

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**THE FINANCIAL SERVICES OMBUDSMAN (BAILIWICK OF GUERNSEY) (AMENDMENT)
ORDINANCE, 2019**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Financial Services Ombudsman (Bailiwick of Guernsey) (Amendment) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Ordinance inserts an exemption into the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014 which permits the Office of the Financial Services Ombudsman, for the purpose of explaining the incidence of or descriptions of complaints, to provide statistical summaries of information about complaints. Although the summaries could include the name of the person against whom a complaint is made, they could not describe the substance of the complaint or provide information which would allow the identification of any other person.

The Financial Services Ombudsman (Bailiwick of Guernsey) (Amendment) Ordinance, 2019

THE STATES, in pursuance of their Resolution of the 27th November 2013^a and in the exercise of the powers conferred on them by sections 21(4) and 27 of the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of the Law.

1. Immediately after section 21(3)(a) of the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014, insert the following paragraph -

"(aa) without prejudice to the generality of subsection (2)(d), by OFSO or any person acting on its behalf to the public, for the purpose of explaining the incidence of complaints, or of descriptions of complaints, if -

(i) that disclosure is in the form of a statistical summary of information about complaints or descriptions of complaints, and

^a Article XII of Billet d'État No. XX of 2013.

^b Order in Council No. I of 2015; as amended by Ordinance No. XVII of 2015 and No. IX of 2016.

- (ii) the summary is so framed as not to enable the public to ascertain from it -
 - (A) the substance of any particular complaint, or
 - (B) the identity of any person, other than a person named in (or otherwise identifiable from) the summary as a person against whom a complaint has been made;"

Citation.

2. This Ordinance may be cited as the Financial Services Ombudsman (Bailiwick of Guernsey) (Amendment) Ordinance, 2019.

Commencement.

3. This Ordinance shall come into force on the 1st October, 2019.