



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.02 p.m. – 4.58 p.m.

Gibraltar, Monday, 20th July 2020

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The Gibraltar Parliament

The Parliament met at 4.02 p.m.

[Mr Speaker: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Q179-84/2020

Gibcorp Ltd –

**Beneficial owners; NatWest House lease, effective date, availability of copy;
details of rental rate and analysis provided to Government**

Clerk: Meeting of Parliament, Monday, 20th July 2020.

(viii) We continue with Answers to Oral Questions. We commence at Question 179 and the questioner is the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, further to Question 85/2020, can the Government please provide the full names of those individual members of the Peralta, Hassan, Levy and Provasoli families who are the ultimate beneficial owners of Gibcorp Ltd?

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Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 180 to 184.

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Clerk: Question 180, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 86/2020, can the Government please explain how it was able to acquire a lease of the sixth floor of NatWest House from Gibcorp Ltd while Hassans, namely its individual partners, still had a lease with Gibcorp Ltd for the same premises that had not yet expired?

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Clerk: Question 181, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 86/2020, can the Government please advise the effective date of the lease between Gibcorp Ltd and the Government of Gibraltar signed by the Chief Secretary on 19th December 2019?

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Clerk: Question 182, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, further to Question 86/2020, can the Government please provide a copy of the lease between Gibcorp Ltd and the Government of Gibraltar, signed by the Chief Secretary on 19th December 2019, as this is not as yet available at the Land Registry?

Clerk: Question 183, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise why it was unable to negotiate a better rental rate from Gibcorp Ltd than the £31.50 per square foot that Hassans was previously paying for its offices?

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Clerk: Question 184, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a copy of the office premises market rental rate analysis provided by LPS, or any other property specialist, to the Government prior to entering into the lease with Gibcorp Ltd?

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Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, in answer to Question 179, these are family trusts, the terms of which are not reflected in the corporate register. The Government is therefore unable to provide the information requested by the hon. Gentleman.

In answer to Question 180, the lease was negotiated directly by the Director of Public Prosecutions with the landlord, as a result of which the existing lessee negotiated a deed of surrender and release in relation to its legal obligations vis-à-vis the landlord.

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In answer to Question 181, the effective date of the lease is 19th December.

The lease is in the process of being registered. Once registered, the hon. Gentleman can obtain a copy of the registered lease from the Land Registry at Land Property Services. A copy of the Government's unregistered lease, as negotiated by the Director of Public Prosecutions and agreed by the Chief Secretary, is provided to the hon. Gentleman now to ensure that he cannot suggest there is anything untoward in the agreement entered into by the Director of Public Prosecutions and the landlord, Gibcorp.

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In answer to Question 183, the Government considers that the rent was very successfully negotiated by the Director of Public Prosecutions. The rate was not increased and stayed at the same rate as the previous tenant had. As the hon. Gentleman knows, or should know, office rents in Gibraltar have been on the up for years. For the Director of Public Prosecutions to have been able to negotiate to keep the previously agreed rent is an indication of a very successful negotiation indeed.

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And finally, Mr Speaker, in relation to the answer to Question 184, the Government is and was aware of other commercial premises that command much higher rental rates that are not as near the courts. This formed the basis of a rental analysis done by Land Property Services at the time. If the hon. Gentleman believes that there were more affordable options of such office space available in the vicinity of the Supreme Court, we would be grateful if he could share the information or his own analysis with me, the Director of Public Prosecutions and the Chief Secretary. The Director of Public Prosecutions and the Attorney General could find no such alternative options and they do not believe such options exist or existed and that it would be unfair to pretend that cheaper or more affordable or attractive options existed if they do not exist at all.

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Finally, I want to highlight that these premises have helped the men and women of the Office of Criminal Prosecution to start afresh and leave behind the many problems inherent in their earlier facilities. Through the Director of Public Prosecutions, they were the ones who identified these premises, negotiated the lease and agreed it. They originated the concept of the move and it was agreed for reasons already set out in the myriad answers to the myriad questions put on this subject in the past meetings of the House.

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[Answer to Question 182/2020](#)

Hon. R M Clinton: Mr Speaker, I beg your indulgence as I analyse the answers.

Mr Speaker: [inaudible]

Hon. R M Clinton: Thank you very much.

Mr Speaker, coming to the Hon. Minister's answer to Question 179, she talks about family trusts. Can she indicate which particular family has a trust?

