

Access to Public Information Response

May 31st 2016

REQUEST UNDER THE CODE OF PRACTICE FOR ACCESS TO PUBLIC INFORMATION

Request sent on May 31st 2016:

On 15 April the Policy Council published a redacted version of the PwC Pfos advisory report. At the time Deputy Chief Minister Allister Langlois said it was 'unusual' to publish a report with some redactions and the Policy Council's preference would be not to redact. I'd like to request an unredacted version of the report.

The redactions centre on two parts of the code, 2.5 Law enforcement and legal proceedings and 2.13 third party's commercial confidences. As have become sadly commonplace when the States relies on the code, it makes no reference to the specific bullet points under these headings (there are eight different reasons under 2.5) making it difficult to construct and argument for release. Primarily I'd reference the fact the code states that exceptions can be waived if it is considered in the public interest. By commissioning the review the States has already accepted there is a significant public interest in how £6.3m of taxpayers money was spent on its own legal costs and £1.4m as part of the settlement, and the decisions that led to that. An incomplete picture is currently presented by this report because of the redactions. This includes advice being received at different times – how can the public scrutinise the decision making process if they do not know what information was being used to make those decisions? The code states that it should be considered whether any harm or prejudice arising from disclosure is outweighed by the public interest in making information available – given this case has been settled I'd argue the public interest does outweigh any risk, if there is any.

The redaction of legal costs on p22 still allows for a total figure to be shared, just not how this escalated over time, it is hard to fathom how including that breakdown is commercially confidential if the total figure can be published? Presumably this is to protect the disbursements figure, but these are so broad-brush with so many different costs within that number you would never be able to work out the details of the fees being charged if the number was released. At the very least the combined figures (solicitor's costs and disbursements) could be published for each time period. Again with the classes of legal activity, what is being protected by not publishing the figure? Each legal case is clearly different, you have no idea how the figures were arrived at just by knowing the board

header, so there is no competitive disadvantage to the firm of these numbers being released.

The States of Guernsey responded on June 21st 2016

The Policy & Resources Committee considered the request for an un-redacted version of the PwC PFOS report at its meeting on 20 June 2016. On the basis that the advice from the Law Officers on which the Policy Council agreed to issue a redacted version in April 2016 has not changed, and as the redactions are in line with the States of Guernsey's Access to Public Information Code, the Committee decided that it will not publish an un-redacted version.

If you wish you can ascribe the paragraph above to a spokesperson for the Policy & Resources Committee in any article.