



INFORMATION
FREEDOM

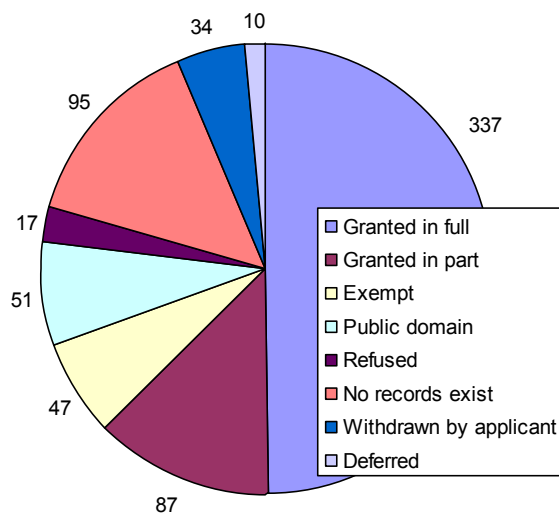
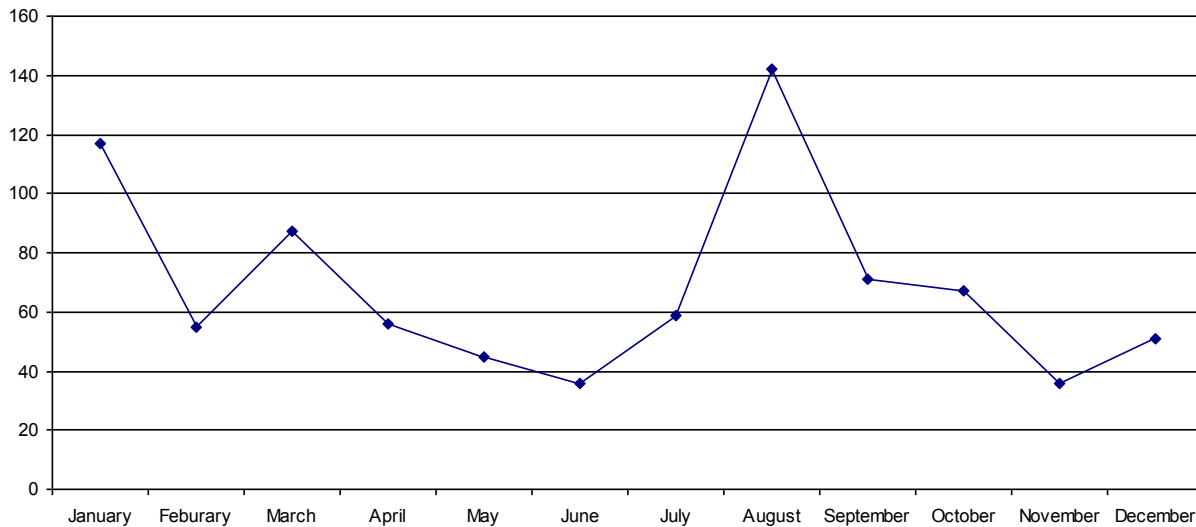
**Freedom of Information Unit
Report on Implementation
December 2009**

Prepared in accordance with the
Cayman Islands Government
FOI Implementation Plan
July 2007 – January 2010

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1 Introduction

The Freedom of Information Law, 2007 was brought into effect January 5th 2009. In the month of December 2009 51 new requests were submitted, for a total of 822 for the year 2009.



In total, 678 requests have been closed and 72.5% of resolvable applications that have been processed will receive all records that they requested. After discounting the 34 withdrawn requests and 95 requests where no records were found to exist in relation to the application, 61.4% of the remaining requests were granted fully, 9.3% were already in the public domain, and 1.8% were deferred (i.e. full access will be granted at a defined later date). A further 15.8% were granted in part, some with only minimal redaction or redaction of information held in

responsive records that was irrelevant to the substance of the applicant's request.

Public authorities generally have a maximum of thirty calendar days to respond to requests, and therefore this reporting period will not reflect decisions on all requests submitted during the month, or only on those submitted in December. In compiling these reports, the FOI Unit relies entirely on self-reported statistics and progress from each Information Manager, which is inputted into a computer tracking and monitoring system entitled JADE.