Hon. Miss S J Sacramento: Mr Speaker, as I recall, a company profile indicating the structure of the company with which the lease has been entered into was discussed in a previous session of the House, and if I recall ... I cannot remember precisely, but I seem to recollect that I provided a copy to the hon. Gentleman.

Hon. R M Clinton: Mr Speaker, I certainly have not received anything from the Minister in this respect; and the previous discussion on the matter of leases, Mr Speaker, you will remember had nothing to do with this particular lease or this particular group of companies. Therefore, I ask the question again: which family trust is she referring to?

Hon. Miss S J Sacramento: Mr Speaker, we are indulging the hon. Gentleman today as we were since December when this issue first arose. The hon. Gentleman may not recall, but this is not the first time that we deal with questions in relation to this particular lease. The first questions were asked in the Parliament session of December and then subsequent questions on this particular lease were asked in the Parliament of February, but because I was away on parliamentary business –

Hon. R M Clinton: Will she give way?

Hon. Miss S J Sacramento: Mr Speaker, perhaps I will finish and then the hon. Gentleman has the opportunity to ask whatever supplementary questions he may wish.

For the avoidance of doubt and in case anyone is questioning what I am saying, I have a copy of *Hansard* from the Parliament session of Wednesday, 18th December 2019, and the record shows that questions in relation to this particular lease were asked on that occasion.

These questions, Mr Speaker, arise from questions that were asked of me in a previous Parliament session in February, where I did not attend because I was on parliamentary business in the Falkland Islands. The opposite side were given the option of a written answer or carrying the questions forward on an oral basis, and these particular questions have been carried forward – but that is by the by.

The hon. Gentleman is asking me for information that is a matter of public record. There is a copy of the company profile in relation to the structure of the parties in relation to the lease. That is a matter of public record. We have discussed that already.

In relation to his further question, the answer remains Mr Speaker as per my answer to Question 179. This is in relation to a family trust, Mr Speaker, but, for clarity, the corporate structure is available through a company profile and is a matter of public record.

Hon. R M Clinton: Mr Speaker, she still has not answered my question: which family trust? Can she not at least tell me that? I have the company profiles in front of me and I know which entity ends up in a law firm. Can she at least tell me which family trusts are involved? Or does she not know?

135 Mr Speaker, I have asked a simple question. Yes, we have ventilated the subject before. These questions are further to the questions in December. She was not here in February, we all know that. Her history lesson on what happened since February we all understand.

I have come to this House with a specific question. I would just like an answer. If she just does not want to give me the answer, fine, I will accept that; but to say it is a family trust is not good enough. I just want to know which family trusts, or trusts in the plural. Does she have the information with her? Can she advise the House? Maybe the Hon. Deputy Chief Minister will have the information with him, but I think, Mr Speaker, I am entitled to an answer.

145 **Hon. Miss S J Sacramento:** Mr Speaker, I appreciate that I have answered a number of questions on this subject together. In order to assist the hon. Gentleman opposite, I shall repeat my answer to Question 179. The answer Mr Speaker is these are family trusts, the terms of which are not reflected in the corporate register. The Government is therefore unable to provide the information requested by the hon. Gentleman. Mr Speaker, question asked, question answered.

150 **Hon. R M Clinton:** Well, Mr Speaker, I have the profiles in front of me. Two entities, one of which has named shareholders, are obviously not trusts. Another one, that has ... I am going to say it now in Parliament, since the hon. Lady has not volunteered the information. The other one ends up in Line Holdings Ltd as one shareholder, and Line Nominees Ltd as the other shareholder. Now can she at least tell me the names of the trusts that hold those shares? Or does she not have the information? I know that from one side of the organisation it is the Peralta family and that is fully disclosed at Companies House. The other side is not disclosed. Does she have the information, or not?

160 **Hon. Miss S J Sacramento:** Mr Speaker, the question has been asked, the question has been answered. Further information in relation to what is not on the corporate register is not something that I have on me, and it is not further information that I am able to provide.

165 **Hon. R M Clinton:** Mr Speaker, I thought my question to Parliament was pretty clear – and they were able, in the last session, to identify those individual members of the families, right, but now they cannot identify the family trusts. Could the hon. Lady at least do me the favour of going back and finding out which of those families are the trusts? That is all I would ask for, Mr Speaker. Would the Hon. Minister be willing to do that for me?

170 **Hon. Miss S J Sacramento:** Mr Speaker, we were here in December, where a question was asked. The hon. Gentleman himself says that I informed him of the names of the family members that were referred to in that question. What else does the hon. Gentleman want?

