

Review of the Freedom of Information (Jersey) 2011 Law March 2026

R.38/2026

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Ministerial foreword

The Freedom of Information (Jersey) Law 2011 (FOI) remains a cornerstone of open and accountable government. It has enabled Islanders to understand more clearly how decisions are made, how resources are allocated, and how public services operate. But transparency is not a static ambition. As government evolves, so too must the systems that protect the public's right to know. That is why, in 2025, we initiated the most comprehensive review of the FOI Law since its introduction. Our aim is not simply to evaluate the current framework, but to square it, expand it, and ensure it is fit for the future. Already, this great work is driving meaningful change across government.

We are modernising internal processes, building capability across departments, and embedding a more consistent, evidence-based approach to decision-making. Our new knowledge library, enhanced collaboration with the Jersey Office of the Information Commissioner, and early development of a digital FOI portal are all practical steps that will reduce administrative burden, increase accuracy, and support faster, more robust responses.

This review is also enabling a more ambitious shift toward proactive publication. By identifying the information that carries the greatest public value and exploring more structured publication requirements, we can reduce unnecessary FOI requests while improving access to meaningful, regularly updated information.

Engagement with Islanders, Arm's Length Organisations, States-Owned Entities, and other partners has been central to shaping this work. To some degree, their insights have made clear that while transparency is widely supported, any expansion of the Law must be proportionate, practical, and supported by clear guidance and sufficient preparation. A phased, evidence-led approach will therefore guide our next steps.

The analysis of Decision Notices issued by the Information Commissioner has provided further clarity on areas where legislative refinement or improved guidance could strengthen consistency and improve outcomes for both requesters and public authorities.

Taken together, this programme of work represents a proactive commitment to strengthening openness across the public sector. By modernising our systems, clarifying our legislation, and expanding access to information in a measured and sustainable way, we are ensuring that Jersey's FOI framework remains robust, accessible, and responsive to the needs of Islanders.

I would like to thank colleagues across government, partner organisations, and members of the public for their thoughtful engagement throughout this review. Your contributions continue to shape a stronger, more transparent future for our Island.

Deputy Malcolm Ferey
Assistant Chief Minister
February 2026



Executive summary

The [Freedom of Information \(Jersey\) Law 2011](#) ('the Law') was established to ensure transparency and accountability by granting the public a statutory right to access information held by Scheduled Public Authorities ('SPAs'). Despite its positive impact on openness and transparency, the Law has attracted criticism for its limited scope and the occasional withholding of politically sensitive information. While the States Assembly approved proposition [P.149/2014](#) to extend the Law's coverage, progress has been limited.

An Interim Report ([R.138/2025](#)) identified four priority workstreams; Operational Improvements, Improved Access to Information, Extent of the Law, and Legislative Improvements. This Report provides an update on the progress made, outlining developments within these workstreams and the next steps.

Since the publication of the Interim Report, substantial progress has been achieved across the key areas of the review. The summary below provides a concise overview of these developments, with further details available in the main body of the report.

- Development of a knowledge library: This information is expected to contribute to improving internal reviews, enabling reviewers to draw easily on previous conclusions of the Information Commissioner, UK case law, and guidance that the JOIC considers persuasive where no equivalent material exists in Jersey.
- Investigating an external-facing FOI portal and an internal-facing portal: The current interface for submitting requests has been reviewed. Scoping tasks have been undertaken to understand the feasibility of developing a portal in-house, and proof of concept exercises have been undertaken.
- Review of high-value information that should be routinely published: A comparative review against global standards has been conducted. The analysis found that Jersey's approach contrasts sharply with jurisdictions that adopt highly prescriptive models.
- Assessment of public views and engagement with ALOs, SOEs, and majority-funded entities: A broad-reaching consultation has been completed and results analysed. The feedback received reaffirmed the importance of transparency while underscoring the need for careful planning, practical timelines, and robust support mechanisms.
- Analysis of Decision Notices from Jersey Office of the Information Commissioner: Decision Notices have been analysed to record exemptions considered by the Commissioner and if they were deemed to have been correctly applied. The analysis identified areas where further internal guidance is required to support the correct application of exemptions.
- Comparative assessment of FOI legislation in other jurisdictions: Jersey's legislative framework has been assessed against other jurisdictions. The analysis concluded that Jersey's Law is broadly aligned with international standards.

Summary of recommendations

The following five recommendations have been identified to support the ongoing development and enhancement of the Law.

1) Investigate implementing required Publication Schemes

It is recommended that consideration is given to the inclusion of certain SOEs or ALOs under Article 20, who are or remain outside the scope of the Law and therefore not subject to FOI requests.

Creating an additional provision for bodies who do not meet the full inclusion criteria would ensure that they are still formally required to comply with any publication scheme requirements. Further analysis will be required to assess the practical implications, resource needs, and proportionality of extending these obligations.

2) Improve 'Part 3' of the Law relating to vexatious and repeated requests

It is recommended that amendments to Articles 21 and 22 of the Law are explored, to strengthen their effectiveness and ensure they can be applied robustly and consistently across the relevant bodies in cases of vexatious or repeat FOI requests.

3) Investigate the options and viability for non-resident charges

It is recommended that options are explored to assess the feasibility and operational viability of introducing a processing charge for non-resident FOI requests.

4) Improve the legal mechanism for including bodies under the FOI Law

It is recommended that further work is undertaken to assess the feasibility of amending Article 6 of the Law, so that the entities listed in Schedule 1 can be amended by Order.

