

2026.09.08

5.1 Connétable I. Gardiner of St. Helier of the Chief Minister regarding Freedom of Information request decisions (OQ.74/2026).

In light of the Information Commissioner's concerns regarding central Government involvement in freedom of information request decisions, will the Chief Minister advise what role central communications or other Government functions currently have in decisions on whether information is disclosed and what action, if any, he intends to take to ensure that such decisions are made independently by the relevant scheduled public authority?

Senator L.J. Farnham (The Chief Minister):

The Connétable has agreed that Deputy Ferey take this, as he has delegated responsibility for the matter.

Deputy M.R. Ferey of St. Saviour (Assistant Chief Minister – rapporteur):

I thank the Connétable for her question. Freedom of information decisions are made by the scheduled public authority and, for clarity, that is the relevant department which holds the information and are signed off by the relevant accountable officer. A scheduled public authority is entitled to seek advice from legal communications, policy or other specialist colleagues when preparing responses. This is a normal and sensible part of Government administration. The role of the Information Commissioner is to consider whether decisions comply with the law. How the Government organises advice and support functions is a matter for Government, provided statutory responsibilities remain with the relevant authority. Officers are currently reviewing how the Government operates across its various scheduled public authorities to ensure services are delivered in the most efficient, consistent and cost-effective way possible.

5.1.1 The Connétable of St. Helier:

Can the Assistant Chief Minister confirm whether freedom of information responses are seen by communications or any other central units before issue and whether any requests are flagged as reputational sensitive and whether communication officers can recommend withholding information, and if so who makes the final decision and where it is recorded.

Deputy M.R. Ferey:

I thank the Connétable for that back-up question. So communications may see the request or the ultimate response but they are not responsible for whether or not that response gets delivered. They are just responsible for ensuring that the response is in good order but they have no jurisdiction over the scheduled public authority, the relevant individual department or accountable officer who is responsible for releasing that information.

[10:00]

5.1.2 Deputy L.M.C. Doublet of St. Saviour:

I wonder if the Minister knows of any data as to how often there is any pushback when the senior officer signs off on information, whether the F.O.I. (freedom of information) authority ever pushes back and asks for more.

Deputy M.R. Ferey:

I thank the Deputy for that question. Obviously, some requests are very straightforward and can be dealt with expediently. Some are more complex and require more thought and more discussion, so I do not have the numbers on how many are straightforward and how many require more oversight. But as any requests would go, some are straightforward and some are naturally more complicated.

5.1.3 The Connétable of St. Helier:

Just recently, given the commissioner just overturned a decision to treat 9 requests as vexatious and given that 23 per cent of decisions are challenged and internal review were reversed, will the Assistant

Chief Minister commit to publishing an audit of how the existing vexatious power has been used before the proposal extends and bring to the Assembly?

Deputy M.R. Ferey:

Yes, we are reviewing processes. We are trying to improve those processes where we can and we are reviewing the decision-making around freedom of information requests. I think it is fair to say that over the last number of years the number of requests has grown exponentially, and sometimes officers and staff are overwhelmed by the number of requests. So it is important that we give them due regard and that they are properly dealt with. That will be part of the work that I am undertaking during this political term.