

Chief Minister



19-21 Broad Street | St Helier
Jersey | JE2 3RR

Deputy Sam Mézec,
President, Scrutiny Liaison Committee

BY EMAIL

20 December 2023

Dear President

Thank you for your letter dated 6th December 2023.

The Privileges and Procedures Committee developed the Freedom of Information (Jersey) Law 2011 and were clear when they lodged the legislation that public access to information and access to information for elected members are two different things. The Freedom of Information Law is a crucial element of a well-functioning system of government as it gives the public a statutory right to information; and the obligations to provide Panels and Members with information are outlined in the Scrutiny Code, as approved by the previous Assembly, and Standing Orders, and this includes information in relation to these Arms Length Bodies and States Owned Entities. As a Scrutiny Panel, you can ask for any information you wish, or ask any question you wish, including at a public hearing, and Ministers must account. Any States Member may equally ask questions, or bring propositions, securing access to information in the public arena.

I believe our parliamentary processes are robust and sufficient in this area, including holding Ministers to account in how they discharge their responsibilities in relation to Arms Length Bodies and States Owned Entities; and where improvements to support access to information and accountability are appropriate, I am sure the Privileges and Procedures Committee will consider them.

At the same time, these bodies are not States Departments for a reason. They are either investment holdings with strategic value often operating in competitive markets, or they support activities where greater agility and less administrative burden is beneficial. The extension of the Law will inevitably mean they incur additional costs, which is a concern for smaller bodies; and involve potential impacts on commercial confidentiality for those who operate in a competitive market, creating an unlevel playing field with their private competitors. These were the concerns of these bodies when past governments under Senator Gorst and Senator Le Fondré consulted with them.

That said, I support extension of the Law to these bodies.

For me, it is more a question of priorities, and when the Law can be extended, including any necessary protections for these bodies around their commercial position and administrative impact.

Ultimately, the public sector has only limited resources, and we have many demands on these resources. For example, in our 2024 programme we have legislation relating to cybercrime, food safety, offshore wind, animal welfare, educational grants, disposable

plastics, discrimination, whistleblowing, and mental health, to name a few. These are priority areas that protect the public from harm.

Helpfully, the Privileges and Procedures Committee have produced a tracker of Assembly decisions, and while the FOI decision is now nearly a decade old, it remains my view that it should be prioritised alongside more recent decisions included in the tracker.

Procedurally, the Privileges and Procedures Committee would also be the appropriate body to consider the status of older States Decisions, and I would be very content to explore this matter, as well as access to information, with them, as well as the Scrutiny Liaison Committee.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kristina', is positioned above the typed name.

Deputy Kristina Moore
Chief Minister