

FREEDOM OF INFORMATION (JERSEY) LAW 2011**DECISION NOTICE**

JOIC Reference	CAS-05614
Date of Decision Notice	25 June 2026
Scheduled Public Authority	Department for the Economy
Address	Union Street St Helier Jersey JE2 3DN

Summary

1. The Complainant had previously requested certain information from the Department for the Economy about the legal establishment and the vesting of certain powers in the Economic Crime and Confiscation Unit (**ECCU**) (the **Original Request**). As is detailed in [Decision Notice CAS-04931-N1R9J6 dated 9 July 2025](#), the Commissioner upheld an appeal against the response provided to the Original Request and ordered that a fresh response be provided to the Complainant within 35 days of the decision notice being issued (the **Commissioner's Previous Decision**).
2. Upon receipt of the Commissioner's Previous Decision, the Original Request was then forwarded to three different scheduled public authorities for consideration. The scheduled public authority at the centre of this Decision Notice is the Department for the Economy (the **SPA**).
3. The SPA responded (the **Request Response**) stating that the information sought in the Original Request was not held by the SPA, citing Art.3 of the Freedom of Information (Jersey) Law 2011 (the **FOI Law**). Upon receipt thereof, the Complainant sought information from the SPA regarding the scope of the searches undertaken by the SPA in order to locate information relevant to the Request before requesting an internal review (the **IR Request**).
4. The SPA upheld the previous decision that had been made (the **Internal Review Response**).
5. The Complainant issued an appeal to the Information Commissioner (the **Commissioner**) on 13 October 2025 (the **Appeal**).

6. The Commissioner investigated and found that the SPA had failed to carry out sufficient searches at the time and the Commissioner's decision is that the appeal is partially upheld. However, the SPA ultimately conducted appropriate searches during the course of the appeal process, and so there are no further steps the SPA needs to take in relation to this matter.

The Request

7. The Complainant's Original Request was in the following terms:

"Please can you provide copies of any documents setting out the legal basis for the establishment of the ECCU and for vesting in the ECCU legal jurisdiction for carrying out criminal investigations, which is otherwise the responsibility of the States of Jersey Police (SOJP).

It is thought likely that: (a) the Department for the Economy; (b) Justice and Home Affairs; and (c) the States of Jersey Police, should have relevant information.

There is a clear public interest in such information being released, not least because of the considerable amount of public funds spent on (and by) the ECCU."

8. As noted in para.1 above, the Original Request was ultimately scrutinised by the Commissioner and is detailed in the Commissioner's Decision Notice CAS-04931-N1R9J6 dated 9 July 2025. It is not necessary to rehearse the contents of that Decision Notice save to say that the SPA was found to have not complied with its obligations under the FOI Law, this on the basis that it had not conducted sufficient searches of its systems to identify material relevant to the Complainant's Original Request. The Commissioner ordered that the SPA should re-run its searches and provide a fresh response to the Complainant. This had to be done within 35 days of the Commissioner's decision being issued.

9. On 7 August 2025 the SPA provided its Response in the following terms:

"The requested information is not held by the Department for the Economy. Therefore Article 3 of the Freedom of Information (Jersey) Law 2011 has been applied.

Article applied

Article 3 - Meaning of "information held by a public authority"

For the purposes of this Law, information is held by a public authority if –

(a) it is held by the authority, otherwise than on behalf of another person; or

(b) it is held by another person on behalf of the authority."

10. In their Response, the SPA said that it did not hold the information requested, citing Art.3 of the FOI Law.

11. Upon receipt thereof, the Complainant (on 8 August 2025) asked the SPA to "please confirm that, prior to the SPA's response being issued, the SPA carried out fresh searches aimed at identifying all the information held within the scope of the Request." The Complainant further asked the SPA to confirm: (a) what search terms were used; (b) that the searches were not limited to Cryoserver but also included other digital records; and (c) whether manual were searches conducted, including reviews of both physical files and digital folders.

