



Children Education and Home Affairs

Scrutiny Panel

Online Harms

Witness: The Minister for Sustainable Economic Development

Friday, 16th May 2025

Panel:

Deputy C.D. Curtis of St. Helier Central (Chair)

Connétable M. Labey of Grouville (Vice Chair)

Deputy H.M. Miles of St. Brelade

Witnesses:

Deputy K.F. Morel of St. John, St. Lawrence and Trinity, the Minister for Sustainable Economic Development

Deputy M.R. Scott of St. Brelade, Assistant Minister for Sustainable Economic Development

Ms. E. Blampied, Senior Policy Officer, Department for the Economy

Mr. C. Riedmann, Policy Officer, Department for the Economy

[14:35]

Deputy C.D. Curtis of St. Helier Central (Chair):

Welcome to this special Online Harms hearing of the Children Education and Home Affairs Scrutiny Panel. Today is 16th May. I would like to draw everyone's attention to the following. This hearing will be filmed and streamed live. The recording and transcript will be published afterwards on the States Assembly website. All electronic devices, including mobile phones, should be switched to silent. I would ask that any members of the public who have joined us in the room today do not

interfere in the proceedings and, as soon as the hearing is closed, please leave quietly. So, as for introductions now, I am the Chair of the panel, Deputy Catherine Curtis.

Connétable M. Labey of Grouville (Vice Chair):

My name is Connétable Mark Labey of the Parish of Grouville and I am the Vice-Chair.

Deputy H.M. Miles of St. Brelade:

I am Deputy Helen Miles of St. Brelade and I am a panel member.

Assistant Minister for Sustainable Economic Development:

I am Deputy Moz Scott of St. Brelade. I am an Assistant Minister for Sustainable Economic Development with the delegated authority in respect of data protection, cyber security and telecommunications law.

Policy Officer, Department for the Economy:

Christoph Riedmann, Policy Officer in the Department for the Economy, responsible among other things for data protection.

Senior Policy Officer, Department for the Economy:

Elisabeth Blampied, Senior Policy Officer in the Department for the Economy.

Deputy C.D. Curtis:

Okay, thank you everybody. Deputy Kirsten Morel has just been delayed. He will be with us in a moment. He is the Minister for Sustainable Economic Development. So, Mark, if you could start with question number 3.

The Connétable of Grouville:

Question number 3. Thank you, Chair. Assistant Minister, you have advised the panel that the Department for the Economy plans to explore options to provide Islanders with the necessary legislation to remove unlawful or intimidating content from online spaces. Please could you tell us more about this work?

Assistant Minister for Sustainable Economic Development:

Yes, we have been exploring for a while the different options of improving the ability of Islanders to have, let us just say, undesirable posts taken down. We are very conscious that the Data Protection Law extends to what we call data controllers, and these will tend to be organisations and businesses, and individuals themselves are not subject to that law. We have been looking into the possibility of extending or amending that law to try to create greater protection, but on legal advice and having

looked more closely into this, we have come to the conclusion that we are best to proceed with a separate law and it would not be as hefty a law as we have in the U.K. (United Kingdom) in terms of the Online Safety Act, and there is plenty of reasons why we would not wish to replicate that here and why it would not be appropriate. We are just being interrupted now, while I was answering the first question, the Minister himself is here. So, if you are happy, I will just continue answering this question about the work that we have been doing in improving the ability of Islanders to seek posts to be taken down. The first thing I would say is that the online platforms themselves have terms of use which generally do allow for posts to be taken down. You do need to look at where the providers of online platforms are based in thinking about how you would enforce any law that you brought against them. As you may understand, there is a limited extent to which Jersey can legislate for people who are not within our jurisdiction and, even if we purported to, how we would enforce laws against them, particularly when you have online providers with the resources that they do. I mean I might point out that some of them have got value that might be even more than our whole economy. So what we have sought to do is to give Islanders the individual right, nevertheless, under our law, to seek that posts be taken down. We have sought to do that, bearing in mind the Council of Ministers' general strategy not to create red tape by duplicating things unnecessarily. It is really there to give Islanders the legal right under Jersey law to approach online providers, separate to the terms of use which already apply to them, to request that posts be taken down. So at least they have something to refer to under our own law. By doing that, we can also employ a valuable resource we have in our own Information Commissioner, whom I understand you interviewed this morning, who does have contacts with online providers and can act as an advocate should a request not be complied with. One particular feature of the law, and what it seeks to do, and I think at this point I really would like to thank the officers here for doing some really extensive research into different jurisdictions, how they deal with online harms. What we are seeking, that right should be that posts are taken down pending a determination of whether they offend the skinny law or not. I am calling it skinny law, sorry if that is a bit of a ministerial term, but it is to explain that we need to come up with something that is proportionate for the size of our jurisdiction while giving what we can to Islanders to give them that right.

Deputy C.D. Curtis:

That is good, so is that new legislation? Will that be a piece of new legislation or amendments to existing legislation?

Assistant Minister for Sustainable Economic Development:

I believe there is one aspect where we are amending the current Data Protection Law, I might need to ... I am getting nods here. But, in order to give individual Islanders that right, we are working on instructions to come up with an independent law that gives that right and of course we will keep you appraised, or perhaps our colleagues, whoever might be interested in scrutinising, we will keep you

appraised of the progress in that and of course you are going to have the opportunity to scrutinise that.

The Connétable of Grouville:

Are there currently any definitions of what would be regarded as unlawful or intimidating, for example self-generated images and the like?

Assistant Minister for Sustainable Economic Development:

I think I will ask one of my officers to answer that because I have had a very broad discussion on that and I know that they probably have worked on it in the meantime.

Policy Officer, Department for the Economy:

Are you referring especially to computer-generated or artificial intelligence pictures?

The Connétable of Grouville:

Yes.

Policy Officer, Department for the Economy:

The issue with that is that most of the laws are technology neutral, that means they refer, for example, is a data subject, as in the data protection kind of person, is that person recognisable. Then it does not matter if it is a real picture or an artificially drawn picture or a computer-generated picture, it is applicable and there was even a judgment of a Jersey Court from 2023 where, on the basis of A.I. (artificial intelligence) generated images alone there was a conviction. So in data protection the main question is, is the person recognisable, did the person give consent?

The Connétable of Grouville:

What about self-generated images, I mean self-generated that you take of yourself.

Assistant Minister for Sustainable Economic Development:

I see, so you are saying that if a child is persuaded to post, that is more complex I believe because you need to think about the basis on which children even get access to the internet. There is a legal capacity kind of limit, so I believe if children under the age of 13 are not legally able to contract, so they should not be on the internet. So at that point I believe that the approach has to be that, so you are dealing with somebody who you have got no legal right to contract with.

[14:45]

I am not entirely sure, I mean officers might have an answer to this, because I think this is more a question about how you protect children from contracting in that way. I know that some people might think, can online providers not come up with some really whizzy technology, a bit like you might get in an off-licence where you assess the age of the child and you see if they really are old enough to buy alcohol or not. It is incredibly complicated and indeed even then it probably will not have 100 per cent success. So, as part of the conversation, and I am really glad that the panel is looking into this, I believe part of the conversation has to be how well are parents supervising in this respect? Now, I can refer to the charity internetmatters.org, which you have probably heard of. That is the charity, one of the founders is the trust founded by the Prince and Princess of Wales. They found out about 5 months ago that two-thirds of parents had not used parental controls, two-thirds.

Deputy C.D. Curtis:

I am going to just stop you there for a minute because we have got more questions later about the involvement of parents and we have got a lot of questions, so if we can ask more about that later.

