



Jersey

**FREEDOM OF INFORMATION (JERSEY  
HERITAGE TRUST) (JERSEY)  
REGULATIONS 2014**

**Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 1 January 2019 to Current



Jersey

## **FREEDOM OF INFORMATION (JERSEY HERITAGE TRUST) (JERSEY) REGULATIONS 2014**

### **Contents**

---

#### **Regulation**

1	Interpretation .....	3
2	Transfer of public records to the Trust by a scheduled public authority .....	3
3	Availability of non-exempt records on request.....	4
4	Procedure for exempt records .....	4
5	Transfer of public records to the Trust by other public institutions .....	4
6	Public records transferred to the Trust before the commencement date .....	5
7	Citation .....	6

#### **ENDNOTES** **7**

---

Table of Legislation History.....	7
Table of Endnote References.....	7



Jersey

## **FREEDOM OF INFORMATION (JERSEY HERITAGE TRUST) (JERSEY) REGULATIONS 2014**

**THE STATES**, in pursuance of Articles 17 and 53 of the [Freedom of Information \(Jersey\) Law 2011](#), have made the following Regulations –

Commencement [[see endnotes](#)]

---

### **1 Interpretation**

(1) In these Regulations –

“access rights” has the meaning in Regulation 3(1);

“commencement date” means 1st January 2015;

“Freedom of Information Law” means the [Freedom of Information \(Jersey\) Law 2011](#);

“exempt record” means a record or part of a record which a public institution has indicated comprises absolutely exempt information or qualified exempt information in accordance with Regulation 2;

“non-exempt record” means a record or part of a record transferred to the Trust as described in Regulation 2 and in respect of which no indication has been given in accordance with Regulation 2 that the record or part of the record contains exempt or qualified exempt information;

“Public Records Law” means the [Public Records \(Jersey\) Law 2002](#);

“request” means a request that fulfils the requirements of sub-paragraphs (a) to (d) of Article 2(1) of the Freedom of Information Law;

“transferring institution” means, in relation to a public record, the public institution which transfers or transferred that record to the Trust under Article 20 of the Public Records Law.

(2) Words and expressions used in these Regulations which are defined in the Public Records Law have the same meaning as in that Law.

### **2 Transfer of public records to the Trust by a scheduled public authority**

(1) If a public institution which is a scheduled public authority transfers a public record to the Trust under Article 20 of the Public Records Law on or after the commencement date, it shall indicate to the Archivist upon transfer whether the record contains absolutely exempt information or qualified exempt information.

- (2) If the record partly contains absolutely exempt information or qualified exempt information, the public institution shall indicate which part of the record contains such information.

### **3 Availability of non-exempt records on request**

- (1) A person who makes a request to the Trust for a non-exempt record is entitled –
  - (a) to have a reasonable opportunity to examine the record, or to take an extract or copy of it, in a form appropriate to the medium of the record; and
  - (b) to be supplied with an extract or copy of the record (in a form appropriate to the medium of the record),such rights being referred to in these Regulations as “access rights”.
- (2) If a person wishes to exercise access rights in a particular form or manner, he or she may exercise those rights in that form or manner unless the Archivist refuses to allow such exercise because –
  - (a) it would interfere unreasonably with the operations of the Archivist;
  - (b) it would not be appropriate to the medium of the record; or
  - (c) it would be detrimental to the preservation of the record.
- (3) A person who is supplied with an extract or copy of a record in accordance with paragraph (1) may be required by the Archivist to pay a reasonable fee for such extract or copy.
- (4) The Archivist may make exercise of access rights subject to such conditions as he or she may determine either generally or in any particular case in order to promote the preservation of the record.
- (5) The Archivist may refuse to allow a person to exercise access rights, or cut short the exercise of such rights, if such a person does not comply with any condition under paragraph (4) to which such exercise is subject.

### **4 Procedure for exempt records**

- (1) If a person makes a request to the Trust for an exempt record, the Trust shall pass the request to the transferring institution within 5 working days.
- (2) Upon receipt of the request, the transferring institution shall respond to the request in accordance with the Freedom of Information Law as if –
  - (a) the request had been made to it directly;
  - (b) the date of the request to it was the date that the request was passed to it by the Trust;
  - (c) where appropriate, references in that Law to whether or not the authority holds information included the holding of the exempt record by the Trust.
- (3) The Trust shall make the exempt record in its original form available to the transferring institution in order to enable it to respond to the request.

### **5 Transfer of public records to the Trust by other public institutions**

- (1) If a public institution which is not a scheduled public authority transfers a public record to the Trust under Article 20 of the Public Records Law on or after the

commencement date, the public institution may indicate to the Archivist that the record, or part of the record, may be treated as if it were a non-exempt record.

- (2) If a transferring institution makes an indication as described in paragraph (1), a person who makes a request to the Trust for that record shall be entitled to exercise access rights in respect of that record, or part of that record, in accordance with Regulation 3.
- (3) If a transferring institution does not make an indication as described in paragraph (1) and a person makes a request to the Trust for that record, the Trust shall –
  - (a) pass the request to the transferring institution within 5 working days of receiving the request; and
  - (b) make the record, or part of the record, available to the transferring institution in its original form in order to enable the transferring institution to respond to the request.

## **6 Public records transferred to the Trust before the commencement date**

- (1) This Regulation applies in relation to a public record that is transferred to the Trust under Article 20 of the Public Records Law by a public institution before the commencement date.
- (2) If, immediately before the commencement date –
  - (a) such a public record or part of a public record would have been available for public access under Part 5 of the Public Records Law; and
  - (b) a person makes a request to the Trust for that record,such record or part of the record will be treated as if it were a non-exempt record and the person shall be entitled to exercise access rights in respect of that record or part of the record in accordance with Regulation 3.
- (3) If –
  - (a) immediately before the commencement date, such a public record or part of a public record would not have been available for public access under Part 5 of the Public Records Law; and
  - (b) the transferring institution is a scheduled public authority and a person makes a request to the Trust for that record,such record or part of record shall be treated as if it were an exempt record and the procedure in Regulation 4 shall apply to the request.
- (4) If –
  - (a) immediately before the commencement date, such a public record or part of a public record would not have been available for public access under Part 5 of the Public Records Law; and
  - (b) the transferring institution is not a scheduled public authority and a person makes a request to the Trust for that record,the Trust shall pass the request to the transferring institution within 5 working days of receiving the request and the Trust shall make the record, or part of the record, available to the transferring institution in its original form in order to enable the transferring institution to respond to the request.

**7 Citation**

These Regulations may be cited as the Freedom of Information (Jersey Heritage Trust) (Jersey) Regulations 2014.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Freedom of Information (Jersey Heritage Trust) (Jersey) Regulations 2014	<a href="#">R&amp;O.183/2014</a>	1 January 2015

### Table of Endnote References

*There are currently no endnote references*