



**Freedom of Information Unit
Report on Implementation
February 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 was brought into effect on January 5th 2009. This is the second monthly statistical report issued by the FOI Unit summarising the number of requests received by public authorities and the decisions made during that month. Public authorities 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 those submitted in February.

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. The number of requests and outcomes will reflect when they were logged in JADE and the details given there, as mandated in detail in Section 24 of the FOI Regulations.

2 Requests Made to Each Public Authority

Between February 1, 2009 and February 28, 2009, twenty-five of the eighty-eight public authorities received a combined total of fifty-five requests for information under the FOI Law. In January, one hundred and seventeen requests were made to forty different public authorities. In total, one hundred and seventy two open-records requests have been made to forty-four different public authorities since the FOI Law came into effect on January 5, 2009.

Requests Made in February 2009

<i>PUBLIC AUTHORITY</i>	<i>NO.</i>
Immigration Department	8
Royal Cayman Islands Police Service (RCIPS)	8
Cayman Airways	4
General Registry	3
Legal Department	3
Planning Department	3
Water Authority	3
Cayman Islands Monetary Authority (CIMA)	2
Environmental Health Department	2
Finance and Economics Portfolio	2
Health Services Authority (HSA)	2
Internal and External Affairs Portfolio	2
Agriculture Department	1
Cabinet Office	1
Cayman Islands Stock Exchange	1
Complaints Commissioner (Office of the)	1
Health & Human Services Ministry	1
Maritime Authority of the Cayman Islands (MACI)	1
Mosquito Research and Control Unit (MRCU)	1
National Roads Authority	1
Port Authority	1
Tourism Attraction Board	1
Tourism Department	1
Tourism, Environment, Investment & Commerce Ministry	1
Vehicle and Drivers' Licensing Department	1
<i>TOTAL</i>	<i>55</i>

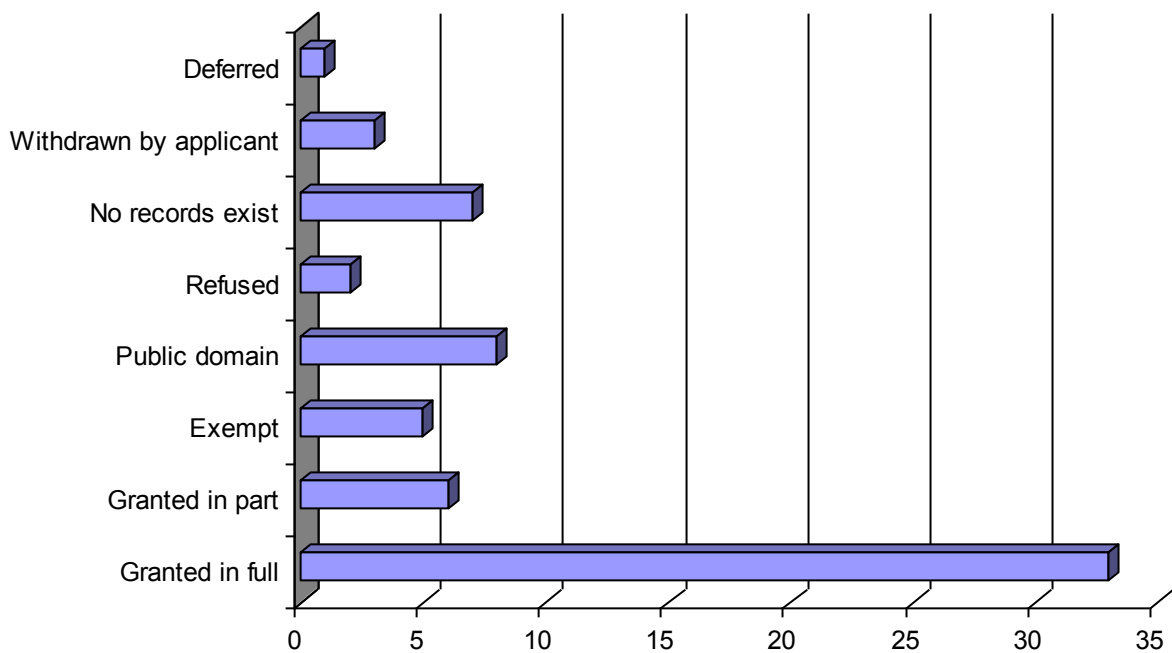
Exactly half of the public authorities in the Cayman Islands have received no FOI requests to date.

<i>PUBLIC AUTHORITY</i>	<i>NO.</i>
Cayman Islands Cadet Corps	0
Cayman Islands Development Bank (CIDB)	0
Cayman Islands Government Office in the United Kingdom	0
Cayman Islands Investment Bureau (CIIB)	0
Cayman Islands National Archive (CINA)	0
Cayman Islands National Insurance Company (CINICO)	0
Cayman Islands National Museum	0
Cayman National Cultural Foundation (CNCF)	0
Cayman Turtle Farm (Boatswain's Beach)	0
Children and Youth Services (CAYS) Foundation	0
Civil Service Appeals Commission	0
Community Rehabilitation Department	0
Computer Services Department	0
Counselling Services Department	0
Customs Department	0
District Administration Department Cayman Brac	0
District Administration, Planning, Agriculture & Housing Ministry	0
Education Standards and Assessment Unit (ESAU)	0
Elections Office	0
Electricity Regulatory Authority	0
Employment Relations Department	0
Empowerment and Community Development	0
Government Information Services	0
Governor's Office	0
Hazard Management Cayman Islands	0
Information Commissioner (Office of the)	0
Judicial Administration	0
National Drug Council	0
National Gallery of the Cayman Islands	0
National Housing Development Trust (NHDT)	0
National Pensions Office	0
Prison Service	0
Public Library Service	0
Public Works Department	0
Recreational Parks and Cemeteries Department (RPCU)	0
Sister Islands Affordable Housing Development Corporation (SIAHDC)	0
Sports Department	0
Sunrise Adult Training Centre	0
Tax Information Authority	0
Telecommunications Office	0
Treasury Department	0
University College of the Cayman Islands (UCCI)	0
Vehicle and Equipment Services Department	0
Youth Services Unit	0

