
STATES OF JERSEY



CODE OF PRACTICE ON PUBLIC ACCESS TO OFFICIAL INFORMATION: ANNUAL REPORT FOR 2011

Presented to the States on 4th May 2012
by the Privileges and Procedures Committee

STATES GREFFE

REPORT

It is part of the remit of the Privileges and Procedures Committee to keep under review the procedures and enactments relating to public access to official information. Each year, the Committee receives an annual report on the number of requests received by departments which have mentioned the Code of Practice on Public Access to Official Information.

As the annual report only provides information in respect of those requests which refer to the Code, it is unlikely that the report is a true reflection of the number of requests for information that are dealt with by departments on a daily basis. The Committee is aware that all departments are asked for information on a daily basis and provide this freely without necessarily considering that the information request is being made under the Code.

Chairman, Privileges and Procedures Committee

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; and
- a right of access to agendas, support papers and Minutes, where these do not contain confidential information.

Further to the foregoing, the Code also 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; and
- (d) all unpublished third-party reports or consultancy documents which are over 5 years old.

The names of reports are added to the Information Asset Register which is maintained on the States' website (<http://www.gov.je/Government/Pages/StatesReports.aspx>). In the case of third-party reports or consultancy documents, details of their status and cost of preparation are also included within the Register, which is managed by the Chief Minister's Department.

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

Monitoring statistics

The number of enquiries received during the year ending 31st December 2011 was as follows –

Chief Minister's Department

Number of applications which mentioned the Code:	4
Number of applicants submitting more than one request:	–
Number of applicants who submitted more than one request –	
Number of applications made by applicant A:	2
Number of applications made by applicant B:	2
Category of applicant –	
Private individual	–
Journalist	4
Representing charity/lobby group	–
Academic	–
Business	–
Politician, on behalf of private individual	–
Number of requests for personal information:	3
Number of applications dealt with within 21 days:	4
Number of requests unanswered as information not held:	–
Number of requests for which a charge was made:	–
Number of times a request was refused:	3
Number of appeals:	–

Department of the Environment

Number of applications which mentioned the Code:	8
Number of applicants submitting more than one request:	–
Number of applicants who submitted more than one request –	
Number of applications made by applicant A:	8
Category of applicant –	
Private individual	3
Journalist	–
Representing charity/lobby group	–
Academic	–
Business	5
Politician, on behalf of private individual	–
Number of requests for personal information:	–
Number of applications dealt with within 21 days:	6
Number of requests unanswered as information not held:	–
Number of requests for which a charge was made:	–
Number of times a request was refused:	–
Number of appeals:	–

Economic Development

Number of applications which mentioned the Code:	1
Number of applicants submitting more than one request:	–
Number of applicants who submitted more than one request:	–

Category of applicant –	
Private individual	–
Journalist	–
Representing charity/lobby group	1
Academic	–
Business	5
Politician, on behalf of private individual	–
Number of requests for personal information:	–
Number of applications dealt with within 21 days:	1
Number of requests unanswered as information not held:	–
Number of requests for which a charge was made:	–
Number of times a request was refused:	–
Number of appeals:	–

Education, Sport and Culture

Number of applications which mentioned the Code:	2
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The Department confirmed that it had received two requests for information under the Code, as well as an unspecified number of requests from the Jersey Evening Post. The Department commented that the number of requests made under the Code did not reflect the actual volume of requests for information received.

H.M.P. La Moye

No requests were received which mentioned the Code of Practice on Public Access to Information, however, 32 applications for information were received; 4 from private individuals; 10 from journalists; and 18 from businesses. All requests were dealt with within 21 days.

Home Affairs

Number of applications which mentioned the Code:	1
Number of applicants submitting more than one request:	0
Number of applicants who submitted more than one request –	0
Category of applicant –	
Private individual	1
Journalist	–
Representing charity/lobby group	–
Academic	–
Business	–
Politician, on behalf of private individual	–
Number of requests for personal information:	1
Number of applications dealt with within 21 days:	–
Number of requests unanswered as information not held:	1
Number of requests for which a charge was made:	–
Number of times a request was refused:	–
Number of appeals:	–

Housing

Number of applications which mentioned the Code:	4
Number of applicants submitting more than one request:	–
Number of applicants who submitted more than one request –	–
Category of applicant –	
Private individual	2
Journalist	–
Representing charity/lobby group	–
Academic	–
Business	–
Politician, on behalf of private individual	2
Number of requests for personal information:	4
Number of applications dealt with within 21 days:	4
Number of requests unanswered as information not held:	–
Number of requests for which a charge was made:	–
Number of times a request was refused:	–
Number of appeals:	–