Assistant Minister for Sustainable Economic Development:

Okay, well the long and short of it is that, yes, one has to assess the effectiveness of trying to seek an online provider that is not in our jurisdiction to provide that technology compared to focusing on how we can educate our own population.

The Connétable of Grouville:

You have mentioned this separate law, which we did have a question about, but let us just pursue that momentarily. Have you got a timescale for the development of this legislation and can you clarify if it is in your legislative programme to complete during the remainder of this electoral term?

The Minister for Sustainable Economic Development:

So we have, as you know, towards the end of any electoral term there becomes something of a race to get law drafters' time and we have, both myself and the Minister for Justice and Home Affairs, have written to the Chief Minister asking for our legislative requirements around online harms to be prioritised. I do not believe, please tell me if I am wrong, we have had that response yet.

The Connétable of Grouville:

Okay, thank you, Minister. The Department for the Economy Business Plan for 2025 states that: "We will look to further combine our legislation with an enforcement system that provides faster relief to victims of online harms." Can you explain what any enforcement system might look like?

The Minister for Sustainable Economic Development:

That is working with the Office of the Information Commissioner to develop exactly that system. They already have successfully established working relations, both formal and informal, with their peers in other jurisdictions and also with some of the social media platforms that enables them to request the removal of materials of different types, and so it will be building on those sorts of systems.

Assistant Minister for Sustainable Economic Development:

If I can add to that, one of the distinctions between what we currently have in the Data Protection Law and what would be proposed in this new law, the current Data Protection Law has a whole system in which data protection authorities work together. This is something new and so, while we are trying to use that network that has been created to help with the enforcement, it is not as if there is an established legal way of doing that. We do need to weigh the costs of enforcing legally, of going to California or somewhere and bringing a court judgment, against doing some more work with our people here.

The Connétable of Grouville:

I was going to ask the next question, I was going to ask about the funding source. So that would be interesting to hear if any further funding would be required for this enforcement, clearly it will be.

The Minister for Sustainable Economic Development:

That is the conversation to be had with the Office of the Information Commissioner. So far we have not been told that would be the case, but I think, once the Law is drafted, then that would give the Office of the Information Commissioner a better understanding of whether they would need further resourcing or not. But so far that has not been decided.

The Connétable of Grouville:

Because we are hyper aware of the fact that there is many jurisdictions, potentially may be many jurisdictions involved.

Assistant Minister for Sustainable Economic Development:

Bearing in mind, though, he has received relatively few complaints about online harms and the current terms of use, most platforms do already provide a recourse. We do not know how well or badly that they are used, but we are not getting too many complaints that they are not honouring their own terms of use.

The Connétable of Grouville:

So we are already looking at quite a detailed collaboration with the Office of the Information Commissioner, which is good to hear. Is the Government provided with details about the numbers

of takedown requests to the Jersey Office of the Information Commissioner, that he would take down currently?

Senior Policy Officer, Department for the Economy:

I believe he provided those. It is in the response that we have already provided at the back.

The Minister for Sustainable Economic Development:

I should have just said yes.

Assistant Minister for Sustainable Economic Development:

He has, but he said relatively few, I think it might be less than 5.

Senior Policy Officer, Department for the Economy:

There is not very many.

Deputy C.D. Curtis:

Is that the submission to the panel there?

Senior Policy Officer, Department for the Economy:

Yes.

Deputy C.D. Curtis:

It has got the table and of course what we are asking about, is Government provided with the details?

The Minister for Sustainable Economic Development:

So we can see that the number of complaints received last year was 82, the year before was 80, and the year before that was 58.

Deputy H.M. Miles:

However, most of them were not in terms the ...

Senior Policy Officer, Department for the Economy:

They are not specifically takedown requests.

The Minister for Sustainable Economic Development:

No, not specifically, but where breaches were determined.

Assistant Minister for Sustainable Economic Development:

So, if you had a local business that provided a distorted image of a child or misused personal data relating to a child, they would be caught within this general net. But generally there are complaints, wanting to take things down is very little or negligible or non-existent.

The Connétable of Grouville:

We have already discussed the fact that the internet is global and crosses many borders. How do we ensure Jersey's rules of takedown requests are effective when content is hosted overseas?

The Minister for Sustainable Economic Development:

That goes back to my previous answer about that is the work of the Office of the Information Commissioner to develop their own networks, both formal and informal to do that. I myself spoke with an executive of Facebook during the Global Privacy Forum to say that it is really important from a small jurisdiction's perspective that these very large companies do listen to us and do act on our wishes in terms of takedown requests, et cetera. My understanding to date is that we have generally been able to work with those large platforms where takedown requests have been needed.

Assistant Minister for Sustainable Economic Development:

We are not aware that they are not honouring their own terms of use, so you may be aware Facebook, for example, has community standards. We are not generally aware that they are not honouring their own rules as such. That, I think, is the first recourse. I think, in our own population, bearing in mind what I said about people not even putting parental controls on when allowing children access to these devices, there is perhaps a lack of appreciation of the internet. A *J.E.P. (Jersey Evening Press)* commentator said it is like putting a child out into a dark wood naked, full of predators.

Deputy C.D. Curtis:

That is not answering the question at the moment though, is it, and I just want to say I expect you have both read all the submissions to the panel that we have received because that does highlight and describe how parents are finding it very hard to manage this at the moment.

The Connétable of Grouville:

Yes, thank you. It is good to hear that you have made direct contact with some platforms.

The Minister for Sustainable Economic Development:

Sorry, just to clarify, not me or my department, it is the Office of the Information Commissioner.

The Connétable of Grouville:

Okay, thank you, Minister. Because our next question was, because of their size and ...

The Minister for Sustainable Economic Development:

Sorry, I spoke directly to Facebook, but that was a one-off.

The Connétable of Grouville:

But we were questioning whether such large and wealthy platforms, contact with them, would the results from those contacts be realistic in respect to takedowns. But you seem confident they would be.

The Minister for Sustainable Economic Development:

Yes, and I remain in conversation with the Office of the Information Commissioner to ensure that they feel that they are getting the responses that they need from these platforms.

The Connétable of Grouville:

Excellent, thank you. What is the Jersey position in respect of the legal action currently being taken by Apple in an attempt to overturn a demand made by the U.K. Government to view customer data?

The Minister for Sustainable Economic Development:

Jersey does not have a position on that because it is not involved in the court case.

The Connétable of Grouville:

There is no view on what you feel about that?

Assistant Minister for Sustainable Economic Development:

I have a view that, in terms of cyber security, and that in the cyber security community you have to question if you are going to create a back door with the cost of that, because basically that can be exploited by bad actors as well. So I appreciate the alarm of Apple in terms of wanting to make things secure and watching the position with interest because it is massively political. So that is where we are.

The Connétable of Grouville:

Okay. Thank you, Chair.

Deputy C.D. Curtis:

Can I just go back to the question I was going to ask the Minister at the beginning. So this is quite a general question then and with the opening paragraph: "Online harms refer to a range of negative experiences and risks that people can encounter while using the internet." So, Minister, based on your understanding of the current legislative policy and cultural context in Jersey, please can you

share what you consider to be the top 3 protections that children in Jersey currently have from online harm? So that is not about anything in development, it is what children have already.