2 Requests Made to Each Public Authority

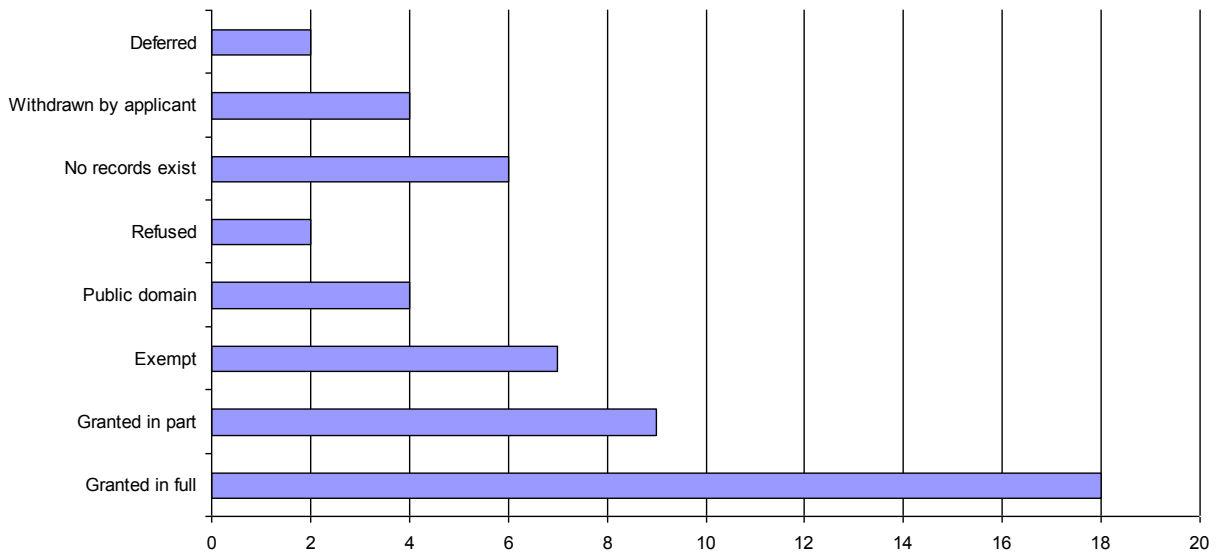
Between December 1st, 2009 and December 31st, 2009, fifteen of the eighty-eight public authorities received a combined total of fifty-one requests for information under the FOI Law:

| <i>PUBLIC AUTHORITY</i> | <i>NO.</i> |
|---|------------|
| Cabinet Office | 1 |
| Cayman Islands Monetary Authority (CIMA) | 1 |
| Cayman Turtle Farm (Boatswain's Beach) | 1 |
| Civil Service Portfolio | 2 |
| Customs Department | 1 |
| District Administration Department Cayman Brac | 1 |
| Health, Environment, Youth, Sports and Culture Ministry | 1 |
| Health Services Authority (HSA) | 2 |
| Immigration Department | 6 |
| Legal Affairs Portfolio | 2 |
| Planning Department | 4 |
| Public Service Pensions Board (PSPB) | 1 |
| Royal Cayman Islands Police Service (RCIPS) | 24 |
| Tourism Department | 3 |
| Water Authority | 1 |
| <i>TOTAL</i> | <i>51</i> |

To date, eight hundred and twenty-two requests for information have been submitted to various Cayman Islands public authorities under the Freedom of Information Law.

3 Outcome of Requests

During the month of December, decisions were made by public authorities on 52 individual requests. Of these closed requests, 18 were granted in full, 9 were granted in part, and 7 were exempt in their entirety. 4 applicants requested records available in the public domain, 4 requests were withdrawn by the applicant, and 6 other applicants asked for information but the Information Managers determined that their public authority held no records related to that request. 2 requests were refused and 2 requests were deferred during the reporting period.



3.1 Timeline of Requests

Of the 52 requests closed in December, fifteen decisions missed the deadlines allowed under the FOI Law without a legal reason. Responses are generally due within 30 calendar days of receiving a request, barring certain circumstances which call for legal extensions. Though eight additional applicants did not receive a decision within 30 calendar days, these responses were within legal boundaries. Three decisions were made within 60 calendar days because the Information Managers required an extension of a further 30 calendar days as allowed by the FOI Law. Four requests required consultation with third parties whose personal information was being released and one request required clarification from the applicant before the Information Manager could fully process the request.

The average response time for all requests closed in December (excluding those withdrawn by the applicant) was 47.25 calendar days. This average is the number of calendar days between receipt of a complete request and the date that the decision was communicated to the applicant by the Information Manager. Excluding the requests that went over time, the average response time was 25.61 calendar days.

