



Jersey

## **REGISTER OF NAMES AND ADDRESSES (JERSEY) LAW 2012**

### **Official Consolidated Version**

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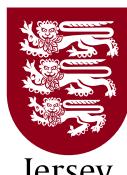


## **REGISTER OF NAMES AND ADDRESSES (JERSEY) LAW 2012**

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## **REGISTER OF NAMES AND ADDRESSES (JERSEY) LAW 2012**

**A LAW** to make provision for the establishment of a Register of Names and Addresses of individuals in Jersey for use by public authorities for specified purposes.

Commencement [[see endnotes](#)]

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### **PART 1** INTERPRETATION

#### **1 Interpretation**

- (1) In this Law, unless the context otherwise requires –  
“adult” means a person who has attained the age of 16 years;  
“Court” means the Royal Court;  
“Minister” means the Chief Minister;  
“prescribe” means prescribe by Order;  
“public administration and customer service” has the meaning in Article 2(4);  
“public authority” means any of the following –
  - (a) a Minister;
  - (b) a parish;  
“Register” means the Register of Names and Addresses established and maintained under Part 2;  
“registerable fact”, in relation to an individual, has the meaning in Article 2(8).
- (2) The States may by Regulations amend the definition “public authority” in paragraph (1).

## PART 2

### REGISTER OF NAMES AND ADDRESSES

#### **2 The Register of Names and Addresses**

- (1) The Minister must establish and maintain a register of individuals to be known as the “Register of Names and Addresses”.
- (2) The purposes for which the Register is to be established and maintained are confined to the statutory purposes.
- (3) The statutory purposes are –
  - (a) to enable or facilitate public administration and customer service;
  - (aa) the purposes specified in Article 5A; and
  - (b) such other purposes as the States may by Regulations specify under Article 5(2).<sup>1</sup>
- (4) In this Law “public administration and customer service” means any of the following –
  - (a) the provision of any service under any enactment to an individual by a public authority;
  - (b) anything done by a public authority to enable or facilitate compliance by an individual of any duty under any enactment;
  - (c) anything done by a public authority in consequence of a breach or alleged breach by an individual of any duty under any enactment.
- (5) The States may by Regulations amend the definition of “public administration and customer service” in paragraph (4).
- (6) An entry on the Register must be made in respect of every individual who is specified in Regulations made under paragraph (10).
- (7) An entry in respect of an individual shall consist of the registrable facts in relation to that individual.
- (8) In this Law, “registrable facts”, in relation to an individual, means –
  - (a) the individual’s name (including title) and residential address;
  - (b) the individual’s date and place of birth;
  - (c) (if the individual was not born in Jersey), the individual’s date of arrival in Jersey;
  - (d) the individual’s gender;
  - (e) the individual’s social security number.
- (9) The Minister may enter on the Register registrable facts in relation to an individual that are held by any department or administration of the States notwithstanding anything in any enactment to the contrary.
- (10) The States shall, by Regulations, specify individuals, whether by category, class or description, in respect of whom an entry must be made on the Register.

### 3 Verification of, and changes to, the Register

- (1) An individual may apply to the Minister for a copy of the registrable facts recorded on the Register in respect of –
  - (a) that individual; and
  - (b) any individual specified in Regulations made under paragraph (8) and in accordance with those Regulations.
- (2) Such application shall –
  - (a) be in such form as the Minister may determine;
  - (b) be accompanied by such fee as the Minister may prescribe; and
  - (c) comply with any requirements specified in the form, including the provision of any documents establishing the identity of the person making the application.
- (3) Following an application in accordance with paragraph (2) the Minister shall supply the individual making the application with a copy of the registrable facts relating to the individual in respect of whom the application was made.
- (4) An individual (“the notifying individual”) must notify the Minister forthwith of any inaccuracy in the registrable facts relating to that individual, or an individual in respect of whom that individual may make an application under paragraph (1), of which the notifying individual has become aware and shall supply the Minister with such information or document as the Minister may require to correct the inaccuracy.
- (5) The Minister may, at any time, require an individual to provide the Minister with such documents and information as the Minister may require for the purpose of verifying a registrable fact relating to that person.
- (6) The Minister shall update the information recorded on the Register as soon as reasonably practicable following –
  - (a) notification of an inaccuracy under paragraph (4) or the provision of documents or information under paragraph (5); or
  - (b) any change in that information given to the Minister under Article 4 or under any enactment.<sup>2</sup>
- (7) The rights of an individual under this Article in respect of registrable facts are without prejudice to any rights that individual may have in respect of that information under the [Data Protection \(Jersey\) Law 2018](#).<sup>3</sup>
- (8) The States may, by Regulations, specify any individual, description or class of individual in respect of whom any individual, description or class of individual may make an application under paragraph (1).