The Minister for Sustainable Economic Development:

Okay. So through the Jersey Data Protection Law, Jersey is already among the jurisdictions with a high level of protection or highest level of protection for personal data, including that of children. This was again recognised by the Adequacy Decision of the European Commission in 2024. As Deputy Scott has referred already, while a child under the age of 13 may not give valid consent to the processing of his or her personal data without a parent's agreement, it provides young people above that age with full data rights, which includes the right for the erasure of their data. Below the age of 13 that falls to parents as well. What we are doing in the work we are looking at is to further extend the data protection legislative framework to better exercise the rights of those data subjects including children. As Deputy Scott was talking about earlier, that is where we are looking for the appropriate proportionate legal framework in Jersey. That of course will give further protection. Importantly, Data Protection Laws are based on the consensus of the person whose data is getting processed and so data controllers or processors cannot operate with a person's data beyond the purpose that they consented to. That is really important in situations where a young person is exposed to forms of pressure that are exerted online, but also where the threshold for legal prosecution has not been passed or where the perpetrator remains anonymous, so we need to bear that in mind as we develop this law as well.

Deputy C.D. Curtis:

So currently, what is here currently, data protection then?

The Minister for Sustainable Economic Development:

There is data protection on our side and on the Telecoms Law 2022 stipulates several offences for the improper use of telecommunication systems. There is also Child Protection Laws which these fall under as well.

Deputy C.D. Curtis:

So these are all Laws that you have referred to rather than things like parental controls and privacy settings, educational awareness, things like that?

The Minister for Sustainable Economic Development:

No, but they are also things, but I understood your question to be asking about the legal side.

Deputy C.D. Curtis:

No, the top 3 protections that children in Jersey currently have from online harms. But you have mentioned 3 there. Could you explain the extent of the protections to children provided by the current Data Protection Framework in Jersey, and I think you have just done that really.

The Minister for Sustainable Economic Development:

I have answered that.

Deputy C.D. Curtis:

Do you think that the current Data Protection Framework is understandable for individuals and parents who do not have any prior knowledge of it? I know that the Office has been out to talk to children as well, but do you think it is understandable?

The Minister for Sustainable Economic Development:

If you do not have prior knowledge of something, it is almost by definition impossible to know it. So for the people who any Law, it does not matter what the Law, almost any Law is complex and the rights that come from any Law, or responsibilities that come from any law almost always need explaining to people. So that is the constant and ongoing job of education that is really important and as, Chair, you have discussed yourself or you have just mentioned yourself, the Office of the Information Commissioner spends a large amount of its time and its budget on education, both of adults and of children.

Deputy C.D. Curtis:

Do you think that is sufficient then? Do you think people are understanding?

The Minister for Sustainable Economic Development:

It will never be sufficient in the sense that it is constant and ongoing, it needs to continue.

Assistant Minister for Sustainable Economic Development:

I think you can just point out the whole problem with getting engagement anyway, which of course we have with States Members in terms of getting voter engagement, that you can lead a horse to water but you cannot make it drink. I have seen so many posts by the Commissioner on the internet, on social media platforms that you expect to be used by parents, but sometimes people can be a bit casual and ...

[15:00]

Deputy C.D. Curtis:

There is no criticism of the Office, it is just wondering if there is more that could be done.

The Minister for Sustainable Economic Development:

That is why I said about sufficient, it has to be ongoing.

Assistant Minister for Sustainable Economic Development:

And proportionate.

The Minister for Sustainable Economic Development:

And proportionate, but it has to be continuing and ongoing. There are always new generations of people who will need to learn these things and there are also people, as we forget what we were told 5 years ago, so it needs to be refreshed as well.

Assistant Minister for Sustainable Economic Development:

I would like to think that people are getting a bit more savvy. I have a similar problem in cyber security because you have got an Island where people leave their front door open and they think they can do the same on the internet and you cannot, or at least not safely.

Deputy C.D. Curtis:

Okay, thank you then. So did you complete all your questions? So I will continue to ask some questions and this is about the scope of the online harm protections work. So we understand that Jersey's Laws relating to data protection relate to an individual's personal data. Will any of the work that the department is doing related to online harms protection include addressing exposure to more general inappropriate content online?

The Minister for Sustainable Economic Development:

That is one of the questions, because it is interesting, because at the moment we do not have a framework for online censorship or moral assessment in place at the moment, although criminal law stipulates what types of pictures are illegal, data protection focuses on the consent of the subject. Any provision that allows legal yet inappropriate content to be blocked or censored, to be honest, needs an Island-wide discussion. One of the issues with the U.K. Online Harms Act is that it came up with this idea of legal but harmful and wanted to make criminal offences around that, so it becomes very difficult and I think flies in the face of established legal principles. So, for that, I think we would need a broad Island-wide discussion. It is not something that a Government should do in isolation.

Assistant Minister for Sustainable Economic Development:

There is already, when you talk about posting content, you have got the online platform provider that is allowing it to be posted, and there are the rules in place that allow things to be taken down, plus

it is very much the focus has to go to the jurisdiction in which that online provider is based because really the laws that are enforced there. Then you have the person who posts it themselves. Now we have had a really good look at the Data Protection Law and whether it would be appropriate to make every single person in this Island a data controller and we believe that would be really overly onerous. So then it comes down to the way in which we seek to control the behaviours of individuals and we do have criminal offences which are very much the remit of the Minister for Justice and Home Affairs and the Minister for Education and Lifelong Learning.

Deputy C.D. Curtis:

The submissions, many of the submissions we have received refer to children seeing pornography, for example, on their phones and there is not anything to prevent that at the moment.

Assistant Minister for Sustainable Economic Development:

We should respect the children have their phones, these phones, remember what I said about the age at which you can enter a contract. J.T. (Jersey Telecom), I think the age you can enter into a contract with J.T. is 18, so parents are acquiring these phones for their children and it is down to parental responsibility. Because we know that schools already do have policies to control the use of phones. But, as soon as they are outside, it is a completely different environment and I do not think you can say to Government we should go into people's houses individually and enforce laws against them.

The Minister for Sustainable Economic Development:

There is definitely an element of individual responsibility. When I say individual responsibility, in the case of children, certainly under the age of 13 or 14, that is definitely extended to parental responsibility. Deputy Scott, just earlier, I take the numbers that there were, it said that two-thirds of internet devices, it was found parental controls have not been implemented by the parents. That is down to education and, as I said, but we know that there is a large amount of education going on. Obviously that education is primarily I believe to the children themselves. So there might be a role to more directly interact with parents, but there has to be an acceptance that Government cannot go into people's individual devices and should not and that, where children are concerned, the parents need to educate their own children, put on the appropriate parental controls, because if you have those appropriate parental controls in place, your children should not be seeing pornography on their phones.

Assistant Minister for Sustainable Economic Development:

Unless they see it on someone else's.

The Minister for Sustainable Economic Development:

But, if they are a child, I would assume a 13 year-old is speaking to other 13 year-olds.

Assistant Minister for Sustainable Economic Development:

I think that is a good point that you are making here and, by the way, I am really glad that you are highlighting this because it is all part of educating the community. Because I did speak to a parent about this. I have thought long and hard, where they were saying you cannot control what other people's children do. Then there was something about peer pressure, about people having phones and things. I did start thinking, if we are talking about the education of parents, are we almost thinking of something more fundamental about making parenting education compulsory in itself? Because, if you are trying to stop some other parent from allowing their child to have this content, maybe that is the route that you go down. But I am not advocating that, but I think that logically you have got to deal with things at the right level and source.

The Minister for Sustainable Economic Development:

I think as well, sorry, Chair, just very quickly with regard to discussions and, yes, where you might go if you want to ensure that children are unable to access any inappropriate content on their own devices. Then again another broad Island-wide discussion we could have would be about whether possession of those devices under a certain age should be legal. So should that be the case? I believe some jurisdictions are looking at that, that under a certain age the only type of phone you are allowed is one that does texting and calls only. Those are the sorts of discussions that we can have.