3.2 Provisions Utilised to Exempt or Refuse Access

In December, the following exemptions were utilised to justify the redaction of information where access to a record was granted in part, or to exempt the record in its entirety:

- ❖ Section 15(a) – disclosure would prejudice the security, defence or international relations of the Cayman Islands (Cabinet Office);
- ❖ Section 15(b) – the records contain information communicated in confidence to the Government by or on behalf of a foreign government or by an international organisation (Cabinet Office);
- ❖ Section 17(b)(i) – disclosure would constitute an actionable breach of confidence (Minister of Education, Training and Employment);
- ❖ Section 17(b)(ii) – disclosure would be in contempt of court (Governor’s Office);
- ❖ Section 23(1) – unreasonable disclosure of personal information (Cabinet Office, Office of the Complaints Commissioner, Ministry of Education, Training and Employment, Department of Immigration, Portfolio of Internal and External Affairs);

Two additional requests were granted in part, but not due to redaction of exempt information within relevant records. The Department of Agriculture and Department of Children and Family Services both granted access to records which answered part of the applicants’ requests, but deferred access to the remainder of the records under s. 11(2)(b) of the FOI Law. The relevant records were prepared for presentation to the Legislative Assembly and will be made publicly available after they have been tabled.

One final request was granted in part by the Water Authority, with some information withheld due to a client confidentiality policy, but upon internal review the request was granted in full.

4 Popular Requests and General FOI Applications of Interest

Some requests made during the month of December which may be of general interest are as follows (please note that decisions have not been made on all of the following requests, and not all that have been finalised were necessarily granted full access):

- *Cabinet Office*: The specific line-item budget for the 2010 Heroes Day celebration.
- *Customs Department*: The amount of paraquat imported into the Cayman Islands annually, as well as the names of the companies or government agencies that import it.
- *District Administration Department Cayman Brac*: Whether a mould test has been done on the Government Building Creek after Hurricane Paloma, and the results of such tests.
- *Health Services Authority*: Whether there is a DNA registry or bank at the HSA DNA Lab, and if so how many entries there are in total and how many belong to convicted felons.
- *Legal Affairs Portfolio*: Consultants reports and comments from local and foreign entities or persons utilised while drafting the Anti-Corruption Bill and Law.
- *Public Service Pensions Board*: A list of all Cayman Islands public authorities that are required to contribute to the Public Service Pensions Fund who were delinquent on employee payments between 1st June and 11th December 2009, and how much is owed by each authority to the PSPF.
- *Royal Cayman Islands Police Service*: The number of officers who have received any sor of initial training as it relates to firearms throughout the RCIPS.
- *Royal Cayman Islands Police Service*: The number of cold case files currently with the RCIPS and the review process for those files. The number of unsolved murders in Cayman.
- *Tourism Department*: The number of Jazz Festival packages of flight, room and tickets sold to persons with an overseas mailing address.

5 Internal Reviews and Appeals to the Information Commissioner

In the month of December two internal reviews were logged in JADE, the FOI tracking and monitoring system that follows requests through all life cycles, including internal review.

No new appeals were received by the Information Commissioner's Office (ICO) during the month of December. One appeal was closed through mediation and one case advanced from the mediation stage pending a formal hearing before the Information Commissioner during the month. Four cases remained in active mediation at the ICO as of 31st December 2009.

The 26 appeals that the ICO has dealt with or is currently dealing with were or are the result of applicants appealing time extensions, deferrals, inadequate search for records, or withheld records (either entirely or in part). Most of these appeals went through the internal review process before they were referred to the ICO, and 12 appellants have been referred back to the original public authority because this first stage of review was not completed.

6 More Information

For more information about Freedom of Information in the Cayman Islands, the activities of the FOI Unit and procedural matters related to FOI, please visit our website at www.foi.gov.ky or pick up a user guide from our office in Elizabethan Square in George Town. We can also be contacted by telephone at (345) 244-3609 or by email at FreedomOfInformationUnit@gov.ky.

Each public authority will maintain a disclosure log that records requests which are of general public interest and the decisions made on these requests. For more information about a particular request please see the disclosure log or contact the public authority's Information Manager at the contact details provided on their website. Websites for each public authority can be found on the main Government portal www.gov.ky and the FOI Unit also maintains a list of public authorities and Information Managers on our own website.

To learn more about the Information Commissioner's Office, including how to make an appeal, please contact the Office Manager at (345) 747-5402 or info@infocomm.ky. The ICO's website, www.infocomm.ky, includes Policies and Procedures for Appeals, Quarterly Operational Plans, Mediation Summaries and details of upcoming hearings.