

**Freedom of Information
Focus group report
May 2008**

Background

Government Information Services was tasked with conducting focus groups for the Freedom of Information Unit. Two sessions were organized, one representative of the wider community and the other representing the local media. Several participants who could not make it to the focus groups sent in their views by e-mail, and these were included in the report.

Focus Group Objectives

The general objectives of the focus group conversations with members of the two groups were to determine:

- what people know about FOI
 - what people want to know about FOI and how to inform them
 - how people feel about FOI and the idea of open government
 - what people expect from FOI
 - what people need to know about FOI
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Group Feedback

This section is a summary of what was said at the focus group meetings.

Community Focus Group – Summary of Comments:

How do people feel about FOI?

- All participants welcomed the idea of a FOI Law, but most are unsure as to Government's real commitment to the spirit of the Law.
- Some expressed the concern that the civil service might not be ready for January 2009.
- Talking about transparency is one thing, but making the idea a reality will be a challenge.
- The most important issue is the exemptions – what documents can Government withhold and on what grounds?
- There should be NO cost involved in making a request – it should be easy and accessible.
- Parts of the Law leave a great deal to subjective interpretation which is worrying.

Experience with government when trying to get information:

- There is a general lack of faith in government that they will pursue the goals of the FOI Law.
- Even non-contentious information is not forthcoming.
- Have had specific problems with getting documents classified as belonging to the UK government, and then when received the documents were greatly redacted.
- It will be useful to have the contact details of each department's FOI point person so you know who to call up, and so that people can't give you the runaround.
- The MOU with Cuba was asked for, and it was not available, but a journalist managed to get it from Cuba.
- One person was not allowed to see his own immigration file after his application for status has been turned down – the only reason he was given was that it was in the “public's interest for him not to get status”.
- Economics & Statistics (ESO) is not allowed to publish anything until approved by Cabinet. Why does statistics need to be approved by Cabinet? Current statistics is critical to business.
- For FOI to work there need to be a paradigm shift. And it needs to start with the receptionist – the way they talk to people on the phone and greet people.

Accessing information:

- Websites can be powerful publication tools for departments and ministries, but websites need to be user friendly with good search engines.
- There should be person in each department that is knowledgeable about that department, which people can call and ask for information.
- It is great that one doesn't have to say why you want certain information. However, this might cause suspicion and anxiety within departments as they would want to know what you are going to do with the information.
- There should be proper protection of personal information such as medical records and immigration records.
- Specifically public education materials can be distributed along community lines – community development officers, churches, etc.
- www.gov.ky is not user-friendly – it needs to be simplified so people will know where to look for things.
- Mixed reaction to government website – general feeling is that more can be done to upgrade these sites and make them easy to use. Presently the search engines are insufficient making it difficult to find specific documents.
- It is a good idea to have www.gov.ky as the central portal to all government websites

Will FOI make a difference to the way the country is governed?

- Very skeptical about FOI. Will only make a difference if Government is really committed and people actually get information when they ask for it.
- Mentioned Sweden and NZ as open countries. Their citizens are generally satisfied with government as they feel involved. They are doing things differently than in Cayman – there people know what Government does. How will Cayman rate with Transparency International?

Why people might be against FOI:

- The issue of why people want to have certain information might be scary to public officials.
- There is a culture of secrecy in the civil service

What information should be published?

- Board meetings
- What is happening with the administration of the Pensions Board – which companies owe what, and what is being done to get them to pay? Presently the members of the board don't want to say why and what decisions are being taken.
- Changes to Laws and Regulations and the reasons for the changes before it is made so people can have their say
- Board members' interest and qualifications.

Media Focus Group - General Comments:

Experience with government when trying to get information:

- When asked for information civil servants tend to be sarcastic answering that they can make an FOI request in January.
- Journalists need to get information fast – if this is going to be a long-winded process, it will be pointless to try and access information under FOI. Disclosure (as in the UK), must be the way forward.
- The feeling is that civil servants are going to try and hide behind the 30 day provision.
- Civil servants must be trained to understand that disclosing information is the rule.
- Until Government and the public sector actively and publicly embrace the goals of FOI, little of value will be accomplished and people will remain cynical about the law.

Accessing information on line:

- The government website, www.gov.ky is not user friendly at all: One can search for hours and not find what you are looking for plus the search engine is ineffective. Needs a total overhaul. The Department of Planning's website was cited as being user friendly (www.planning.gov.ky).

- When asking for information, an estimate must be given, else civil servants will always fall back on the 30 days provision.

Will FOI make a difference to the way the country is governed?