175 These questions that have been asked today and have had an answer are further questions to previous questions which already have an answer, and in fact answers which he already knows. We are going round in circles answering the same question that we have already answered. There are a number of questions in relation to the same subject matter on this occasion, in the same way that we have had in previous Parliament sessions, Mr Speaker. I am afraid that we are just going round and round in circles.

180 **A Member:** Hear, hear.

Hon. R M Clinton: The hon. Lady obviously has no intention of answering my question. Had we been going round in circles, Mr Speaker, you would have disallowed my question in the first place, because this is further to a question –

Hon. Miss S J Sacramento: Point of order.

Hon. R M Clinton: No, this is further to my question – (*Interjections*) No, I am on my feet, but if she wants to raise a point of order, I will sit.

Hon. Miss S J Sacramento: Point of order, Mr Speaker, because the hon. Gentleman is trying to insinuate that I am not going to answer the question. What I have said on numerous occasions is that I have already provided the hon. Gentleman with the answer to today's question. I have provided him with information in relation to previous questions. It is the same information in relation to the same lease. The information is not going to change. He has a substantial amount of information Mr Speaker already. It is just not right for the hon. Gentleman to say that I am not answering his question. I have answered.

Hon. R M Clinton: Mr Speaker, I have a point of order.

Mr Speaker: Yes, okay, let's listen to your point –

Hon. R M Clinton: She is not answering my questions. (*Interjections*)

Mr Speaker: The point here is that she has answered the question. You have asked today a question and the Hon. Minister has answered the question. Now If that is the position that she has stated, then you have to accept what the Minister has said.

Hon. R M Clinton: I do not accept it.

Mr Speaker: I know that, but you have to. We just cannot go on and on talking about whether she or the Hon. Minister has or has not. She has said in her answer that she has answered the question. I understand and appreciate that you may not be happy with the answer, but she has stated that she has given the answer to the question.

I will allow you just one final supplementary. Thank you.

Hon. R M Clinton: Mr Speaker, my own point of order: if the Minister alleges that she has given me an answer and I have not had information ... She said she gave me information about the trust. I have not had that information given to me. She then says that she is giving us the answer, but she has not answered my question specifically. Either she wants to give us the information or not, but I cannot be forced to accept what she says just because she says it

Mr Speaker: By the same token, I cannot force the Minister to answer a question which you allege has not been –

Hon. R M Clinton: But she has alleged she has answered it.

Mr Speaker: So, We will allow the Minister to respond and then we will move on. Thank you.

Hon. Miss S J Sacramento: Mr Speaker, thank you for your indulgence. Before I move on with the further answer to the supplementary, perhaps I could remind the hon. Gentleman opposite of a little lesson of etiquette in this House and we will refer to each other as hon. Members. Certainly on this side of the House we always try to be very courteous and respectful to the Members opposite, particularly in how we address them.

In relation to the substantive question, or supplementary question, perhaps I could remind the hon. Gentleman of my answer to Question 85. That is what I was alluding to earlier. Question 85/2020 by the hon. Gentleman – no one else, Mr Speaker – asked who the landlord and the beneficial owners, if a corporate entity, to the premises were. At that time the answer was very clear. The answer – and I will read the text of *Hansard* – was:

Mr Speaker, the landlord is Gibcorp Ltd. The beneficial owners are the Peralta family, the Hassan family, the Levy family and the Provasoli family through their respective holding companies.

Mr Speaker, that is from *Hansard*. We have already been down the road of asking this question and very much answering this question.

Hon. R M Clinton: Mr Speaker, I will move on, since it is obviously impossible to extract any information from the hon. Lady.

Can the Minister provide us with the qualifications of the Director of Public Prosecutions in terms of negotiating leases and property? Is he a qualified estate agent? What qualifications does he have in respect of property? She is telling us – (*Interjection and laughter*) What was that? I will give way. What was it he ...?

Minister for Digital and Financial Services (Hon. A J Isola): Mr Speaker, for the hon. Member to get up and suggest that the Director of Public Prosecutions does not have the ability to negotiate a document, a contract, is absolutely absurd. What I said to the hon. Member is that the DPP, in my view, has very much more experience than he does.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his contribution, but if he listened carefully I was not talking about his capacity to negotiate or examine a legal document; I wanted to know what experience the Director of Public Prosecutions has in terms of property, property prices and negotiation of property rentals. If he is going to tell me that everybody who is a lawyer is an expert in property negotiation, well I think that is a bit of a generalisation. And when you talk about my experience, my experience does not come into it. I would not dream of negotiating a lease personally without taking independent advice on property prices. So, when the Minister says that the Director of Public Prosecutions directly, himself, negotiated and identified these premises, I just want to know what his experience is and what his qualification is in property.