Deputy C.D. Curtis:

So, in answer to that question about inappropriate content online, you have mentioned that you think there should be an Island discussion before anything could be done legislatively.

Assistant Minister for Sustainable Economic Development:

I think there has been discussion within Government; it is just that ...

Deputy C.D. Curtis:

No, I thought you said that.

The Minister for Sustainable Economic Development:

Island-wide discussion, that is what I was saying about those things. I mean if you want to legislate to the point of something like not allowed possession of a smart device under a certain age or what Deputy Scott was saying about parental education, things like this.

Deputy C.D. Curtis:

How do you think that Island-wide discussion could take place?

The Minister for Sustainable Economic Development:

It is always very difficult but it is usually mediated through the media, through the States Assembly, and in the way that any Island-wide discussion takes place.

Deputy C.D. Curtis:

You have also mentioned about parental responsibility and the possibility of parenting should have compulsory education as a parent.

Assistant Minister for Sustainable Economic Development:

I am not advocating that, I said it is all ...

The Minister for Sustainable Economic Development:

Deputy Scott said it was something that could be discussed. She did not propose it.

Assistant Minister for Sustainable Economic Development:

When you look at options, if you like, but it is really not within my department even to be proposing that. It is just as you try and think about what could be done and options to be considered, that is one of them.

The Minister for Sustainable Economic Development:

Exactly, these are the options that could be considered, but I do not believe these are the sorts of options that Government should go it alone on. It would need to develop a broad consensus across the Island society in order to go down those roads.

Assistant Minister for Sustainable Economic Development:

Because you would have to have parents who are good parents going to these classes and it is like how would they feel about it. But if you are in fact protecting another person's child by submitting to that sort of education, maybe, but that is the thing, it is a big community discussion,

The Minister for Sustainable Economic Development:

It is, because it goes beyond online harm. So some of the information, the kind of medical information that we are learning nowadays about the effect of smart devices on the development of brains, addictiveness, A.D.H.D. (Attention-Deficit/Hyperactivity Disorder), things like this. So the question about possession of a smart device under a certain age I think becomes a more valid question precisely because it is not solely the issue of what you are seeing on your device, it is also the effects of perfectly legal and normal use of that device on your mind.

Deputy C.D. Curtis:

My next question, I think you have answered, I do not know if you want to add to it, but how is Jersey addressing emerging online threats such as deep fakes and misuse of A.I. in the local context? I know we had some ...

Assistant Minister for Sustainable Economic Development:

Yes, we have explained that, if you have got an image and the person is still identifiable, then you can say that there is a misuse of personal data. If they are not identifiable then there is not really a problem.

Deputy C.D. Curtis:

Then, as part of the online harms protection work, are there any further legislative changes being considered to address privacy violations like identity theft for example?

The Minister for Sustainable Economic Development:

I do not believe that is part of this work.

Assistant Minister for Sustainable Economic Development:

I am trying to just understand when you say identity theft, if it is online, you could be misusing personal data, impersonation and things like that are covered by online community rules, so I think it is covered.

Deputy H.M. Miles:

You mentioned, Minister, at the beginning, that we have already got some Laws that are relevant to online and internet facilitated harms and cyberbullying in particular. One of those is the Telecoms (Jersey) Law 2002. Can you explain to us how that particular Law gives protection to individuals from online harm?

The Minister for Sustainable Economic Development:

The mechanisms of that, I would have to probably know a little bit more about. But Article 51 of the Telecoms Law, I think Deputy Miles and I have discussed this in the past as well, it does say that: "A person who by means of a telecommunication system sends a message or other matter that is grossly offensive or of an indecent, obscene or menacing character, is guilty of an offence." The provision then further stipulates that: "A person who, for the purpose of causing annoyance, inconvenience or needless anxiety to another either sends by means of a telecommunications system a message that the person knows to be false or persistently making use of that system is also guilty of an offence." So there is a wide range and they are all designed to protect individuals

and children about using the systems themselves for illegal purposes and harmful purposes. The telecom security framework, which we have been adopting separately, seeks to secure the networks themselves and that in itself, though indirect, gives an extra layer of security around what you can access.

Deputy H.M. Miles:

Thank you. Has any work been done to examine whether that particular Article is still robust enough for a lot of the digital and the online offences around A/I., for example?

Assistant Minister for Sustainable Economic Development:

Enforcement, really it creates an offence, so I regard that very much as within the remit of the Minister for Justice and Home Affairs. So I cannot report how many people complained about these things because, as you can see, the onus is put on the individual that is using the system rather than the telecoms provider themselves for which it is more within the remit of our department.

Deputy H.M. Miles:

So the answer is ...?

Assistant Minister for Sustainable Economic Development:

No, because it is not within our remit.

The Minister for Sustainable Economic Development:

The work we undertook for the parts of this subject matter that we are responsible for, we did analyse where we best should make these changes and it was the section that we spoke about.

Deputy H.M. Miles:

Thank you. We also understand that Jersey does not have any legislation that requires internet service providers to carry out blocking or filtering of illegal websites, as there is in the U.K. through the Digital Economy Act 2017. Is that something that is been considered by Jersey?

Assistant Minister for Sustainable Economic Development:

It is something I have talked through and I have had quite long conversations with officers about this, because you have to look at what is already available and then look in the jurisdiction in which the internet provider is based, which of course you have to enforce it in that jurisdiction and generally, if there is a law available whereby you can do that, then your recourse is going to be under that. If we have our own personal Law that says there is an offence and you go to that internet provider and say: "Under this jurisdiction this is an offence." The first sort of response, I did a lot work as a lawyer in terms of international conflicts of different legal systems, is: "Does that really apply here? Can it

be enforced?" We do have some Laws and Treaties which allow, I think it is the Reciprocal Judgments Law, which allow judgments here to be enforced abroad. But it is the result of quite a lot of Treaty negotiation, so you have got to really look at the value that you are going to get out of adding that additional option in terms of our own, as opposed to what is already in the jurisdiction of the internet provider. This is the key thing, we were not hearing complaints that the platform providers are not complying with their own rules.

[15:15]

In fact what I tend to hear are complaints that stuff has been taken down because of their systems just almost like saying: "That is a bad post", and people saying: "What will I do, what will I do?" So we do not have the data that is saying they are not complying with their own rules that we contracted with them.

Deputy H.M. Miles:

So, at the moment then it is not a practical consideration.

The Minister for Sustainable Economic Development:

I was going to say, so we have talked with internet service providers and had initial conversations around this issue. There is no question it is one of those things that, yes, you can get them to block websites, but using a V.P.N. (virtual private network) you get around that immediately. Equally, you cannot, if you are blocking a website, that is one thing, what you are then unable to do though is block messaging sites. So you can block WhatsApp but you cannot block particular parts of WhatsApp. Certainly where children are concerned, I think messaging sites and those sorts of social media sites are probably where you are going to see your problem if there is a problem, and that would not be affected by this.

Deputy H.M. Miles:

You talked about V.P.N.s. Is the use of V.P.N.s a real challenge around this online harms?

The Minister for Sustainable Economic Development:

To be honest, anything jurisdictional around the internet full stop becomes a problem because of virtual private networks ...

Assistant Minister for Sustainable Economic Development:

And proxy I.P. (Internet Protocol) addresses.

The Minister for Sustainable Economic Development:

... and proxy I.P. addresses, because you can basically pretend you are somewhere else in the world.

Deputy H.M. Miles:

To what extent are you researching that? Are you acknowledging that it happens or are you actively looking to do something to prevent it from a Jersey perspective?

