would be sub-judice.

The Data Protection Commissioner is able to request funding for particular cases from the Court and Case Costs budget but where proceedings are on-going the disclosure of information risks being sub-judice.