Hon. A J Isola: Mr Speaker, the hon. Member seems to have this ability not to listen to answers when they are given to him. The Director of Public Prosecutions is the head of the department for whom the offices were and led the negotiations in respect of his unit, but of course he does so with the benefit of advice, which is what we do every day of the week in whatever we are doing. We take the benefit of advice and we negotiate, and in my view, as I said earlier, the DPP is more than able to negotiate the terms of a contract in respect of property on the basis of the property advice that he has and his own ability, as a senior officer in Government, to do this particular function.

Hon. R M Clinton: Mr Speaker, can the Government then advise whether it is their policy that heads of department are free to negotiate leases for their own office space?

Hon. A J Isola: Mr Speaker, what has that got to do with anything we said in response to our answer? Who said anything about a policy? You have asked a question – Mr Speaker – as to whether the DPP negotiated the contract. He was told he did, on the benefit of advice, and that is it. Who is talking about policy or change of policy?

Hon. R M Clinton: Well, Mr Speaker, the Minister mentions ‘on the basis of advice’ – could he provide a copy of that advice or explain where the advice came from? And before he shakes his head and says I have not heard the answer to the question, the Minister, the hon. Lady, did refer to LPS and higher valuations etc., but of course there are lower valuations on other properties. Is the Minister suggesting then that the DPP acted purely on advice from LPS and other, possibly unidentified, persons?

Hon. A J Isola: Mr Speaker, the hon. Member needs to listen to the answers because the hon. Lady has already given specific details of why that particular property was suitable and why there were no others close to the courts. I heard the answer; I do not understand why he did not hear the answer, bearing in mind he asked the question. The answer has been given in detail as to why that particular property was suited best and why there were no other competitive prices or cheaper prices within the area the DPP requested.

Therefore if the hon. Member cares to listen to the very answers to his questions, I think we will be able to get through business a lot quicker and more efficiently, sir.

Hon. R M Clinton: Mr Speaker, I still have not heard who the adviser was.

Hon. Miss S J Sacramento: Mr Speaker, the hon. Gentleman may not have heard because it seems that he asks questions but does not listen or want to understand. It seems that he asks questions just to ask further questions and is clearly just asking questions for the sake of it.

What I said in my answer to the question – and anyone with a little bit of economic common sense would understand – is that the people negotiating this contract, a commercial contract, were able to agree the same terms as the original lease. So, if I break it down in very simple language for the hon. Gentleman to understand ... I thought he was a man of figures. I am a woman of words but I thought that he was a man of numbers, but I will explain the numbers for him. If someone in the past negotiates a lease ... Terms of leases, value of commercial leases, tend to go up, but on this occasion Mr Speaker, when this agreement was entered into – as I said in the answer to the question, if he was listening – the commercial terms of this agreement are the same as the old terms. So, to anyone who understands anything about the commercial world, that in itself is a success. That is the first point.

Now In relation to the second point, as I said, having discussed the matter with LPS – and I discussed the matter with LPS subsequent to the agreement being entered into, because this had nothing to do with me; this happened before my time as the Minister for Justice. Nevertheless, for the purposes of the parliamentary questions on the same topic that have been asked in December, have been asked in January and have been asked in February – and still here we are on the same topic – I asked for quotes generally of a commercial lease in the area, and quotes that I have been given are much higher than the value of this commercial agreement, much higher. I invite the hon. Gentleman, if he thinks that this is not good value for money, to present to me commercial premises close to the courts of Gibraltar that can house 18 officers for a rent that is cheaper than this one and that is suitable for purpose.

Hon. R M Clinton: Mr Speaker, I will give her an idea for free, and that is (*Interjection*) Town Range. St Mary’s School, I think, is going to be moved – perfect premises there for law offices if the Government had any imagination or forward planning before entering into commercial agreements. But it is not my job to tell the Government how to do her job. It is my job to –

Hon. Miss S J Sacramento: Mr Speaker, a point of order. I am not asking the hon. Gentleman how to do my job –

Hon. R M Clinton: But she asked me. She invited me to give her suggestions.

Mr Speaker: Let's focus on the important issues here and let's not [inaudible] please, if you have a –

Hon. R M Clinton: I am grateful for the copy of the lease and I thank the Minister for that.

