

2015.09.08

4.9 Deputy M.R. Higgins of Her Majesty's Attorney General regarding the process for obtaining restricted court reports containing personal information:

Will Her Majesty's Attorney General explain to Members the process by which restricted court reports containing personal information can be obtained, by whom, and the penalty, if any, for persons who do not follow the procedure set out in his answer?

Mr. R.J. MacRae, Q.C., H.M. Attorney General:

I understand that when the Deputy refers to "restricted court reports" he is referring to reports containing personal information such as medical or psychological reports which may have been lodged with the court for the purpose of court proceedings. The Judicial Greffe does not release such reports that have been filed in relation to any criminal or civil case, and does not routinely or at all disclose medical or psychological reports to the public. Any person dissatisfied with that decision would need to make an application to the Court to seek disclosure of such a report.

4.9.1 Deputy M.R. Higgins:

A supplementary. He did not answer the question. If people do disclose the information such as personal medical material or psychological reports, what would the penalty be if someone did do that without the court's leave?

The Attorney General:

Well the Court would not permit disclosure. There would be no disclosure so there is no question of penalty arising. I suppose technically if there was unauthorised disclosure it might amount to a contempt in certain circumstances but the basic principle is that there would be no disclosure by the Court of that information if held by the court.

4.9.2 Deputy M.R. Higgins:

I thank the Attorney General for his answer. I shall be seeing the Attorney General at the end of this session as this sensitive information has been released to various people. The people concerned who released it went to the Judicial Greffe and asked what the procedure was, were told it, and still went ahead and disclosed it themselves. So I think it is an important matter from the public's point of view and the court's point of view and I will provide the details at the end of this Assembly.

The Deputy Bailiff:

Deputy, that did not sound to me at all like a question. So would you like to ask a question or not?

Deputy M.R. Higgins:

Yes, I will. Will the Attorney General meet me to discuss this matter after the Assembly?

The Attorney General:

Yes.

Deputy M.R. Higgins:

Thank you.

The Deputy Bailiff:

Thank you. [Laughter]