



INFORMATION
FREEDOM

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

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

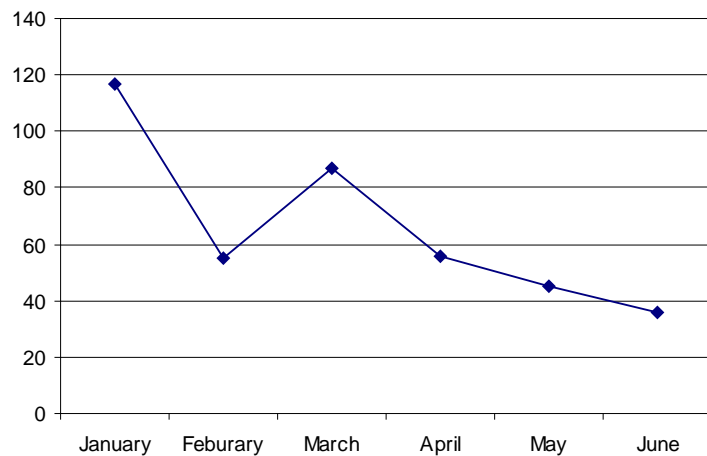
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1 Introduction

The Freedom of Information (FOI) Law 2007 was brought into effect on January 5th 2009. This is the sixth monthly statistical report issued by the FOI Unit summarising the number of requests received by public authorities and decisions made during June. This introduction also seeks to briefly analyse the first six months of FOI in terms of broader trends and overall results.

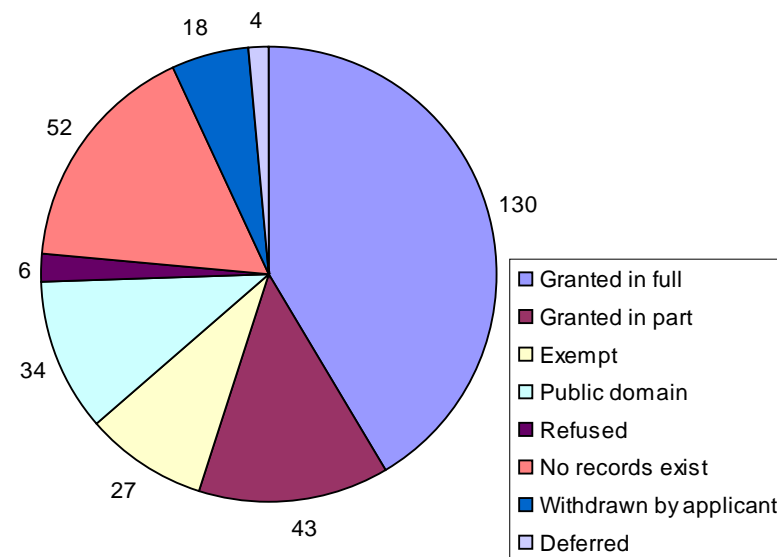
The number of requests submitted to public authorities has dropped once again in the month of June, from a high of 117 in January to 36 new requests this past month.

However, statistics are showing a great deal of success in granting access to records. In these first six months, 314 requests from the public



have been closed and 69% of resolvable applications processed will receive all records that they

requested. After discounting the 18 withdrawn requests and 52 requests where no records were found to exist in relation to the application, 53% of the remaining requests were granted fully, 14% were already in the public domain, and 2% 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.



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 June. 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 June 1, 2009 and June 30, 2009, seventeen of the eighty-eight public authorities received a combined total of thirty-six requests for information under the FOI Law:

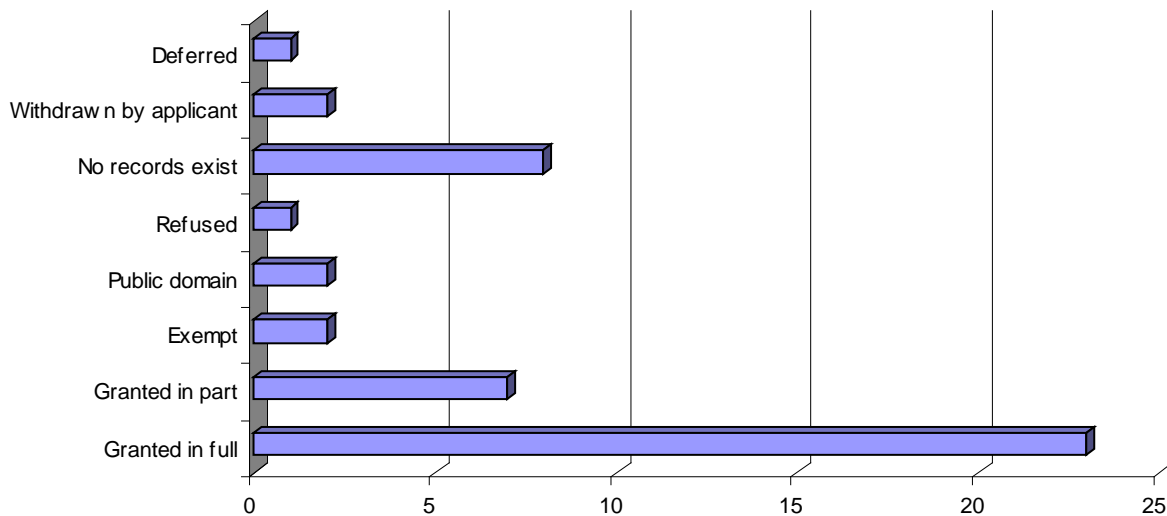
| <i>PUBLIC AUTHORITY</i> | <i>NO.</i> |
|---|------------|
| Agriculture Department | 1 |
| Cabinet Office | 1 |
| Cayman Islands Monetary Authority (CIMA) | 2 |
| Communications, Works & Infrastructure Ministry | 1 |
| Customs Department | 1 |
| Education Services Department | 1 |
| Education, Training, Employment, Youth, Sports & Culture Ministry | 1 |
| Employment Relations Department | 1 |
| Health Services Authority (HSA) | 1 |
| Immigration Department | 10 |
| Internal & External Affairs Portfolio | 4 |
| Judicial Administration | 1 |
| Planning Department | 5 |
| Public Service Pensions Board (PSPB) | 1 |
| Royal Cayman Islands Police Service (RCIPS) | 3 |
| Vehicle and Drivers' Licensing Department | 1 |
| Water Authority | 1 |
| <i>TOTAL</i> | <i>36</i> |