335 Just one final supplementary, Mr Speaker: in terms of the unexpired portion of the lease, which is in relation to Question 180, how was it that it came to pass that the Director of Public Prosecutions was able to negotiate for the landlord to effectively terminate the existing lease so that the DPP could effectively take possession of the premises early?

340 **Hon. Miss S J Sacramento:** Mr Speaker, it was, as I would imagine, part of the negotiation – I think quite standard practice for someone who is a skilful negotiator.

Mr Speaker: Next question.

Q430/2020
Halfway house for men –
Government plans

Clerk: Question 430, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, in the light of the answer to Question W75/2020, has the Government abandoned its previous plans for a halfway house for men?

350 **Clerk:** Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, support for men is being provided in a different way.

355 **Hon. D A Feetham:** Mr Speaker, does that mean that the Government has abandoned its plans for a halfway house for men?

Hon. Miss S J Sacramento: No, Mr Speaker, it means that men will be helped in a different way.

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When I looked at this at the very beginning, my initial view was to have one single building only in relation to men. When we were talking of a halfway house, what we were looking at was mirroring the arrangement that we have for Women in Need, for example, which predominantly is supposed to provide shelter for women who are victims of domestic abuse but will also extend its services to women who may be homeless in exceptional circumstances and for limited periods of time. We were looking at mirroring this in terms of structure, in terms of building and in terms of management, but after advice and a lot of consultation, particularly with people who run Women in Need, and looking at the various implications, we thought about providing the need for men who are homeless, or victims of domestic abuse and need shelter, in a different way.

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The predominant objective Mr Speaker was ensuring that we provide for these gentlemen, so instead of having a building which is similar to Claire Borrell House, for example, what we have done instead is had various arrangements to provide housing, shelter, for men who find themselves genuinely homeless or men who need a roof over their heads because they are victims of domestic abuse and need to leave their premises. What we have been doing over the

375 years is identifying premises. A lot of these premises are actually managed by the staff at Women in Need, for men. We have quite a number of these homes available and we have other premises available as well, and these are managed by another Government Department and managed by the hostels.

380 That is how we are providing for men at the moment and that was as a result of a lot of thought and a lot of consultation. So, whereas we may not have one building which is a halfway house for men, we have many buildings which meet the same purpose, so the hon. Gentleman can rest assured that men are being assisted. That is number one.

385 You may be aware, Mr Speaker, that in my time as Minister for Housing I was looking at progressing this even further, possibly under the auspices of the Housing Department, and you may have heard the hon. Gentleman, the Minister for Housing, announce last week a shelter for homeless people that he has in his plans. This is something that would also alleviate and meet this need, and the Minister and I will be working very closely together to make sure that any needs that are required in the community are met. So, the hon. Gentleman can rest assured.

390 **Hon. D A Feetham:** Can the hon. Lady inform the House how many properties have been allocated for the scheme that she has just announced to Parliament? In other words, for people who are in need of a halfway house – and the Government is no longer building those – how many properties have been set aside for that purpose?

395 **Hon. Miss S J Sacramento:** Mr Speaker, the scheme currently in place has already assisted 11 gentlemen, some of them alone and some of them with their families. I am confident that the scheme, as it is, is working well and meets the criteria that we would have implemented had we done it in the way that we first envisaged it, but possibly in this way I would dare say it is easier to manage and probably also managed in a more cost-effective way.

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Hon. D A Feetham: How many properties have been set aside for this scheme?

Hon. Miss S J Sacramento: I have 11 flats, Mr Speaker, for that.

405 **Hon. D A Feetham:** So, there are 11 flats and I thought that the hon. Lady said that the Government has assisted 11 people, or 11 families. How many are currently vacant?

Hon. Miss S J Sacramento: Mr Speaker, the hon. Gentleman is right. I am confident that we have 11 flats from the schedule that I have here. It may be that we have assisted more than 11 families because I know that more than one family have been in these flats, but it is not reflected in the schedule. So, in order to give an assurance, I can certainly say that there have been 11 families because there are 11 flats, but because I know that more than one family has been in more than one flat before they have been rehoused by Housing I know that there are more, but I cannot give the figure as to the additional ones.

415 In addition to that, recently and over the last few years some of the procedures at the Housing Department have also been worked on in order to be able to identify people who are in desperate, urgent need of housing and who are eligible and who apply and who meet all the necessary criteria, in which case their cases are expedited.

