
STATES OF JERSEY



INVESTIGATION INTO THE ESTABLISHMENT OF A DIGITAL REGISTER OF LANDLORDS AND TENANTS (P.82/2020): RESPONSE

Presented to the States on 4th September 2020
by the Council of Ministers

STATES GREFFE

Investigation into the establishment of a digital register of landlords and tenants

Further to the approval of P.82/2020, requesting the Council of Ministers investigate the establishment of a digital register of landlords and tenants, this report has been produced by the Departments for Growth, Housing and Environment, and Strategic Policy, Planning and Performance. It has been received and considered by the Council of Ministers, and is now presented to the Assembly for information.

Key findings

- (a) It is possible to establish a digital register of landlords and tenants through the collation of existing administrative data sources collected and held by the Government of Jersey.
- (b) Establishing a digital register would require the introduction of primary legislation to ensure an appropriate legal basis for the collection and use of administrative data.
- (c) However, there are considerable challenges that would arise in establishing a digital register. For example, the 'same' data held in independent systems may be recorded differently, have different uses or have differing quality requirements (accuracy, currency and completeness).
- (d) A digital register of landlords and tenants would provide data for policy-development purposes. It would not meet the aims of the proposed landlord licensing scheme of improving the health and safety of rented dwellings in Jersey. The proposed landlord licensing scheme would collect the same data as the digital register, plus extra data on the condition and suitability of rental dwellings.
- (e) The collection of anonymised data for policy-development purposes is already provided for under the Statistics and Census (Jersey) Law 2018. As a result, statutory powers are already available for Government to collect any data on landlords, tenants and rented dwellings that may already be available within administrative datasets under other pieces of legislation. The collection of this data would be subject to the same constraints identified at (c).

1. Introduction

1.1. On 16th July 2020 the States Assembly adopted a proposition ([P.82/2020](#)) lodged by Deputy R. Huelin of St. Peter, requesting the Council of Ministers to investigate the establishment of a digital register of landlords and tenants. Following the adoption of the proposition, Growth, Housing and Environment, and Strategic Policy, Planning and Performance commenced an investigation into the cost and practicality of establishing a digital register of landlords and tenants.

1.2. The review has focused on the following aspects of establishing a digital register of landlords and tenants:

- (a) The technical systems required to draw relevant administrative data held by the Government of Jersey about rented dwellings in the island into a single register; and the potential cost of establishing a digital register of landlords and tenants;

- (b) The ability to access relevant administrative data held by the Government to establish a digital register of landlords and tenants, having regard for data protection requirements; the potential for new primary legislation to supersede data protection requirements; and for what purposes a digital register could be used by the Government.
- (c) The types of administrative data held by the Government and whether they would provide sufficient and complete information for the purposes of a register.
- (d) Whether existing legislation might already provide the basis for collecting the information that a digital register would provide, principally information about landlords, tenants and rented dwellings in Jersey.

1.3. In investigating these issues, officers have been assisted by Modernisation and Digital, the Law Officers Department and Statistics Jersey.

2. Background

2.1. P.82/2020 lodged by Deputy Huelin requested the Council of Ministers to investigate the establishment of a digital register of landlords and tenants using the Control of Housing and Work (Jersey) Law 2012 (Articles 9 and 16) and the Lodging Houses (Registration) (Jersey) Law 1962.

2.2. An amendment to the proposition was lodged by Deputy Huelin on the 1st July 2020. The amendment widened the scope of the investigation to include any other data sources or legislation deemed to be relevant.

2.3. The Proposition was adopted by the States Assembly on 16th July 2020 and requested the Council of Ministers to report back by 1st September 2020.

3. Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 201-

3.1. The investigation into the establishment of a digital register of landlords and tenants must be considered in the context of the proposed introduction of a landlord licensing scheme under the draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 201- ([P.106/2019](#)). The draft Regulations will be debated by the States Assembly on 8th September 2020.

3.2. The proposed licensing scheme has been brought forward by the Minister for the Environment under Article 5 of the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018. The Law includes provision for the Minister for the Environment to bring forward Regulations enabling the Minister to –

4. Licensing Regulations

(1) The States may by Regulations establish a scheme for the purpose of further ensuring the safety of rented dwellings, and the health and safety of persons occupying such dwellings, in accordance with this Law, and without prejudice to that general purpose such Regulations may make provision including, but not limited to, provision enabling the Minister –

- (a) to license dwellings to be used as rented dwellings; and
(b) to impose charges –

- (i) in respect of the issue of licences for rented dwellings, and
(ii) in relation to enforcement action arising out of a breach of the Regulations or a requirement of any licence.

(2) Regulations under this Article may further –

- (a) create offences of, and impose penalties for, breach of a provision of the Regulations or of any licence; and
(b) make such transitional, consequential, incidental or supplementary provisions as the States may consider necessary or expedient.

4.1. The draft Regulations, if approved by the Assembly, will enable the Minister to establish a licensing scheme for residential landlords. It will allow the Government to:

- develop data on the condition, location and suitability of rented dwellings in the island;
- enable risk assessments to be carried out by Environmental Health Officers and to prioritise rented dwellings for inspection; and
- ensure improvements are made to rented dwellings in line with the minimum standards for rented dwellings contained in the Public Health and Safety (Rented Dwellings – Minimum Standards and Prescribed Hazards) (Jersey) Order 2018.
- The ability to remove a licence for rented dwellings that does not meet the required minimum standards.

4.2. Throughout the investigation, officers have, therefore, been mindful of the aims and function of the proposed licensing scheme, such as inspection and enforcement powers, and how these may correspond with a digital register of landlords and tenants, as well as any elements of duplication between a licensing scheme and a register of landlords and tenants.

5. Technical and data systems

5.1. As part of the investigation into the establishment of a digital register of landlords and tenants, Modernisation and Digital was asked to assess how any administrative data collected by the Government of Jersey in connection with landlords, tenants and rented dwellings (and the systems used to hold that data) could be integrated from a technical standpoint to establish a register.

5.2. This part of the investigation focused on systems integration and accessibility of underlying data and did not comment on the suitability of that data as the basis for a register.

5.3. The OneGov Customer Services Platform provides a set of tools and basis for the integration of systems across the Government of Jersey through the Integration Layer (IL). In its simplest form the IL may be used to securely route messages from one system to another with some limited

manipulation or translation of the data. The IL provides resilient connections, with logging and auditing of the messages. It is also possible to design and build complex integrations that operate over different protocols, manipulate or enrich the data, store a message for later retrieval and route messages to one or more recipient. The IL does require data from a source system to be available via file transfer or for real-time integrations via an application programming interface (API). The data must be consistent and conform with a set of rules.

5.4. It is, therefore, feasible to create *integrations* and share data between systems. The establishment of integrations requires development activity within Modernisation and Digital and also by the vendors of each system to be integrated. Dependent on complexity, the range of costs of each integration would be in the range of £1,300-£6,400 internally and typically £2,500-£13,000 for each vendor to create endpoints. That gives costs in the range for *each integration* of £6,300-£32,400. It may not be possible to expose all system data to the Integration Layer, because with off-the-shelf systems we are reliant upon vendors to expose data to third-parties – in our case, the Integration Layer and this may not be a feature of some products, or be a limited feature. Systems built specifically for us would not have any such constraints.

5.5. The above costs relate only to integration. It does not cover the costs involved with the development of the register, its business processes or user interfaces. Detailed requirements for a digital register of landlords and tenants would be needed to estimate these additional costs.

5.6. The following systems are potential sources of property, landlord and tenant data. None of the systems were built with a register in mind and in-depth analysis would be required to determine their suitability in forming a register.

System	Comments
Northgate System	<p>This system is used to administer a number of laws relating to housing, landlords and health & safety.</p> <p>There are no existing OneGov integrations developed for this system.</p>
Populus/Domus	<p>This system holds information on people and properties.</p> <p>This system is already integrated with the OneGov platform</p>
Parish Rates System	<p>The Parish Rates system holds information on all property owners and occupiers. There is a single system but administered separately by each of the twelve parishes. The data is updated annually at 1st January although owners and occupiers should notify the parish of changes when they occur.</p>
Revenue Management System	<p>Manages information on tax which includes data on rental income. Data is historic in nature as tax returns are for previous years. This system is still under development.</p> <p>This system will be integrated with the OneGov platform.</p>
Tenancy Deposit System	<p>This is an external service and not under government control. It only captures tenancies where a deposit is taken and applies to self-contained accommodation only. It would not, therefore provide a complete list of landlord or tenants.</p>

Pride	Pride holds information on property transactions and ownership. There are no existing OneGov integrations developed for this system.
Spreadsheets	Some information (Lodging Houses (Registration) (Jersey) Law 1962) is recorded in spreadsheets and unlikely to be suitable for integration.

5.7. A difficulty arises, not with the integration, but with the use of data. The potential challenges include:

- **Inconsistency:** data from different sources may be inconsistent – how do you choose which information to use and correctly match that together between independent and unrelated systems?
- **Accuracy:** the data already available may not be sufficient, up-to-date or complete to provide a correct or reliable register of landlords and tenants.
- **Complexity:** it would need complicated governance and security arrangements to maintain a system – for example, the use of data may not be aligned with existing systems; there would be multiple data owners within a single system; and existing systems could be compromised by the register’s requirements. This approach is likely to lead to complex data models and an associated administrative burden.

5.8. It is, therefore, possible to integrate different sources of Government administrative data to establish a digital register of landlords and tenants subject to the issues identified above. However, the main challenge that arises is that the ‘same’ data held in independent systems may be recorded differently, have different uses or have differing quality requirements (accuracy, currency and completeness).

5.9. Furthermore, matching the ‘same’ entity in two independent systems is a complex, costly and time-consuming activity. Data held in spreadsheets (for example in the Lodging Houses (Registration) (Jersey) Law 1962) is unlikely to be suitable for integration as data is essentially held free-format without the rigor applied in a relational database.

6. Legal position on collection of data

6.1. The States Assembly debate on the investigation of a digital register of landlords and tenants highlighted the need under the Data Protection (Jersey) Law 2018, specifically under Articles 11, 12 and 13, the need for a person (a “data subject”) to give consent in relation to the processing of data or the processing of their personal data.

6.2. Under Article 11(1), the processing a data subject’s personal data means *“any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, whether orally or in writing, signifies agreement to the processing of that data”*. Moreover, Article 2(a) specifies that the data subject needs to be aware of *“the purposes of the processing for which the personal data are intended”*. As such, a digital register of landlords and tenants established on a non-statutory basis, and which relied on a data subject’s consent only, would be unlikely to provide an accurate or complete dataset of landlords and tenants.

6.3. A statutory basis is, therefore, recommended for any new initiative that has data collection at its core. This would ensure a clear legal basis for the collection of data from datasets that pertain to other laws. For example, the Register of Names and Addresses (Jersey) Law 2012 provides for the collection of ‘registrable facts’ about the public for purposes such as enabling or facilitating a public administration and customer service; and for providing statistical information for assisting in the development and evaluation of public policy. The collection of information on landlords and tenants could similarly be achieved by establishing a register or a licensing scheme in law.

6.4. Any new legislation must also set out clearly why the data is being collected and how it will be used. There is an argument that the Government should not collect several datasets that may contain overlapping information, but rather have one core dataset that can be reused. The need to make better use of existing administrative data held by Government was one of the concerns that States Members raised during the debate, and the establishment of a digital register of landlords and tenants would be consistent with this argument. However, there would be a need to decide, alongside this, how to carry out other property functions across these overlapping databases without compromising the accuracy or integrity of that data.

6.5. However, difficulties would arise if the purpose of data collection or the origin of the data is unclear; an issue that might arise from collecting data pertaining to landlords and tenants from existing datasets for a digital register of landlords and tenants. Conversely, the establishment of a landlord licensing scheme under P.106/2019 offers the basis for establishing a confined dataset collected for a specific purpose, including investigatory and enforcement powers. This would increase confidence in the accuracy of the data within the license scheme as illustrated in the next section.

7. Sources of administrative data

7.1. The following sources of administrative data have been identified, which could be integrated into a digital register of landlords and tenants.

Law/Regulation	System	Summary Comments
Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 201-	New System	System in progress but will need further work if legislation is adopted by the States Assembly. It would provide a full list of landlords and rented dwellings but not tenants.
Control of Housing & Work (Jersey) Law 2012	Populus, Domus	Populus holds information on people but not landlord or tenant information. Domus holds information on property but does not identify whether it is owner occupied or a rented dwelling. This system is already integrated with the OneGov platform.
Lodging Houses Registration Law 1962	Spreadsheets	Information is held in spreadsheets so it is unlikely to be suitable for integration.

