

FOI DECISION NOTICE

**Scheduled Public Authority:
Department for the Economy**

Date: 25 June 2026

Appeals are handled by the Information Commissioner under Art.46 of the Freedom of Information (Jersey) Law 2011

THE REQUEST



The Complainant sought copies of any documents setting out the legal basis for the establishment of the Economic Crime and Confiscation Unit (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.

The request highlighted the public interest in this information due to significant public funds spent on the ECCU.

The request was forwarded to several public authorities, with the Department for the Economy being the focus of this decision notice.

THE SPA'S RESPONSE



The SPA stated that it did not hold the requested information.

The exemption relied upon by the SPA was:

- Art.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.

It provided limited details of its searches and upheld this position on internal review. During the Commissioner's investigation, it emerged that initial searches were confined to a particular system.

Following the Commissioner's direction, the SPA carried out broader searches of additional digital systems and records but found no information within scope.

THE DECISION



The Commissioner's decision is that the appeal is:

PARTIALLY UPHELD

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.

However, the Commissioner makes the following observations:

- Public authorities must ensure that searches cover all reasonable systems and repositories, not just email accounts.
- Authorities should clearly explain the searches undertaken, including systems searched, search terms, and methodology.
- Search processes should be fully documented to demonstrate compliance during reviews or appeals.