### 4 Information to be provided to the Minister

- (1) This Article applies to an individual who is ordinarily resident in Jersey for a continuous period of 3 months or more and who changes the name by which he or she is ordinarily known (whether or not by deed poll).
- (2) An adult to whom this Article applies shall notify the Minister of the change of name within one month of such change taking place.
- (3) An adult who shares a household with a child to whom this Article applies, such adult being –
  - (a) the parent of the child; or

(b) other person with parental responsibility for the child,

shall notify the Minister of the change of the child's name within one month of the change taking place.

(4) This Article shall not apply to any change of name if such change is registered under the [Marriage and Civil Status \(Jersey\) Law 2001](#) or the [Gender Recognition \(Jersey\) Law 2010](#).

(5) If there is more than one adult who is subject to the duty under paragraph (3), compliance with the duty by one adult shall discharge all other adults who are subject to that duty.

(6) A notification under paragraph (2) or (3) shall be in such form as the Minister may determine and accompanied by any documents or other information that the Minister requires to verify the identity of the individual who is the subject of the notification.

(7) A person who fails to comply with paragraph (2) or (3) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

(8) The Minister may by Order modify the requirements of this Article in respect of any individual or description of individual as may be prescribed.

## 5 Access to the Register and use of information by public authorities

(1) A public authority may use any registrable fact for the purpose of enabling or facilitating a public administration and customer service.

(2) The States may by Regulations make provision for any specified public authority to use registrable facts for purposes specified in the Regulations.

(3) Regulations under paragraph (2) may specify –

(a) all or part of the Register;

(b) descriptions of registrable facts,

that a specified public authority may use.

(4) The Minister may use any registrable fact for providing statistical information to any Minister for the purpose of –

(a) assisting in the development and evaluation of public policy; and

(b) informing the public about social and economic matters.

(5) For the purposes of paragraph (4), “statistical information” does not include personal information that is, information that relates to and identifies a particular person whether the identity is specified in the information or can be deduced from the information.

(6) A public authority must not use registrable facts from the Register unless the Minister is satisfied that the authority has adequate systems in place for securing the confidentiality and integrity of those facts.

(7) No public authority may use information on the Register for any purpose other than one authorized under this Law or under any other enactment.

(8) In this Article “use” includes accessing, obtaining, recording, holding, and disclosing.

**5A Minister may supply relevant information to credit reference agencies<sup>4</sup>**

- (1) The Minister may supply to a prescribed credit reference agency the following registrable facts about an individual resident in Jersey –
  - (a) name;
  - (b) residential address;
  - (c) date of birth.
- (2) The only purposes for which the Minister may supply relevant information to a prescribed credit reference agency are to enable –
  - (a) a person to meet their obligations relating to the detection and prevention of money laundering and terrorist financing under FSMA or the [Proceeds of Crime \(Jersey\) Law 1999](#), or under legislation in another jurisdiction that the Minister is satisfied imposes equivalent obligations;
  - (b) vetting of –
    - (i) an application for credit, or
    - (ii) an application that could result in the giving of credit, or the giving of any guarantee, indemnity or assurance in relation to the giving of credit; and
  - (c) statistical analysis of credit risk assessment in a case where no individual whose details are included in the Register is referred to by name or necessary implication.
- (3) A person to whom relevant information is supplied under this Article must use the information only for the specified purposes.
- (4) The Minister may prescribe a person as a credit reference agency if Conditions A and B are satisfied.
- (5) Condition A is that the Minister is satisfied that the person is –
  - (a) authorised under FSMA to carry on the regulated activity of providing credit references; or
  - (b) authorised to provide credit references in another jurisdiction, if the Minister is satisfied that the jurisdiction has –
    - (i) legislation equivalent to FSMA that regulates persons providing credit references, and
    - (ii) data protection legislation equivalent to the [Data Protection \(Jersey\) Law 2018](#).
- (6) Condition B is that the Minister is satisfied that the person –
  - (a) has adequate systems in place for securing the confidentiality and integrity of information supplied under this Article; and
  - (b) will use the relevant information only for the specified purposes.
- (7) The Minister may require a prescribed credit reference agency to pay a fee prescribed for the supply of relevant information under this Article.
- (8) The Minister must not supply information under this Article in relation to a person who has not attained full age.
- (9) In this Article –

“application for credit” includes an application by an individual to enter into, refinance or reschedule a credit agreement under which credit is provided to the individual by a creditor;

“credit” includes –

- (a) a cash loan;
- (b) a loan secured against immovable property, whether by hypothecation or by mortgage or in any other manner;
- (c) financial accommodation provided in the letting of goods under a hire-purchase agreement, or in the selling of goods under a conditional sale agreement, within the meaning of the [Supply of Goods and Services \(Jersey\) Law 2009](#); and
- (d) any other form of financial accommodation;

“FSMA” means the Financial Services and Markets Act 2000 of the United Kingdom, as amended, revised or re-enacted from time to time;

“prescribed credit reference agency” means a person prescribed by the Minister under paragraph (4);

“relevant information” means the registrable facts listed in paragraph (1);

“specified purposes” means the purposes specified in paragraph (2);

“use”, in relation to information, includes accessing, obtaining, recording, holding and disclosing the information.