It is also recommended that Schedule 1 is amended to include a comprehensive list of all Government departments falling within the scope of the Law, with all SPAs presented under clearly defined categories.

5) Use a phased approach for inclusion of ALOs and SOEs under the Law

It is recommended that the next Council of Ministers adopt a phased approach when implementing further extensions to the scope of the Law, to include SOEs and ALOs. This recommendation should be undertaken last to allow all necessary legislative changes to be reviewed and implemented before any extension is pursued.

Background

The [Freedom of Information \(Jersey\) Law 2011](#) was established to embed transparency and accountability by granting the public a statutory right to access information held by Scheduled Public Authorities. By enabling scrutiny and understanding of decisions taken by government, the Law seeks to strengthen public confidence in the democratic process.

Implemented in 2015 through a phased rollout, the Law initially applied to core government departments and Ministers, before extending to the States Assembly, Parish authorities, and selected arms-length entities. Oversight and appeals are administered by the Jersey Office of the Information Commissioner ('JOIC').

Despite its positive impact on openness and transparency, the Law has attracted criticism for its limited scope and the occasional withholding of politically sensitive information. While the States Assembly approved proposition [P.149/2014](#) to extend the Law further, progress was limited until March 2025 when the Council of Ministers initiated a comprehensive review of the Law to ensure it remains fit for purpose and aligned with international best practice.

The review focuses on strengthening the "right to know" while balancing efficiency and resource demands. The main areas that have been considered include:

- The extent to which additional information can be provided in the public domain.
- Reviewing exemptions, cost considerations, provisions for repeat and vexatious requests.
- Extending the Law to include additional public bodies.
- Reviewing the structuring of the Law, including treating each Scheduled Public Authority as a separate body.
- Identifying any legislative improvements required to support transparency and the objectives of the review.
- Reviewing other operational improvements required to support transparency and the objectives of the review.

An Interim Report ([R.138/2025](#)), published in September 2025, identified four priority workstreams that could be used to improve Law, and the management and processing of FOI requests:

- 1) Operational Improvements
- 2) Improved Access to Information
- 3) Extent of the Law
- 4) Legislative Improvements

This report provides an update on the progress made since the Interim Report, outlining developments within these workstreams and the next steps to ensure the Law continues to deliver transparency, efficiency, and cost-effectiveness.

Update on Workstream 1 - Operational Improvements

Workstream 1 focuses on identifying avenues to strengthen internal processes, procedures, and training to ensure consistent implementation of the Law and accurate disclosure of information. The Interim Report highlighted several priority areas for development, which are now being progressed:

- Establishing a regular FOI training schedule for staff.
- Delivering training for the Executive Leadership Team and Ministers.
- Updating both Government of Jersey (GOJ) and JOIC webpages to improve clarity and accessibility of FOI guidance.
- Enhancing knowledge and consistency in applying Articles 3 and 16 of the Law, which relate to the meaning of 'information held by an SPA', and the ability to refuse a request if the costs of supplying information are excessive.
- To support the ongoing drive for efficiency, accuracy and transparency, investigating greater harnessing of Microsoft's automation and data management tools, including the in-house development of an FOI portal for use by GOJ SPAs for responding to requests.

These initiatives aim to embed best practice, reduce administrative burden, and ensure the Law continues to operate effectively and fairly.

Establishing a regular FOI training schedule

The delivery of staff training for government departments on FOI is not currently conducted according to a fixed timetable, instead it is carried out on an as-needed basis. This approach ensures that training is responsive to emerging operational requirements and departmental queries. Whilst adopting this demand-driven model, resources can be allocated efficiently, and training can be tailored to address specific skill gaps or organisational needs as they arise.

To support this model, the next steps are to undertake a comprehensive analysis to determine existing capability gaps which will require targeted development. This assessment should draw on performance data and insights from both managers and staff to build an accurate picture of their current strengths and weaknesses. Establishing a clear understanding of where the gaps lie ensures that training sessions deliver maximum value.

Delivering training for the Executive Leadership Team ('ELT') and Ministers

Work is ongoing for the delivery of training to ELT and Ministers. Training was provided to Ministers in 2025. The session offered a valuable opportunity to enhance Ministers' understanding of the Law and discuss its application in greater detail. It also created space to raise and discuss any questions relating to specific provisions, ensuring clarity around areas that may otherwise lead to inconsistency in its practical application.

Work has also commenced on arranging a dedicated training session for States Assembly Members as part of their induction after the election period in June. This initial session will be supplemented by tailored training for those appointed by the Assembly as the new

Council of Ministers, ensuring they understand their responsibilities for the departments they oversee. Embedding these sessions into the onboarding process is intended to strengthen Members' understanding of the Law and responsibilities from the outset of the new term.

Implementing collaborative change to both GOJ & JOIC Webpages

Any changes to the Government website regarding FOI have been shared in advance with JOIC to support effective collaboration and ensure consistency of messaging. This approach will continue to maintain consistency across all publicly available information and minimise any risk of conflicting or outdated content.

Enhancing knowledge and consistency around the application of Articles 3 and 16 of the Law

Enhancing knowledge and consistency in the application of Articles 3 and 16 of the Law will require targeted training sessions to promote an aligned understanding and approach across all relevant SPAs. These sessions will address any variations in interpretation and reinforce best practice. This will be incorporated into the comprehensive analysis outlined earlier in this report, which will identify all areas where further training or clarification is needed.

Additionally, work has begun on collating materials to support the consistent application of all Articles. A knowledge library has now been developed, consisting of:

- JOIC Decision Notices, including summaries of the Commissioner's view on the application of each Article;
- A record of UK case law referenced by the JOIC in its guidance or decision notices, with links to the original judgments; and
- A record of JOIC and UK ICO guidance.

