

3.13 Deputy M.R. Higgins of the Chief Minister regarding compliance with the Data Protection (Jersey) Law 2005:

Will the Chief Minister advise Members what steps, if any, he is taking to ensure that States departments, the States of Jersey Police and various child protection agencies fully comply with the Data Protection (Jersey) Law 2005 with regard to answering subject access data requests and correcting factually inaccurate data held by them or updating and reassessing decisions made by them that have been based on inaccurate information?

Senator I.J. Gorst (The Chief Minister):

Under the Data Protection Law, an individual has a general right of access to their personal data, to have any inaccuracies corrected, and if unsatisfied to complain to the independent Data Protection Commissioner. I consider this to be a correct, appropriate and functioning structure and I am not aware of any information which may suggest that further steps or changes are necessary.

3.13.1 Deputy M.R. Higgins:

My question was what the Minister is doing to ensure it happens. It should not take the regulator to deal with situations, for example, with the police, who are supposed to respond within 40 days, are replying 365 days or more or not even replying at all to complaints, and both the police and child protection people are not correcting data that they have that they know is inaccurate because it shows negligence on the part of both bodies. What is the Minister doing to ensure that departments comply with the requirements and give the people the service they are supposed to be getting?

Senator I.J. Gorst:

As the Deputy knows, departments of government are expected and are bound to comply with the law that is passed in this Assembly, as I said. If the Deputy is aware of instances where that is not the case, he can take it up with the Data Protection Commissioner. I am not aware of those cases. He has just mentioned what sounded like a number of them and I assume he has taken them up with the appropriate channels. But departments are required to comply with their obligations under the Data Protection Law.

3.13.2 Deputy M.R. Higgins:

Is the Minister prepared to take those officers who are obstructing attempts to get information corrected or because it shows their own negligence before the States Employment Board and discipline for their failure to act according to the law?

Senator I.J. Gorst:

Once again, the Deputy is making allegations across the floor of the Assembly and he should be taking those concerns through the appropriate channels. If those appropriate channels find that there are failings and new structures need to be considered or changes need to be considered, then I will act upon them having had them delivered to me through the appropriate channel.