

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 17th JUNE 2014**

Question

Will the Minister set out for members -

- (a) the number of subject access requests made to the States of Jersey Police under the Data Protection (Jersey) Law 2005 for each year since 2008 together with details of how many were completed within the 40 day period stated in Article 7(11) of the Law, how many are still outstanding and the period of time they have been outstanding;
- (b) set out the number of requests seeking for information which have been refused each year in the period prescribed in (a) and the grounds for refusal;
- (c) set out the number of requests to rectify inaccurate data held by the Police for each year since 2008 together with details of how long it took for the information to be rectified or, if the information was not rectified, the reasons for not doing so?

Answer

- a) The States of Jersey Police have had 7594 subject access requests since 2008.

2008	1028 requests
2009	1232 requests
2010	1338 requests
2011	1174 requests
2012	1149 requests
2013	1211 requests
2014	462 requests to date

The States Police do not keep a central register of the timescales within which these have been answered.

To answer this part of the question would require each request to be checked individually.

There are currently five SAR's outstanding:

The earliest is from 2012 and is under discussion with the Data Protection Commissioner. One is from December 2013 for which a number of disclosures have been made, however, the request remains live due to ongoing clarifications of what is required by the data subject. Three that are current and within the 40 day limit.

- b) The States Police do not centrally keep figures for whether full or partial disclosures are made or the grounds for disclosure/non-disclosure. Those persons affected would have the option of complaining to the Data Protection Commissioner if they were unhappy with the States Police response. The Data Protection Commissioner may then direct the States Police to review the case.
- c) The States Police do not keep a central register of requests for inaccurate data to be rectified. With the written permission of the data subject they can check individual files.

Subject access requests to the States Police can pose difficulties and delays may be experienced for a number of valid reasons including:-

1. The difficulty in actually finding the relevant information in a case in which the range of the requests is wide.
2. The exemption which exists in relation to criminal investigations. Although such an investigation may not currently be active, if further information arises then the investigation may need to be re-opened.
3. The need to protect the anonymity of third parties such as witnesses, with a requirement to first seek their consent to disclosure and, in appropriate cases, to redact the information held.
4. Difficulties may also arise in relation to requests to correct information held in circumstances in which the applicant disagrees with information held in the form of a complaint or a witness statement. In such cases the very fact that a complaint has been made or a statement given may be accurate information irrespective of whether the complaint or the witness statement are factually correct.