12. The Complainant went on to explain that, in light of the July Decision Notice, they were *"looking for comfort from the SPA that adequate searches have now been carried out, before it issued its fresh response"* and that *"the response does not provide such comfort, since it contains no detail about the steps taken to identify any information held."*

13. On 13 August 2025, the Complainant sent an email following up on their email of 8 August 2025, as they had not received any reply from the SPA in response to that email. Later the same day, the GoJ FOI Team (on behalf of the SPA) replied to the Complainant as follows:

"As per confirmation received from the JOIC regarding the case and our adherence to it, we were requested to raise a new FOI. Due to this we are not required to add any explanations as to our process with the response."

You can if required request an Internal Review, where the agreed and documented process will be followed to ensure the SPA has conducted the correct searches etc."

14. The Complainant issued their IR Request on 13 August 2025 indicating that due to the lack of response regarding the Complainant's request for information regarding the searches undertaken by the SPA that they could not be confident that appropriate searches had been conducted. Specifically, the Complainant said that:

"It is disappointing that the SPA (the Department for the Economy) is refusing to provide any further information as to the searches undertaken."

As the SPA will be aware, the ECCU features prominently in MONEYVAL's Fifth Round Mutual Evaluation Report of Jersey, which contains over 150 references to the "ECCU". It is public knowledge that present and former employees of the SPA, including (without limitation) Mr George Pearmain and Ms Helen De La Cour, were heavily involved in the MONEYVAL process. It is therefore reasonable to conclude that the records of such individuals involved in the MONVEYAL process may hold information setting out the legal basis for the establishment of the ECCU (if there is such a basis) and should have been searched for responsive information."

In the circumstances, and given the JOIC's previous findings, I can have no confidence that adequate searches have been undertaken this time."

Accordingly, I hereby request an internal review of the SPA's response."

As part of the internal review, I request that particular attention is given to the adequacy (or otherwise) of the searches for the requested information."

Amongst other things, it would be helpful if the internal review response could please clarify: (a) what search terms were used by the SPA, (b) that the searches by the SPA were not limited to Cryoserver but also included other digital records, and (c) whether manual searches were conducted by the SPA, including reviews of both physical files and digital folders."

If the internal review does not provide further information about the searches undertaken, ultimately I may be left with no choice but to again refer this matter to the JOIC. It would be preferable if this could be avoided."

I should be grateful if you could please confirm receipt of this internal review request."

15. On 5 September 2025, the GoJ FOI Team (on behalf of the SPA) emailed the Complainant to advise that an extension of 10 working days was required in order for the SPA to provide its response to the IR Request.
16. The results of the Internal Review were communicated to the Complainant on 19 September 2025 as follows:

"This internal review has been conducted by an official of appropriate seniority who has not been involved in the original decision. As part of their review, they will be expected to understand the reasons behind the original response, impartially determine whether the response should be revised, and how so, considering the request and the information held, any relevant exemptions, or other relevant matters under the Law.

The Internal Review Panel was asked to review the original response and confirm the following:

Does the FOI request relate to a body to which the Law applies, or information held by a body covered by the Law?

If the answer is no, all the other questions are not applicable.

Further questions if above is a yes:

- i. Was the right information searched for and reviewed?*
- ii. Was the information supplied appropriately?*
- iii. Was information appropriately withheld in accordance with the articles applied and were the public interest test/ prejudice test properly applied?"*

Option 1: Following discussion, it was agreed by the Panel that the decision was upheld."
(the **Internal Review Response**)

The Investigation

Scope of the case

17. On 13 October 2025, the Complainant contacted the Commissioner to appeal against the Internal Review Response. The Complainant asked the Commissioner to review the Complainant's Request and the responses received from the SPA to ascertain whether what had been provided was in accordance with the FOI Law.
18. The relevant statutory provision is Art.8 of the FOI Law

Role of the Information Commissioner

19. It is the duty of the Commissioner to decide whether a request for information made to a SPA has been dealt with in accordance with the requirements of Part 1 of the FOI Law.
20. The Commissioner has set out in this Notice the issues he has had to consider in respect of this appeal.
21. In coming to a decision on this matter, the Commissioner has considered all the relevant submissions, or parts of submissions, made to him by both the Complainant and the SPA. He is satisfied that no matter of relevance has been overlooked.

