

**Minutes of the Social and Community Development Committee Meeting held on
Wednesday, 14 November 2018 at 9 am in the Council Chamber**

<u>Present:</u>	Chairman:	Hon Anthony Green (Hon TG)
	Deputy Chairman:	Hon Cyril Leo (Hon CL)
	Members:	Hon Derek Thomas (Hon DT) Hon Kylie Hercules (Hon KH)
	Non-Voting Members:	Mrs Stephanie Jones, Director of Safeguarding (SJ) Mrs Victoria Kellett, Asst Director of Safeguarding (VK) Mrs Nicole Shamier, Government Economist (NS) <i>(present for items 7 to 14 only)</i>
	Secretary:	Mrs Carol George (Corporate Services) (CG)
	Invited:	Mr Andrew Radley, Crown Counsel (Civil) (AR) – <i>for item 1 only</i> Mr Jeremiah Tsungo, Management Accountant (JT) – <i>for items 7 and 8</i> Mr Nicholas Yon, Deputy Financial Secretary (NY) – <i>for items 11 and 12</i>
	Apologies:	Hon G G Ellick

Open Session

Hon TG welcomed all to the meeting, especially VK and AR and the one member of the public that was present.

1. Update on Consultation on the Information Bill

Hon TG explained that the consultation programme had been going ahead and that the meeting held with the Chamber of Commerce was that there was support for a fully-fledged Freedom of Information Ordinance and a variety of views as to the development of a Data Protection Ordinance. SCDC had therefore agreed to continue with a few more consultations which included meetings with SHG's Core Leadership Group (CLG) and Employee Representative Committee (ERC), which were to take place in the next few days, as meetings planned earlier had been postponed.

AR said he had been asked to look into the impacts of the introduction of General Data Protection Regulation (GDPR) which had been passed by the European Union (EU) earlier this year and brought into force from May 2018. The GDPR were applicable to the Overseas Territories and thus St Helena; as such they were pertinent to the development of the proposed Information Bill.

AR explained that GDPR imposes obligations on anyone on the island that processes personal data on any EU citizens; these obligations were equivalent to a full data protection regime. AR was not aware whether or not there were any penalties for non-compliance but regardless St Helena would be expected to comply with the obligations. As such, this impacted on the way in which to proceed with the proposed 'light touch' Information Bill, as this approach would no longer be sensible in view of these obligations; rather a complete Data Protection Ordinance would be required for St Helena. The timeline for the development of a Data Protection Bill would need to be worked on, as would the resource implications. Failure to comply with GDPR would potentially result in a hindrance of the Island's economic development and its private sector.

Members expressed concern about the likely financial implications for the island and the impact on the SHG budget and **wanted to be assured that full GDPR compliance was**

indeed necessary, as any major financial implications might need to be brought to the attention of HMG.

(Action: AR)

Following discussion, Members agreed that in view of the GDPR requirements, the stakeholder consultation on development of an Information Bill should be halted until AR was able to check compliance requirements and provide further clarity on those. Cessation of the consultation would also be discussed with all Elected Members, as the Information Bill development was an issue that they were all fully supportive of and had been involved in agreeing the way forward in its development. **It was also agreed that the public should be made aware of the halt to the consultation process and it was suggested that Hon TG and AR might conduct radio interviews on the matter prior to the publication of the following week's local newspapers, as a representative from local media was in attendance.**

(Action: AR/Hon TG)

The Secretary to cancel the CLG and ERC meetings.

(Action: CG)

At this point, AR left the meeting.

2. Update on SHNT (Amendment) Bill

TG reported that this matter was with the AG's Chambers in order for them to address some outstanding questions. It was hoped to deal with those and progress the Bill to a formal meeting of the Legislative Council, which may be scheduled for January 2019.

Secretary to keep in view.

(Action: CG)

3. Update on Review of the Immigration Ordinance

The Hon DT reported that progress on the review was proceeding but at a slow pace. A meeting was to be held the following day when it was hoped that draft policies developed with the assistance of the Attorney General's Chambers and SHG Economist, would be finalised. Work needed to be undertaken on the Asylum seeking section of the Ordinance and the current provision dealing with Landholding would be removed and provided for under a separate Ordinance. It was also intended to make the new legislation more 'economically friendly'.

The issue of requirements for the grant of Islander and Saint Helenian status was causing some problems so further work was required. Hon DT said that he hoped that a draft Bill would be ready for public consultation early in 2019, with the consultation running for at least 2 months; it was hoped that the final Bill could be presented to formal LegCo in the second quarter of 2019.

(Action: Hon DT)

4. Update on Review of Social Security System

The Hon CL reported that work was progressing according to the programme. The following matters had been discussed:

- Possible introduction of Child Benefit Allowance
- Fostering and guardian allowances
- Transitional protection – recommendations for a better system to deal with this to overcome current anomalies
- Establishment of a social assistance protection board to deal with appeals on Safeguarding Directorate policies
- Introduction of a sustainability allowance policy for temporary financial assistance
- Changes to the definition of Household as currently set out in the Social Security Ordinance

Hon CL explained to Members that Corporate Finance was assisting with costing of the various recommendations. Members were of the opinion that the costing should be completed asap so that any additional finances that might be required could be factored into the ongoing 3-year budget preparation. The Hon CL said that the working group was pushing Corporate Finance for costings and this work was being taken into account alongside other work priorities.

It was agreed that updates on this matter should be included as an agenda item at each monthly SCDC meeting.

SJ informed members that the sum of £20k for fostering costs had already been included in the Safeguarding Directorate 3-year budget preparation.

(Action: Hon CL)

5. Confirmation of open session minutes from the meeting held on 10 October 2018

The minutes from the open session of the meeting held on 10 October were confirmed.

6. Matters Arising

6.1 Kirsty Mason, DFID Safeguarding Adviser OT & Michael Cotterill, FCO Child Safeguarding Unit

Ms Mason's report had not yet been received.

Minutes Approved.....
Chairman

Date: