

Access to Public Information Response

January 9th 2018

REQUEST UNDER THE CODE OF PRACTICE FOR ACCESS TO PUBLIC INFORMATION

Request sent on January 9th 2018:

I do so in the context of the fact that as the conflict in Syria is coming to an end, the need for taking Syrian refugees is no longer the issue it was, and that Guernsey effectively decided not to take any, the same as Jersey and the Isle of Man.

However, even though time has passed, in the interests of good faith and transparency, it would be commendable if the following questions were answered:

- 1.) Who actually proposed to the then Policy Council, that Guernsey approach the UK on the subject of taking Syrian refugees?
- 2.) On what date was the political authority given for this approach to be made, and was there a recorded vote on it?
- 3.) Can you please release the minutes of the Policy Council meeting on the subject and indeed any other meetings which did so?
- 4.) What recorded information is there of communications between the UK government departments and Guernsey officials and can you disclose such information?

- 5.) Previously a reason for non-disclosure by Guernsey was because it was "information received in confidence from another government." Can this reason for non-disclosure be re-examined, as the request is not one to do with security issues, and if there are any, they can effectively be blanked out? The UK government is also not a foreign government.

As such documentation definitely exists, there can be no reason for non – disclosure, as it is likely to be similar to communications between the UK government departments and local authorities on the subject.

There can be no reason for non-disclosure because there is no evidence that the UK government would want non-disclosure for their own purposes (and they would have to have valid reasons for such non-disclosure under their FOI rules). So therefore it appears that non-disclosure is a decision made to suit whatever political purpose Guernsey had at that time. The point is, time has moved on and there is no reason for non-disclosure now. It is in the interests of transparency that such disclosure is made, even though it may not be a current political issue. I hope these quite reasonable questions can now be dealt with and look forward to your response.

States of Guernsey response sent on March 7th 2018

1.) Who actually proposed to the then Policy Council, that Guernsey approach the UK on the subject of taking Syrian refugees?

Answer:

The matter of understanding the islands infrastructure for taking part in refugee relocation schemes discussed at a meeting of the External Relations Group of the Policy Council.

Follow-up Question:

Thank you for this response but it does not fully answer the question.

1. The question was who, in relation to which individual, proposed that this matter was put on the Agenda?
2. Who agreed to it going on the Agenda as there was no States of Deliberation authority for this?
3. Who introduced this matter at the meeting?

Follow-up Answer:

There is no record of who requested the item on file. Matters for a Committee agenda are for the Committee to determine in accordance with its mandate and they do not need to relate to matters directed by the States of Deliberation.

Understanding the island's position on refugees was within the mandate of the External Relations Group 'to develop, implement and review strategies designed to maintain, defend and enhance Guernsey's standing within the global community'.

There were no papers accompanying this agenda item.

2.) On what date was the political authority given for this approach to be made, and was there a recorded vote on it?

Answer:

The matter was considered by the External Relations Group of the Policy on 10 September 2015. The External Relations Group agreed that further investigation should take place into the infrastructure in place in Guernsey to support refugees. As previously advised this work was concluded in January 2016 and statement was made <https://gov.gg/article/151392/Statement-on-Guernseys-response-to-the-Syrian-refugee-crisis>

The vote was not recorded vote, there were no objections to this investigatory work being undertaken.

Follow-up Question:

In respect of this meeting, which politicians, Civil Servants, Crown Officers and others attended?

Were there any individuals who were entitled to attend, but did not?

Follow-up Answer:

The attendee list was as follows:

- Deputy Jonathan Le Tocq, Chief Minister
- Deputy Allister Langlois, Deputy Chief Minister
- Deputy Kevin Stewart, Minister, Commerce & Employment
- Deputy Gavin St Pier, Minister, Treasury & Resources
- Deputy Paul Luxon, Minister Health & Social Services
- Deputy Roger Perrot, Non-voting Member
- Deputy Peter Gillson, Non-voting Member
- HM Procureur
- Chief Executive, States of Guernsey
- Head of International Relations
- Director of Constitutional Relations
- Senior External Relations Officer
- External Affairs Officer
- Trainee Executive

Follow-up Question:

Did the External Relations Group have the authority to commit staff and financial resources to this matter without reference to the Policy Council and also the States of Deliberation?

Follow-up Answer:

Yes, the matter was with the mandate of the Policy Council and the External Relations Group. No financial resources were committed or required for this work.

3.) Can you please release the minutes of the Policy Council meeting on the subject and indeed any other meetings which did so?

Answer:

Minutes of the External Relations Group of Policy Council are confidential to the Policy Council, exception 2.4 is applied (Internal discussion and policy and advice) which includes proceedings of Committees of the States.

Follow-up Questions:

- This is not a request for the full minutes of the External Relations Group meetings, but a request for the sections of those meetings which dealt with this particular subject. Can you disclose those items?
- It was also a request the sections of minutes of any other meetings which dealt with this matter.
- Will you please disclose such information?

Follow-up Answer:

Minutes of all States of Guernsey department/committee meetings are confidential. This includes extracts of them and is covered under exception 2.4 of the Code of Practice on Access to Public Information (Internal discussion and policy and advice). As such no minutes will be released.

