

STATES OF JERSEY



CODE OF PRACTICE ON PUBLIC ACCESS TO OFFICIAL INFORMATION: ANNUAL REPORT FOR 2002

**Presented to the States on 13th May 2003
by the Privileges and Procedures Committee**

STATES GREFFE

REPORT

Introduction

The Code of Practice on Public Access to Official Information was approved by the States on 20th July 1999 and came into force on 20th January 2000.

The Code constitutes a States' policy and affects the States, States Committees and their sub-committees.

The Code confers –

- a general right of access to information held by authorities which is (a) not exempt, and (b) created after 20th January 2000;
- a right of access to personal information, that is information about an identifiable individual, subject to exemptions, and while safeguarding an individual's right to privacy. The authority has an obligation to correct any personal information held about an individual that is shown to be incomplete, inaccurate or misleading, except that expressions of opinion given conscientiously and without malice will be unaffected. For personal information, access is retrospective;
- a right of access to Committee and sub-committee agendas and minutes, where these do not contain confidential information, but not to agenda support papers.

The Code established a minimum standard of openness and accountability by the States of Jersey, which may, by its very nature, be exceeded.

This report reflects the statistics of the working of the Code in its third year of operation. The introduction of the ministerial system of government will require the Code to be reviewed in the near future, a task which is being taken up by the Privileges and Procedures Committee.

Monitoring statistics

A. Applications to departments from the public

States departments are required to make an annual return regarding the number of applications from the public for personal and other information. The number of enquiries received during the year ending 31st December 2002 was as follows –

Housing Department

Number of applications which mention the Code:	0
Number of applications from private individuals:	2
Number of applications dealt with within 21 days:	2
Number of requests for which a charge was made:	0

Health and Social Services Department

Number of applications which mention the Code:	33
Number of applications from private individuals:	166
Number of applications dealt with within 21 days:	164
Number of requests for which a charge was made:	8
Number of requests refused:	2

Note: Refusals were made on the basis of –

- (i) Exemption 3.2(a)(xv); and

(ii) the information was too old, not archived.

Jersey Harbours Department

Number of applications which mention the Code:	2
Number of applications from private individuals:	1
Number of applications for academic information:	1
Number of applications dealt with within 21 days:	2
Number of requests for which a charge was made:	0

N.B.: Those departments not mentioned made a zero return.

TOTALS FOR 2002	
Total number of applications which mention the Code:	37
Total number of refusals:	2

B. Access to agendas and Minutes

Each Committee produces its agendas in two parts, with publicly available matters being dealt with in Part A and confidential matters in Part B. All signed Part A Minutes enter the public domain.

Each Committee makes its Part A agendas available at convenient points in its reception area. This information together with signed Part A Minutes can also be obtained in the States' Bookshop.

In addition, certain Committees load their minutes onto their website. The establishment of the States of Jersey website has broadened the possibility of access by the general public to many types of documents prepared in the States Greffe.

Monitoring of public access to agendas and minutes has not occurred. The media, however, do use these sources of information in their news stories.

One Committee received and considered a request for routine access to Agenda papers on Part A in advance of Committee meetings. This request was refused in accordance with the decision of the States, in adopting the Code of Practice on 20th July 1999. The Committee was only prepared to release support papers on specific items upon request on a case by case basis.

Future proposals

The Privileges and Procedures Committee, in accordance with its terms of reference, has prepared a consultation paper (R.C.15/2003) on proposals for the introduction of legislation to strengthen rights of access to official information. The Committee believes that it is time to build on the foundation provided by the current Code of Practice. It hopes therefore that, in future years, an Annual Report on Freedom of Information and Access to Information will be able to supply more meaningful data.

ACCESS TO INFORMATION Return for the period 01.01.02 to 31.12.02

Department	Number of applications which mention Code	Applications refused	Notes
Fisheries	0		
	0		
ers	0		
.cise	0		
cle Standards	0		
ommercial Development	0		
rtment	0		
d Social Security	0		
Registrar	0		
adquarters	0		
ol Office	0		
Health and Social Services	33	2	
ment	2		
es Department	0		
l Nationality Department	0		
partment	0		
	2		
	0		
thority*	No return		*Voluntarily applies Code
	0		
s	0		
*	N/A		**Code does not apply
epartment**	0		**Code does not apply
utenant Governor*	0		*Voluntarily applies Code
	0		
ilding Services	0		
rters	0		
urces Department	0		
	0		
roperty Services	0		
Department	0		
nd Recreation Department	0		
	0		
ment	0		
	0		
artment*	0		*Voluntarily applies Code
	37	2	