



INFORMATION  
**FREEDOM**

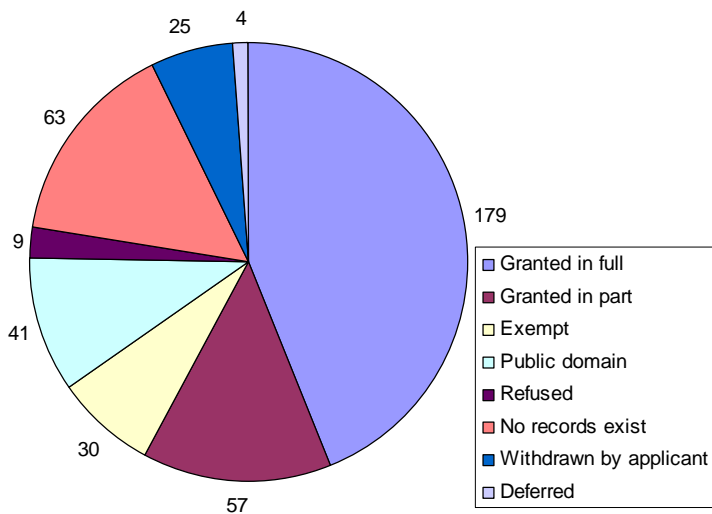
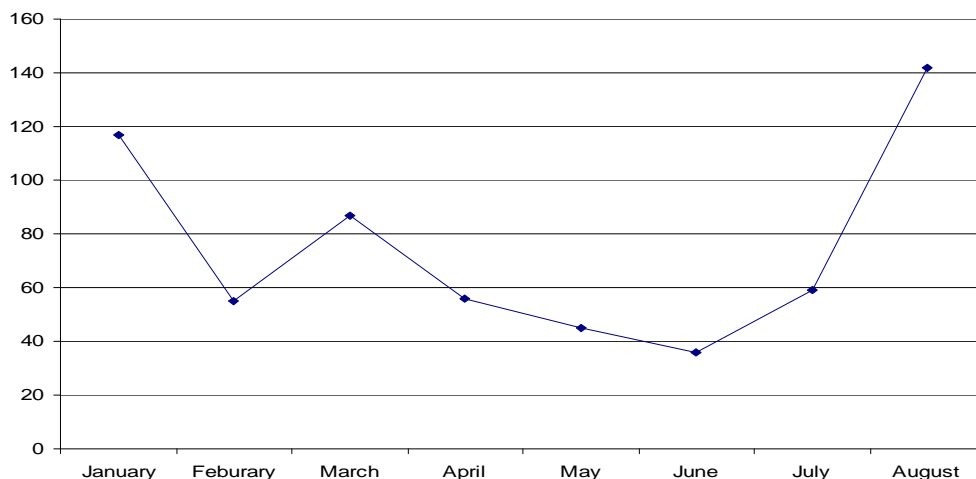
**Freedom of Information Unit  
Report on Implementation  
August 2009**

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

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# 1 Introduction

The FOI Law 2007 was brought into effect January 5 2009. The number of requests submitted to public authorities continued the recent increase into the month of August. After a steady decline March through June, to a low of 36, 142 new requests were submitted this past month.



In total, 408 requests from the public have been closed and 70% of resolvable applications that have been processed will receive all records that they requested. After discounting the 25 withdrawn requests and 63 requests where no records were found to exist in relation to the application, 56% of the remaining requests were granted fully, 13% were already in the public

domain, and 1% were deferred (i.e. full access will be granted at a defined later date). A further 18% 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 August. 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 August 1, 2009 and August 31, 2009, sixty of the eighty-eight public authorities received a combined total of 142 requests for information under the FOI Law:

| <i>PUBLIC AUTHORITY</i>                                  | <i>NO.</i> |
|--|------------|
| Lands and Survey Department                              | 29*        |
| Immigration Department                                   | 14         |
| Finance & Economics Portfolio                            | 6          |
| Health Services Authority (HSA)                          | 4          |
| Health, Environment, Youth, Sports & Culture Ministry    | 4          |
| Legal Affairs Portfolio                                  | 4          |
| Planning Department                                      | 4          |
| Public Service Pensions Board (PSPB)                     | 4          |
| Cayman Islands National Insurance Company (CINICO)       | 3          |
| Education, Training & Employment Ministry                | 3          |
| Financial Services, Tourism & Development Ministry       | 3          |
| Royal Cayman Islands Police Service (RCIPS)              | 3          |
| Audit Office   | 2          |
| Cayman Islands Monetary Authority (CIMA)                 | 2          |
| Cayman Turtle Farm (Boatswain's Beach)                   | 2          |
| Civil Service Portfolio                                  | 2          |
| Customs Department                                       | 2          |
| District Administration, Works & Gender Affairs Ministry | 2          |
| Government Information Services (GIS)                    | 2          |
| Governor's Office  | 2          |
| Information Commissioner's Office (ICO)                  | 2          |
| Internal & External Affairs Portfolio                    | 2          |
| Prison Service   | 2          |
| Tourism Attraction Board (TAB)                           | 2          |
| Tourism Department (DOT)                                 | 2          |
| Agriculture Department                                   | 1          |
| Cabinet Office   | 1          |
| Cayman Islands Airports Authority                        | 1          |
| Cayman Islands Cadet Corps                               | 1          |
| Cayman Islands National Archive                          | 1          |
| Cayman National Cultural Foundation (CNCF)               | 1          |
| Children & Family Services Department                    | 1          |
| Children and Youth Service (CAYS) Foundation             | 1          |
| Civil Aviation Authority (CAA)                           | 1          |

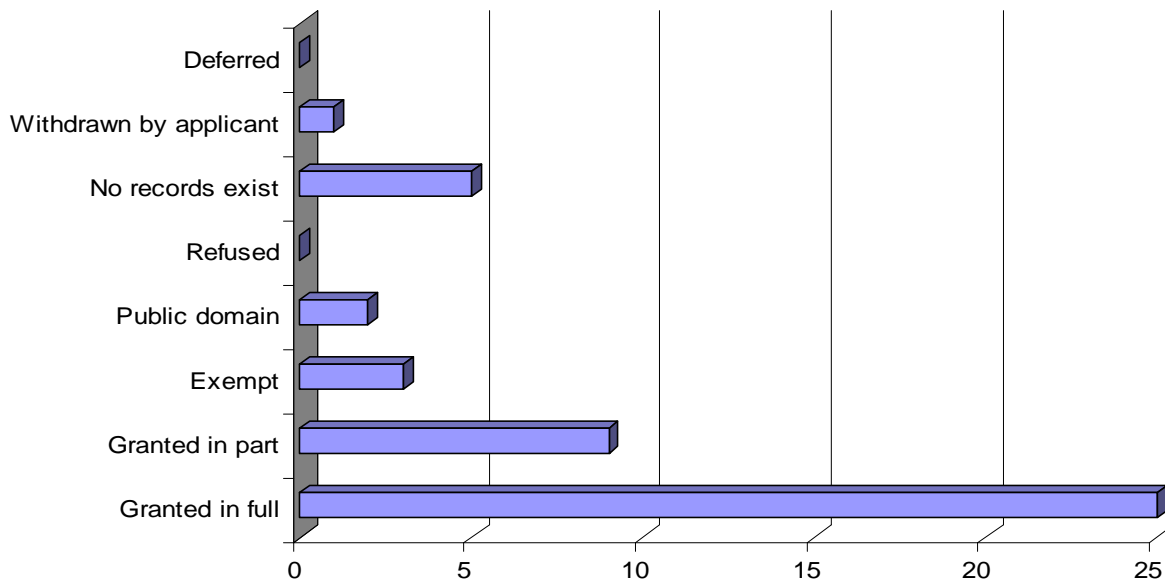
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| Civil Service Appeals Commission (CSAC)                    | 1          |
| Community Affairs & Housing Ministry                       | 1          |
| Complaints Commissioner (Office of the)                    | 1          |
| District Administration Department Cayman Brac             | 1          |
| Economics and Statistics Office (ESO)                      | 1          |
| Emergency 911  | 1          |
| Employment Relations Department (DER)                      | 1          |
| Environment Department                                     | 1          |
| Environmental Health Department (DEH)                      | 1          |
| Fire Services  | 1          |
| General Registry   | 1          |
| Hazard Management Cayman Islands (HMCI)                    | 1          |
| Information and Communications Technology Authority (ICTA) | 1          |
| Judicial Administration                                    | 1          |
| Maritime Authority of the Cayman Islands (MACI)            | 1          |
| Mosquito Research and Control Unit (MRCU)                  | 1          |
| National Drug Council (NDC)                                | 1          |
| National Housing Development Trust (NHDT)                  | 1          |
| National Pensions Office (NPO)                             | 1          |
| Public Library Service                                     | 1          |
| Public Works Department (PWD)                              | 1          |
| Radio Cayman   | 1          |
| Sunrise Adult Training Centre                              | 1          |
| Telecommunications Office                                  | 1          |
| Treasury Department  | 1          |
| Water Authority  | 1          |
| <i>TOTAL</i>   | <i>142</i> |