Chronology

22. On 22 October 2025, the Commissioner wrote to the SPA to advise that the Complainant had made an Appeal to the Commissioner, pursuant to Art.46 of the FOI Law. The SPA was asked to provide their written submissions in response to the complaint made by the Complainant, in the usual way, and in accordance with para.58 of the [Art.44 Code of Practice](#), and asked certain other questions about how they had responded to the request.
23. The SPA ought to have responded to that letter by 5pm on 5 November 2025, but failed to do so, and the Commissioner chased for the SPA's response on 6 November 2025. The SPA's response was then provided on 7 November 2025. Further questions were subsequently raised by the Commissioner as referenced later in this Decision Notice.

Commissioner's Analysis and Findings

Art.3 – INFORMATION HELD

The Complainant's Position

24. The Complainant provided the Commissioner with a nine (9) page document setting out their grounds of appeal. To quote the entirety of the Complainant's submission would make this Decision Notice unwieldy, but the Complainant's position can essentially be summarised in that the Complainant was concerned that the SPA has still not carried out adequate searches for the requested information. They were also concerned that the SPA may have incorrectly determined that information is not "held" by the SPA for FOI purposes, and/or that information may have been destroyed. The Complainant asked:

"that the Commissioner reviews the SPA's response to the Request and determine whether: (a) the SPA carried out adequate searches; (b) the SPA has incorrectly determined that information is not "held" by the SPA under the FOI Law; and (c) the SPA has not destroyed any relevant information since the Complainant first requested this information on 24 July 2204 (sic)."

25. The Complainant went on to request that the Commissioner consider the Complainant's submission (which he has done) and noted *inter alia* that it is their belief that the SPA "is likely to hold information relevant to the Request". This belief appears to have been based on that fact that a recent MONEYVAL report had "over 150 references to "ECCU" contained within it and that two GoJ employees involved in the MONEYVAL process (George Pearmain (previously Director of Financial Crime Strategy and Head of Delegation to MONEYVAL) and Helen de la Cour (Director of Financial and Professional Services) would "likely" have held "information about the legal basis for ECCU (to the extent there is such as legal basis".
26. The Complainant (having already asked the SPA for information about the searches carried out and noting the response provided) was of the view that it was unclear whether the SPA had carried out searches against the records of those two named individuals and that "it is entirely unclear what searches were carried out, and whether those were adequate, as the SPA has consistently refused to provide the Complainant with any information about the searches."
27. The Complainant based their other concerns about the SPA considering information not being held, and having potentially destroyed information, on the basis of previous Decision Notice CAS-04740.

28. On 20 November 2025, the Complainant emailed, drawing the Commissioner's attention to a recently published decision of the Royal Court in the case of [Abromavich v. Chief Minister of Jersey & Ors \[2025\] JRC 299](#) and noting that limiting searches to Cryoserver alone is not appropriate. The Complainant noted the following:

"That judgment refers to an affidavit filed by Mr Paul Bradbury, sworn on 23 June 2025, in which Mr Bradbury stated that:

"12. ... It has been confirmed to me that cryoserver would only hold records as far back as March 2020. This is because, on 29 March 2022, I am advised that there was a retention purge of the cryoserver system. As a result of this, it means that any material held on cryoserver before March 2020, would have been deleted."

See paragraph 12 of the judgment available at [https://www.jerseylaw.je/judgments/unreported/Pages/\[2025\]JRC299.aspx](https://www.jerseylaw.je/judgments/unreported/Pages/[2025]JRC299.aspx)

Copy also attached for ease of reference.