The above has been mapped against the relevant Article(s) and will support SPAs in reviewing relevant documents both before and after applying Articles.

This information is expected to contribute to improvements in the internal review process. It will enable internal reviewers to draw more easily on previous conclusions of the Commissioner, as well as on UK case law and guidance that the JOIC considers persuasive when no equivalent material exists in Jersey.

Exploring the development of a new digital FOI Portal

This workstream was divided into two areas of focus: an external-facing portal and an internal-facing portal. Both strands of work aim to strengthen efficiency, accuracy and transparency within the FOI process.

External facing portal

The current interface for submitting a request to a SPA has been reviewed. For the SPA's purposes, it provides much of the information needed to respond to a request. However, it could be improved to support requesters with their submissions. For example, providing

greater clarity on which SPA holds relevant information. Such improvements should reduce the need for clarification between the requester, the Central Information Governance Office ('CIGO') and the SPA.

The internal facing portal will be implemented first, as it can be developed at pace and will not interfere with the current processes/systems in place, keeping any disruption to a minimum.

Internal facing portal

Scoping tasks were undertaken to understand the feasibility of developing a portal to support the administration and processing of requests via the CIGO and individual SPAs, using existing Microsoft products.

Following the above, proof of concept exercises were undertaken, and it has been deemed feasible that the CIGO can develop and maintain a centralised system, with data protection by design, to support SPAs in responding to requests made under the FOI Law.

System/process mapping is underway to understand the datasets required to enable an efficient system and the likely requirements of individual users and SPAs. Once a stable system is ready for testing, there will then be consultation with SPAs demonstrating the 'Beta' version of the system with a view to identifying any additional requirements.

The datasets required to enable an effective system are likely to deliver other benefits, such as new data points for greater performance reporting. Additionally, the same datasets would assist SPAs to respond to requests for internal reviews or appeals made to the JOIC. The system will be able to generate reports where currently the same information requires manual compilation.

It is envisioned that the new portal will change ways of working and provide opportunities to streamline.

Update on Workstream 2 - Improved Access to Information

Workstream 2 is focused on reducing the administrative burden and the costs associated with Freedom of Information requests by adopting a more proactive approach. The Interim Report highlighted several priority areas for development, which are now being progressed:

- Identifying high-value information and datasets that should be routinely published without the need for a FOI request.
- Supporting SPAs to enhance their engagement with frequent requestors, to gain more understanding about the nature of their concerns and provide explanations on the available avenues to them while fully preserving their statutory right to submit FOI requests under the Law.

These measures are designed to improve transparency, streamline processes, and reduce resource pressures, while maintaining the integrity of the public's "right to know".

Identification of high-value information that should be routinely published

The review of high-value information that should be routinely published commenced in December 2025. The focus was on Article 20 of the Law, which confirms Regulations can require SPAs to adopt and maintain a publication scheme, meaning they must regularly publish certain information for the public to access.

The objective was to assess Jersey's approach against international best practices and identify opportunities for improvement. The analysis examined the structure, scope, and enforcement mechanisms of publication schemes in other jurisdictions, with particular attention to:

- Whether jurisdictions provide a mandatory or recommended schedule/list of required/recommended publications.
- The level of prescriptive guidance versus flexibility for authorities.
- Compliance and enforcement measures to ensure publication obligations are met.

This comparative review demonstrated how Jersey's current framework aligns with global standards and where enhancements may be necessary.

The jurisdictions selected for comparison were chosen based on their established FOI regimes to provide insights from both larger Commonwealth countries and smaller jurisdictions with similar administrative structures to Jersey.

The comparative analysis of publication scheme requirements under FOI laws found that Jersey's current approach contrasts sharply with jurisdictions such as the UK, Canada, and Australia, which adopt highly prescriptive models, including mandatory lists of information categories and provisions for compliance monitoring by oversight bodies.

Jersey was found to be closely aligned with smaller jurisdictions such as Guernsey and Gibraltar which offer minimal guidance on publication schemes and have limited enforcement. Jersey's less prescriptive model provides an opportunity to strengthen transparency by introducing a model publication scheme and clear guidance surrounding this.

Overall, while Jersey's FOI Law establishes a duty to maintain a publication scheme, the absence of a defined schedule of required publications or detailed guidance places it out of alignment with international best practice. Introducing a mandatory or model/recommended publication scheme, supported by clear compliance expectations and oversight, would significantly enhance transparency and potentially reduce the reliance on FOI requests.

Proposed Categories for a Required Publication Schedule

The following categories illustrate the types of information that could be included within a standardised publication schedule:

- **Who They Are and What They Do:**
Clear explanations of an organisation's purpose, governance structure, statutory responsibilities, organisational charts, and key roles.
- **Financial Information:**
Annual budgets, financial statements, audited accounts, spending summaries, procurement information, and other financial reports.
- **Strategic Priorities and Performance:**
Strategic plans, corporate objectives, progress updates, annual performance reports, and key performance indicators (KPIs).
- **Decision-Making Processes:**
Ministerial Decisions and supporting documentation, consultation materials, summaries of consultation outcomes, and information on how decisions are taken.
- **Policies and Procedures:**
Internal and operational policies, service delivery standards, operational guidance, and frameworks that guide decision-making and service provision.
- **Registers and Lists:**
Public registers, statutory lists, disclosure logs of FOI requests and responses, and other routinely maintained datasets.
- **Services Offered:**
Details of services provided to the public, accompanying guidelines, process descriptions, eligibility criteria, and publicly available forms.
- **Information on Senior Officials:**
Travel, hospitality and expense information for Ministers and senior officials, remuneration data, and pay structures.