The Minister for Sustainable Economic Development:

Personally, from my perspective, even ministerially, we are not looking to, it happens, but there are perfectly good and valid reasons to use virtual private networks, which many people do. So the idea of prohibiting virtual private networks to me is a non-starter.

Deputy C.D. Curtis:

All right. There is some more questions from me now about the draft Cyber Security (Jersey) Law. Minister, you have referenced that the development and delivery of the Cyber Security (Jersey) Law is one of the ways the digital economy programme is supporting the online safety of citizens in Jersey. So, with regards to any protection that the new Cyber Security Law will provide from cyber-attacks and theft of information, we understand the Law will focus on protecting essential services. So, can you clarify if or how it will provide protection to individuals from online harms?

Assistant Minister for Sustainable Economic Development:

The Law is aiming to provide a co-ordinated response. I am just trying to think about, from your perspective, how it supports children. I think that the easiest way to explain that is children are using devices that, as I have pointed out, their parents have allowed them to have access to or to use. Those devices are capable of being hacked by bad actors and so we have to educate, I think the parents in providing safe devices and safe systems. So one of the things which the Cyber Security Law does is create the Jersey Cyber Security Centre, which is there to assist people when they have got problems with what we call cyber incidents. But also to educate them in keeping systems safe. Bearing in mind what I have referred to in terms of parental controls not even being employed, I think people really do need to push that message through Jersey. We are very comfortable in our own homes and we just do not realise that the internet is a different territory and we all have a role to help educate each other. The examples of what we call good, clean internet practice, best internet practice.

Deputy C.D. Curtis:

Okay. So some examples that are relevant to children that I expect would come under this Law, or could do, so cyber bullying, online predators, inappropriate content, privacy violations.

Assistant Minister for Sustainable Economic Development:

I think generally in terms of where the sources are as a result of things like malware and that sort of thing, so I would say when it comes to the Cyber Security Law and its benefits, you can say it is indirect because it deals with some potential sources of online harm.

The Minister for Sustainable Economic Development:

Then ultimately the Law, that particular Law is designed to be effectively a resilience law, it is about making sure that the Island is secure and prepared against attacks on certain parts of its essential infrastructure.

Assistant Minister for Sustainable Economic Development:

I would point back to the charity internetmatters.org again because it is quite interesting that they did their own research of children and asked about their views about whether they should be deprived access to the internet and this sort of thing, and it is quite interesting how most of them did not and the reasons why, so I would just refer you to internetmatters.org, which I think is really good.

Deputy C.D. Curtis:

Yes, because it is good, but we also have a lot of submissions as well to take account of. So, with the development of the new Cyber Security Law, has any specific consideration been taken about the protections that the law could provide for more vulnerable citizens and children?

The Minister for Sustainable Economic Development:

I do not believe so because that is not the scope of the Law. That is not where the law is focusing on. The law is focusing on effectively Jersey's cyber infrastructure.

Deputy C.D. Curtis:

In the development of any new Law, does that not, as corporate parents, mean that the effects on children have to be considered in the development?

The Minister for Sustainable Economic Development:

Yes, but the Law itself is about Jersey's digital infrastructure, not about the content on that infrastructure.

Assistant Minister for Sustainable Economic Development:

So, if you have got an internet system that goes down that is to support children, that could do them serious harm, like in the Health Department, in Education, so it is really essential that we have good cyber security and do what we can.

The Minister for Sustainable Economic Development:

I do not think cyber security, maybe the title is wrong, I do not know, but the Cyber Security Law and what it has been designed for is not the sort of place you would be seeking to put the protection of children from content in.

Deputy C.D. Curtis:

I get that. So I think, because I started by saying the digital economy programme, so one of the ways that this is supporting the online safety of citizens in Jersey was with the Cyber Security (Jersey) Law.

The Minister for Sustainable Economic Development:

As Deputy Scott explained, that is through that indirect means of keeping bad actors out of the Island.

Deputy C.D. Curtis:

Not to take account of children in particular. Can you confirm the timeline for the introduction of the new Law?

Senior Policy Officer, Department for the Economy:

Where are we now? May, so we are looking to finalise the drafting of that and we are hoping to have that imminently, and then we were seeking to bring that draft piece of legislation to our scrutiny panel sometime in June to lodge hopefully in July.

Deputy C.D. Curtis:

Could you confirm if the new Cyber Security (Jersey) Law will include any particular standards for cyber security in schools, for example firewalls?

Senior Policy Officer, Department for the Economy:

The Cyber Security Law gives the Jersey Cyber Security Centre the power to set standards, but how those are implemented down at the grassroot level will be through C.Y.P.E.S. (Children, Young People, Education and Skills), so it would work with C.Y.P.E.S. and if there was a need to put in a minimum standard then that is what they would do. But it would be in conjunction and collaboration ...

Assistant Minister for Sustainable Economic Development:

It is a framework through which secondary legislation can be introduced side by side with that. We are working on a cyber security strategy that we will be looking at inputting general standards, cyber

security standards to be adhered to within the community, which could or might not be supported by the secondary legislation. It is an ongoing development of policy.

Deputy C.D. Curtis:

Okay. Will the new cyber security legislation include any further provisions to address harmful activities such as online fraud or scams? We know there is a lot of online fraud.

Assistant Minister for Sustainable Economic Development:

The education activities of the Jersey Cyber Security Centre ...

Senior Policy Officer, Department for the Economy:

And their working relationship with S.O.J.P. (States of Jersey Police) and the educational awareness that they will have to do with our Island-based regulators in terms of where cyber meets data protection through J.O.I.C. (Jersey Office of the Information Commissioner) as well through the J.F.S.C. (Jersey Financial Services Commission) and J.C.R.A. (Jersey Competition Regulatory Authority).

The Minister for Sustainable Economic Development:

Of course there is already legislation in place just which may mean that online scams are illegal, scams are illegal, so all of that, the offences are dealt with through other already existing laws, This law is very much about the kind of setup of securing jersey's digital infrastructure.

Deputy C.D. Curtis:

Yes, so I asked if there were any further provisions to address these activities, but it is about education and working with the other organisations.

The Minister for Sustainable Economic Development:

It is definitely part of the work of the Cyber Security Centre; that is what they do from the education perspective.

Deputy C.D. Curtis:

Can you tell us whether the Jersey Cyber Security Centre will receive any additional funding to support its work in 2026 onwards?

The Minister for Sustainable Economic Development:

The 2026 budgets have not been decided yet, but the provision for this year is over £1 million.

Assistant Minister for Sustainable Economic Development:

The funding in 2025 was £1,028,000, in 2024 it was £942,000, and 2023 it was £920,000. Within that, it is not just the education, there is monitoring. I really would invite you to go down to the Centre, it is quite impressive. They have got screens showing attacks on systems and that could include yours or mine.

Deputy C.D. Curtis:

I was just looking at the funding because there was an overspend, so that is why we were wondering if they would need additional funding for future years.

The Minister for Sustainable Economic Development:

We remain in dialogue with the director and we will always take him into account.

Deputy C.D. Curtis:

Is it expected to become independent grant funded?

Assistant Minister for Sustainable Economic Development:

The Cyber Security Law provides for its independence.

The Minister for Sustainable Economic Development:

That is also partly because obviously there has been some raised eyebrows in places because we are certainly not trying to increase the number of independent grant funded bodies in Government or around the Government, but this was seen as needing to be independent because of the need for third-party organisations whether it is businesses or charities or any other non-Government organisation in Jersey to be able to hand over their information, really kind of important confidential information about their systems and things like this, to the Cyber Security Centre without fear that Government is a part of that. So that is where the independence, that is why we are still going ahead with an independent body despite in general in Government at the moment we are trying not to create new independent bodies.