Follow-up Question:

Were there any mentions or discussions of this subject by the Policy Council, as opposed to the External Relations Group, and if so, when and how often ? If so, can you please disclose the sections of the minutes which refer to this matter?

Follow-up Answer:

The Policy Council was aware of this work. The External Relations Group was a sub-group of the then-Policy Council. As previously stated all department/committee minutes are confidential and covered under exception 2.4 of the Code of Practice on Access to Public Information (Internal discussion and policy and advice).

Follow-up Question:

Why did States Departments such as Housing investigate this matter without any authority from the Policy Council and also the States of Deliberation?

Follow-up Answer:

The Policy Council coordinated the investigation and engagement with other States Departments in accordance with their mandates.

4.) What recorded information is there of communications between the UK government departments and Guernsey officials and can you disclose such information?

Answer:

There is no formal record of communications between the UK Government and the States of Guernsey on this matter. Any such communications are not available for publication, exception 2.1 is applied (security and external relations) as information was received in confidence from another government.

Follow-up Question:

In respect of this, what is your definition of recorded information?

Follow-up Answer:

A record or log of communication either by email, telephone, or notes of meetings held in person.

Follow-up Question:

As the UK government has such information, why does is the impression given that Guernsey does not hold such?

Follow-up Answer:

As explained above, no record exists or was held by the States of Guernsey.

Follow-up Question:

It would be most unusual in respect of matters discussed between the UK government and Guernsey, that the UK government held records, but that Guernsey didn't?

Follow-up Answer:

We cannot comment on the practises of the UK Government or on records it may hold.

Follow-up Question:

Can you confirm that you have no objection to the Home Office, or indeed any UK government department Guernsey has had contact with over this issue, to releasing records of communications?

Follow-up Answer:

The release of information held by the UK Government is a matter for the UK Government.

Follow-up Question:

Who are you alleging want to have non-disclosure? Is it the Home Office and/or other UK governments, or is it Guernsey?

Follow-up Answer:

Both the UK Freedom of Information regime and Guernsey API regime apply exemptions for communications between the UK Government and the government of Guernsey.

5.) Previously a reason for non- disclosure by Guernsey was because it was “information received in confidence from another government.” Can this reason for non-disclosure be re-examined, as the request is not one to do with security issues, and if

there are any, they can effectively be blanked out? The UK government is also not a foreign government.

Answer:

The application of this exception has been reviewed. The exception is not limited to foreign governments or security issues, it can apply to: "Information received in confidence from other governments or courts in other jurisdictions (including within the Bailiwick) or international organisations." Guidance on the application of the Code of Practice for Access to Information is available at www.gov.gg/information

Follow-up Questions:

Please confirm that all information received was received in confidence, or whether this was just an assumption not backed up by verification? Has there been any checking with the UK government departments about whether they want their communications on this matter being kept confidential? If there have been, what reasons have been given for any request to keep the information confidential? (Bearing in mind many local authorities in the UK disclose such information they have on the same subject in relation to dealing with the UK Home Office and other government departments and bodies). Why does Guernsey want to keep the information confidential? Is it to protect the political interests of politicians?

Follow-up Answer:

The States of Guernsey's Code of Practice on Access to Public Information, as well as the UK Freedom of Information law, apply exemptions for communications between other governments.

Follow-up Question:

Can you also disclose copies of information and minutes in relation to dealings with the governments in the Isle of Man and Jersey on this matter?

Follow-up Answer:

While informal discussions took place, no formal meetings were held between the Crown Dependencies on this issue. However, we would also again draw your attention to exemption 2:1 (security and external relations) of the States of Guernsey's Code of Practice on Access to Public Information, which covers confidential communications between governments.

Request sent on July 25th 2018:

With reference to the correspondence on this matter, I would be grateful if I could request some additional clarification, as follows:

Could you please confirm or otherwise that Gavin St. Pier and his political team have no objection to the Home Office disclosing information about dealings with Guernsey on the subject of the Syrian refugees issue.

The reason for asking is two- fold:

Firstly, because such information is sought under UK Freedom of Information laws and secondly because the Home Office has given as a reason for non-disclosure that the Guernsey government would object.

I cannot see any reason for objecting, except to protect political reputations.

If you do object then could you please give full details as to why because this is a Tribunal matter in the UK, and it will become public knowledge.

I am hoping that you will not object as in my opinion objecting will involve reputational damage to Guernsey, especially in relation to its approach to openness and transparency in government.

I point out that I have been responsible on this matter and thus it has not been in the public domain at this stage.

I also have very much appreciated that some, but not full co-operation, has been given by you and your colleagues, on providing information applied for by me in line with laws on access to public information.

It needs to be considered that the since the issue of Syrian refugees has been dealt with by the three Crown Dependencies' governments, that there have changes politically and with public servants in respect of all concerned, especially the Home Office. It therefore provides an opportunity to re-examine whether it was correct to withhold a great deal of information at the time.

States of Guernsey response sent on August 9th 2018

The administration of the UK Freedom of Information regime, and what material is exempted for release under it, is a matter for the UK Government. It is not for the States of Guernsey to comment on any decision the UK has made to an FOI request.

In general terms, the States of Guernsey's Code of Practice on Access to Public Information, as well as the UK Freedom of Information law, apply exemptions for communications between other governments.