Following the completion of the comparative review, an engagement process has begun to understand the extent and scope of information that is currently published by SPAs. As part of this, designated individuals within the SPAs have been contacted to gather details on the datasets, reports, and other materials they routinely publish. This includes clarification on any additional publications or datasets they intend to release during 2026.

Once this engagement has been completed, the information will be assessed against the publication requirements and practices observed in other comparable jurisdictions. This will enable an evaluation of alignment with recognised standards of transparency and accountability. It is hoped that when this workstream is completed areas of divergence will have been identified, including instances where local publication practices exceed, meet, or fall short of those adopted elsewhere.

Supporting SPAs to enhance their engagement with frequent requestors

Supporting SPAs to strengthen their engagement with frequent requestors is facilitated by the CIGO, who play a key role in communicating with the public and in promoting a more proactive approach.

By establishing a dialogue with individuals who submit frequent requests, the team is able to understand the specific information they are seeking, identifying any reoccurring themes and allowing them to resolve issues more efficiently.

Update on Workstream 3 - Extent of the Law

Workstream 3 is dedicated to reviewing the scope of the Law, including its current application to Arm's Length Organisations and State-Owned Entities, previous States Assembly decisions on further extension of the Law, and considerations on which public authorities the Law should apply to.

The Interim Report highlighted priority areas for development, which have been progressed:

- Assessment of public views on the current extent of the Law, and whether extension to ALOs and SOEs would be beneficial.
- Engagement with ALOs, SOEs, and majority-funded entities to evaluate their readiness for inclusion and understand any concerns and resource implications that may arise.
- Exploring options for a phased extension, supported by tailored guidance and capacity-building measures to ensure smooth implementation.

These steps aim to balance transparency with practicality, ensuring any extension of the Law is both effective and sustainable.

Assessment of public views and engagement with ALOs, SOEs, and majority-funded entities

In Autumn 2025, the Government of Jersey conducted a [public consultation](#) designed to assess public views on the scope of the Law and engage with ALOs, SOEs, and majority-funded entities regarding potential inclusion. Between September and November 2025, a public consultation gathered a broad range of views from 122 individuals and 40 organisations. The feedback was gathered through surveys, focus groups, and written submissions, providing a comprehensive range of perspectives which are summarised below.

Overall, there was strong support for including States-Owned Entities and statutory bodies within the scope of the Law, provided that implementation is phased and supported with adequate resources. Respondents emphasised that decisions on inclusion should not rely solely on funding levels; instead, they should account for organisational size, governance arrangements, capacity, resources, and existing accountability measures.

While transparency was widely recognised as a priority, stakeholders highlighted the need for a proportionate approach that balances openness with operational realities. Concerns were raised about the administrative and financial burden that compliance could impose, particularly on smaller organisations and those operating in competitive markets.

Respondents raised that without sufficient support, compliance could divert resources from core functions and increase costs for customers. To mitigate these risks, clear guidance, tailored training, ongoing support, and access to legal advice and compliance funding were identified as essential.

The protection of sensitive and commercially confidential information was also seen as critical, with some respondents calling for strengthened exemptions and safeguards to

ensure that expansion of the Law does not compromise legitimate confidentiality. In addition, stakeholders recommended that any extension should be underpinned by detailed impact assessments and cost-benefit analyses to ensure evidence-based decisions.

Views on the inclusion of other entities, such as charities and partly owned organisations, were mixed, with concerns about legal complexity and governance challenges. Many organisations noted that they already provide transparency through annual reports, audits, and governance frameworks, and some suggested that legislative amendments to body-specific laws could offer an alternative to full inclusion under the Law.

In summary, the consultation reaffirmed the importance of transparency while underscoring the need for careful planning, practical timelines, and robust support mechanisms. A phased approach, early engagement, and proportionate implementation will be essential to achieving the objectives of the Law without compromising efficiency or service delivery.

The full consultation findings are available here; [Interim Review of the Freedom of Information \(Jersey\) Law 2011 Consultation Feedback Report](#)

Exploration of options for a phased extension

Following the review of the consultation feedback, an exploration of a phased approach has begun. The exploration is focused on identifying practical pathways to gradually extend the Law to additional organisations, ensuring any changes would be proportionate, operationally achievable, and aligned with the policy objectives of balancing openness and transparency with a proportionate approach.

The next step on this workstream is to continue work on the phased approach and create a practical implementation timeline working with the organisations that will be included. The first set of organisations that will be included are SOEs, following the completion of an impact assessment, using parameters such as size of organisation, capacity, ownership structure, and their role.

This will include further targeted engagement to identify which areas in the Law may need to be enhanced to improve safeguards. Extension of the Law must not prejudice commercial interests where competitors may wish to use the Law to obtain information. Additionally, it must not increase costs for taxpayers and consumers.

For any future stage of expansion, implementation will need to occur after any relevant changes to the Law and Guidance have been completed to alleviate any practical concerns raised by organisations. Additionally, sufficient lead-in time will be required to provide support to organisations through training and assistance with updating policies and procedures before they are brought within the scope of the Law.