## 6 Unauthorized disclosure of information

- (1) A person is guilty of an offence if, without lawful authority –
  - (a) he or she provides any person with information that he or she is required to keep confidential; or
  - (b) he or she otherwise makes a disclosure of any such information.
- (2) For the purposes of this Article, a person is required to keep information confidential if it is information that is or has become available to that person by reason of holding an office or employment the duties of which relate, in whole or in part, to –
  - (a) the establishment or maintenance of the Register; or
  - (b) the use of registrable facts under Article 5.
- (3) For the purposes of this Article, information is provided or otherwise disclosed with lawful authority if such provision or disclosure –
  - (a) is authorized under this Law or under another enactment;
  - (b) is in pursuance of an order or direction of the Court;
  - (c) is for the purposes of the performance of the duties of an office or employment described in paragraph (2).
- (4) It is a defence for a person charged with an offence under this Article to show that, at the time of the alleged offence, that person believed, on reasonable grounds, that he or she had lawful authority to provide the information or to make the disclosure in question.
- (5) A person guilty of an offence under this Article shall be liable to imprisonment for a term of 5 years and a fine.

## PART 3

### SUPERVISION OF OPERATION OF LAW

#### 7 Appointment of Commissioner

- (1) The Minister must appoint a Commissioner to be known as the Register of Names and Addresses Commissioner.
- (2) It shall be the function of the Commissioner to keep under review –
  - (a) the arrangements for the time being maintained by the Minister for the purposes of his or her functions under this Law or any Regulations made under this Law; and
  - (b) the arrangements made by public authorities for using registrable facts.
- (3) Where the Commissioner reviews any arrangements under paragraph (2) his or her review must include, in particular, a review of the extent to which the arrangements make appropriate provision –
  - (a) for securing the confidentiality and integrity of information recorded on the Register;
  - (b) for dealing with complaints made by individuals about use of information recorded on the Register.
- (4) It shall be the duty of every public authority to provide the Commissioner with all such information (including information on the Register) as he or she may require for the purpose of carrying out his or her functions under this Law.
- (5) The Commissioner is to hold office in accordance with the terms of his or her appointment and shall be paid out of the annual income of the States a salary and other remuneration in accordance with the terms of his or her appointment.
- (6) As soon as practicable after the end of each calendar year, the Commissioner must make a report to the Minister about the carrying out of the Commissioner's functions.
- (7) The Commissioner may also, at any other time, make such report to the Minister on any matter relating to the carrying out of those functions as the Commissioner thinks fit.
- (8) The Minister must lay before the States a copy of every report made to him or her under this Article not more than one month after receiving it.
- (9) The Commissioner's powers under this Law are without prejudice to the powers of the Data Protection Authority under the [Data Protection Authority \(Jersey\) Law 2018](#).<sup>5</sup>

## PART 4

### MISCELLANEOUS AND CLOSING

#### 8 Regulations and Orders

- (1) Any Regulations or Order made under this Law may contain such transitional, consequential, incidental or supplementary provisions as appear to the States or the Minister, as the case requires, to be necessary or expedient for the purposes of the Regulations or Order.

(2) The States may, by Regulations, make such transitional or consequential provision in connection with the coming into force of Article 5A (inserted by the Register of Names and Addresses (Amendment) (Jersey) Law 2023) as appears to the States to be necessary or expedient.<sup>6</sup>

## 9 **Citation**

This Law may be cited as the Register of Names and Addresses (Jersey) Law 2012.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Register of Names and Addresses (Jersey) Law 2012	<a href="#">L.35/2012</a>	1 July 2013 (R&O.64/2013)	<a href="#">P.38/2011</a>
Data Protection (Jersey) Law 2018	<a href="#">L.3/2018</a>	25 May 2018	<a href="#">P.116/2017</a>
Data Protection Authority (Jersey) Law 2018	<a href="#">L.4/2018</a>	25 May 2018	<a href="#">P.117/2017</a>
Register of Names and Addresses (Amendment) (Jersey) Law 2023	<a href="#">L.15/2023</a>	29 December 2023	<a href="#">P.56/2023</a>

Projects available at [statesassembly.gov.je](http://statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
9(1)	9
9(2)	spent, omitted

### Table of Endnote References

<sup>1</sup> Article 2(3)

amended by L.15/2023

<sup>2</sup> Article 3(6)

editorial change, in sub-paragraph (a), “under (5)” deleted, “under paragraph (5)” inserted instead

<sup>3</sup> Article 3(7)

amended by L.3/2018

<sup>4</sup> Article 5A

inserted by L.15/2023

<sup>5</sup> Article 7(9)

amended by L.4/2018

<sup>6</sup> Article 8(2)

inserted by L.15/2023