The Request seeks information about the legal basis for the Economic Crime and Confiscation Unit (the ECCU), which was established in 2017. Material from the period 2017–2020 is therefore directly relevant. Cryoserver-only searches cannot retrieve records from that period and are plainly insufficient.

The judgment further acknowledges that such earlier material may still be held in individual email accounts. Paragraph 11 cites correspondence from Advocate Mark Boothman, representing (among others) the Minister of Sustainable Economic Development:

"... to the extent that there may be personal data from this earlier period which has not been reviewed but falls to be disclosed as part of these proceedings upon further order of the Court, it may be contained within individual email accounts etc."

This reinforces the need for targeted searches of relevant individual accounts, rather than limiting enquiries to Cryoserver..."

The SPA's Position

29. The SPA's original position was set out in their appeal submission to the Commissioner and essentially echoed that as set out in their IR Response. In short, it considered that it had carried out sufficient and appropriate searches following on from the Commissioner's Previous Decision, but that information about *"the legal basis for the establishment and the vesting of powers"* in the ECCU simply was not held. As part of its submissions on 7 November 2025, the SPA explained that Cryoserver Searches were carried out of accounts relating to the Chief Officer of Economy as well as staff from the Financial and Professional Services department who have had involvement in ECCU matters, across Cryoserver and live Outlook accounts, using the search terms "ECCU" and "Economic Crime Confiscation Unit". The SPA said that 2,628 results were returned.

Analysis

30. Art.8 of the FOI provides that:

"If a person makes a request for information held by a scheduled public authority –

- (a) the person has a general right to be supplied with the information by that authority; and*
- (b) except as otherwise provided by this Law, the authority has a duty to supply the person with the information."*

31. Art.3 of the FOI Law also sets out that:

"For the purposes of this Law, information is held by a public authority if –

- (a) it is held by the authority, otherwise than on behalf of another person; or*
- (b) it is held by another person on behalf of the authority."*

32. The Commissioner has, accordingly, sought to determine whether, on the balance of probabilities, the SPA holds any further information within the scope of the Request.

Commissioner's Decision

33. The Complainant's Original Request was very clear in terms of the information being sought, which was for:

"copies of any documents setting out the legal basis for the establishment of the ECCU and for vesting in the ECCU legal jurisdiction for carrying out criminal investigations which is otherwise the responsibility of States of Jersey Police (SOJP)".

34. In his previous Decision Notice, (at para.34 thereof), the Commissioner clearly set out his conclusions as to why the original searches were deficient and set expectations as to how the SPA should approach re-running their searches, specifically directing that:

"When carrying out the fresh searches, the Commissioner also requires the SPA to appropriately document the searches carried out and which must include, as a minimum, the following information:

- a. Details of the systems searches (name of platforms, software, etc.)*
- b. Who carried out the searches*
- c. When the searches were carried out*
- d. What search terms were used*
- e. What results were generated (including by use of screenshots or otherwise)."*

35. Accordingly, and in light of the above direction, in terms of any emails (or other documentation) relating to the Original Request, the Commissioner (in his letter dated 22 October 2025) asked the SPA to provide details of the searches it carried out to ensure that any information held within the scope of the Request would have been identified. Specifically the SPA was asked to confirm:

"

- *Whether the SPA is compliant with Article 7 of the Law regarding the maintenance of an index of information held.*
- *Whether this index was consulted during the internal review.*
- *The systems that were searched (including names of platforms, databases, software, etc.).*

- Whether searches were limited to a particular system or extended to other digital records.
- The individuals who carried out the searches.
- The dates on which the searches were conducted.
- The search terms used.
- The results generated (please include screenshots or other supporting documentation where applicable).
- Whether any manual searches were conducted, including physical files or paper records.
- Who conducted the internal review and what methodology was used."