Update on Workstream 4 - Legislative Improvements

Workstream 4 is focused on identifying legislative changes required to support the delivery of public policy objectives and ensure the Freedom of Information Law remains robust and fit for purpose. The Interim Report highlighted four priority areas for development, which have been progressed:

- Reviewing relevant States Assembly decisions and previous White Papers or consultation papers on potential amendments to the Law.
- Evaluating operational feedback from the Central FOI Unit within CIGO, including identification of any recurring challenges, gaps (lacunas) in the existing Articles of the Law, or tensions between the legislation, published guidance, and day-to-day application.
- Analysis of decisions by the Jersey Office of the Information Commissioner.
- Comparative assessment of FOI legislation in other jurisdictions.

Review of relevant States Assembly decisions, White Papers or consultation papers

A Review of relevant States Assembly decisions, White Papers and consultation papers is now underway. The findings from this analysis will ensure all relevant material has been considered comprehensively.

Evaluation of operational feedback from the Central FOI Unit

Operational feedback from the Central FOI Unit has been gathered and analysed throughout all four workstreams, providing valuable insight into the practical operation of the Law. This feedback has helped to highlight how the Law functions in day-to-day contexts and identify areas where further improvements may enhance overall effectiveness.

As part of Workstream 2—particularly the redesign of systems and processes—the need for clearer understanding of what constitutes a Scheduled Public Authority under Schedule 2 to the FOI Law has been identified. There is currently an inconsistency between related legislation and appeal outcomes regarding the definitions of Ministers, departments, committees, bodies, and other entities, and whether they fall within the definition of an SPA.

Improved clarity in this area will not only support the public when submitting FOI requests but will also assist in designing a system that preserves clear lines of accountability between the roles of the CIGO and SPAs.

Analysis of Decision Notices from JOIC

The JOIC has published 23 Decision Notices since November 2016 to date. In each case, the Commissioner decided whether to:

- Uphold the appeal (finding in favour of the complainant)
- Partially uphold the appeal (finding that the Scheduled Public Authority was justified in withholding some information but not other information), or

- Not uphold the appeal (finding in favour of the SPA, meaning the information was correctly withheld).

Full details of that analysis can be found at Annex 1 to this Report.

It is important to note that, although several thousand FOI requests have been submitted and responded to since 2016, the Commissioner has been asked to consider only 23 of these. Accordingly, while the findings from this analysis provide useful insight to inform other workstreams, they are not, on their own, sufficient to determine where improvements or reforms to processes may be required. In addition, the data covers a ten-year period and does not reflect changes to processes that have already been implemented during that time to address issues previously identified by the Commissioner.

Each Decision Notice has also been reviewed to record every exemption considered by the Commissioner and whether it was deemed to have been correctly applied by the SPA. In some cases, the Commissioner did not assess all exemptions cited by the SPA; these instances have therefore been recorded as 'N/A'. Where the Commissioner commented on a general article of the Law - such as Article 8, the general right to be supplied with information held by an SPA - these observations have been captured to support internal policy development and lessons learned, but marked as 'N/A' for the purposes of assessing correct application.

Focusing only on the exemptions applied by SPAs - and consolidating those which the Commissioner found to be incorrectly or partially incorrectly applied - the analysis identifies several areas where further guidance and support are required to ensure consistent and accurate application of exemptions. Where an exemption has been reviewed by the JOIC more than once, and where incorrect application is close to or exceeds 50%, these have been highlighted as priority areas for improvement:

- Article 23: Information accessible to the applicant by other means (Absolute)
- Article 25: Personal information (Absolute)
- Article 27: National security (Absolute)

During the analysis, a record was also compiled of all case law and guidance referenced by the Commissioner in their determinations.

As noted earlier in this report, this material has been mapped against the relevant Articles and decision notices and will form part of the knowledge library available to SPAs.

Comparative assessment of FOI legislation in other jurisdictions

A comparative assessment commenced in November 2025 as part of the strategic review of the Law. The objective of this review was to benchmark Jersey's legislative framework against other jurisdictions with similar governance models and transparency standards. The review focused on a detailed analysis of the Articles within Jersey's law alongside corresponding provisions in selected jurisdictions. This structured approach ensured a comprehensive understanding of both operational and legal dimensions of FOI regimes.

Key areas of comparison included:

- Scope: which public authorities and entities are covered by the Law.
- Response Time: statutory timeframes for responding to requests and provisions for extensions.
- Fees: whether charges apply for making requests or for processing.
- Exemptions: categories of information protected from disclosure.
- Appeals: mechanisms for challenging decisions and the independence of oversight bodies.
- Right to Access: eligibility criteria for who can submit requests.
- Request Format: requirements for submission and validation of FOI requests.

The jurisdictions selected for comparison were chosen based on their relevance to Jersey's legal and administrative context, as well as their established FOI frameworks. A mix of jurisdictions provided a balanced perspective, incorporating both larger Commonwealth countries and smaller territories with similar governance structures. These included:

- Australia
- Canada
- Cayman Islands
- Gibraltar
- Guernsey (Freedom of Information Code)
- Isle of Man
- Malta
- New Zealand
- United Kingdom

The analysis concluded that Jersey's FOI Law is broadly aligned with international standards on both operational and procedural aspects. Jersey's Law mirrors the approach taken by the UK and Isle of Man in several respects.

Scope

Across the jurisdictions reviewed, Jersey has one of the narrower scopes in terms of which bodies are formally covered by FOI legislation. Under the current framework, Jersey's FOI obligations apply only to entities explicitly listed as SPAs in Schedule 1 of the Law.

In contrast to Jersey, many comparator jurisdictions apply FOI legislation to a much broader spectrum of public bodies. Most countries typically define the coverage expansively, applying obligations to all government departments, agencies, statutory authorities, and, in several cases, publicly owned or publicly controlled companies.