Deputy C.D. Curtis:

Okay. Do you know what impact this might have on the cost to Government?

The Minister for Sustainable Economic Development:

That should not increase the grant funding particularly beyond where we are, but it is also important, we recently signed an agreement, or the Cyber Security Centre did, we have recently signed an agreement with Guernsey for the Cyber Security Centre to undertake work on behalf of Guernsey. That is very much a contractual situation but a really good one. That will help mitigate costs.

Assistant Minister for Sustainable Economic Development:

Just to point out that this is, when we talk about budgeting, we are talking about security. We are talking about the Island's security. If you compare how much we spend on our security compared to other jurisdictions, you will find that expense is quite shockingly low.

The Connétable of Grouville:

Thank you, Chair. My questions now are going to be about the U.K.'s Online Safety Act. You have already advised the panel about your reasons behind the decision not to pursue the permissive extent clause for the Online Safety Act. However, can you confirm if this decision was made on principle or did any research and analysis back up that decision?

The Minister for Sustainable Economic Development:

So, no, it was not made solely on principle at all. It was made as well because of what I would say were clear and glaring problems with the Online Safety Act, one of them I have mentioned already in this hearing, was this idea of something legal but harmful which was creating, just through a single Act in the U.K. Government, a new concept in law, which had not been discussed, had not been decided or proven. It famously runs for over 300 pages, the U.K. Online Safety Act. It was clear to me that it was overly complex, it required enormous bureaucracy, and so in itself I still believe, and I will come to the point where I believe I have been shown to be correct in my thinking, is it was always in my view going to be an unworkable law that would effectively be ineffective but would make the Government of the time feel good that it was doing something to supposedly protect children, to protect people, tick a box. It is a 300-page tick box exercise. So deeply unproportionate for Jersey. But there are, from a general permissive extent clause perspective, any law that Jersey brings into its own body of law via a permissive extent clause is by definition a law that the States of Jersey cannot amend.

[15:30]

So we would have been bringing a 300-page law into Jersey Law that we would have no ability to amend as a States Assembly and no authority even for Jersey any body in Jersey to be able to oversee the work of Ofcom, which would have effectively become a regulator on behalf of Jersey. So we would have outsourced our online protection and had no ability to engage with that outsource. So effectively no partnership agreement with this body, the U.K. regulator. So, from my perspective, while I am in general not keen on permissive extent clauses because the States Assembly is here to legislate for Jersey, there are times when permissive extent clauses are necessary, they are often technical. For instance, I have had to say yes to one with regard to Ofcom as well but around regulation of streaming platforms such as BBC iPlayer and things like this. But that is because, from the broadcast media perspective, Jersey had already decided to follow the U.K. in using Ofcom to

regulate that, and we had no way of having our streaming services BBC iPlayer, et cetera, regulated unless I accepted the permissive extent clause. So that was an existing situation that Jersey had already decided many years ago. This was a new situation. The law was not fit for purpose and I think really interestingly the annual Children's Well-being in a Digital World Index, which was published just earlier this month, they quote, and I will quote them: "Reveals that there has been no reduction in children's experiences of harm online since the introduction of the U.K. Online Safety Act and that indeed children in the U.K. are finding it harder to navigate and recover from the challenge of the digital world."

Deputy C.D. Curtis:

Is it not just still in development

Assistant Minister for Sustainable Economic Development:

It is going to come out in stages.

The Minister for Sustainable Economic Development:

It is not fully implemented but this is, so to quote: "There has been no reduction in children's experiences of online harm and children in the U.K. are finding it harder to navigate and recover from the challenges of the digital world. Two-thirds of children in the U.K. say they experience harm online." So, importantly, Guernsey and the Isle of Man, who did put a permissive extent clause in there, have chosen not to activate their permissive extent clause and so, from my perspective, I still stand by that decision. But the best thing Jersey can do is create its own laws that are the right scale for Jersey and use its own powers to protect children from online harm.

Assistant Minister for Sustainable Economic Development:

If I can add to that, because I agree, Chair, that there is secondary legislation that has come under the Law and that is going to do more of the powers of Ofcom. The thing to really point out in respect of that Law is that it puts the onus on the platform provider again, and so we come back to this business of would it make any difference us adopting it because the U.K. is regulating an internet provider and saying, "Yes, you are doing it for us as well". I think, and I would suggest that it is much more helpful for us to look on our own doorstep and just see what we can do to go to the internet provider and say: "We are Jersey and we want you to do this." You have got to be practical. You have got to look at the cost of doing that. I do believe and I really have an ambition for this community, we talk about using technology, becoming much more like digital leaders. I think by each individual in this community learning more about, not just the advantages of technology, but the dangers of managing it, then we can be much stronger together as an Island.

Deputy C.D. Curtis:

Can I just ask something that you mentioned, because I do not know this, Guernsey, and you said Guernsey and the Isle of Man have chosen not to activate their permissive extent clause. Do you know what their reasons have been?

Assistant Minister for Sustainable Economic Development:

They might just be waiting and seeing.

The Minister for Sustainable Economic Development:

They might be waiting and seeing as well, but as of today, the U.K. Online Harms Act does not exist, has not been extended to the Island of Guernsey or the Isle of Man.

Assistant Minister for Sustainable Economic Development:

I can only speculate, but if the U.K. is going to do this anyway, what value does it really add? They are going to do it, they are going to be saying to internet providers: "You must do this", and this affects everybody.

The Minister for Sustainable Economic Development:

We will benefit from it to some extent anyway indirectly and just by the provision, because again, because Jersey will fall under the effectively the dialling code for the U.K., then anything that is prohibited in the U.K., through U.K. law, will not reach Jersey either, just because we are in effectively the same part of the system as they are. But, on top of that, we are then going to have our own Law, so we are going to have an indirect benefit from that, or anything the U.K. does, not to remove content, but to block content, to block access. All of that is going to happen to Jersey just because the umbrella of it. But then we are going to have our own Law separate to that which will be of direct benefit to Islanders and will be amendable by the States of Jersey, so we will be able to respond to new technologies. I think really importantly is what we are doing, the U.K. may have been first, but the U.K. are first and worst in this case, I am afraid, and we have the benefit of looking at other jurisdictions and how they are dealing with this. We are looking at using them, we are looking at Australia, we are looking at European nations as well and how they are dealing with it, and not just blindly following the U.K. down what, in this case, is a blind alley.

The Connétable of Grouville:

My next question involves asking you if there was an analysis of why we have not done that, but by the transcript of this meeting, Minister and Assistant Minister, I think we have had that explained.

The Minister for Sustainable Economic Development:

I think I may have explained that.

The Connétable of Grouville:

Very well indeed, so we thank you. During the public hearing on 4th October 2024, the panel asked a question regarding potential risk of Jersey users being classified within a “rest of the world” category when accessing certain websites and, at the time, that was not known. Could you confirm whether any efforts have been made to assess that or establish a position on that?

Senior Policy Officer, Department for the Economy:

Yes, it is very hard to establish the total picture because each internet provider and each online platform manages their world classification in slightly different ways. A total picture is very hard to get. Also how people in Jersey access those platforms is many and varied, so some people have a U.K. SIM card but will be accessing it via Jersey internet providers when they are on wi-fi, for instance, but by U.K. providers when they are on 4 or 5G so it is a very hard question to quantify.

The Minister for Sustainable Economic Development:

Due to the umbrella effect that I was talking about earlier, certainly I hear the experience of most Islanders at the moment is we continue to fall under the U.K. classification for most providers of any content.

The Connétable of Grouville:

Thank you for that. The U.K.’s Online Safety Act has introduced a requirement of age verification to access porn sites. Will there be comparable legislation introduced in Jersey?