36. In its response of 7 November 2025 (in red), SPA explained that:

- "
- Whether the SPA is compliant with Article 7 of the Law regarding the maintenance of an index of information held.
 - *The SPA references their retention Schedule in order to comply with Article 7*
 - Whether this index was consulted during the internal review.
 - *Yes this was consulted in this case.*
 - The systems that were searched (including names of platforms, databases, software, etc.).
 - *Cryoserver Searches were carried out of accounts relating to the Chief Officer of Economy as well as staff from the Financial and Professional Services department who have had involvement in ECCU matters*
 - Whether searches were limited to a particular system or extended to other digital records.
 - *Searches were carried out on Cryoserver and Live outlook accounts.*
 - The individuals who carried out the searches.
 - *Searches were carried out by the Economy Data Governance Officer Adrian Hayes*
 - The dates on which the searches were conducted.
 - *The searches were carried out on 21st July 2025 for Cryoserver and on live email accounts.*
 - The search terms used.
 - *The search terms used were ECCU and Economic Crime Confiscation Unit*
 - The results generated (please include screenshots or other supporting documentation where applicable).
 - *Cryoserver generated 1932 results live email searches generated 2,628 results.*
 - Whether any manual searches were conducted, including physical files or paper records.
 - *Searches were limited to Live emails and Cryoserver as stated above. No hard copy records are held.*
 - Who conducted the internal review and what methodology was used.
 - *The internal review was conducted by Christian May and Amanda Willis*

The Original control sheet and Internal review control sheet are attached for reference regarding process and methodology."

37. As is often the case, the SPA's initial response to the Commissioner generated further questions and on 24 November 2025, a follow up email was sent to the SPA seeking further information about the searches carried out by the SPA and a response was provided by the SPA on 8 December 2025. It is worth replicating pertinent aspects of that email exchange (the SPA's responses are in blue):

"...

As you are aware, and as set out at paragraphs 31–34 of Decision Notice CAS-04931 dated 9 July 2025, the Commissioner required the SPA to provide a comprehensive written submission detailing all steps taken to comply with the previous Decision Notice, including properly documented evidence of the searches carried out in order to support the SPA's reliance on Article 3 of the FOI Law.

Having reviewed the SPA's submission, the Commissioner notes with concern that the information provided does not evidence the searches conducted, nor does it demonstrate that the SPA took adequate, reasonable, and proportionate steps to identify information potentially within scope of the Request.

Accordingly, the Commissioner requires the SPA to provide the following information:

- The names and roles of the individuals who reviewed the documents generated by both the Cryoserver and live mailbox searches. *Th (sic) Searches and review of the documents were carried out by Adrian Hayes. Data Governance officer and Records manager.*
- What rules or criteria were used when determining whether each document was within or outside the scope of the Request. *The Criteria used was to review and establish if they contained the initial ECCU or Economic Crime and Confiscation Unit. Then if this was in context of the request made in the Freedom of Information request.*
- Notes, logs, or assessment records explaining why the SPA determined that none of the identified documents fell within the scope of the Request. *As noted in the Control sheet the review determined that none of the documents were in scope as they did not refer to the reference made in the request i.e. establishment of ECCU or legal basis. This was not specifically noted. A more generic not in scope was used.*

The Commissioner notes that there are inconsistencies between the FOI Control Sheet and the FOI Internal Review Sheet:

- The Control Sheet refers only to Cryoserver searches on 21 July 2025.
- The Internal Review Sheet states that both live email and Cryoserver searches were carried out, but that no drives were searched.

Please clarify:

- Why the searches recorded in the Internal Review Sheet do not align with the searches recorded on the Control Sheet.
- *Both Cryo and live searches were carried out. This should have been noted in the original control sheet. The omission of the reference to live as well as Cryo is a regrettable error.*
- Whether the searches were conducted at the time stated and, if so, why this is not reflected consistently. As above.

