

**PERSONAL STATEMENT TO BE MADE BY DEPUTY S.S.P.A. POWER OF
ST BRELADE ON TUESDAY 2nd FEBRUARY 2011.**

At a meeting yesterday, the Council of Ministers expressed a view that I should resign as Housing Minister and I now do so.

The background is this. On the 5th August 2010, I visited the States Building on or about lunchtime to pick up some files I had left in my locker. There were workmen in this area. I noticed a printed e-mail document sitting face up on one of the printers nearest the wall. Because it was face up, it had already been read. The front page appeared to be an e-mail between the 2 members of the States, dated the 3rd August. The following pages appeared to be, at first glance, an e-mail to the one of the 2 members from her former partner. I do not remember the date of this e-mail. I do remember the detail.

In view of the inflammatory nature of the e-mail sent by the former partner, I was not sure what to do as there were workmen in and out of the building. I quickly scanned the document and e-mailed it to myself. I put the e-mail in my bag. My feelings in those minutes were at best, confused. Why was this document lying around? Why had it been printed? Was it genuine?

I took it back to my office and subsequently posted it that afternoon to the Data Protection Commissioner with a hand written note on a compliment slip.

That afternoon, I then e-mailed the scanned document to one person and asked them their view of the document. I was then advised to delete the scanned document and did so. My mistake was this act of scanning and forwarding to a third party.

I have been found to be in breach of a regulation of the Data Protection (Jersey) Law 2005 by the Data Protection Commissioner. Consequently, I have been found to be in breach of the Ministerial Code of Conduct.

I accept that I made a mistake and breached a regulation on this part of the law and I now realise how easy it is to do so. I have left confidential Housing documents on a printer in the same room in the past and have had to rush back to retrieve them. I realise that I should have simply shredded the document there and then.

However, the contents were, in my opinion, such that I did want the Data Protection Commissioner to see it. I did not want to leave the e-mail where it was. I made no attempt at a cover-up. My recipient has assured me that they deleted their copies of the offending document the next day and that no copy was forwarded to any other person.

The fact that it ended up on internet sites in August may have been due to the fact that another party may have picked it up between the 3rd, 4th and 5th August 2010 in the States computer room, where it may have been lying for over 24 hours.

Any overt threat against a serving States Member is unacceptable and while I have made a mistake in this case and regret my actions, I am glad that I did send the offending e-mail to the Data Protection Commissioner and that it has been investigated and concluded.

The threat of a vote of no confidence in the Council of Ministers is now averted and I hope that their fears are allayed.

However I would have reservations serving on a Council of Ministers that would roll over at the slightest whiff of trouble and e-cordite.

A lot of innovative and good work has been done within the Housing Department in the past two years and it is in good shape to carry on. The Housing Transformation Programme is now on full ahead and the team at Housing is a great bunch of men and women. I apologise to them for leaving after just over two years of work together. I also thank my Assistant Minister for his loyalty and hard work over the last 8 months.

The worry related to this whole episode affected my health throughout November and December 2010. While I am now fully recovered, it is with a great deal of relief and a clear conscience that I return to my first duties as a Deputy of St. Brelade.

2. Personal Statement by Deputy S. Power regarding his resignation as the Minister for Housing

2.1 Deputy S. Power of St. Brelade:

Yes, Sir, I will be as brief as possible. At a meeting yesterday, the Council of Ministers expressed a view that I should resign as Minister for Housing and I have now done so. The background is this. On 5th August 2010 - it was about lunchtime - I visited the States building to pick up some files I had left in my locker. There were workmen in the area putting in the new lockers in the computer room. I noticed a printed email document sitting on its own, face-up on one of the printers nearest the wall. Because it was face-up, it had already been read. The front page appeared to be an email between 2 Members of the States dated 3rd August. The following pages appeared to be, at first glance, an email to one of the 2 Members from her former partner. I do not remember the date of the email. I do remember the detail. In view of the inflammatory nature of the email sent by the former partner, I was not sure what to do as there were workmen in and out of the building.

Deputy C.F. Labey of Grouville:

Sir, is this not breaching data protection, going into the contents of the emails?

Deputy S. Power:

Sir, I am not going into the contents.

The Deputy of Grouville:

Going into the nature. This statement breaches data protection as did Deputy Power's statement to the media that he forwarded to all States Members yesterday and his interview with CTV last night. He went into details about what was in the emails, which he has been found guilty of breaching the Data Protection Codes.

The Deputy Bailiff:

Deputy, Deputy Power has been permitted by the Bailiff to make a personal statement and he is able to do so.

Deputy J.A. Martin of St. Helier:

Yes, sorry, Sir, I was going to interrupt before Deputy Labey. I would like to say that he infers that ...

The Deputy Bailiff:

This is not the moment for other speeches. It is not a moment for other contributions, Deputy.

Deputy J.A. Martin:

Well, I would just like to put on record that the Deputy wants to be very careful what he misleads in this House. I am very sorry, Sir.

The Deputy Bailiff:

Please sit down. This is simply not a moment for other contributions. It is a personal statement which is being made by the Deputy.

Deputy J.A. Martin:

Well, then we will be allowed to give a personal statement too. Thank you, Sir.

Deputy S. Power:

In view of the inflammatory nature of the email sent by the former partner, I was not sure what to do as there were workmen in and out of the building. I quickly scanned the document and emailed it to myself. I put the email in my bag. My feelings in those minutes were at best confused. Why was this document lying around? Why was it printed and was it genuine? I took it back to my office and subsequently posted it that afternoon to the Data Protection Commissioner, that is 5th August, with a hand-written note on a compliments slip. That afternoon I then emailed the scanned document to one person and asked them their view of the document. I was then advised to delete the scanned document and did so. My mistake was this act of scanning and forwarding to a third party. I have been found to be in breach of a Regulation of the Data Protection Law 2005 by the Data Protection Commissioner. Consequently, and as a result of this, I am in breach of the Ministerial Code of Conduct. I accept that I made a mistake and that I breached a Regulation on this part of the Law and I also realise how easy it is to do so. I have left confidential documents - Housing documents in my case - on a printer in the same room in the past and I have had to rush back to retrieve them. I realised that I should simply have shredded this email there and then and indeed last weekend confidential documents relating to the Deputy of St. John in his role in the Chairmen's Committee were sent to me at my address and I took them to his house. However, the contents of the email referred to were, in my opinion, such that I did want the Data Protection Commissioner to see it and I did not want to leave the email where it was. I made no attempt to cover-up. My recipient assured me that they had deleted their copies of the offending document the next day and that no copy of the document was forwarded to any other person. The fact that it did end up on an internet site in August may have been due to the fact that another party may have picked it up between either 3rd, 4th or 5th August 2010 in the States computer room where it had been lying for over 24 hours. An overt threat against any serving States Member is unacceptable and while I have made a mistake in this case and regret my actions, I am glad that I did send the offending email to the Data Protection Commissioner and that it has been investigated and concluded. The threat of a vote of no confidence in this Council of Ministers is now averted and I hope that their fears are allayed. However, I would have reservations serving on a Council of Ministers that would roll-over at the slightest whiff of trouble and eat cordite. A lot of innovative and good work has been done within the Housing Department in the last 2 years, both with my predecessor, Senator Le Main - who it was a pleasure to work with - and it is now in good shape to carry on. The Housing Transformation Programme is now on full-ahead and the team at Housing are a great bunch of men and women. I apologise to them for leaving them after just over 2 years of work. I also thank my Assistant Minister for his loyalty and hard work in the last 8 months. The worry related to this whole episode did affect my health throughout November and December and while I am now fully recovered, it is with a great deal of relief that I return to my duties in St. Brelade.