- If applied, it will make a fundamental change. The danger is that people will end up getting fed-up and frustrated if their requests aren't answered timely and the law will die a slow death.
- If applied, FOI will bring a change to public bodies that are presently being perceived as making decisions on whims and favours.

Why people might be against FOI:

- Mostly because civil servants are scared of making the wrong decision – putting wrong information out there, and losing their jobs or missing out on promotions.
- The cycle of secrecy within the civil service

What information should be published?

- Minutes of all board meetings, Cabinet meetings.
- Journalists will probably access information the most, and will have a need for speedy answers.

Summary of Focus Group Concerns

- People need a **better understanding of FOI**. Many people hear about FOI, but don't understand exactly how it works and what information falls under the Law.
- There must be **real protection of private information** – this concerns mainly the medical and immigration community.
- If Government doesn't **keep to the spirit of the FOI Law**, they can in fact misuse the law to give out even less information.
- There is a **general distrust of Government** and people are skeptical of FOI.
- **Auditing compliance with freedom of information legislation**. Even with FOI, who will make sure minutes are taken at board meetings? That the decision process will be documented? For example, no written record can be found of the CI\$107 million Ivan claim from Cayman National Bank. There is no documentation of this incident, people don't know what was said, who was doing what. Are there penalties for falsifying documentation?
- Who **checks that published information is true** and what consequences will departments face if they don't comply? – if there are no repercussions, there is little faith that anyone will take FOI seriously.
- Will there be any consequences for staff that doesn't comply with the FOI law? **Without repercussions the law will not be followed.**

- Possible problems with FOI: **Incompetence; inability to keep records properly; and civil servants simply not knowing where a document is**
- **UK vs Cayman government information.** Who decides?
- **Auditing the process of pro-active publication:** Who will make sure that proper documentation takes place and that information is published or are up-to-date?
- **People can hide behind certain provisions of the law**, e.g. 30 day provision, public interest, national security, ‘at the discretion of...’ and render the law useless. Public interest is very subjective and who will check that departments don’t hide behind the ‘public interest’ with everything?
- It will be hard to **change the culture of secrecy** within the civil service.

Summary of Focus Group Suggestions

- Civil servants should be **trained** to be clear on what information they can give out to the public.
- **Random, internal audits** to make sure that public bodies keep records and manage the records in such a way that FOI requests can be answered.
- **Refer to Vision 2008** – the section on open government.
- Government should set up a way of **getting people’s comments on issues and then show this feedback** to the rest of the public. **Publish FOI requests** – these can be published so people can share in what they want to know.
- Government departments should **publish real information** to show their commitment to FOI.
- The Information Commissioner should **publish the names and contact details of information managers** so people will know where to take their FOI request.
- The Information Commissioner’s Office can be **a point of contact for people by providing Internet access to government websites; it can keep a FAQ list**, etc.
- Create a **reference list** of which documents will most likely fall under UK law and which under Cayman law.
- Have regular **workshops for civil servants** where one addresses switching attitudes, giving civil servants a chance to think why they are doing things a certain way/why they tend to withhold information rather than give it out?
- State clearly that the **30 day provision is a maximum** and not the rule.
- Have **regular FOI audits and publish the results**

Analysis

- The public don't feel that they **own the process**, and at this point they don't see that they have a role to play in the success of FOI. They rather view it as something that Government alone is responsible for.
- People talk about changing the culture of government, but how to **change their culture of apathy** is something the Information Commissioner must take up.
- People (and civil servants) are overwhelmed by several large public campaigns, and at the moment are suffering from **message overload and change fatigue**.
- The real danger for freedom on information is that the civil service is not ready and/or don't have the resources to successfully implement the law, and that the public might have **unattainable expectations** causing them to loose interest in FOI.

Recommendations

- Keep the **focus on training and internal preparations and culture change**. The buy-in at senior level is key to FOI succeeding. If there is any doubt that chief officers and heads of departments are not fully aware of the significance of the FOI Law, the FOI Unit should spend more time with preparing this group for their role.
- Once the Information Commissioner is in place, this office's resources should be directed towards offering **practical support** to people seeking answers to their questions. This can be augmented by a low-key public education campaign if resources allow.
- The **FOI Unit should continue as a supporting body** for the civil service. A 'call-in centre' where civil servants can go to ask questions regarding what information, how, etc.
- Getting public agencies to commit to **pro-active publication of information** will build public support for FOI.
- If the existing government website www.gov.ky is going to be the portal to other government websites, it needs to be **re-developed to be user-friendly with a good search engine**.
- **Create a FOI watch** – involve the community and media in 'policing' compliance with FOI Law.
- **A meet-and-greet session** with information managers so media and community can get to know them