To date, five hundred and ninety-seven requests for information have been submitted to Cayman Islands public authorities under the Freedom of Information Law. Thirteen of the eighty-eight public authorities have not received any FOI requests since January 2009.

\* Please note that this number requires explanation. One application was sent to the Lands & Survey Department, but the request description covered records held across 28 separate public authorities. To accurately respond to this request, it was split between all relevant public authorities by the Information Manager for the Lands & Survey Department. This request will be transferred to all 28 public authorities and each Information Manager will respond to the request in accordance with the FOI Law and utilising the records held by that public authority.

### 3 Outcome of Requests

During the month of August, decisions were made by public authorities on 45 individual requests. Of these closed requests, 25 were granted in full, 9 were granted in part, and 3 were exempt in their entirety. 2 applicants requested records available in the public domain, 1 request was withdrawn by the applicant, and 5 other applicants asked for information but the Information Managers determined that their public authority held no records related to that request. No requests were refused and no requests were deferred in full during the reporting period.



#### 3.1 Timeline of Requests

Of the 45 requests closed in August, three decisions missed the deadlines allowed under the FOI Law without a legal reason. Response letters are generally due within 30 calendar days of receiving a request, barring certain circumstances which call for legal extensions. Though one additional applicant did not receive a decision within 30 calendar days, this response was within legal boundaries. The decision was made after more than 30 days due to required consultation with third parties whose personal information was being released.

The average response time for all requests closed in August (excluding the one withdrawn by the applicant) was 19.4 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 one request that required third party consultation and three requests that missed the deadline, the average response time was 17.4 calendar days.

### 3.2 Provisions Utilised to Exempt or Refuse Access

In August, 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 16(a) – records relating to law enforcement that would, or could reasonably be expected to endanger any person’s life or safety (Royal Cayman Islands Police Service);
- ❖ Section 16(d) – records relating to law enforcement that would, or could reasonably be expected to reveal lawful methods or procedures for preventing, detecting, investigating or dealing with matters arising out of breaches or evasions of the law, where such revelation would, or could be reasonably likely to, prejudice the effectiveness of those methods or procedures (Customs Department);
- ❖ Section 23(1) – unreasonable disclosure of personal information (Audit Office, Immigration Department, Information Commissioner’s Office, Customs Department, Department of Environmental Health);
- ❖ Section 24(a) – disclosure of the record would, or would be likely to endanger the physical or mental health of any individual (Legal Affairs Portfolio);
- ❖ Section 24(b) – disclosure would, or would be likely to endanger the safety of any individual (Legal Affairs Portfolio);

Three additional requests were granted in part, but not due to redaction of information within relevant records. The Portfolio of the Civil Service and Royal Cayman Islands Police Service each granted one request in part but refused the remainder of the request as an unreasonable diversion of resources under s. 9(c) of the FOI Law.

The National Drug Council granted one request in part, but deferred the remainder of the information under s. 11(2)(b) of the FOI Law. The relevant record was prepared for presentation to the Legislative Assembly, and will be made publicly available after it has been tabled.