The SPA states that "no drives were searched", and that searches were limited to email. However, the Commissioner notes that it is reasonable to expect that information relevant to ECCU matters may be located in structured filing systems, such as:

- Government shared drives
- Microsoft Teams sites / Teams files
- Departmental shared folders
- Document management or case-management platforms
- Any other corporate repositories used by the department

Please explain:

- Which Government of Jersey systems exist within the department and why each system was, or was not, searched. *Systems used in this area are Outlook, SharePoint, teams. None of these were separately searched.*
- Why it was assumed that all relevant documents would be contained solely within email accounts, and what assessment was made of non-email repositories. *It is the position of the SPA that all correspondence arrives by email and would therefore be captured in that forum prior to being stored in any other system. Cryoserver searches would reveal all such correspondence even if it has since been deleted. On the very (sic) rare occasion when something comes in as hard copy printed or written material, this would be scanned which in turn creates an email to the person scanning containing the document in question. Therefore, once again this would be captured in a Cryoserver Search.*

The SPA indicated that searches were conducted across five *individuals'* mailboxes. Please provide:

- The names and roles of each of the five individuals. *The 5 individuals who's (sic) accounts were reviewed were. Richard Corrigan. Thomas Holvey. George Permain. Fiona Smith, Ian McDonald*
- The basis upon which each individual was selected (i.e. their expected involvement in the subject matter, their responsibilities, or their potential to hold relevant information). *Richard Corrigan (sic) is the Chief officer of the Department so has full oversight on all matters. Thomas Holvey is the Chief Economist s (sic) would likely have an overview of the matters referred to in the request. George Permail (sic) was at the time of the request; the Director of Financial Crime Strategy so would have oversight of such matters. Fiona Smith id (sic) the Head of Business management and Governance so has an overview of all departmental matters. Ian McDonald was at the time working closely with George Pearmain n (sic) financial crime matters and would have had an overview of the matters referred to.*
- The reason why only these individuals were included and why others were excluded. *It was felt that they would be the only ones likely to have access as much of this sort of material was sensitive and not widely shared.*
- For each named individual and each relevant year, please list the exact search terms used and the number of results returned for each term. *The only information recorded was the total number of the search results and not individual to each person. The names were all part of the Cryoserver request, and the searches covered all persons in one search. The live email boxes were searched for completeness as anything would have been captured in the Cryoserver searches..."*

38. Considering the responses provided by the SPA, the Commissioner sent a further email to the SPA on 11 December 2025, as follows:

"Thank you for providing the additional information in response to our recent enquiries.

We note the SPA's position regarding the Cryoserver searches, specifically the statement that states:

"It is the position of the SPA that all correspondence arrives by email and would therefore be captured in that forum prior to being stored in any other system. Cryoserver searches would reveal all such correspondence even if it has since been deleted... Therefore, once again this would be captured in a Cryoserver search."

However, in light of the references made in recent Royal Court judgments to the deletion and purging of documents within Gov. Cryoserver, it remains unclear whether the relevant live inboxes and Cryoserver would, at this stage, contain all information pertinent to the establishment of the ECCU. Bearing this in mind, and considering the recent Judgements (sic) referring to Cryoserver purges, the Commissioner requests that the SPA conduct further searches across the following systems:

- *H: Drive*
- *SharePoint*
- *Teams*
- *OneDrive (personal)*

For each search carried out in respect of the named individual, please provide:

- *The system searched*
- *The search results, including a clear statement where no information is held*
- *The date the search was carried out and by whom*
- *Screenshots to demonstrate and support the searches undertaken*
- *Contemporaneous notes or records that evidence how the searches were conducted and the outcomes reached.*

Please note that a general description outlining the steps taken by the SPA will not be sufficient. This is an opportunity for the SPA to provide any available evidence that substantiates the responses given. In the absence of supporting evidence, there is a risk that the Commissioner will be required to determine the appeal on the basis of the information currently available.

Thank you for your continued assistance with this matter. We have noted the dates you will be absent during the Christmas period. However, if it is possible to delegate this matter to a colleague in your absence, we would appreciate an earlier response. Otherwise, we look forward to hearing from you by Wednesday, 14 January 2026."

