

21.01.19

**18 Deputy J.M. Maçon of H.M. Attorney General regarding accessing the electoral register (OQ.3/2021):**

Further to Oral Question 193/2020 regarding access to the electoral register, will H.M. Attorney General advise whether individuals can apply to each Parish to receive a copy of the electoral registers for the purpose of promoting enrolment on the register; and, if so, how they are able to do so?

**The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:**

Individuals can apply to copy the electoral register either to their Parish, the Jersey Library or the Judicial Greffe, each of which holds a copy of the register. There are no rules for how to apply – it could be in writing or in person. There is no simple answer to whether they would be allowed a copy of the register for the purpose of promoting enrolment for these reasons:

The **Intellectual Property (Unregistered Rights) (Jersey) Law 2011** (Article 196) prevents copies being made of the electoral register, without the consent of the owner unless an “appropriate person” – in this case that would be the electoral administrator for the parish, the Librarian of the Jersey Library or the Judicial Greffier – gives permission, and provided that the copying is not for the purpose of re-utilisation of all or a substantial part of the contents, (Article 206).

Re-utilisation means - under the same law – making the content of the register available to the public, (Article 192). In Deputy Maçon’s example, one assumes any extract of the register would not be made generally available to the public but used simply to identify members of the public who are not on the electoral register.

But that issue would be for the appropriate person to determine when deciding whether to authorise copying of the register – because whether to grant such permission would be an exercise of the appropriate person’s discretion.

When exercising the discretion whether to grant or refuse permission the appropriate person would probably need to consider Data protection issues – where potential legal questions may arise as to whether the person seeking a copy would be considered a Data Controller under the Data Protection Law - what precisely the requester proposes for the use and retention of the information, as well possibly as what other mechanisms for promoting enrolment exist, such as the statement sent to every home each year, under Article 7(2) of the Public Elections (Jersey) Law 2002, setting out the names of persons registered at that address, which is required to be returned with any necessary corrections, as well as the additional notice sent in March to every home under Article 7A of that Law in years when there is a general election.