



Jersey

**GENDER RECOGNITION (DISCLOSURE
OF INFORMATION) (JERSEY) ORDER
2010**

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Arrangement

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THE CHIEF MINISTER, in pursuance of Articles 18(6) and 20 of the Gender Recognition (Jersey) Law 2010¹, orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order –

“Law” means the Gender Recognition (Jersey) Law 2010²;

“subject”, in relation to any protected information, means the person to whom the information relates.

2 Disclosure for purpose of obtaining legal advice

It is not an offence under Article 18(1) of the Law for a person who has acquired protected information in an official capacity to disclose it for the purpose of obtaining legal advice.

3 Disclosure for religious purposes

(1) It is not an offence under Article 18(1) of the Law for a person who has acquired protected information in an official capacity in relation to an organized religion to disclose that information –

- (a) to a person acting in an official capacity if the disclosure is to enable the person to make a decision set out in paragraph (2); or
- (b) to a person responsible for supervising him or her in relation to such a decision.

(2) The decisions set out in this paragraph are –

- (a) whether to officiate at or permit the marriage or civil partnership of the subject;

- (b) whether the marriage or civil partnership of the subject is valid or should be annulled or dissolved;
 - (c) whether to admit or appoint the subject –
 - (i) as a minister of religion,
 - (ii) to any employment, office or post for purposes of an organized religion,
 - (iii) to any religious order or community associated with an organized religion, or
 - (iv) to membership (or any category of membership) of an organized religion;
 - (d) whether an admission or appointment mentioned in subparagraph (c) is valid or should be suspended, terminated or revoked; or
 - (e) whether the subject is eligible to receive or take part in any religious sacrament, ordinance or rite, or take part in any act of worship or prayer, according to the practices of an organized religion.³
- (3) However, if the disclosure is made to enable a person to make a decision set out in paragraph (2)(c), (d) or (e), the person making the disclosure must reasonably consider that the decision maker may need the information for the decision to comply with the doctrines of the religion in question or avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers.

4 Disclosure for medical purposes

- (1) It is not an offence under Article 18(1) of the Law for a person who has acquired protected information in an official capacity to disclose the information if –
 - (a) the disclosure is made to a health professional for medical purposes; and
 - (b) the person making the disclosure reasonably believes that the subject has given consent to the disclosure or cannot give such consent.
- (2) In this Article –
 - “medical purposes” includes the purposes of preventative medicine, medical diagnosis and the provision of care and treatment;
 - “health professional” means a doctor or dentist, or a person authorized to practise in Jersey as a pharmacist, nurse or ambulance paramedic, or a person working lawfully as a trainee in any of those professions.

5 Credit reference agencies

- (1) It is not an offence under Article 18(1) of the Law for a person who has acquired protected information in an official capacity to disclose the information if –

- (a) the disclosure is made by or on behalf of a credit reference agency;
 - (b) the information consists of information contained in an order of a court or tribunal; and
 - (c) where the credit reference agency has been informed that a full gender recognition certificate has been issued to the subject, the disclosure also contains that information.
- (2) When making disclosure under paragraph (1), it is also not an offence under Article 18(1) of the Law to disclose protected information obtained from an electoral register.
- (3) In this Article “credit reference agency” means a person who carries on the business of providing information about the financial standing of persons.

6 Disclosure for purposes of Viscount’s functions

It is not an offence under Article 18(1) of the Law for a person who has acquired protected information in an official capacity to disclose the information if –

- (a) the disclosure is made by or to the Viscount;
- (b) the disclosure is necessary for the Viscount to discharge his or her functions under any enactment; and
- (c) where the person making the disclosure knows or believes that a full gender recognition certificate has been issued to the subject, the disclosure also contains that information.

7 Citation

This Order may be cited as the Gender Recognition (Disclosure of Information) (Jersey) Order 2010.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Gender Recognition (Disclosure of Information) (Jersey) Order 2010	R&O.43/2010	21 May 2010
Civil Partnership (Consequential Amendments) (Jersey) Regulations 2012	R&O.47/2012	2 April 2012

Table of Renumbered Provisions

Original	Current
None	

Table of Endnote References

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- ¹ *chapter 12.320*
- ² *chapter 12.320*
- ³ *Article 3(2) amended by R&O.47/2012*