The Minister for Sustainable Economic Development:

At the moment, we have not been looking at that side of it. It is interesting because one of the things with age verification is that it also means you are giving away personal information straightaway and so there is kind of a jumpstart position or even a paradox you could say and, obviously, we recommend to Islanders to give away as little personal information as possible in general. Age verification systems for pornography sites usually require a face picture and a picture of the passport, which is the user’s most private data, and that data could be used for scams and criminal activity, so there are issues around age verification. There is also a social issue, which is that age verification systems create a false sense of security for parents and if you go back many years before the internet, whether it was young people trying to buy alcohol or young people trying to buy magazines on top shelves, there was always young people trying to avoid age verification systems. That is part of growing up and that is the truth of it. Age verification systems might again - coming back to the discussion about parental responsibility - give a false sense of security. There is also the V.P.N. issue. Age verification systems get a V.P.N. They are free and whatever you can get in a couple of clicks so you are immediately pretending you are from a country that does not have an age verification system. In short, that is not where we are looking at the moment.

Deputy C.D. Curtis:

I think this comes up as a concern quite often because it is so much more unpleasant, nasty and violent that was around years ago, so it is a concern.

The Minister for Sustainable Economic Development:

Again, I have to say that with Europe and U.K. - and I bring Europe into that on purpose as well because I know they look down these routes as well - we are going to be caught under the umbrella. I think the reality is that, if the U.K. brings in age verification for pornography or any sites, anyone in Jersey wanting to access them is probably going to have to engage with that U.K. age verification system of where we sit today. That is the truth of it.

The Connétable of Grouville:

Minister, within your responsibility for online harm's protection work as part of the Department for the Economy, what legislative changes, if any, is being considered to protect individuals from exposure to online content related to suicide and self-harm?

The Minister for Sustainable Economic Development:

I do not believe we have done any piece of work which separates the types of online harm. I think we are looking at it as a whole part in one go rather than each step.

Assistant Minister for Sustainable Economic Development:

Coming back to the separate piece of legislation, as I have explained, if you think about the terms of use of our platforms again which will allow posts to be taken down if they are harmful, that is the port of call. Almost in all these things, you look at wherever the internet provider is based, you look at what the contractual terms are that people are engaging on and then our own legislation is building on that to say: "Well, we have got this right to ask for that in these things in certain circumstances." What you are talking about is messaging in that case and I think we do look at the terms generally for that. We have been looking more at the data protection use of a data piece primarily with our additional work.

The Connétable of Grouville:

My next question related to misinformation or disinformation. Is that a similar scenario?

The Minister for Sustainable Economic Development:

There is in short. I do not think there is much work going on around misinformation and disinformation. Privately, this is a subject I personally spend an enormous amount of time thinking about as much as anything because of where we are seeing it happening in the U.S. (United States)

coming out of Russia into Ukraine and things like this. So we are, as politicians, aware of the world around us and we are seeing misinformation driving decision-making around the world. I spend enormous amounts of time thinking about it, but I am still no closer to thinking of any ways of dealing with it except trying in vain perhaps to continue to insist that facts are facts, opinion is just opinion dividing the two and saying the same thing.

Assistant Minister for Sustainable Economic Development:

I think it is really difficult to define misinformation.

The Minister for Sustainable Economic Development:

One person's misinformation is another person's truth.

Assistant Minister for Sustainable Economic Development:

I will give an example. Even within this community, we have a politician who says: "Politicians have voted in a certain way. They do not care about X." Now I might say: "Well, that is misinformation because I do care about X but there is a reason why I did not vote in a particular way."

The Connétable of Grouville:

It is very difficult to define.

Assistant Minister for Sustainable Economic Development:

Yes, and in all of this, we have this whole freedom of speech piece and human rights and that sort of thing and we have extra rights who misinform apparently politicians, which is fair to say.

The Minister for Sustainable Economic Development:

I am a liberal person, I do believe in freedom of speech and I do believe that we should have the freedom of the individual to choose things. When you accept those as important parts of society, it becomes really difficult to approach the misinformation question. As you were talking, I was just thinking from an atheist perspective, god is misinformation. From a religious person's perspective, god is a truth, do you know what I mean, so that just highlights how difficult it is.

Assistant Minister for Sustainable Economic Development:

If you think about the whole challenge with culture, a lot of work has been done throughout the ages of trying to teach children about misinformation, the story about Peter and the Wolf and all that sort of thing because, unfortunately, this is what happens in the real world.

The Connétable of Grouville:

Do not mention FC on camera, Deputy.

Senior Policy Officer, Department for the Economy:

If the panel is interested in misinformation and disinformation, there is a very interesting report written by the Police Commission in the U.K. that looked at the impact of misinformation and disinformation during the riots that followed the murders of the young children in July and August last year. That has some fascinating insights and recommendations. One of them is how do you co-ordinate to be the central source of truth and how do you keep that truth alive because people want the truth here and now beyond the traditional ways of communicating in crises at 9.00 a.m. and 5.00 p.m. at the beginning of the day and the evening of the rest of the day unsupported? How do you keep that narrative continually going so you are the single source of truth and people at any one moment can get the up to date information from that single source of truth centre even if it is no news but we are still working with it.

The Connétable of Grouville:

Understood.

Senior Policy Officer, Department for the Economy:

I would recommend a means to provide that and whose role it is because it is not the police's role to be the centre of information.

Assistant Minister for Sustainable Economic Development:

The ministry of truth is somewhat Orwellian.

The Minister for Sustainable Economic Development:

That is the trouble. Once you have a central source of truth, I guarantee you there will be a lot of work done to discredit that, and it will be for many people the central source of untruth.

[15:45]

Senior Policy Officer, Department for the Economy:

They also looked at the impact of the U.K. Online Safety Bill in this space so I can recommend it as an interesting read if you have an hour or 2 to spare.

Deputy C.D. Curtis:

That would be good. We do not have a lot of time left so I am just wondering if we should skip some of our questions and send some to you as written questions.

The Connétable of Grouville:

Of course.

Deputy C.D. Curtis:

I am just trying to have a look at what would be best for us now.

The Connétable of Grouville:

You are too good at answering questions, Minister. You will have to dumb it down a bit.

Deputy C.D. Curtis:

Yes, we have had good answers, so while we think about it and if panel members think of anything in particular, I will start asking our next question about the legislation landscape. How will the Government of Jersey ensure that any legislation that it creates to address online harms will keep pace with the rate of change because it is really quite a difficult thing, is it not?

The Minister for Sustainable Economic Development:

I think number one is it shows the importance that you need to have a digital policy unit and maintain a digital policy unit in Jersey because it is such a unit we will be able to keep and have staff in within the Government of Jersey who are able to constantly look at the landscape. So I think that is number one that we have a digital policy unit and we need to maintain that. Beyond that, we are already looking, so we are constantly doing landscape work and Elisabeth and Christoph and their colleagues are always looking at the legislative landscape. That is what we continue to do in different ways and I think Elisabeth unintentionally just showed how she looks at the legislative landscape by talking about the report just 2 minutes ago. It is a part of the team's work to constantly look at that landscape and feed back to us as Ministers and for future Ministers so they can then decide, should any of it be brought into Jersey law, if there are any things that we need to be aware of and so on?

Assistant Minister for Sustainable Economic Development:

I would like to flag how much funding has been provided by the finance industry and businesses to promote awareness too because when you think about J.O.I.C. itself, much of it comes from the fees of data controllers which is funding these outreach activities and, no doubt, you are looking into those combined with education purely.