Schedule 1 uses the term "any administration of the States" which does not offer a clear or comprehensive description. Most jurisdictions included in the analysis provide a detailed list of the scheduled public authorities included in the Law, including the official name of each Government department the Law applies to.

Response Time

A review of the statutory administrative response time requirements across comparable jurisdictions shows that Jersey's 20 working day response period is broadly aligned with the standard adopted in several Commonwealth and Crown Dependency frameworks.

Fees

A review of fee structures applied across comparable jurisdictions shows that Jersey's approach is broadly consistent with the prevailing international model, in which routine FOI requests are not subject to an application fee, but charges may be applied in cases where the cost of responding exceeds a defined threshold. This positions Jersey among the majority of jurisdictions that aim to ensure public access while retaining a cost-control mechanism for resource-intensive requests.

Exemptions

The review of exemption provisions across comparable jurisdictions demonstrates that Jersey's framework is broadly aligned with international practice, both in its structure and the range of protections afforded. Like some other comparator jurisdictions, Jersey applies a combination of absolute and qualified exemptions, reflecting the common legislative approach of balancing transparency with the need to protect sensitive public interests.

Jersey's Law provides strong safeguards through its exemptions and is consistent with comparator jurisdictions. However, the exemptions require clearer interpretation and consistent application. Greater alignment between the JOIC and the GOJ on the meaning and application of certain articles would enhance clarity and compliance.

Appeals

The comparative review of FOI appeals mechanisms across multiple jurisdictions indicates that Jersey's appeals process is broadly aligned with international practice. Jersey provides for an internal review by the SPA in question, an external appeal to the JOIC, followed by recourse to the Royal Court.

Right to Access

A review of eligibility criteria across the jurisdictions included in the comparative analysis shows that Jersey's provisions on who may submit a request are broadly aligned with the most open and permissive international models. Jersey allows any individual to make a request, regardless of their nationality or residence, placing it among the group of jurisdictions offering universal access. In contrast to this, some jurisdictions are more restrictive and require requesters to be resident or over a certain age.

Request Format

The comparative analysis of the request format requirements highlighted that Jersey's legislation is closely aligned with comparable jurisdictions, which requires requests to be submitted in writing. Most jurisdictions adopt a written-request model, whether this is delivered by email, letter, or via a digital platform.

Publication Schemes

The analysis found that Jersey is not aligned with other jurisdictions. Most other jurisdictions researched provided a schedule/list of information that public authorities are required to publish. For most jurisdictions that do not require publication of information, a suggested list is provided with examples of what they could follow should they wish to.

Article 20 which allows for Regulations to prescribe requirements for SPAs to adopt and maintain a publication scheme, has not been exercised. As a result, SPAs do not maintain publication schemes and the JOIC does not provide guidance on this or model publication schemes.

Helping SPAs to maintain an information index and a publication scheme may assist the public to locate the information they require faster, reducing the need to submit a request.

Vexatious Requests

Article 21 of the Law covers vexatious and repeated requests. These provisions are not in line with most other jurisdictions. Article 21 is more difficult to implement as provisions such as paragraph (3)(a) are very narrow and not easy to prove. Additionally, Jersey is missing elements present in other jurisdictions such as requests which are: made in bad faith; an abuse of rights; frivolous; malicious; or misconceived.

Clearer guidance and procedural safeguards are required to enable more effective management of vexatious requests without undermining access rights.

Conclusions and next steps

This update to the Interim Report confirms the progress that has been made across the four workstreams of the Freedom of Information (Jersey) Law 2011 review since September 2025.

Recommendations for the next Council of Ministers

The following five recommendations have been identified to support the ongoing development and enhancement of the Law and its practical application. The recommendations aim to strengthen clarity, consistency, and operational effectiveness, ensuring that the Law continues to meet its intended purpose of openness and transparency.

1) Investigate implementing required Publication Schemes

It is recommended that considerations are given to the potential inclusion of bodies under Article 20, who are currently outside the scope of the Law and therefore not subject to FOI requests. Creating an additional provision for bodies who do not meet the full inclusion criteria would ensure that they are formally required to comply with any publication scheme requirements. Further analysis will be required to assess the practical implications, resource needs, and proportionality of extending these obligations.

2) Improve 'Part 3' of the Legislation

It is recommended that potential amendments to Articles 21 (vexatious requests) and 22 (repeated requests) of the Law are explored to strengthen their effectiveness and ensure they can be applied more robustly and consistently across the relevant bodies. Enhancing these articles would support greater uniformity in decision making, reducing the risk of inconsistent interpretation and application.

3) Investigate the options and viability for non-resident charges

It is recommended that options are explored to assess the feasibility and operational viability of introducing a charge for non-resident requests. Implementing a structured charging mechanism could help to offset the costs associated with processing such requests and reduce the financial burden on both the public and the SPAs.

4) Improve the legal mechanism for including bodies under the FOI Law

It is recommended that further work is undertaken to assess the feasibility of amending Article 6 so that Schedule 1 can be amended by Order rather than by Regulation. This change would create a more flexible and responsive mechanism for maintaining the list of SPAs, enabling additional bodies to be added to the list when required.

It is also recommended that Schedule 1 is amended to include a comprehensive list of all Government departments falling within the scope of the Law, with all SPAs presented under clearly defined categories to enhance clarity and usability. Structuring the list this way would support consistent interpretation of the Law, making it easier for the public to understand precisely which entities are subject to its provisions.