420 Mr Speaker, you may also be aware that I embarked on a consultation process on parental alienation towards the end of last year to identify issues that specifically may impact certain sectors of our community, and particularly men, in particular in relation to marriage breakdown, and housing has been identified as something that they need. I know that now, as a result of the consultation process – but I was certainly very much aware of it before the consultation process; in fact that was one of the motivations for having such a thorough consultation process – so it is something that is very much on the Government's radar.

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Hon. D A Feetham: Mr Speaker, I apologise for insisting but the hon. Lady has not provided me with an answer to the supplementary: how many vacant properties does the Government have at the current moment under the scheme? Vacant properties.

430 If I may ask another supplementary so we do not have to ... The other supplementary is: what does somebody who is homeless have to do in order to apply to be housed under this particular scheme? And can she also provide the criteria that would be applied to determine whether somebody is successful or not?

Hon. Miss S J Sacramento: Mr Speaker, working in collaboration with the Housing
435 Department in this regard, which was the practice in the past – obviously it was easier before because it was the same Minister, but that does not mean that because there is a different Minister with responsibility for Housing we do not work very closely indeed – these flats that we identify and are managed by Women in Need, for men, are Gibraltar Government rental tenancies that become vacant and the tenancy is passed on to Women in Need for them to
440 manage for the purpose of assisting these individuals. So, as and when we identify flats they are passed on. In addition to that, the Housing Department will also help individuals for as long as they meet the eligibility criteria for housing, which is a requirement for people to be housed by Women in Need in any event.

I am aware that there are potentially four further flats available for this purpose, but in any
445 event someone who genuinely finds themselves in a situation of homelessness and desperation can apply for housing to the Housing Department in the normal way and there is now a procedure to assist in finding them suitable accommodation in their own right. This is sometimes used as a halfway measure if a property cannot be identified, but because the mechanisms over the last few years at Housing have been improved, going down that route is usually successful as
450 long as the applicant is entitled to apply.

Hon. D A Feetham: So, Mr Speaker, as I understand it ... Because I would not want to go away from this Parliament getting the wrong impression, can she confirm that, at the moment, there are four vacant flats under the scheme? That is what I am asking: how many vacant flats, at the
455 moment, are there under the scheme? The answer that she has given me could be interpreted as 'Well, there are a number of flats but we also have an additional four flats that are also coming in.' What I am asking is: how many vacant flats are there at the present moment in time? The reason why I am asking that is to assess whether the supply is sufficient to cope with demand and make further assessment and perhaps even ask further questions in the future.
460 That is one.

Secondly, I am still unclear as to where an application for emergency housing under the scheme that the hon. Lady has outlined to Parliament is made. Is it made to the Housing Minister, or the Principal Housing Officer, or the Housing Manager; or is it made to those who manage these flats, which the hon. Lady said was Women in Need? I would like clarification in
465 relation to that, please.

Hon. Miss S J Sacramento: Yes, Mr Speaker, these 11 flats – (*Interjection by Hon. D A Feetham*) 11 existing flats, are managed either by Women in Need or by the hostel, but these are not flats within the hostel but rather flats elsewhere and managed by the hostel manager;
470 but certainly, in terms of the latter, managed by the Government.

In addition to the vacant flats that I have referred to, these are four vacant flats that exist over and above this quota that has been allocated to Women in Need and the hostel for this purpose. In relation to those four vacant flats, at the moment those flats belong to the Housing Department. Anybody who is eligible for Government housing – and that is a prerequisite for an
475 allocation to these flats ... Whether it is through the housing procedure as normal or whether

you want to apply through Women in Need, you still have to be eligible for Government housing in any event; that is a precursor for both.

480 Depending on the competing demands ... In the first instance, as the hon. Gentleman is asking, for as long as the person is an entitled applicant, they should apply to the Housing Department. If the person meets the criteria and is generally a homeless case, and meets all of the criteria, then the Housing Department will allocate them that tenancy as a normal tenancy which they would be entitled to.

485 In the case that it is not, and also given the location of the flat, it may be a consideration by the Government to allocate the tenancy to Women in Need, and Women in Need would then grant a licence to the individual for a short term while their turn on the housing list arises, but the first point of call would be the Housing Department for as long as the person is eligible and meets all the criteria required.