Deputy C.D. Curtis:

I might skip to question 35 because we have a lot of really good questions but some of them will be suitable in writing.

The Minister for Sustainable Economic Development:

When I was chair, I always felt it really hard to get through the questions. It is really difficult.

Deputy C.D. Curtis:

Minister, do social media and algorithms create a challenge in protecting from online harms?

The Minister for Sustainable Economic Development:

Absolutely, and I think we said it twice, or Deputy Scott and myself said it separately, and this is one of the reasons with social media, particularly in terms of messaging platforms, they are websites within websites and so we cannot block them, for instance, and things like that. It becomes very difficult. This, in many ways, goes back to the conversation we were having earlier. Algorithms are a massive problem from a misinformation perspective and from an echo chamber perspective. They are fundamentally changing the discourse across communities. That is a real problem. The other side of it is they are dumbing us down, so I have thought of it this way, if you will indulge me a second. Once upon a time, we had to make our own choices about what we saw, what we did not see and things like this. Now you have got to the point where we are not even looking around us to see what we might want to choose. If you go on to a video streaming platform - and I will say Netflix because it is easier - what Netflix serves my wife and what Netflix serves me and what Netflix serves my daughter are 3 completely different things. It means that you are never shown other things that you might be interested in, but the algorithm has not worked out your interests, and so not only are we not choosing now, we are not even in an environment where we are able to choose and make our own choices. So I really worry - and this is very much at the high level - about what it is doing to our brains and our minds. It is taking away our own agency. We are giving it up.

Deputy C.D. Curtis:

I know that, on Facebook, I have a business account as well, which is to do with business totally separate from anything here, and on that, what comes in streaming to me is: "Here you can meet this young girl from the Philippines" or something and there are loads of things like that. I do not get any of that on my personal Facebook account.

The Minister for Sustainable Economic Development:

Exactly, and that will be because of the business element. It will just be that they are targeting business people. Sadly, I read an article very recently about artificial intelligence and, much like the internet, everyone thought it would be perfect for free speech and everyone sharing ideas and it turns out it is mainly used for email spam and pornography. Artificial intelligence is going down the same route where much of artificial intelligence capabilities are now being used just to create spam emails, spam adverts to get you click on and market it, and then not being used for the amazing things that artificial intelligence could be used for.

Assistant Minister for Sustainable Economic Development:

Yes, but I also would point out many people, businessmen and the like, who are not on social media. I am not even sure I would be on social media if I was not a politician because it is one massive distraction. I know people like Elton John does not have a basic phone because it is a distraction from being productive and so I have this concern in terms of productivity generally about the distraction that the internet causes. So I guess it is just a general message that it is a choice and the way in which you use it as a choice. Even in schools, we know that things like ChatGPT can be a really useful resource and we can find it a useful resource

Deputy C.D. Curtis:

It can be, can it not? I am sorry. I apologise to you, Helen. Do you want to ask that question because that might be a really interesting one?

Deputy H.M. Miles:

It was just the impact on the economy. You have talked a lot about not going for Online Safety U.K., et cetera. One of the cited benefits of the E.U. (European Union) Digital Services Act is that it makes it easier for providers of digital services to set up in Europe and adhere to one set of rules across Europe. Do you think that Jersey having its own suite of legislation could potentially act as a disincentive to companies setting up here?

The Minister for Sustainable Economic Development:

I genuinely do not think so. Often, having a point of difference from the big norm, works the opposite way and gives you a competitive advantage. If our legislation was onerous in some way, the implementation for the digital business if we were making it difficult for them to work with Jersey, that would have an impact, but as long as our legislation is workable, then I do not see it like you tell it.

Assistant Minister for Sustainable Economic Development:

A lot of work has been done to ensure that we do not disrupt the cohesion and the supportiveness of our current data protection legislation, which is built in very much with a format that has been approved by the E.U., so one of the reasons not to amend the law to providing digital rights was that.

Deputy H.M. Miles:

Yes, that is quite interesting.

The Minister for Sustainable Economic Development:

Very quickly, officers here and Deputy Scott knows as well, my policy since I took office has been that we maintain Jersey's adequacy with the E.U. data protection regime. I said that specifically and I restated it last week because we know that the U.K., through Brexit, has talked about diverging from that regime. I believe the E.U. regime is probably the premium regime in the world and, therefore, Jersey should adhere to that. I do not think we will ever be forced. I think the U.K. understands that it has to also need to be adequate from an E.U. perspective. Were it not to become adequate, that might mean we need to think long and hard again but, at the moment, I strongly think we stick with the E.U. in terms of data protection.

Deputy H.M. Miles:

At this point in time, there is no conflict in the policy direction with the path that you are taking.

The Minister for Sustainable Economic Development:

That is it, and I think the U.K. wants to make it easier and easier and, as long as we do not follow the route, we will probably continue to remain adequate in both the U.K. and the E.U.

Deputy C.D. Curtis:

We have a few minutes. I wondered if you could ask 28 as one of your questions.

Deputy H.M. Miles:

This is about Government policy and cross-department working so, obviously, we have asked you questions today specifically around sustainable economic development, but we were told this morning by the Minister for Education and Lifelong Learning that there is a cross-ministerial body starting to form around this. So can you tell us what your role is on that kind of group and where that is going?

Assistant Minister for Sustainable Economic Development:

Yes, we do have an online harms forum which is cross-ministerial. I think the first time it met was back in September or October and the aim is to ensure we have a co-ordinated approach towards online harms and what we do in the different areas and how we are going to deal with developments in that area. So we resolve that we will carry on meeting every quarter.

Deputy H.M. Miles:

Is it a ministerial group?

Assistant Minister for Sustainable Economic Development:

Yes, it is ministerial and policy officers.

Deputy H.M. Miles:

Who chairs that?

Assistant Minister for Sustainable Economic Development:

Well, at the moment, it is like a kind of roving chair and we have not really decided that sort of patriarchal structure yet.

The Minister for Sustainable Economic Development:

No one Minister has been charged as chair.

Assistant Minister for Sustainable Economic Development:

Yes.

Deputy H.M. Miles:

Does that group have a relationship with the Safeguarding Partnership Board?

Assistant Minister for Sustainable Economic Development:

We have not got a formal one. It is something that has been introduced. Elisabeth is going to have to remind me because we were given a whole load of stuff on safeguards, but that is being done through the Minister for Children and Families. There is that relationship in that way and so we are being made aware of some because I do not know if you are aware that there is a whole load of training that has been provided within Government on safeguarding. Some of that is coming from some work for the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children) but I do not know.

Deputy H.M. Miles:

Have you, as a department, had any contact with the Safeguarding Partnership Board about the work that you are doing around online harms?

The Minister for Sustainable Economic Development:

I thought that we have, yes.

Assistant Minister for Sustainable Economic Development:

Not specifically.

Deputy H.M. Miles:

Not specifically.

Assistant Minister for Sustainable Economic Development:

Because bear in mind what we are doing is not specifically for children. It includes the benefit of children.

Deputy H.M. Miles:

But what we are doing is not just about children either. This is about everybody within the community.

The Minister for Sustainable Economic Development:

Safeguarding is not just for children.

Deputy H.M. Miles:

Yes, the safeguarding is not just for children. Online harm is not just about children. It is about everybody.

Assistant Minister for Sustainable Economic Development:

No, it is a fair point and perhaps we should discuss a way of how that should work.

Deputy C.D. Curtis:

Okay, I think we have asked all our questions in the hearing now and we will have some written ones.

The Minister for Sustainable Economic Development:

I just apologise for being late.

Deputy C.D. Curtis:

Thank you very much, everybody.

[15:56]