5) Use a phased approach for extended inclusion in the law

It is proposed this Recommendation is undertaken last to ensure all relevant legislative changes have been fully reviewed and implemented, thereby ensuring the framework is fit for purpose and appropriate for all existing SPAs before any extension is pursued.

It is recommended that the next Council of Ministers adopt a phased approach when implementing any further extensions to the scope of the Law. This should begin with an initial assessment of including each of the States Owned Entities, supported by the development of a clear and robust inclusion criteria. Establishing this criteria will ensure future decisions regarding the scope of the Law are evidence based, and transparent. A phased approach also allows for careful evaluation of operational implications enabling training need and risk mitigations to be identified and implemented.

Review of the Freedom of Information (Jersey) 2011 Law

Annex 1

Table 1: JOIC Decision Notices

Note: In the table below, SPAs have been listed using their current name/structure in the Government of Jersey. For example, decision notice 202-03-14180 related to the then-Environment Department which is now part of the Infrastructure and Environment Department.

SPA	DATE PUBLISHED	CASE REFERENCE	OUTCOME
EXTERNAL RELATIONS	08/10/2025	CAS-04913-B8Z1X8	Partially Upheld
CABINET OFFICE	20/08/2025	CAS-04810-C0B4K1	Partially Upheld
ECONOMY	09/07/2025	CAS-04931-N1R9J6	Partially Upheld
MINISTERIAL OFFICE; HEALTH AND CARE JERSEY	04/07/2025	CAS-04942	Partially Upheld
INFRASTRUCTURE AND ENVIRONMENT	29/04/2025	CAS-04797-M4X8F6	Not Upheld
INFRASTRUCTURE AND ENVIRONMENT	09/04/2025	CAS-04767-Z7D0C9	Upheld
CABINET OFFICE	04/04/2025	CAS-04796	Partially Upheld
ECONOMY	12/03/2025	CAS-04740	Not Upheld
INFRASTRUCTURE AND ENVIRONMENT	23/12/2024	CAS-04722	Not Upheld
GOVERNMENT OF JERSEY (GENERIC)	27/01/2023	CAS-03656	Not Upheld
JUSTICE AND HOME AFFAIRS	07/07/2021	CAS-02732	Partially Upheld
JUSTICE AND HOME AFFAIRS	07/07/2021	CAS-02503	Not Upheld
HEALTH AND CARE JERSEY	03/11/2020	CAS-02614	Not Upheld
HEALTH AND CARE JERSEY	29/09/2020	CAS-02678	Not Upheld
HEALTH AND CARE JERSEY	11/06/2020	CAS-02101	Not Upheld
CABINET OFFICE	18/10/2019	107345662	Partially Upheld
INFRASTRUCTURE AND ENVIRONMENT	27/08/2019	CAS-01812	Not Upheld
JUSTICE AND HOME AFFAIRS	18/07/2019	CAS-01827	Upheld
CABINET OFFICE	19/12/2018	202-03-161553	Not Upheld
CABINET OFFICE	21/11/2018	2018-01	Upheld
INFRASTRUCTURE AND ENVIRONMENT	16/11/2018	202-03-14180	Partially Upheld
CYPES	04/10/2018	CAS-01506 J2G1Z4	Partially Upheld
CABINET OFFICE	14/11/2016	202-03-57259	Partially Upheld

Table 2: Analysis of the application of exemptions in JOIC Decision Notices

JOIC CASE REFERENCE	EXEMPTION	CORRECT APPLICATION
107345662	Article 08: General right to be supplied with information held by a scheduled public authority	N/A
107345662	Article 12: Duty of a scheduled public authority to supply advice and assistance	N/A
107345662	Article 16: A scheduled public authority may refuse to supply information if cost excessive	No - Wholly
107345662	Article 25: Personal information (Absolute)	Yes
107345662	Article 31: Advice by the Bailiff, Deputy Bailiff or a Law Officer (Qualified)	Yes
107345662	Article 32: Legal professional privilege (Qualified)	Yes
2018-01	Article 13: Time within which a scheduled public authority must deal with a request for information	N/A
2018-01	Article 25: Personal information (Absolute)	No - Wholly
202-03-14180	Article 13: Time within which a scheduled public authority must deal with a request for information	N/A
202-03-14180	Article 23: Information accessible to applicant by other means (Absolute)	N/A
202-03-14180	Article 25: Personal information (Absolute)	Yes
202-03-14180	Article 26: Information supplied in confidence (Absolute)	N/A
202-03-14180	Article 29: Other prohibitions or restrictions (Absolute)	N/A
202-03-14180	Article 33: Commercial interests (Qualified)	Yes
202-03-161553	Article 13: Time within which a scheduled public authority must deal with a request for information	N/A
202-03-161553	Article 25: Personal information (Absolute)	Yes
202-03-57259	Article 23: Information accessible to applicant by other means (Absolute)	Yes
202-03-57259	Article 24: Court information (Absolute)	No - Wholly
202-03-57259	Article 25: Personal information (Absolute)	No - Partially
202-03-57259	Article 31: Advice by the Bailiff, Deputy Bailiff or a Law Officer (Qualified)	Yes
202-03-57259	Article 34: The economy (Qualified)	N/A
202-03-57259	Article 35: Formulation and development of policies (Qualified)	Yes
202-03-57259	Article 39: Employment (Qualified)	Yes
202-03-57259	Article 41: International relations (Qualified)	N/A
CAS-01506 J2G124	Article 23: Information accessible to applicant by other means (Absolute)	No - Wholly
CAS-01506 J2G124	Article 35: Formulation and development of policies (Qualified)	Yes
CAS-01812	Article 10: Obligation of scheduled public authority to confirm or deny holding information	Yes
CAS-01812	Article 25: Personal information (Absolute)	Yes
CAS-01812	Article 42: Law enforcement (Qualified)	Yes
CAS-01827	Article 35: Formulation and development of policies (Qualified)	No - Partially

