

### **3.5 Deputy S.Y. Mézec of St. Helier of the Solicitor General regarding the disclosure of information by the Viscount's Department in the bankruptcy case of the former Deputies Pitman:**

Given that the Viscount's Department has now stated that the media were provided with information in the bankruptcy case of the former Deputies Pitman on the condition that it was confidential and could not be broadcast or published, what action, if any, is the Viscount able to take as those conditions were broken?

#### **Mr. H. Sharp Q.C., H.M. Solicitor General:**

A bankruptcy is a process that involves the Royal Court. If parties involved in an ongoing legal process are unable to resolve their differences, then it may be that the Royal Court will be invited to do so. Such matters are for the parties, possibly the court, but, with respect, this is not an appropriate subject for political debate in the States Assembly. I decline to make any further comment on the facts of a particular case.

#### **3.5.1 Deputy S.Y. Mézec:**

I am trying to keep my questions as far away from the facts of the case and simply use it to illustrate as an example. Would the Solicitor General consider the publication of personal information, including income tax details, to be a breach of Article 8 under the E.C.H.R. (European Convention on Human Rights) right to privacy and, if that is the case, what recourse would a wronged party have under Jersey law in that occasion?

#### **The Solicitor General:**

The reality of this question is I am being asked to comment on a particular case and I decline to do so.

#### **Deputy M. Tadier:**

Can I ask a point of order? If the question has been ruled in order, then surely an answer should be forthcoming to a question which is in order.

#### **The Deputy Bailiff:**

It is always open to a person who is the subject of the question to decline to answer. What consequences flow from that flow from that.

#### **3.5.2 Deputy M.R. Higgins:**

In fact, I wonder why the Solicitor General even bothers coming to the Assembly if he will not answer questions. However, can I ask him - and this is a general question, not about this particular case - can I ask what protocols or what documents there are that lay down the procedures on what should be done? If there are not any, when will they produce some?

#### **The Solicitor General:**

I do not understand the question. I do not know what protocols are being referred to or who was supposed to be producing them.

#### **Deputy M.R. Higgins:**

I will try and explain further. We have a case where data has been given out. What I would like to know is what rules are there from the Viscount's Office for giving out data, personal data or any data for that matter. What are the rules regarding the disclosure of data? Are they written down? Are they available for everybody to see? If so, where are they?

#### **The Solicitor General:**

The question just began: “We have a case where information was given out” so again I am just being asked about a particular case.

**Deputy M.R. Higgins:**

With respect, I am asking a general question. I would like to know has the Viscount’s Office published anything and where is it? Because if it does not exist, you need to know that you have got it wrong.

**The Deputy Bailiff:**

I think that last part was unnecessary, Deputy, if I may say so, but the question was a general one, Solicitor General. As it is not your department you may not know the answer to it, but the question was a general one: what protocols, if any, are available through the Viscount’s Department for the publication of data?

**The Solicitor General:**

I do not know off the top of my head. All I would say is the Viscount is, of course, accountable to the Royal Court.

**3.5.3 Deputy M. Tadier:**

Again, as a general principle, could the Solicitor General answer why one would give out information that is confidential to a third party, in this case ... perhaps a media entity, on the condition that they cannot use that for broadcasting and disseminating?

**The Deputy Bailiff:**

I am not sure, Deputy, in the light of the previous answers that you can say it is a general question when you say in this case the media.

**Deputy M. Tadier:**

Let us try again, shall we? Is it normal practice for confidential information to be given to third parties if they agree not to use it?

**The Solicitor General:**

That all depends on the facts of the case.

**3.5.4 Deputy S.Y. Mézec:**

I have the wording from my first supplementary question written in front of me and it did not specifically refer to any case. I think the Solicitor General decided he was not going to answer it before I asked it. So let us talk hypothetically. If there were a situation where the Viscount gave the media access to details, explaining it was public interest disclosure, and then one month later wrote and said: “Actually, the information provided was meant to be confidential, not for public disclosure” what recourse do members of the public have when they are messed about by States Departments like this?

**The Deputy Bailiff:**

Standing Orders prohibit the asking of hypothetical questions. We come to question 6, which Deputy Mézec will ask of the Minister for Health and Social Services. Deputy Mézec?

**Deputy M.R. Higgins:**

Sorry, I was a bit distracted by thinking about the last one.

**The Deputy Bailiff:**

Sorry, Deputy Higgins, it is not you. It is number 6. Deputy Mézec is going to ask a question of the Minister for Health and Social Services.

**Deputy M.R. Higgins:**

My apologies, I really was carried away. **[Laughter]**