

# **STATES OF JERSEY**



## **PUBLIC RECORDS (JERSEY) LAW 2002: REPORT ON THE APPLICATION OF THE LAW DURING 2005**

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**Presented to the States on 5th October 2006  
by the Minister for Education, Sport and Culture**

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**STATES GREFFE**

## **REPORT**

### **2005**

As reported in 2005, the financial constraints on the Jersey Heritage Trust brought about by the 3-year funding agreement with the Committee for Education, Sport and Culture (ESC) had a direct effect on the Archivist's work in this area. With no further funding forthcoming from other departments or committees, the work of the Archive staff in respect of the Law has been circumscribed. Thus staff respond to enquiries for advice about the retention and disposal of documents and continue to take in archival public records and make them publicly available (ensuring Jersey Heritage Trust continues to fulfil its requirements under the Law). However, only one meeting of public record officers was held in 2005 (before it became a fact that no further monies would be available), and there has been no opportunity to continue with work already in train with departments and institutions on their modern records.

#### **Work in train: modern records and archival public records**

##### **Modern records**

Work in train included ESC's pilot records management project formally launched in April 2005; this records management project in ESC is the pilot for the records management module of Livelink, the electronic records management system which is to be delivered across States' departments. The Archivist is the records management quality standards officer for the project. Work on ESC's pilot project included the further development of the existing generic records retention schedules and, with others, the development of a corporate filing classification scheme for the States of Jersey. She was also consulted about an information and records management project run in Health and Social Services in the spring and summer of 2005, and on the protocol for the record keeping of ministerial decisions.

##### **Archival public records**

The Jersey Heritage Trust has succeeded in delivering its responsibilities under the Public Records Law in 2005. The volume of deposits of archival public records at Jersey Archive in 2005 was substantial and it is pleasing to report that they include first deposits (substantial in themselves) from a further 3 of the 12 parishes (making a total of 9). The entire archives team has spent a great deal of its time processing these archives so that they are fit for storage in the secure repositories. As many archives as possible have been catalogued so that they can be accessed by the public, but the cuts to the service in November 2004 meant that the cataloguing backlog for all records at Jersey Archive grew from 8 to 12 years with the loss of one archivist, and this backlog has grown to 16 years with the 2005 influx of records.

##### **Records Advisory Panel**

The Records Advisory Panel met in March, September and December in 2005 (the June meeting was cancelled). The Archivist is grateful for the continued support and practical advice offered by the Panel.

##### **Future**

The Archivist would like to highlight a number of issues arising from the Public Records Law in 2005, which will affect the long-term future of the Island's archival heritage –

1. The Law has had the effect desired on existing archival public records and although there is work still to do here, the majority have been transferred from institutions across the Island. These archival public records are now safely in the custody of the Jersey Heritage Trust at Jersey Archive and are made available to the public there.
2. However future archival records, in all formats including electronic, are at risk. The law's requirements for institutions to create, keep and manage records and to appoint a public record officer to work with the Archivist are often met at a basic and literal level; across the entire States system (or even within whole

departments) future archival public records, including those born digital (electronic archives), are not being identified and properly managed from the point of creation.

3. The definition and application of corporate retention schedules is not happening (it is only through a retention schedule that particular records can be identified as future archives) and there is no corporate overview other than through the electronic records management via Livelink. If records are not identified as future archives at the point of creation there is the danger that they will be mismanaged or destroyed. This is a high risk in an organisation which generates hundreds of thousands of records.
4. Public Record Officers have been nominated. The Public Record Officer is required by the law to 'ensure that the institution complies with any requirement of this law that applies to the institution' and as the institution's point of contact with the archivist; the Public Record Officer is not defined as or required to be a Records Manager.
5. The information and records management consultancy undertaken on behalf of Health and Social Services and the electronic records management pilot project undertaken in Education, Sport and Culture mentioned above have identified and underlined the need for departmental records management. Both have concluded that a functional approach to the arrangement and management of records is needed (not the current common approach within the States). Both have identified a lack of resource to take their work forward.
6. Records are regulated by a variety of significant legislation, particularly the Public Records and the Data Protection Laws as well as financial and other regulatory legislation. The Freedom of Information Law will also have an impact on records; its management must be strategic and in concert with these existing laws.

## **Conclusion**

There is a considerable risk to the States' business if records and information are not managed well, with resources that are at least adequate and with top-level support. The lack of resources at Jersey Archive and in departments to forward this work underline how great a risk this is and should be noted. There is also a considerable current risk to the Island's future heritage. This is exactly the risk that the Public Records Law was intended to remove.

**Sue Groves**  
**Head of Archives and Collections**  
**Jersey Heritage Trust**  
**March 2006**

**Archival public records transferred from Departments and public institutions in 2005**

Accessions were received from 22 bodies (includes departments, parishes and utility companies) under the Public Records Law. They amount to 52 cubic metres of records, the equivalent of 300 metres of shelves.

Bailiff's Chambers  
Comptroller of Income Tax  
Education, Sport and Culture Department  
Harbours Department  
Health and Social Services Department  
H.M. Prison, La Moye  
Jersey Financial Services Commission  
Jersey Telecom  
Jersey Tourism  
Judicial Greffe  
Office of the Lieutenant Governor  
Parish of St. Brelade  
Parish of St. Martin  
Parish of St. Mary  
Parish of St. Peter  
Parish of St. Saviour  
Planning and Environment Department  
Public Services Department  
St. Lawrence School  
States Greffe  
States of Jersey Treasury  
Superintendent Registrar