To date, three hundred and ninety-six requests for information have been submitted to Cayman Islands public authorities under the Freedom of Information Law.

Thirty of the eighty-eight public authorities have not received any FOI requests since January 2009.

3 Outcome of Requests

During the month of June, decisions were made by public authorities on 46 individual requests. Of these closed requests, twenty three were granted in full, seven were granted in part, and two were exempt in their entirety. Two applicants requested records available in the public domain, two requests were withdrawn by the applicant, and eight other applicants asked for information but the Information Managers determined that their public authority held no records related to that request. One request was refused and one request was deferred during the reporting period.



3.1 Timeline of Requests

Of the 46 requests closed in June, 9 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 3 additional applicants did not receive a decision within 30 calendar days, these responses were within legal boundaries. In each case, the decision was made after more than 30 days due to required consultation with third parties whose personal information was being released. For further information and a detailed explanation of the multiple reasons why an Information Manager may legally take more than 30 calendar days to respond to a request after it is submitted, please see the April 2009 Report on Implementation on the FOI Unit's website.

The average response time for all requests closed in June was just under 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 requests that required third party consultation the average response time was just over 21 calendar days, and it was less than 14 calendar days for requests that fell within legal time limits.

3.2 Provisions Utilised to Exempt or Refuse Access

In June, 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(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 (Royal Cayman Islands Police Service);
- ❖ Section 21(1)(a)(ii) – disclosure of the record would reveal information of a commercial value, which value would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed (Planning Department);
- ❖ Section 21(1)(b) – the record contains information concerning the commercial interests of any person or organisation and the disclosure of that information would prejudice those interests (Health Services Authority);
- ❖ Section 23(1) – unreasonable disclosure of personal information (Department of Employment Relations, Department of Environmental Health, Portfolio of Finance & Economics, Health Services Authority, Immigration Department);

One request was refused by the Planning Department, citing section 9(c) of the FOI Law. Under section 9(c), a public authority is not required to respond to a request if compliance would unreasonably divert its resources. The Information Manager first invited the applicant to narrow the scope of the request to a manageable size, but when this was not done the request was refused.

One request was deferred by the Royal Cayman Islands Police Service under section 11(2) (b) of the FOI Law because the record was prepared for presentation to the Legislative Assembly and has yet to be tabled. Disclosure to the general public will occur in the near future, at which point the applicant will be informed and receive a copy as requested.

4 Popular Requests and General FOI Applications of Interest

During the month of June, the Immigration Department received 10 requests and the Planning Department received 5, the top two of all public authorities during that time period. Some requests made during the month 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):

- *Customs Department* – The number of officers and dogs in the K-9 unit, the cost and procedure for acquiring and training the dogs, qualifications and training of the K-9 officers, the number of times the K-9 unit was deployed in the last 6 months and a copy of the K-9 Policy.
- *Health Services Authority* – Statistics on teenage pregnancy in the Cayman Islands.
- *Immigration Department* – A list of all companies licensed to provide security systems and/or security services in the Cayman Islands.
- *Internal & External Affairs Portfolio* – All expenditures made for Operation Tempura and Operation Cealt between 4 September 2007 and 5 June 2009 including, but not limited to, salaries, housing, meals, transportation and other incidentals for investigators working on this project.
- *Internal & External Affairs Portfolio* – Exactly what Members of the Legislative Assembly are able to claim as legitimate expenses, which are paid for by the government.
- *Vehicle and Drivers' Licensing Department* – The criteria to be met in assessing a vehicle for its annual inspection.

5 Internal Reviews and Appeals to the Information Commissioner

One applicant applied for internal review to the Portfolio of Finance and Economics in June. In the same month, 7 new appeals were received by the Information Commissioner's Office (ICO) and five cases were closed. As of 30 June 2009, the ICO had closed six appeals through mediation and nine appeals were in active mediation. A further five appeals had been sent back to the relevant public authorities for internal review, as this crucial step had been overlooked by the applicant, and one case was pending formal hearing. The 16 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 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 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, also includes the Policies and Procedures for Appeals, an Operational Plan for the First Quarter of 2009, Mediation Summaries and details of upcoming hearings.