
STATES OF JERSEY



CODE OF PRACTICE ON PUBLIC ACCESS TO OFFICIAL INFORMATION: ANNUAL REPORT FOR 2013

Presented to the States on 10th March 2014
by the Privileges and Procedures Committee

STATES GREFFE

FOREWORD

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.

The Committee understands that the Chief Minister's Department is working towards bringing the Freedom of Information (Jersey) Law 2011 ([L.17/2011](#)) into force by January 2015.

Chairman, Privileges and Procedures Committee

CODE OF PRACTICE ON PUBLIC ACCESS TO OFFICIAL INFORMATION: ANNUAL REPORT FOR 2013

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 at: <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 2013 was as follows –

Department of the Environment

| | |
|---|-----------|
| Number of applications which mentioned the Code..... | 35 |
| Number of applicants submitting more than one request ... | 0 |
| Number of applications made by applicant A | 3 |
| Number of applications made by applicant B | 8 |
| Number of applications made by applicant C | 4 |
| Number of applications made by applicant D | 10 |
| Category of applicant – | |
| Private individual | 29 |
| Journalist | 0 |
| Representing charity/lobby group | 0 |
| Academic | 0 |
| Business | 5 |
| Politician, on behalf of private individual..... | 1 |
| Number of requests for personal information..... | 11 |
| Number of applications dealt with within 21 days | 34 |
| Number of requests unanswered as information not held .. | 2 |
| Number of requests for which a charge was made | 0 |
| Number of times a request was refused..... | 0 |
| Number of appeals..... | 0 |

The Environment Department advised that it had provided slightly different information to that requested in some instances. For example, the Department received a request for a list of the duties, responsibilities and qualifications of individually named staff members. Rather than refuse the request, the Department only provided copies of the job descriptions of those staff. The department also received several data access requests for files relating to cases that it was prosecuting. The Department did not refuse to supply data, but held some data back on the basis of legal privilege.

Home Affairs Department

| | |
|---|----------|
| Number of applications which mentioned the Code..... | 1 |
| Number of applicants submitting more than one request ... | 0 |

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|--|---|
| Category of applicant – | |
| Private individual | 0 |
| Journalist | 1 |
| Representing charity/lobby group | 0 |
| Academic | 0 |
| Business | 0 |
| Politician, on behalf of private individual | 0 |
| Number of requests for personal information..... | 0 |
| Number of applications dealt with within 21 days | 1 |
| Number of requests unanswered as information not held... | 0 |
| Number of requests for which a charge was made | 0 |
| Number of times a request was refused | 0 |
| Number of appeals..... | 0 |

Transport and Technical Services Department

| | |
|---|----------|
| Number of applications which mentioned the Code..... | 4 |
| Number of applicants submitting more than one request ... | 0 |
| Number of applications made by applicant | 0 |
| Category of applicant – | |
| Private individual | 2 |
| Journalist | 2 |
| Representing charity/lobby group | 0 |
| Academic | 0 |
| Business | 0 |
| Politician, on behalf of private individual | 0 |
| Number of requests for personal information..... | 0 |
| Number of applications dealt with within 21 days | 4 |
| Number of requests unanswered as information not held... | 0 |
| Number of requests for which a charge was made | 0 |
| Number of times a request was refused | 0 |
| Number of appeals..... | 0 |

Official Analyst

| | |
|---|----------|
| Number of applications which mentioned the Code..... | 2 |
| Number of applicants submitting more than one request... | 1 |
| Number of applications made by applicant A | 2 |
| Category of applicant – | |
| Private individual | 1 |
| Journalist | 0 |
| Representing charity/lobby group | 0 |
| Academic | 0 |
| Business | 0 |
| Politician, on behalf of private individual..... | 0 |
| Number of requests for personal information..... | 1 |
| Number of applications dealt with within 21 days | 1 |
| Number of requests unanswered as information not held .. | 1 |
| Number of requests for which a charge was made | 0 |
| Number of times a request was refused..... | 0 |
| Number of appeals..... | 0 |

| | |
|--|-----------|
| TOTALS FOR 2013 | |
| Total number of applications which mentioned the Code | 42 |
| Total number of refusals..... | 0 |

The table below shows the number of applications received and refused under the Code from 2004 to 2013 –

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Requests received | 80 | 62 | 73 | 20 | 21 | 12 | 9 | 29 | 30 | 42 |
| Requests refused | 1 | 3 | 9 | 3 | 2 | 2 | 2 | 9 | 1 | 0 |
| Appeals to Minister | 0 | 0 | 2 | 2 | 0 | 1 | 0 | 1 | 0 | 0 |
| Appeals to States of Jersey Complaints Board | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 |