490 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister for her information. I recognise that this question by my hon. Friend to my right comes as a result of a question that I had put to her, which then got answered in written format and her answer was that ... I had asked about the 2015 manifesto commitment for a halfway house and the hon. Lady correctly said that they do not need to honour the 2015 and that we have a new legislature, which is indeed correct. But the fact of the matter is – and we are talking about new plans and proposals – that the Government, or the party campaigning at the 2015 election, had a plan for men in need, effectively, and that plan has not been delivered between 2015 and 2019 or from 2019 to date.

500 So, would the hon. Lady acknowledge that to date, since that commitment that they came to in 2015, men in need have not been catered for or helped in that way and that we are still waiting for this to materialise?

505 **Mr Speaker:** I think that the answer has already been given as to why there has been a change of plan. I think the hon. Member is asking a question which has already been answered. If the hon. Lady wishes to go over that, I am quite happy to listen.

Hon. Miss S J Sacramento: Yes, Mr Speaker, because I do find the latest supplementary quite regrettable, given that I have explained at length that the outcome is the same; we just have a different methodology. This methodology was felt to be quicker, faster, more appropriate to help people, and better value for money.

510 Just because there is not, as I said earlier in relation to previous supplementary questions, a building that is called Men in Need does not mean that the needs of homeless men have not been met since 2011. They have very much been met. I do not know if the hon. Lady heard me explain that we have identified flats for them and indeed during this time have helped a lot of men, whether with their families or by themselves.

515 **Hon. D A Feetham:** Can I ask a question, again about the criteria? Of course, you could have a situation whereby someone says, 'I am homeless because my mother and my father don't want me to live there, in their house.' We have all heard them because they come to my surgeries and have probably gone to all of the Hon. Ministers on that side of the House. The hon. Lady basically said if somebody is genuinely homeless, then the Housing Department steps in and gives them a tenancy. How do you distinguish between a situation where the Housing Department gives them a tenancy or the Housing Department decides that actually what we need really is the halfway house flats scheme, if I can call it that? How do you decide which one is what?

525 There is the propensity here, of course, for people to also skip the housing queue if they were to be allocated a tenancy on the basis that they are homeless because their father and their mother have basically said 'I don't want you to live here,' for example.

530 **Hon. Miss S J Sacramento:** Mr Speaker, the idea for the men's refuge when it was initially referred to in the first manifesto, as the hon. Lady said, was for it to be a shelter for men in need, in the same way as women in need – for people who are victims of domestic abuse – so that there was no inequality in terms of men and women. But invariably, as happens in these situations, it is extended to how you help people, and not everybody who is in either of these flats, whether for the men or for the women, is a victim of domestic abuse.

535 In relation to who is eligible for these properties, the baseline – really, the starting point – is people who are victims of domestic abuse. If we want to extend it further, it will depend on the circumstances, but it does not mean that had we had a building which was a halfway house for men, someone who found themselves in a situation as described by the hon. Member would have been accommodated there either. As the hon. Gentleman rightly says, there are 540 circumstances where everybody comes to a clinic – whether it is his clinic, my clinic or our clinic – who may purport to be homeless because they do not want to live with their parents or because they say that their parents do not want them to live there. But, Mr Speaker, in most cases where somebody is an occupier of a Government tenancy, first of all, for us to have that as a starting point, everybody would have to go through the process of removing someone from 545 the Government tenancy in the first place. It is not as easy, as the hon. Gentleman will know, for parents to say, 'I don't want my child to live here anymore' and kick them out on the street. It will be part of their contract, part of their tenancy, because their children will in most cases be registered as occupiers of the premises, and they will have to go through formal procedures in order to remove them as occupiers because they will have certain rights.

550 If it were the case where someone genuinely wanted to kick somebody out for a genuine reason, I have no doubt that the Housing Department would consider such a case appropriately, but in relation to the example that the hon. Gentleman has mentioned, that is how it would be dealt with, in the normal course of things.

555 **Hon. D A Feetham:** Just one final supplementary, if I may, Mr Speaker, because I think it is an important topic for a lot of people out there who face a situation ... that they are looking for ... both those who are on the housing waiting list and those who are in an emergency situation, because of course one impacts on the other.

That brings me to my final supplementary. Will the Government consider publishing transparent guidelines and criteria for how these flats are allocated? There is the propensity for 560 this to be questioned. Gibraltar is a very small community and of course you may have officials who may allocate for what they consider to be good reason, but then that starts the chitter-chatter outside about whether in fact there is a political decision that has been taken by the Minister in order to help somebody he wants to help. Indeed, in any democracy, I am not saying that it is happening but in a democracy we need to institute robust structures in order to 565 prevent that sort of thing happening, and publishing criteria so that everybody knows where they stand in terms of an application of this nature would, in my respectful view, be a step forward and I wonder whether that is something that the Minister would consider.

