



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

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

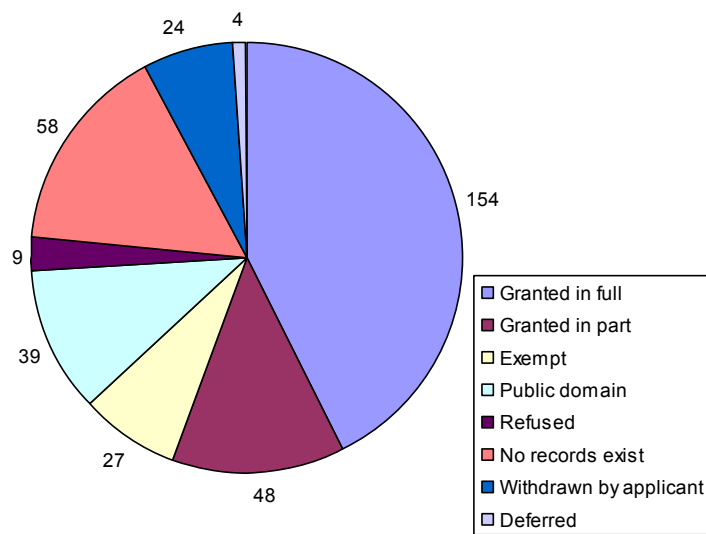
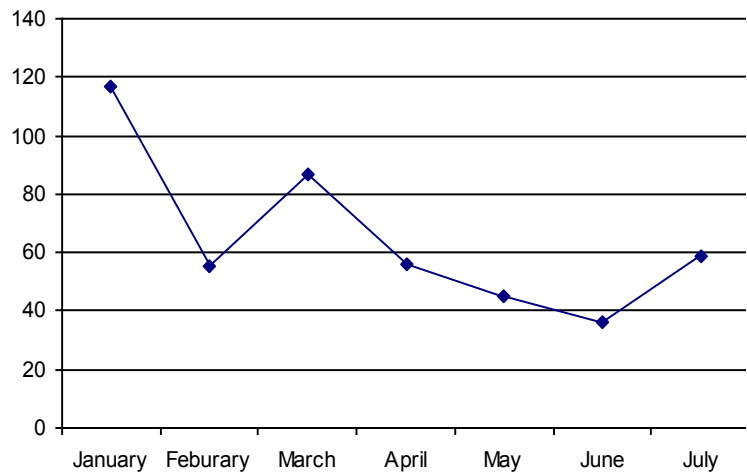
	page(s)
1 Introduction.....	3
2 Requests Made to Each Public Authority .....	4
3 Outcome of Requests .....	5
3.1 Timeline of Requests.....	5
3.2 Provisions Utilised to Exempt, Refuse or Defer Access .....	6
4 Popular Requests and General FOI Applications of Interest .....	6
5 Internal Reviews and Appeals to the Information Commissioner.....	7
6 More Information.....	7

# 1 Introduction

The Freedom of Information (FOI) Law 2007 was brought into effect on January 5<sup>th</sup> 2009. This is the seventh monthly statistical report issued by the FOI Unit summarising the number of requests received by public authorities and decisions made during July. This introduction also seeks to briefly analyse all statistics since January and show broader trends and results.

The number of requests submitted to public authorities rebounded in the month of July. After a decline through June to a low of 36, 58 new requests were submitted this past month.

Further, statistics are still showing a great deal of success in granting access to records. In total, 363 requests from the public have been closed and 70% of resolvable applications processed will receive all records that they requested.



After discounting the 24 withdrawn requests and 58 requests where no records were found to exist in relation to the application, 55% of the remaining requests were granted fully, 14% were already in the public domain, and 1% were deferred (i.e. full access will be granted at a defined later date). A further 17% were granted in part, some with only minimal redaction.

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 July. 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

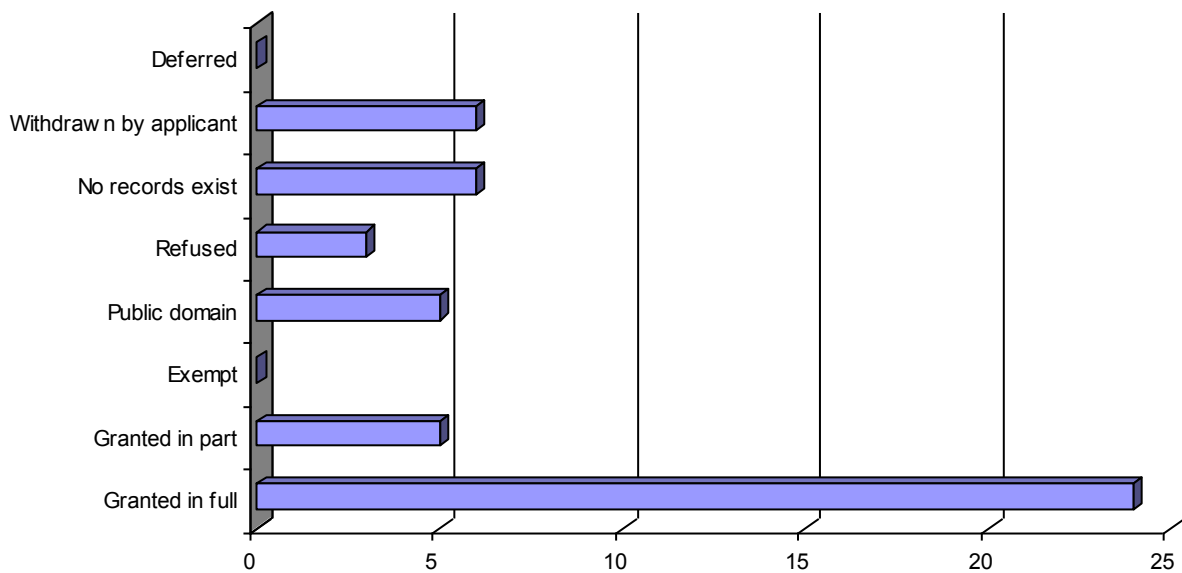
Between July 1, 2009 and July 31, 2009, thirty of the eighty-eight public authorities received a combined total of fifty-eight requests for information under the FOI Law:

<i>PUBLIC AUTHORITY</i>	<i>NO.</i>
Immigration Department	13
Royal Cayman Islands Police Service (RCIPS)	5
Civil Service Portfolio	4
Cayman Islands Monetary Authority (CIMA)	3
Health Services Authority (HSA)	3
Tourism Attraction Board	3
Cayman Turtle Farm (Boatswain's Beach)	2
Children & Family Services Department	2
Public Service Pensions Board (PSPB)	2
Cabinet Office	1
Cayman Islands Airports Authority (CIAA)	1
Cayman Islands National Insurance Company (CINICO)	1
Cayman National Cultural Foundation (CNCF)	1
Children & Youth Services (CAYS) Foundation	1
Civil Aviation Authority (CAA)	1
District Administration Department Cayman Brac	1
Electricity Regulatory Authority (ERA)	1
Employment Relations Department	1
Health Regulatory Services Department	1
Information and Communications Technology Authority (ICTA)	1
Information Commissioner's Office	1
Lands and Survey Department	1
Maritime Authority of the Cayman Islands (MACI)	1
National Drug Council (NDC)	1
National Gallery of the Cayman Islands	1
National Housing Development Trust (NHDT)	1
National Roads Authority (NRA)	1
Prison Service	1
University College of the Cayman Islands	1
Water Authority	1
<i>TOTAL</i>	<i>58</i>

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

### 3 Outcome of Requests

During the month of July, decisions were made by public authorities on 49 individual requests. Of these closed requests, twenty-four were granted in full, five were granted in part, and none were exempt in their entirety. Five applicants requested records available in the public domain, six requests were withdrawn by the applicant, and six other applicants asked for information but the Information Managers determined that their public authority held no records related to that request. Three requests were refused and no requests were deferred during the reporting period.



#### 3.1 Timeline of Requests

Of the 49 requests closed in July, 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 July (excluding those withdrawn by the applicant) was just over 13 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 request that required third party consultation and three requests that missed the deadline, the average response time was 11 calendar days.

### **3.2 Provisions Utilised to Exempt or Refuse Access**

In July, only one exemption was utilised to justify the redaction of information where access to a record was granted in part. The Department of Employment Relations, Health Services Authority, Immigration Department and National Gallery of the Cayman Islands all cited section 23(1) of the FOI Law (unreasonable disclosure of personal information) to justify such redaction.

Three requests were refused by the Cayman Islands Monetary Authority, citing section 3(1)(c) of the FOI Law. This section clearly states that the FOI Law does not apply to records containing information that may not be disclosed under section 50 of the Monetary Authority Law (2004 Revision). This exclusion generally covers the affairs of licensees and information about customers, clients or policyholders of a company or mutual fund managed by CIMA.

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

Some requests made during the month of July 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 Turtle Farm (Boatswain's Beach)* – All audited reports and accounts (including balance sheets and profit and loss accounts) for the ten years 1983/84 to 1993/94.
- Civil Service Portfolio* – A copy of the “Hay Report” completed in October 2006.
- Employment Relations Department* – The number of Caymanians and persons with Caymanian Status, Permanent Residency or right to work that have been placed by DER between 3 January 2009 and 3 June 2009.
- Immigration Department* – As of 30 June 2009, the number of people in the Cayman Islands on government contracts, work permits, temporary work permits, WOL's and other categories maintained by immigration, broken down by nationality and job category.
- National Roads Authority* – The cost of erecting crash barriers along the new East/West Arterial bypass around the area of Melrose Landing.
- Prison Service* – Information from 1986 on compliance with the “No Smoking” directive, and the general position of the Service on the use of legal drugs, illegal drugs, tobacco products and alcohol within or on property and facilities under the control of the Prison Service.

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

In the month of July, there were no internal reviews requested by applicants and logged in JADE, the FOI tracking and monitoring system that follows requests through all life cycles, including internal review, appeal and judicial review.

One new appeal was received by the Information Commissioner's Office (ICO) in July. Three appeals were closed through mediation and one case was heard before the Information Commissioner this same month. Seven cases remain in mediation at the ICO and no formal hearings are in progress as of 31 July 2009. The cases that the ICO has dealt with or is currently dealing with were the result of applicants appealing time extensions, deferrals, inadequate search for records, or withheld records (either entirely or in part).

## **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 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's website, [www.infocomm.ky](http://www.infocomm.ky), also includes the Policies and Procedures for Appeals, an Operational Plan for the First Quarter of 2009, Mediation Summaries and details of upcoming hearings.