3 Outcome of Requests

As of February 28, 2009, two months after the FOI Law came into effect, 71 total requests (submitted between January 5, 2009 and February 28, 2009) remained in progress. During the month of February, sixty-five requests were closed.

Of the sixty-five requests that were closed in this time period, thirty-three were granted in full, six were granted in part, and five were exempt in their entirety. Eight applicants requested records that were available in the public domain and seven other applicants asked for certain information but the Information Managers determined that their public authority held no records related to that request. Three requests were withdrawn by the applicants, two requests were refused under sections 9(b) and 9(c) of the FOI Law and one request was deferred under section 11(2)



3.1 Timeline of Requests

Of the one hundred and one requests that were closed between January 5, 2009 and February 28, 2009, only one response missed the thirty-day timeline. In this case, the decision letter and relevant records were sent thirty-two days after the request was received.

Two requests had to be clarified with the applicant and therefore took thirty-one days to complete, within the bounds of the FOI Law because the timeline froze awaiting the applicant's response. Three requests were withdrawn after the Information Managers were unable to reach the applicants to receive clarification of the scope of the requests after over a month.

Aside from these six requests, the response time averaged less than fourteen days, even though some requests may have required various consultations with applicants and third parties.

3.2 Provisions Utilised to Exempt or Refuse Access

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(b)(i) – records relating to law enforcement that would, or could reasonably be expected to affect the conduct of an investigation or prosecution of a breach or possible breach of the law (Immigration Department);
- ❖ Section 16(b)(ii) – records relating to law enforcement that would, or could reasonably be expected to affect the trial of any person or the adjudication of a particular case (Royal Cayman Islands Police Service, Immigration Department);
- ❖ Section 16(c) – records relating to law enforcement that would, or could reasonably be expected to disclose, or enable a person to ascertain, the existence or identity of a confidential source of information (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 reasonable likely to, prejudice the effectiveness of those methods or procedures (Cayman Islands Monetary Authority, Immigration Department);
- ❖ Section 17(b)(i) – disclosure would constitute an actionable breach of confidence (Agriculture Department);

- ❖ Section 18(1) – disclosure or premature disclosure would, or could reasonably be expected to, have a substantial adverse effect on the Caymanian economy, or the Government’s ability to manage the economy (Cayman Islands Monetary Authority);
- ❖ Section 20(1)(b) – disclosure would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation (Legal Department);
- ❖ Section 21(1)(a)(b) – disclosure would reveal trade secrets or any other information of a commercial value, which value would be, or could reasonable be expected to be, destroyed or diminished if the information were disclosed, or it contains information concerning the commercial interests of any person or organisation and disclosure would prejudice those interests (Cayman Airways, Cayman Islands Monetary Authority);
- ❖ Section 23(1) – unreasonable disclosure of personal information (Audit Office, Ministry of Health & Human Services, Internal & External Affairs, Tourism Department).

One request was refused by Cayman Airways because Section 9(c) of the FOI Law allows a public authority to not respond to a request if compliance would unreasonably divert the resources of that public authority. Guidelines of what an Information Manager should consider before making the decision to refuse access under Section 9(c) are listed in Section 10 of the Freedom of Information (General) Regulations, 2008. Another request was refused by the Legal Department under Section 9(b) of the FOI Law because the public authority had recently complied with a substantially similar request from the same person.

The Economics and Statistics Office deferred one request under Section 11(2) of the FOI Law because the information will be published and available in the public domain in the near future, will be tabled at the Legislative Assembly, and the premature release of the record would be contrary to the public interest.

4 Popular Requests and General FOI Applications of Interest

The Immigration Department and Royal Cayman Islands Police Service received the highest number of requests during February, with eight each. Some other requests made during the month which may be of general interest are as follows (please note that decisions have not been made on all):

- *Finance and Economics Portfolio* – Contracts awarded in December 2008 with regard to damages caused by Hurricane Paloma.
- *Health Services Authority (HSA)* – Plans the hospital has for staffing due to the recession.
- *National Roads Authority* – Records related to the development of Peninsula Avenue through Governor’s Harbour from March 2006 to date.
- *Port Authority* – Who is importing cargo and what is being imported through which carriers.
- *Royal Cayman Islands Police Service (RCIPS)* – All water-related deaths in the Cayman Islands from January 1, 2006 through December 31, 2008.
- *Tourism, Environment, Investment & Commerce Ministry* – Minutes and related correspondence from meetings where it was determined to place a moratorium of the issuing of new operators license for omni buses.

5 Internal Reviews and Appeals to the ICO

During the reporting period there was one internal review requested of the Chief Officer for the Immigration Department. Two appeals were sent to the Information Commissioner following decisions made by the Legal Department and Public Service Pensions Board.

6 More Information

For more information about Freedom of Information in the Cayman Islands, please visit our website at www.foi.gov.ky or pick up a user guide from our office in Elizabethan Square in George Town. 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.