Office of the Data Protection Commissioner

Number of applications which mentioned the Code:	1
Number of applicants submitting more than one request:	–
Number of applicants who submitted more than one request:	–
Category of applicant –	
Private individual	1
Journalist	–
Representing charity/lobby group	–
Academic	–
Business	–
Politician, on behalf of private individual	–
Number of requests for personal information:	0
Number of applications dealt with within 21 days:	1
Number of requests unanswered as information not held:	–
Number of requests for which a charge was made:	0
Number of times a request was refused:	0
Number of appeals:	0

States Greffe

Number of applications which mentioned the Code:	1
Number of applicants submitting more than one request:	–
Number of applicants who submitted more than one request –	–
Category of applicant –	
Private individual	1
Journalist	–
Representing charity/lobby group	–
Academic	–
Business	–
Politician, on behalf of private individual	–
Number of requests for personal information:	0

Number of applications dealt with within 21 days:	1
Number of requests unanswered as information not held:	–
Number of requests for which a charge was made:	–
Number of times a request was refused:	–
Number of appeals:	–

States of Jersey Police

Number of applications which mentioned the Code:	1
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The Police have advised that a number of additional information requests were received during 2011 which did not mention the Code.

Taking account of all requests received, Applicant A made 2 requests; Applicant B made 10 requests; and Applicant C made 10 requests. One request was received from a private individual; 20 requests were received from journalists and 5 were received from businesses. Twenty applications for information were dealt with within 21 days and in 5 instances the request was unanswered as the information was not held. No charges were made. Five requests were refused; 2 under exemption 3.2.1(a)(iii); one under exemption 3.2.1(a)(iv); and 2 under exemption 3.2.1(a)(vi). There were no appeals.

It is the view of the States of Jersey Police that people are unaware of the existence of the Code, and that this impacts upon the number of applications received. The Police have advised that one of the above applications contained a large number of linked requests which required significant research and resources to respond, and that the figures do not reflect this.

Transport and Technical Services

Number of applications which mentioned the Code:	2
Number of applicants submitting more than one request:	–
Number of applicants who submitted more than one request –	–
Category of applicant –	
Private individual	1
Journalist	1
Representing charity/lobby group	–
Academic	–
Business	–
Politician, on behalf of private individual	–
Number of requests for personal information:	1
Number of applications dealt with within 21 days:	1
Number of requests unanswered as information not held:	–
Number of requests for which a charge was made:	–
Number of times a request was refused:	–
Number of appeals:	–

Treasury and Resources

Number of applications which mentioned the Code:	4
Number of applicants submitting more than one request:	–

Number of applicants who submitted more than one request –	–
Category of applicant –	
Private individual	3
Journalist	1
Representing charity/lobby group	–
Academic	–
Business	–
Politician, on behalf of private individual	–
Number of requests for personal information:	1
Number of applications dealt with within 21 days:	2
Number of requests unanswered as information not held:	–
Number of requests for which a charge was made:	–
Number of times a request was refused:	1
	<i>Exemption 3.2.1(a)(iii)</i>
Number of appeals:	1

N.B.: Those Departments not mentioned made a nil return.

TOTALS FOR 2011	
Total number of applications which mentioned the Code:	29
Total number of refusals:	9

The below table shows the number of applications received and refused under the Code from 2003 to 2011 –

	2003	2004	2005	2006	2007	2008	2009	2010	2011
Requests received	62	80	62	73	20	21	12	9	29
Requests refused	2	1	3	9	3	2	2	2	9
Appeals to Minister	1	0	0	2	2	0	1	0	1
Appeals to States of Jersey Complaints Board	0	0	0	0	0	0	1	0	1

Freedom of Information

In 2005 the States adopted the proposition ‘Freedom of Information – proposed legislation’ (P.72/2005) and agreed that the Code of Practice on Public Access to Official Information should be replaced by a Freedom of Information Law. The Draft Freedom of Information (Jersey) Law 201- was adopted by the States on 4th March 2011 (P.39/2011).

The Committee has requested an update from the Chief Minister’s Department in respect of the progress made to date with regard to the implementation of the Freedom of Information (Jersey) Law 2011.