

General Information	
Ministerial Decision Type	Drafting Instructions: Subordinate Legislation (Regulations/Order)
Report Title	Law Drafting Instruction - Freedom of Information: Extension to named Companies Owned or Controlled by the States
Minister	Chief Minister
Signatory	Chief Minister
Lead Department	Office of the Chief Executive (OCE)
Lead Directorate	Ministerial Office (OCE)
Ministerial Decision Summary: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	Select date.
Report and Supplemental Report Details	
Report Author	Research and Administration Officer
Date of Report	29/03/2021
Supplementary Report Title <i>(If applicable)</i>	N/A
Supplementary Report Author <i>(If applicable)</i>	N/A
Date of Supplementary Report <i>(If applicable)</i>	N/A
Ministerial Decision Report: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	Insert Relevant Case/Application.
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	P.149/2014
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.
Associated Law(s) and/or Subordinate Legislation	Freedom of Information (Jersey) Law 2011

Ministerial Office
Ministerial Decision Report



Action required if recommendation agreed	The Ministerial Office to request Law Drafting Officers to make changes to Freedom of Information Law.
Resource Implications	There are no new financial and/or manpower implications.

Summary

Further to the Assembly decision [P.149/2014](#) the Council of Ministers have requested that the Assembly decision to extend the Law to wholly and part owned companies be implemented, subject to conclusion of appropriate engagement with relevant bodies, and ensuring necessary safeguards are including in relation to protecting commercial interests in competitive environments, and investor relations. This includes various utilities, and arms-length organisations, in particular, delivery arms and promotional bodies.

Context

In 2014 the Deputy of Grouville put forth proposition P.149, which sought to extend Freedom of Information to companies owned or controlled by the States. The Deputy put forth this proposition so that these organisations were subject to the same degree of transparency and laws governing Freedom of Information, as States departments themselves. The proposition Report recognised that there were a number of exemptions that could be invoked, which would cover commercially sensitive material for example, and the entities would be able to use those exemptions as and when required.

During this Government and the last Government, other priorities have occupied the Council of Ministers. Whilst it is not possible to lodge a proposition to debate the proposed legal changes during this Assembly, considering the previous decision of the Assembly, the outgoing Chief Minister wishes the legislation to be ready for the incoming Government. There has been engagement with the various stakeholders in regards to considerations such as administrative impact, organisational risk, commercial sensitivity, and third party interests. The work to engage these various stakeholders is concluding in order that the legislation can be ready for the incoming Government.

The Ministerial Office is to draft formal instructions to request that the Law Drafting Office (LDO) draft Regulations to amend schedule 1 to extend the Freedom of Information (Jersey) Law 2011 to identified companies wholly and part owned by the States. The LDO will be further requested to draft necessary legislative amendments to protect companies, their interests and investor relations in a commercial environment, as identified in stakeholder engagement.

Decision

The Minister authorised the Ministerial Office to instruct the Law Drafting Office (LDO) to draft Regulations to amend schedule 1 to extend the Law, as outlined above, and to draft necessary legislative amendment to protect commercial interests in competitive environments, and appropriate safeguard investor relations.