



Vote Number 2013/38

Date of Vote: 31st July, 2013

Billet d'État: XV of 2013
Article: 5
Department/Committee: Policy Council
Subject: States of Guernsey Policy for Access to Public Information
Propositions: 1-8 (as amended)

1. *To agree the guiding principles outlined in that States of Guernsey Policy for Access to Public Information States Report, as follows:*
 - *A presumption of disclosure;*
 - *A corporate approach;*
 - *A culture of openness;*
 - *Proactive publication; and*
 - *Effective record management.*
2. *To agree that the presumption of disclosure will need to be subject to certain stated exceptions in order to protect legal, financial, commercial, competitive and public interests which will be agreed by the States from time to time.*
3. *To agree the Code of Practice on Access to Public Information in Appendix Three of that Report which will apply to all States Departments and Committees and which incorporates the guiding principles and describes the exceptions but to direct that, in relation to Part 1, paragraph 1.11 of the Code, by no later than July, 2014 the Policy Council shall report to the States of Deliberation setting out their assessment of the feasibility, desirability and potential cost of providing a right of appeal to an independent person or persons in respect of a request made for access to information which is refused by a States Department or Committee, and further subject to removing the sentence "There is no commitment that pre-existing documents, as distinct from information, will be made available in response to reasonable requests." from section 1.6 of that Code.*
4. *To endorse the Policy on the Use of Confidentiality in Contracts and agreements contained in Appendix Four of that Report.*
5. *To direct the Policy Council to implement, no later than 31 March 2014, a consistent mechanism which Departments and Committees can use to record and collate data on the number and category of requests made under the Code of Practice, including when exemptions are applied and to direct Departments and Committees to implement the policy so that data collection can commence from 31 March 2014.*

6. *To direct the Policy Council to report back to the States during quarter 1 of 2015 with a report evaluating the effectiveness of the Code of Practice and recommending any changes it considers appropriate; that report to include details of all information requests which have been refused, providing the reason for the refusal, and under which part of the Code the refusal was made.*
7. *To direct the Policy Council to report back to the States during quarter 1 of 2015 with a report evaluating the feasibility and implications of expanding the Code of Practice to include automatic disclosure rules similar to the UK “30 year Rule”.*
8. *To direct every Department and Committee to publish details (namely the title of the report, who it is commissioned by and from and date of commission) of all reports commissioned by the Department or Committee within six months of that report being commissioned, unless the publication of such detail would fall within one of the exemptions from disclosure set out in the Code of Practice on Access to Public Information set out in Appendix Three of the Report.*

CARRIED: **Pour: 38** **Contre: 7** **Abstained: 0** **Not Present: 2**

St. Peter Port South

Deputy Peter A. Harwood **P**
Deputy Jan Kuttelwascher **P**
Deputy Barry L. Brehaut **P**
Deputy Roger Domaille **P**
Deputy Allister H. Langlois **P**
Deputy Robert A. Jones **C**

St. Peter Port North

Deputy Michelle K. Le Clerc **P**
Deputy John A. B. Gollop **P**
Deputy Peter A. Sherbourne **P**
Deputy Richard Conder **P**
Deputy Martin J. Storey **P**
Deputy Elis G. Bebb **P**
Deputy Lester C. Queripel **C**

St. Sampson

Deputy Gavin A. St. Pier **P**
Deputy Kevin A. Stewart **P**
Deputy Peter L. Gillson **P**
Deputy Paul R. Le Pelley **C**
Deputy Scott J. Ogier **P**
Deputy Lyndon S. Trott **P**

Vale

Deputy Matthew J. Fallaize **P**
Deputy David B. Jones **P**
Deputy Laurie B. Queripel **N**
Deputy Mary M. Lowe **C**
Deputy Andrew R. Le Lièvre **P**
Deputy Anthony Spruce **P**
Deputy Garry M. Collins **P**

Castel

Deputy Darren J. Duquemin **P**
Deputy Christopher J. Green **P**
Deputy Mark H. Dorey **P**
Deputy Barry J. E. Paint **N**
Deputy Jonathan P. Le Tocq **P**
Deputy Sandra A. James MBE **P**
Deputy A. Hunter Adam **P**

West

Deputy Roger A. Perrot **P**
Deputy Alvord H. Brouard **P**
Deputy Arrun M. Wilkie **P**
Deputy David de G. De Lisle **P**
Deputy Yvonne Burford **P**
Deputy David A. Inglis **P**

South-East

Deputy Heidi J. R. Soulsby **C**
Deputy Robert W. Sillars **P**
Deputy Paul A. Luxon **P**
Deputy Michael G. O'Hara **P**
Deputy Francis W. Quin **P**
Deputy Michael P. J. Hadley **P**

Alderney

Alderney Representative Louis E. Jean **C**
Alderney Representative E. Paul Arditti **C**