Law/Regulation	System	Summary Comments
Rates (Jersey) Law 2005	Rates System	The Parish Rates system holds information on property owners and occupiers. There is a single system but administered by each of the parishes. The data is based upon an annual snapshot at 1 st January although owners/occupiers should notify the parish of changes when they occur.
Register of Names & Addresses (Jersey) Law 2012	Populus	Populus holds information on people but not landlord or tenant information. This system is already integrated with the OneGov platform
Public Health & Safety (Rented Dwellings) Law 2018	Northgate System	The system records health and safety related data relating to residents of rented properties. However, it is not a complete dataset as only covers where there has been interaction with a landlord or tenant.
Landlord Accreditation Scheme (rent safe) – <i>Voluntary scheme</i>	Northgate System	Voluntary (incomplete data) – covers property star ratings, enforcement.
Tax	RMS (still in development)	Information on tax relating to rental income. Data is historic in nature as tax returns are for previous years. This system will be integrated with the OneGov platform on completion.
OneGov CSP	People Directory	OneGov dataset supporting integration between systems. Provides a list of citizens and people who engage with GoJ. Provides a unique person ID enabling a means of identifying people across different systems. This system is already integrated with the OneGov platform
OneGov CSP	Land & Property Index	OneGov dataset supporting integration between systems. Provides a list of island addresses. It holds a unique property ID enabling a means of identifying the same property in different systems. This system is already integrated with the OneGov platform

Law/Regulation	System	Summary Comments
Residential Tenancy Law (Jersey) 2011 – Tenancy Deposit Scheme	Tenancy deposit scheme internal to mydeposits Jersey	This is an external service and not under government control. It doesn't provide a complete list of tenants.

7.2. The challenge with utilising these various sources of administrative data is that, while it may be possible to integrate the various systems, the data is recorded differently, used for different purposes, and has differing quality requirements. The resultant digital register of landlords and tenants, therefore, would be unlikely to provide an accurate or complete picture of the rented sector.

8. Statistics and Census (Jersey) Law 2018

8.1. During the States Assembly debate, Members showed support for the principle of using data gathered from other Government of Jersey administrative sources for the purposes of policy-making, for example, capturing statistical data on Jersey's rental market. Under the Statistics and Census (Jersey) Law 2018, there are already powers that enable this.

8.2. The Statistics and Census (Jersey) Law 2018 enables Statistics Jersey to collect data in an anonymised form in connection with the economic, social, demographic and other activities from administrative data sources for statistical purposes. This data can then be made available to inform policy-making. Articles 12 (1) and (2) of the Law state:

12 Type of data and methods of collection

- (1) *Statistics Jersey may collect, whether in conjunction with any census or not, data relating to economic, social, demographic and general activities and conditions in Jersey.*
- (2) *Statistics Jersey must seek to avoid collecting data where data collected for administrative purposes is readily accessible, of suitable quality and sufficiently up to date to enable it to carry out its functions under this Law.*

8.3. If the purpose of a landlord and tenant register is limited to policy-development purposes, then a register is unnecessary because the same administrative data can be collected through legislative powers already. However, the data collected by Statistics Jersey would face similar challenges as identified in section 4, that is combining various data sources will not provide a complete dataset and would be a resource intensive activity to undertake.

9. Conclusion

9.1. The investigation has identified that it is possible to establish a digital register of landlords and tenants through the collation of existing administrative data sources collected and held by the Government of Jersey. This would require the introduction of primary legislation to ensure an appropriate legal basis for the collection and use of administrative data for the purposes intended by such a register.

9.2. There are, however, considerable challenges arising that would arise in establishing a digital register. The 'same' administrative data is, for example, held in independent systems and may

be recorded differently, have different uses or have differing quality requirements. As such, the data would not provide a reliable, accurate or complete register of landlords and tenants.

9.3. The establishment of a digital register would focus principally on the collection of data for policy-development purposes. It would not, therefore, meet the aim of the proposed landlord licensing scheme of improving the health and safety of rented dwellings in Jersey.

9.4. Moreover, the collection of anonymised data for policy-development purposes is provided for by the Statistics and Census (Jersey) Law 2018. Statutory powers are, therefore, already available for Government to collect any data on landlords, tenants and rented dwellings that may already be available within administrative datasets under other pieces of legislation. This would negate the need for a digital register of landlords and tenants. The collection of this data would be subject to the same constraints identified at paragraph 9.2. – namely, the reliability, accuracy and completeness of the data available.