

STATES OF JERSEY



CODE OF PRACTICE ON PUBLIC ACCESS TO OFFICIAL INFORMATION: ANNUAL REPORT FOR 2004

**Presented to the States on 19th April 2005
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. A revised Code of Practice was adopted by the States on 8th June 2004.

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, support papers and minutes, where these do not contain confidential information.

Further to the foregoing, the Code now includes provisions which have resulted in the creation of a central 'Information Asset Register'. The purpose of the Information Asset Register is to provide the public with a single, readily accessible point of access to the following –

- (a) strategic and/or policy reports;
- (b) reports deemed to be of public interest;
- (c) third party reports or consultancy documents, which have been prepared for the authority or which are under preparation, where the cost of the report/document exceeds an amount fixed from time to time by the Privileges and Procedures Committee;
- (d) all unpublished third party reports or consultancy documents which are over 5 years old.

The names of any such reports are submitted by authorities to the States Greffe, which is responsible for ensuring that they are added to the Information Asset Register. In the case of third party reports or consultancy documents, details of their status and cost of preparation are also forwarded to the States Greffe for inclusion within the Register.

The Code has 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 fourth year of operation.

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 2004 was as follows –

Health and Social Services Department

Number of applications which mention the Code:	78
Number of applications from private individuals:	82
Number of requests for personal information:	78
Number of applications dealt with within 21 days:	56
Number of requests for which a charge was made:	23
Number of requests refused:	1
Number of appeals to President (data protection register):	0

Note: Refusals were made on the basis of Exemption 3.2(c) in that the requests were considered to be frivolous vexatious or made in bad faith.

Housing Department

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

Human Resources Department

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

States Greffe

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

NB: Those departments not mentioned made a zero return.

TOTALS FOR 2004	
Total number of applications which mention the Code:	80
Total number of refusals:	1

B. Access to agendas, supporting papers and Minutes

Each Committee produces its agendas in 2 parts, with publicly available matters being dealt with in Part A an

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.

On the matter of access to supporting papers, Committees are required to ensure as far as is possible that such papers are prepared in a form which excludes exempt information, so as to ensure that the granting of public access is a straightforward matter.

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

Future proposals

The Privileges and Procedures Committee has conducted an extensive evaluation of the Code of Practice on Public Access to Official Information. In R.C.55/2004 entitled: 'Freedom of Information: Position Paper', the Committee acknowledged that the arguments in favour of introducing legislation were compelling. The Committee therefore intends to lodge 'au Greffe' drafting instructions for a Law on freedom of information imminently.