39. The SPA responded on 14 January 2026:

"Thank you for your update and for sharing the Commissioner's views.

Since my recent return from leave, we have been progressing this request and can advise as follows:

The Department does not hold the information requested in the original Freedom of Information submission.

In line with the Commissioner's instructions, searches have been conducted across the following locations:

- **H drives** of individuals named in the original data discovery request (as previously disclosed)
- **Microsoft Teams**

- **Personal OneDrive accounts**

These searches were carried out by our Information Security team using the criteria specified by the Commissioner. Where documents referencing ECCU were identified, I have personally reviewed them and confirmed that they fall outside the scope of the request, consistent with previous checks.

*At this stage, we have not yet completed searches of **SharePoint sites**. This work is currently in progress, but unfortunately, it has not been finalized to date.*

Attached are the files detailing the searches completed so far. We will forward the results of the remaining searches as soon as they are available.

Thank you for your understanding and patience."

40. The Sharepoint results were shared with the Commissioner on 30 January 2026.

41. The Commissioner raised a further tranche of queries on 10 February 2026, to which the SPA responded on 11 February 2026. The salient parts of that email exchange are set out below (the SPA's responses in [blue](#)):

"

Thank you for the information provided to date; it is much appreciated.

To assist us in bringing this appeal to a conclusion, we refer to the SPA's response of 8 December 2025, provided in answer to our question about the basis on which the following individuals were selected for email searches:

- *Richard Corrigan*
- *Thomas Holvey*
- *George Pearmain*
- *Fiona Smith*
- *Ian McDonald*

From the SPA's response, it appears that these individuals were selected primarily based on the roles they held at the point the FOI request was made.

In particular, you explained that George Pearmain's account was searched due to his role at the time of the request. We just want to check whether those roles also align with the period when discussions about the establishment of the ECCU would have taken place.

First, did Mr Pearmain hold the same role at the time when discussions about the establishment of the ECCU were taking place? If not, does he still have access to the same email account that he held during the period when those discussions were ongoing?

[At the time of the establishment of ECCU\(2017\) Mr Pearmain held the role of Lead Policy Advisor. At the time the FOI was issued \(July 2024\), he was in the role of Director of Financial Crime Strategy. The email account was the same for both roles.](#)

More generally, it is not clear from the response whether the other individuals searched were in post, and involved, at the time discussions about the establishment of the ECCU would have taken place. Could you therefore please confirm whether each of the individuals was involved in those discussions at the relevant time? [Regarding the remainder of the individuals searched in our response is as follows:](#)

Richard Corrigan - At the time of the establishment discussions of ECCU, Mr Corrigan held the post of Chief Officer of Financial Services. At the time of the FOI request (July 2024) he was in his current role as Chief Officer for the Department for the Economy. The email account was the same for both roles.

Thomas Holvey - At the time of the establishment discussions of ECCU Mr Holvey was not in post with the Government of Jersey. At the time of the FOI in 2024 he was in his current role as Chief Economic Advisor.

Fiona Smith - At the time of the establishment discussions of ECCU in 2017 Mrs Smith was not in post within the Department for the Economy or Financial Services. At the time of the FOI in 2024 she was in her current role as Head of Business Management and Governance for the Department for the Economy.

Ian Mc Donald - At the time of the establishment discussions of ECCU in 2017 Mr McDonald was not in post with the Government of Jersey. At the time of the FOI in 2024 he was in the role of Assistant Director/Senior Policy Officer for Financial Crime Strategy.

If any of the five individuals were not involved, please advise who would have been involved in discussions regarding the establishment of the ECCU in the Department for the Economy? If any? The SPA is not aware of any other individuals that would have been in discussions regarding the establishment of the ECCU from the Department for the Economy / Financial Services.

In addition, please confirm whether the inboxes of those individuals (if different from the five searched) are still available to be searched. If not, please indicate whether their emails would be held in Cryoserver or whether the information might otherwise be accessible through current staff within the Department for the Economy or its predecessor. As above we are not aware of any other persons who may have been involved in such discussions from the Department for the Economy / Financial Services.