#### 4 Popular Requests and General FOI Applications of Interest

Some requests made during the month of August 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):

- *Cayman Islands National Insurance Company (CINICO)* – the number of referrals that were made to providers in Jamaica vs. the United States for a particular insurance group.
- *Cayman Turtle Farm (Boatswain's Beach)* – The total cost of the Cayman Turtle Farm/Boatswain's Beach attraction construction and renovation project.
- *Customs Department* – What drugs and other materials can be detected by the testing equipment used; training required to collect and test samples; the annual cost to maintain and operate the equipment; other methods that the department uses to detect drugs.
- *Education, Training & Employment Ministry* – The full criteria for the grant of overseas government scholarships.
- *Finance & Economics Portfolio* – The internal written correspondence within the public authority which first warned the Financial Secretary of the economic crisis, and the first written correspondence from the Financial Secretary that advised Chief Officers of the crisis.
- *Governor's Office* – The decision issued by the judicial tribunal in the matter of Justice Levers.
- *Health, Environment, Youth, Sports & Culture Ministry* – The total number of patients issued letters of guarantee from the government for overseas medical care from 2004 to present; the total amount guaranteed by those letters; the total cost paid by the government.
- *Immigration Department* – Statistics on air arrivals and departures at Owen Roberts International Airport, broken down by originating airport and resident/tourist status of traveller.
- *Immigration Department* – The total number of persons subjected to the seven year term limit policy since it was enacted in 2004, including those that reached the seven year limit and those who were given key employee status but failed to obtain permanent residency.

- *Information Commissioner's Office* – The total cost for an international consultant, including salary, transportation, rent/hotel fees and other expenses paid for the consultant.
- *Lands & Survey Department* – A list of every government entity that is currently renting office space, including the location, square footage, cost and date of expiration of the lease.
- *Legal Affairs Portfolio* – Information related to an article in the Jamaican Observer about an accused “cyber scammer” who allegedly stole \$10 million in call credit from Digicel.
- *Prison Service* – Information on the use of dogs in the prison system, including: intended function of the dogs; number of handlers and their training, previous experience and nationality; number of dogs and tasks for which they have been trained; results of the use of dogs from 2007 to present; methods used to measure effectiveness of the dogs and any cost/benefit analysis; all costs, with the detailed breakdown, associated with the use of the dogs.
- *Public Service Pensions Board* – Actual total contributions that the government made from 2006 to present, specifically June and July 2009, and the amount the government was legally required to contribute during that same time period.
- *Royal Cayman Islands Police Service* – How much money the Drugs Task Force has paid to confidential informants for drugs or guns each year for the past five years, and how many canoes, boats and marine vessels the Drugs Task Force intercepted during that same time.
- *Tourism Attraction Board* – The total cost of the construction and renovation project at Pedro Castle, and cumulative financial losses since it was renovated.

It is also useful to note that one applicant sent the same request to multiple public authorities. Though the same description was sent to many different public authorities, each one is treated as a separate request under the FOI Law and responded to by the relevant Information Manager. The request asked for a comprehensive, itemised list of each public authority's actual expenditure during the 2007/2008 and 2008/2009 budget years. The request additionally asked for the total number of paid consultants on contract with each public authority.

## **5 Internal Reviews and Appeals to the Information Commissioner**

In the month of August no internal reviews were logged in JADE, the FOI tracking and monitoring system that follows requests through all life cycles, including internal review.

One new appeal was received by the Information Commissioner's Office (ICO) in August. Two appeals were closed through mediation and no cases were heard before the Information Commissioner during the month of August. Six cases remain in mediation at the ICO and no formal hearings are in progress as of 31 August 2009. The 18 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.

## **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](http://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](mailto: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](http://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](mailto:info@infocomm.ky). The ICO will be hosting Right to Know Week 2009 from 27 September – 3 October, with additional events taking place throughout the month of September. Members of the public are invited to attend various events promoting FOI in the Cayman Islands. The ICO's website, [www.infocomm.ky](http://www.infocomm.ky), includes a full schedule of Right to Know Week activities, as well as Policies and Procedures for Appeals, Quarterly Operational Plans, Mediation Summaries and details of upcoming hearings.