

STATES OF DELIBERATION

30th July, 2013

Billet d'État No. XV Article 5

AMENDMENT

Proposed by: Deputy C J Green
Seconded by: Deputy E G Bebb

Policy Council **States of Guernsey Policy for Access to Public Information**

To insert immediately after “exceptions” at the end of Proposition 3 “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”.

Explanatory note

This amendment would afford the Policy Council an opportunity to determine if a form of independent oversight should be incorporated into the new regime’s investigation of complaints. The amendment is not prescriptive in terms of how such independent oversight could be accomplished.

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Billet d'Etat No. XV Article 5

AMENDMENT

Proposed by: Deputy P L Gillson
Seconded by: Deputy C J Green

Policy Council States of Guernsey Policy for access to public information

1. To insert at the end of the words in Proposition 3: “, but 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”.
2. To insert a new Proposition 5 as follows:

“5. 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.”
3. To insert a new Proposition 6 as follows:

“6. 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”.

Explanatory note relating to Amendment numbered 3

Prior to the introduction of Freedom of Information legislation in the United Kingdom, the Public Records Act 1958 (as amended) governed the publication of records, and allowed records to be opened to public access after 30 years unless they were deemed likely to cause "damage to the country's image, national security or foreign relations" if they were to be released.

The new proposition 6 would instruct the Policy Council to report to the States on the benefits of expanding the Code to include such a proactive approach.

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30th July, 2013

**Billet d'Etat No. XV
Article 5**

AMENDMENT

Proposed by: Deputy M P J Hadley
Seconded by: Deputy C J Green

**Policy Council
States of Guernsey Policy for access to public information**

1. To add a new proposition as follows :
5. "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."

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30th July, 2013

Billet d'Etat No. XV Article 5

AMENDMENT

Proposed by: Deputy P. A. Harwood
Seconded by: Deputy M. H. Dorey

Policy Council **States of Guernsey Policy for Access to Public Information**

1. To add a new Proposition 5 as follows:

“5. To direct the Policy Council to implement, no later than 31 March 2014, a consistent mechanism which Department 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.”

Explanatory note

This amendment would afford the Policy Council an opportunity to establish a corporate reporting mechanism to enable full analysis of effectiveness and operation of the Code of Practice on Access to Public Information. It will also ensure that all practices in respect of compliance with the Code are in place and that systems to ensure that statutory obligations, such as under the Data Protection (Bailiwick of Guernsey), Law 2001 (as amended) can be implemented. The amendment will mean that the Code of Practice can be fully implemented from 31 March 2014 but will not prevent Departments and Committee from following the principles in the policy in advance of this date.