570 **Hon. Miss S J Sacramento:** Mr Speaker, I thank him for the lesson in transparency – I can assure him that we do not need it.

The procedures if entry were to be through Women in Need are very clear. (*Interjection*) Procedures for entry through the Housing Department are very clear, but because this is all part of a bigger picture there are changes that are in the pipeline and there are documents – which, in fact, I already have in draft – which will be published and will, I think, be of greater assistance

575 to people who may have questions and will certainly be a very helpful guidance for anyone who may be interested in the matter. But he can rest assured that anyone who makes an application will be given a copy of the application and the process, and the process will be explained and an answer will be given to them – before the hon. Gentleman starts making any side allegations.

580 **Mr Speaker:** Next question.

Q431/2020
Contact Tracing Bureau –
Personal data

Clerk: Question 431, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: On the basis that the BEAT COVID app does not process personal information and is therefore outside the scope of the General Data Protection Regulation, the Contact Tracing Bureau, by contrast, does process personal data – that is information about individuals or from which they can be identified. Given that this is a relatively new type of processing brought about by COVID-19, can the Government confirm whether a specific privacy notice or policy has been issued which applies to the processing undertaken by the Contact Tracing Bureau?

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Clerk: Answer, the Hon. the Minister for Justice, Multiculturalism, Equality and Community Affairs.

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Minister for Justice, Multiculturalism, Equality and Community Affairs: (Hon. Miss S J Sacramento): Mr Speaker, yes, the Contact Tracing Bureau, in conjunction with the Government Data Protection Officer, has carried out a thorough Data Impact Protection Assessment in accordance with GDPR. A privacy notice is available on the Public Health website.

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Hon. Ms M D Hassan Nahon: Mr Speaker, does the Contact Tracing Bureau share data with third parties?

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Hon. Miss S J Sacramento: No, Mr Speaker, the Contact Tracing Bureau will only trigger this information in the event of a positive case, in which case they will need to contact either the people the positive individual says that they have been in contact with or the establishment they may have visited in the case of the contact tracing process. The only third party that would know the information would be anybody they may contact to tell them that they may have been in contact with someone who is positive, but at no point will they be told who the individual who is positive may be. That information is not shared. That is the only way that the information leaves the Contact Tracing Bureau in the event that someone is tested and gives us a positive result.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I was asking more towards finding out whether no data actually leaves us or the European Union. Technically, for example, we could be hosting information on a cloud that could be in Japan or anywhere else, and this is why I was asking whether any data is shared with third parties from the point of view of any technological hub that could be holding this data.

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Hon. Miss S J Sacramento: No, Mr Speaker, because the Contact Tracing Bureau itself does not actually hold this data. The Contact Tracing Bureau will only obtain the data once the

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contact tracing is triggered, and that is triggered through a positive result. This is the Contact Tracing Bureau; it should not be confused with the contact tracing app. That certainly does not hold any data whatsoever and I think that that is clearly understood by everyone.

625 The Contact Tracing Bureau is essentially now a department that is tasked with contacting people who may have come into contact with anyone who has tested positive and the person ... If I can extend the procedure: someone tests positive, so they receive a personal phone call from someone who is working in the Contact Tracing Bureau saying, 'You have been swabbed today and you have a positive result. Please tell us where you have been for a particular period of time and let us know who you think you may have been in contact with, so that we can call them and tell them that they are infected.' So, it is not until that point that the people at the Contact Tracing Bureau receive that information, and that information will then go on to third parties and stop there.

635 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the question that I submitted was dated 19th June and, from what I can see, the privacy policy was published on 23rd June, but the Contact Tracing Bureau was live before that date. Does this mean that the privacy policy was published after the Bureau went live?

640 **Hon. Miss S J Sacramento:** It may be that it was uploaded after the Contact Tracing Bureau went live but it was most certainly a document that was very much worked on before the Contact Tracing Bureau was established. In any event, I do not think that there were any positive cases within the intervening period, so there was no data actually kept.

Adjournment

Clerk: The Hon. the Deputy Chief Minister.

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Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I have the honour to move that this House do now adjourn to Monday, 27th July at 3.30 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Monday, 27th July at 3.30 p.m.

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I now put the question, which is that this House do now adjourn to Monday, 27th July at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Monday, 27th July at 3.30 p.m.

The House adjourned at 4.58 p.m.