

2019.03.26

## **12 Deputy M.R. Higgins of the Chief Minister regarding the practices of the Communications Directorate: [OQ.91/2019]**

Will the Chief Minister explain why the Communications Directorate routinely screens Freedom of Information Law requests from the public and edits the response to them and also issues press statements quoting Ministers, without consulting them, and will he undertake to stop such practices immediately?

### **Senator J.A.N. Le Fondré (The Chief Minister):**

The Constable of St. Ouen liaises on comms and he will be answering the question.

### **Connétable R.A. Buchanan of St. Ouen (Assistant Chief Minister - rapporteur):**

I thank the Deputy for his question. Communications Directorate does not screen F.O.I. (Freedom of Information) requests, or edit them. If an F.O.I. answer is likely to attract media and public interest, or require Ministers and senior officials to provide follow-up statements, then this will be escalated to D.G.s (Director Generals) and to Communications, to allow them to prepare the necessary briefing before it is released. This is to ensure that Ministers and senior officials are able to respond properly to the media, or to other questions that might arise. The Communications Directorate does not routinely issue press statements quoting Ministers without consulting them. All statements by Ministers and senior officials are cleared with them, prior to issuing. However, there has been one unfortunate occasion, which occurred recently, where a statement was issued by the Government press office in good faith in the belief that it had been sent to them and already been cleared by the Minister concerned, which it had not. This is a genuine and one-off mistake. All involved apologised to the Minister for Children and Housing, who himself made it clear in a public statement in the *J.E.P. (Jersey Evening Post)* that contrary to them misreporting, he had not criticised Communications.

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

I must say I feel sorry for the Constable, he is always given the tasks to try to defend the indefensible. Coming on to the idea of routinely examining and editing emails, it is taking place. There is no justification, whatsoever, for them to do so. We have set up ...

### **The Deputy Bailiff:**

Deputy, you do have to ask a question.

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

I will come to the question, Sir, because it needs to be put ...

### **The Deputy Bailiff:**

No, but you cannot make a speech then ask a question, you have to ask a question.

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

Sir, it needs to be put in context. We passed ...

### **The Deputy Bailiff:**

It has to be put in context very shortly.

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

Very well, Sir. We passed the Freedom of Information Law to make Government more open and transparent and if they are being run by the Communications office, then it is anything but, because they try to spin the answers. Will the Minister undertake to ensure that the department does not answer any Freedom of Information Law request and will wait until after the answers have been given if it wants to brief Ministers on any possible repercussions?

**The Connétable of St. Ouen:**

I cannot do any better than repeat my earlier statement: the Communications Department does not screen F.O.I. requests, or edit the answers to them.

**3.12.2 Deputy K.F. Morel:**

I think I may be asking for something that has already been said. Could the Assistant Minister confirm that the Communications Department plays no role in the Freedom of Information request responses that are sent out to members of the public, or Meet the Media, or the Assembly Members when they are placed, so that it has no role at all in changing, amending, offering suggestions for input into those answers that are sent to members of the public?

**The Connétable of St. Ouen:**

I thank the Deputy for his question and I confirm that that is indeed the case. However, as I made clear, if the matter seems to be contentious, then the F.O.I. request and its response will be brought to the attention of the Minister concerned, so that he is prepared and able to answer questions from the press as they arise.

[11:00]

**3.12.3 Deputy M.R. Higgins:**

I stand in total disbelief and I would ask the Constable to go back and check again, because there is evidence that that exactly has happened. Therefore, it is unacceptable for him to stand up and say this and defend, as I say, the indefensible. Would the Minister also accept that the department should not be trying to screen Freedom of Information Law requests as to whether they are media, or private individuals, because they want to deal with the media on a political level? The point is they are supposed to be anonymous. Will he ensure that the Communications Directorate keeps away from Freedom of Information Law requests?

**The Connétable of St. Ouen:**

I have to refute the Deputy's initial statement and I invite him to present me with the evidence, which I undertake to investigate thoroughly, because if that is the case and he can prove it, then I am very concerned. But I am absolutely certain, to my knowledge and the evidence I have seen that that is not the case. I have to also say that it is important that Ministers are prepared and briefed to answer requests from the press and part of that briefing is to ensure that they know what F.O.I. requests are going out and what those contain, otherwise we simply look disorganised and ill-prepared, which is not acceptable, in my view.