

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 18th JUNE 2019**

Question

Will the Minister advise members of the circumstances that lead to the destruction of some 4,000 original documents relating to historic buildings, as indicated in 'Public Records (Jersey) Law 2002: Annual Report 2018 on the work of Jersey Heritage and the Archivist' (R.66/2019), and will he further explain –

- (a) at what level the decision to destroy the records was taken;
- (b) what action, if any, was taken against the individuals concerned; and
- (c) what steps, if any, have been taken to prevent a re-occurrence;

and will the Minister assure members that no other such documents have since been destroyed, especially any that could be relevant to the ongoing investigation into alleged corruption in his Department?

Answer

While it is regrettable that a number of paper records were destroyed without being offered to Jersey Archive as required, and this is a breach of the Public Records (Jersey) 2002 Law, I think it is helpful to put this matter in context.

The documents destroyed were not important historic artefacts. These were States of Jersey officer created paper records relating to the listing of buildings in the 1980s and 1990s. These documents were scanned into the Historic Buildings electronic management system between 2004 and 2011 and are still held and available digitally. This aligns with current States of Jersey practices, to process and hold records digitally, whenever possible and appropriate.

The paper versions of these records were securely disposed of as part of the States of Jersey wide Freedom of Information (FOI) implementation programme, which commenced in 2013, after it was assessed that the data was held and available in a digital format. As part of the FOI implementation plan, retention schedules were put in place in 2015 and approved by the States Archivist. The Historic Environment retention schedule requires that all records held must be offered to Jersey Archive after 10 years if they are no longer in use. Prior to 2015 no retention schedules existed.

The destruction of these paper records was reported to Jersey Archive in normal correspondence between the department and the Archive, and as a result the Records Advisory Panel wrote to the Department Chief Officer to raise this matter and advise us of a breach. The Archive requested that copies of the data held digitally be provided to them as a matter of urgency. This data exchange has been completed.

It is worth noting that copies of some of the paper documents are held on planning application files, where a planning application has been submitted. These files are in the process of being scanned and the original documents are being offered to Jersey Archive in accordance with retention schedules.

Answers to specific parts of the question:

(a) at what level the decision to destroy the records was taken;

Decisions made in relation to the management of records and adherence to retention schedules were made by officers on behalf of the Chief Officer of the Department of the Environment.

(b) what action, if any, was taken against the individuals concerned; and

No specific action was taken against individuals. The destruction of these files was in no way malicious and is regrettable. The department has been proactive in taking steps to improve records management, most importantly the development and approval of retention schedules. The actions taken by the department were acknowledged by the Records Advisory Panel and this matter is now closed.

(c) what steps, if any, have been taken to prevent a re-occurrence;

Department retention schedules were developed and approved by the Archivist. These were reviewed with Jersey Archive in 2018, and as part of this review agreement was sought to better define what information is held digitally and in paper format. The process to transfer information from the department to Jersey Archive was also reviewed. The department discussed the 'destruction of records' process with the States of Jersey Corporate Records Manager, the Chief Executive and the Corporate Management Board at that time. It was made clear during these discussions that departments should avoid being in breach technically when undertaking digitisation processes.

In relation to the last part of the question, as far as I am aware, there is no ongoing investigation into alleged corruption within the planning service. Therefore, I am unable to comment upon the Deputy's assertion.

I can confirm that the former Department of the Environment in its new constituent parts, are managing records in accordance with agreed retention schedules, the Public Records (Jersey) Law 2002, Freedom of Information (Jersey) Law) 2011 and Data Protection (Jersey) Law 2018