We ask these questions because, based on SPA's response, it appears that the selection of the five individuals was linked to their roles at the time the FOI request was made, rather than to their involvement at the time the ECCU discussions took place. We are therefore seeking assurance that reasonable searches have been carried out for the period when the ECCU discussions took place. For clarity the mailboxes of Thomas Holvey, Ian McDonald and Fiona Smith were searched as they held senior roles within the SPA and could have had access to information as mentioned in the FOI request. Furthermore, the Department for the Economy did not exist in its current form when ECCU was discussed in 2017. At that time, it was the Department for Financial services..."

42. On 23 March 2026, the Commissioner raised additional queries about the search results generated, to which the SPA responded on 31 March 2026. The Commissioner sought sight of certain information returned in the search results which the SPA said was out of scope but which contained the search terms used.
43. Where there is any dispute about whether a SPA holds information, the issue will be decided according to the balance of probabilities and whether it is more likely than not that a public authority holds (or does not hold) requested information. It will rarely be absolutely certain either way, and that information relevant to a request does not remain undiscovered somewhere within a public authority's records. In the UK, it is accepted that the UK ICO is, as a general principle, entitled to accept "the word of the public authority and not to investigate further" where there is no evidence of an inadequate search, any reluctance to carry out a proper search or of any motive to conceal information it actually holds – "Were

this to be otherwise, the IC, with its limited resources and its national remit, would be required to carry out a full scale investigation, possibly onsite, in every case in which a public authority is simply not believed by the requester” (see Oates v Information Commissioner (EA/2011/0138), at paragraph 11). 31. In Yallop v Information Commissioner (EA/2023/0094) (9 October 2023), the Tribunal held that a reasonable search would have included asking an official and their private office about the source of evidence that had been requested under FOIA, which the public authority had not done. This was despite the evidence being described as "anecdotal" in statements made four years before the FOIA request. An appropriate and reasonable search for information included, as a minimum, searching in the places where it was reasonable to expect that the public authority would find the information.

The Decision

44. Given the background context to this matter, the Commissioner understands why the Complainant may be reticent to accept the SPA’s position that they have carried out appropriate searches, particularly in circumstances where the SPA had previously asserted this to be the case, but which the Commissioner did not accept on appeal.
45. However, a mere belief is not enough – there must be evidence available which shows the SPA’s searches to have been inadequate.
46. The Commissioner has set out above the interactions had with the SPA in respect of this appeal and notes that the original searches were not conducted sufficiently broadly to ensure that potential information within scope of the request was searched. This is because the SPA focused purely on Cryoserver and live inboxes; it did not search any of its other electronic systems where data may be held. That being so, the Complainant’s concerns that the SPA had not conducted appropriate searches at the outset were well-founded and the Commissioner upholds this aspect of the Complainant’s complaint.
47. However, during the course of this appeal the SPA was directed to carry out additional searches which it did. The Commissioner has considered the results of those additional searches and is satisfied that appropriate searches were ultimately conducted at his insistence and there is nothing that falls to be provided to the Complainant in response to their Request.
48. Accordingly, whilst the Complainant’s appeal is partially upheld due to the initial failures in the searches, those searches were ultimately conducted and, as such, there are no further steps the SPA needs to take in this matter.

Right of Appeal

49. An aggrieved person (i.e. either the Complainant or the SPA) has the right to appeal against this Decision Notice to the Royal Court of Jersey.
50. Any Notice of Appeal should be served within 28 (calendar) days of the date on which the Decision Notice is issued.
51. Information on how to appeal may be obtained from:

Judicial Greffe
Royal Court House
Royal Square

St Helier
Jersey
JE1 1JG

Dated this 25th day of June 2026

Signed..... 

Mr Paul Vane
Information Commissioner
Office of the Information Commissioner
5 Castle Street
St Helier
Jersey