

STATES OF JERSEY



CODE OF PRACTICE ON PUBLIC ACCESS TO OFFICIAL INFORMATION: ANNUAL REPORT FOR 2006

**Presented to the States on 6th July 2007
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, Ministers and their Departments, Committees, Panels and any sub-committees and sub-panels.

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 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- (d) all unpublished third-party reports or consultancy documents which are over 5 years old.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 added by Departments to the Information Asset Register which is now maintained on the States website (www.gov.je). In the case of third-party reports or consultancy documents, details of their status and cost of preparation are also included within the Register. Increased efforts have been made to improve and update the information asset register to ensure that it is up to date.

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 sixth year of operation.

Monitoring statistics

A. Applications to departments from the public

The number of enquiries received during the year ending 31st December 2006 was as follows –

Economic Development Department

Number of applications:	1
Number of applicants submitting more than one request:	0
Number of applications from private individuals:	1
Number of applications from journalists:	0
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
Number of appeals to President (data protection register):	1

Education, Sport and Culture Department

Number of applications:	1
Number of applicants submitting more than one request:	1
Number of applications from private individuals:	1
Number of applications from journalists:	0
Number of requests for personal information:	2
Number of applications dealt with within 21 days:	0
Number of requests for which a charge was made:	0
Number of requests refused:	2
Number of appeals to President (data protection register):	0

Health and Social Services Department

Number of applications:	55
Number of applicants submitting more than one request:	0
Number of applications from private individuals:	54
Number of applications from journalists:	1
Number of requests for personal information:	54
Number of applications dealt with within 21 days:	38
Number of requests for which a charge was made:	13
Number of requests refused:	2
Number of appeals to President (data protection register):	0

Note: Refusals were made on the basis of Exemption 3.21(a)(xv) in that such disclosure would, or might be liable to cause harm to the physical or mental health, or emotional condition, of the applicant whose information is held for the purposes of health or social care, including child care.

Home Affairs Department

Number of applications:	1
Number of applicants submitting more than one request:	1
Number of applications from private individuals:	1

Number of applications from journalists:	0
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:	1
Number of requests refused:	0
Number of appeals to President (data protection register):	0

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Planning and Building Services

Number of applications:	1
Number of applicants submitting more than one request:	0
Number of applications from private individuals:	1
Number of applications from journalists:	0
Number of requests for personal information:	1
Number of applications dealt with within 21 days:	0
Number of requests for which a charge was made:	0
Number of requests refused:	1
Number of appeals to President (data protection register):	0

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Note: Refusals were made on the basis of Exemption 3.2.1(a)(xi) in that such disclosure would, or might be liable to prejudice the competitive position of a third party, if and so long as its disclosure would, by revealing commercial information supplied by a third party, be likely to cause significant damage to the lawful commercial or professional activities of the third party.

States of Jersey Police

Number of applications:	12
Number of applicants submitting more than one request:	1
Number of applications from private individuals:	8
Number of applications from journalists:	1
Number of requests for personal information:	0
Number of applications dealt with within 21 days:	11
Number of requests for which a charge was made:	0
Number of requests refused:	1
Number of appeals to President (data protection register):	0

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Note: Refusals were made on the basis of Exemption 3.2.1(a)(iii) in that such disclosure would, or might be liable to prejudice legal proceedings or the proceedings of any tribunal, public enquiry, Complaints Board or other formal investigation and Exemption 3.2.1(a)(vi) in that such disclosure would, or might be liable to prejudice the prevention, investigation or detection of crime, the apprehension or prosecution of offenders, or the security of any property.

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Number of applications:	1
Number of applicants submitting more than one request:	0
Number of applications from private individuals:	0

Number of applications from journalists:	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
Number of appeals to President (data protection register):	0

Transport and Technical Services

Number of applications:	1
Number of applicants submitting more than one request:	0
Number of applications from private individuals:	0
Number of applications from journalists:	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:	3
Number of appeals to Minister (data protection register):	1

Note: Refusals were made on the basis of Exemption 3.2.1(a)(xi) in that such disclosure would, or might be liable to prejudice the competitive position of a third party, if and so long as its disclosure would, by revealing commercial information supplied by a third party, be likely to cause significant damage to the lawful commercial or professional activities of the third party.

NB: Those departments not mentioned made a zero return.

TOTALS FOR 2006	
Total number of applications which mention the Code:	73
Total number of refusals:	9

Future proposals

The Privileges and Procedures Committee conducted an extensive evaluation of the Code of Practice on Public Access to Official Information in 2004 and published R.C.55/2004 entitled: 'Freedom of Information: Position Paper' on 21st December 2004. After a period of consultation the Committee acknowledged that the arguments in favour of introducing legislation were compelling and, as a result, lodged a proposition asking the States to agree that legislation should be drafted to replace the Code. This proposition (P.72/2005) was adopted by the States on 6th July 2005.

Work has been continuing on the draft Freedom of Information Law, and on 26th April 2006 a consultation document (R.33/2006) was presented to the States, and the Committee considered responses received. The Committee has responded to concerns expressed that the draft Law was too complex, and requested that a simpler version of the Law be prepared.

The Committee is currently consulting on the revised simpler draft Law (R.60/2007), and is pleased that the Corporate Services Scrutiny Panel will review the revised draft Law in due course with a view to examining whether it considers that it is appropriate for Jersey, and the expected resource implications over and above those already expended in carrying out the Code of Practice on Public Access to Official Information.

The Committee anticipates lodging the draft Law "au Greffe" in the first part of 2008 for consideration by the States.