CAS-02101	Article 08: General right to be supplied with information held by a scheduled public authority	No - Wholly
CAS-02101	Article 12: Duty of a scheduled public authority to supply advice and assistance	No - Wholly
CAS-02101	Article 13: Time within which a scheduled public authority must deal with a request for information	No - Wholly
CAS-02101	Article 14: A scheduled public authority may request additional details	No - Wholly
CAS-02101	Article 23: Information accessible to applicant by other means (Absolute)	No - Partially
CAS-02101	Article 26: Information supplied in confidence (Absolute)	N/A
CAS-02101	Article 33: Commercial interests (Qualified)	N/A
CAS-02101	Article 34: The economy (Qualified)	N/A
CAS-02503	Article 25: Personal information (Absolute)	Yes
CAS-02503	Article 26: Information supplied in confidence (Absolute)	N/A
CAS-02614	Article 08: General right to be supplied with information held by a scheduled public authority	Yes
CAS-02678	Article 25: Personal information (Absolute)	Yes
CAS-02732	Article 25: Personal information (Absolute)	No - Partially
CAS-02732	Article 31: Advice by the Bailiff, Deputy Bailiff or a Law Officer (Qualified)	Yes
CAS-02732	Article 32: Legal professional privilege (Qualified)	N/A
CAS-03656	Article 03: Meaning of “information held by a public authority”	Yes
CAS-04722	Article 10: Obligation of scheduled public authority to confirm or deny holding information	Yes
CAS-04722	Article 16: A scheduled public authority may refuse to supply information if cost excessive	Yes
CAS-04722	Article 23: Information accessible to applicant by other means (Absolute)	No - Wholly
CAS-04722	Article 31: Advice by the Bailiff, Deputy Bailiff or a Law Officer (Qualified)	Yes
CAS-04722	Article 32: Legal professional privilege (Qualified)	N/A
CAS-04722	Article 35: Formulation and development of policies (Qualified)	N/A
CAS-04740	Article 03: Meaning of “information held by a public authority”	N/A
CAS-04740	Article 27: National security (Absolute)	Yes
CAS-04740	Article 31: Advice by the Bailiff, Deputy Bailiff or a Law Officer (Qualified)	N/A
CAS-04740	Article 32: Legal professional privilege (Qualified)	N/A
CAS-04740	Article 41: International relations (Qualified)	N/A
CAS-04740	Article 42: Law enforcement (Qualified)	N/A
CAS-04767-Z7D0C9	Article 26: Information supplied in confidence (Absolute)	No - Wholly
CAS-04796	Article 03: Meaning of “information held by a public authority”	Yes
CAS-04796	Article 25: Personal information (Absolute)	No - Partially
CAS-04796	Article 31: Advice by the Bailiff, Deputy Bailiff or a Law Officer (Qualified)	Yes
CAS-04797-M4X8F6	Article 21: A scheduled public authority need not comply with vexatious requests	Yes
CAS-04797-M4X8F6	Article 33: Commercial interests (Qualified)	N/A
CAS-04810-C0B4K1	Article 03: Meaning of “information held by a public authority”	Yes

CAS-04810-C0B4K1	Article 25: Personal information (Absolute)	No - Wholly
CAS-04810-C0B4K1	Article 31: Advice by the Bailiff, Deputy Bailiff or a Law Officer (Qualified)	Yes
CAS-04913-B8Z1X8	Article 08: General right to be supplied with information held by a scheduled public authority	Yes
CAS-04913-B8Z1X8	Article 25: Personal information (Absolute)	No - Partially
CAS-04913-B8Z1X8	Article 31: Advice by the Bailiff, Deputy Bailiff or a Law Officer (Qualified)	Yes
CAS-04913-B8Z1X8	Article 41: International relations (Qualified)	Yes
CAS-04931-N1R9J6	Article 08: General right to be supplied with information held by a scheduled public authority	No - Wholly
CAS-04931-N1R9J6	Article 27: National security (Absolute)	No - Wholly
CAS-04931-N1R9J6	Article 31: Advice by the Bailiff, Deputy Bailiff or a Law Officer (Qualified)	No - Wholly
CAS-04942	Article 13: Time within which a scheduled public authority must deal with a request for information	No - Wholly
CAS-04942	Article 25: Personal information (Absolute)	Yes

Table 3: Analysis of the application of exemptions where additional guidance is required

ARTICLE	YES	NO	TOTAL EXEMPTIONS APPLIED	%CORRECTLY APPLIED	%INCORRECTLY APPLIED
ARTICLE 23	1	3	4	25.0%	75.0%
ARTICLE 24		1	1	0.0%	100.0%
ARTICLE 25	7	6	13	53.8%	46.2%
ARTICLE 26		1	1	0.0%	100.0%
ARTICLE 27	1	1	2	50.0%	50.0%
ARTICLE 31	7	1	8	87.5%	12.5%
ARTICLE 32	1		1	100.0%	0.0%
ARTICLE 33	1		1	100.0%	0.0%
ARTICLE 35	2	1	3	66.7%	33.3%
ARTICLE 39	1		1	100.0%	0.0%
ARTICLE 41	1		1	100.0%	0.0%
ARTICLE 42	1		1	100.0%	0.0%