



INFORMATION
FREEDOM

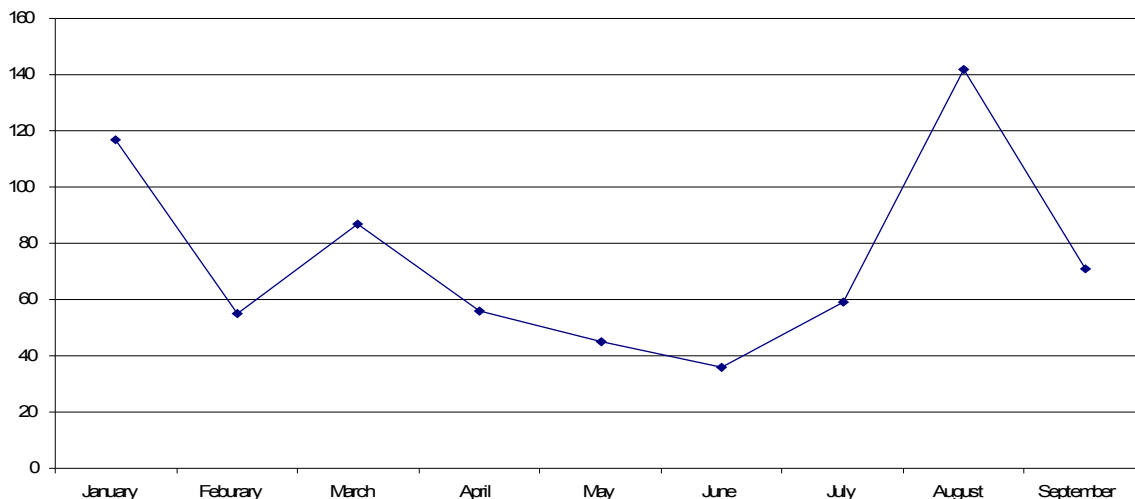
**Freedom of Information Unit
Report on Implementation
September 2009**

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

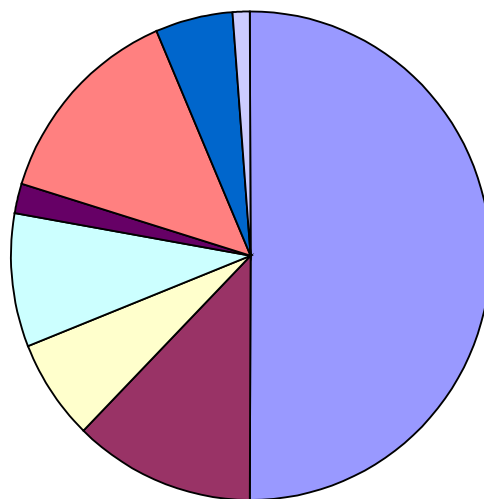
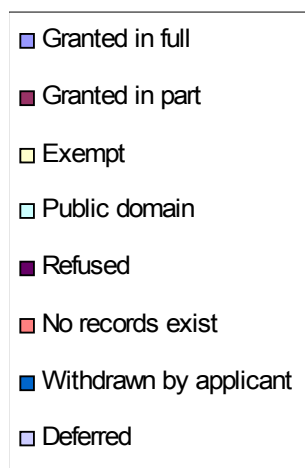
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1 Introduction

The FOI Law 2007 was brought into effect January 5, 2009. Seventy-one new applications were received in the month of September, for a total of six hundred and sixty-eight requests received since January.



In total, 508 requests from the public have been closed by public authorities, and 74% of resolvable applications that have been processed will receive all records that they requested.



After discounting the 27 withdrawn requests and 71 requests where no records were found to exist in relation to the application, 62% of the remaining requests were granted fully, 11% were already in the public domain, and 1% were deferred (i.e. full access will be granted at a defined later date). A further 15% of requests 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 September. 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. These numbers may be subject to minor changes at a later date.

2 Requests Made to Each Public Authority

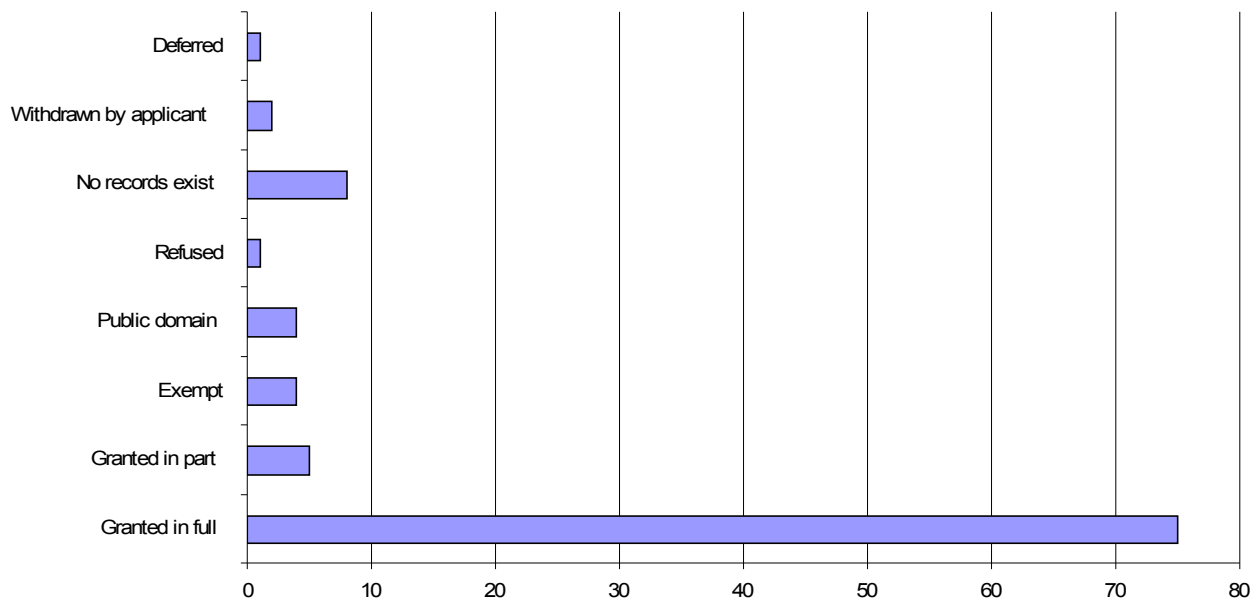
Between September 1, 2009 and September 31, 2009, thirty-two of the eighty-eight public authorities received a combined total of seventy-one requests for information under the FOI Law:

<i>PUBLIC AUTHORITY</i>	<i>NO.</i>
Cabinet Office	2
Cayman Islands Monetary Authority (CIMA)	1
Cayman Islands National Insurance Company (CINICO)	1
Cayman Islands Stock Exchange Authority	1
Cayman National Cultural Foundation (CNCF)	1
Cayman Turtle Farm (Boatswain's Beach)	1
Civil Service Portfolio	4
District Administration, Works & Gender Affairs Ministry	1
Economics and Statistics Office (ESO)	1
Education Services Department	1
Education, Training & Employment Ministry	1
Electricity Regulatory Authority (ERA)	2
Finance & Economics Portfolio	4
Financial Services, Tourism & Development Ministry	1
Health Services Authority (HSA)	3
Immigration Department	12
Information Commissioner's Office (ICO)	2
Lands and Survey Department	1
Maritime Authority of the Cayman Islands (MACI)	3
National Drug Council (NDC)	1
National Gallery of the Cayman Islands	2
National Housing Development Trust (NHDT)	1
National Roads Authority (NRA)	2
Planning Department	1
Port Authority	2
Prison Service	1
Public Service Pensions Board (PSPB)	2
Royal Cayman Islands Police Service (RCIPS)	8
Tax Information Authority (TIA)	1
University College of the Cayman Islands (UCCI)	5
Vehicle and Drivers' Licensing Department	1
Water Authority	1
<i>TOTAL</i>	<i>71</i>

To date, six hundred and sixty-eight requests for information have been submitted to various Cayman Islands public authorities under the Freedom of Information Law, 2007.

3 Outcome of Requests

During the month of September, decisions were made by public authorities on 100 individual requests. Of these closed requests, 75 were granted in full, 5 were granted in part, and 4 were exempt in their entirety. 4 applicants requested records available in the public domain, 2 requests were withdrawn by the applicant, and 8 other applicants asked for information but the Information Managers determined that their public authority held no records related to that request. 1 request was refused and 1 request was deferred in full during the reporting period.



3.1 Timeline of Requests

Of the 100 requests closed in September, ten 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 eight additional applicants did not receive a decision within 30 calendar days, these responses were within legal boundaries. Six decisions were made after more than 30 days due to required consultation with third parties whose personal information was being released, and two were over 30 days because the Information Manager thought it reasonable to take an additional 30 calendar day extension allowed for in section 7(2) of the FOI Law.

The average response time for all requests closed in September (excluding the two withdrawn by the applicant) was 24 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 requests that required third party consultation, requests with extended timelines, and requests that missed the deadline, the average response time was 17.7 calendar days.

3.2 Provisions Utilised to Exempt or Refuse Access

In September, the following exemptions were utilised by various public authorities 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 (University College of the Cayman Islands);
- ❖ 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 (Immigration Department, Royal Cayman Islands Police Service);
- ❖ Section 19(b) – the record contains a record of consultations or deliberations arising in the course of proceedings of the Cabinet or a committee thereof (Cabinet Office); and
- ❖ Section 23(1) – unreasonable disclosure of personal information (Department of Immigration, Information Commissioner’s Office, Planning Department);

One additional request was granted in part, but not due to redaction of information within relevant records. Instead, the Ministry of Community Affairs and Housing granted one application in part by providing some of the documents to the applicant, but deferred the remainder of the information under section 11(2)(b) of the FOI Law. This decision was made by the Information Manager because the relevant records were prepared for presentation to the Legislative Assembly, and will be made publicly available after being tabled. The applicant will receive a copy of the remaining records at that point.

The Department of Immigration refused one request under section 9(c) of the FOI Law because it would have resulted in an unreasonable diversion of the resources of that public authority to comply with the entirety of the application. As required by law, the Information Manager first invited the applicant to narrow the scope of the request to a manageable size, but when the applicant was unable to do so the Information Manager decided to refuse the request.

4 Popular Requests and General FOI Applications of Interest

Some requests made during the month of September 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):

- *Cabinet Office* – All funding approved by Cabinet, listed in specific amounts for each individual project or expense, between 1 and 20 May 2009, including information about what the money was spent on.
- *Cayman Turtle Farm (Boatswain's Beach)* – Total cumulative losses for the Turtle Farm, broken down into operating losses and total interest payments, together with the balance owing on any loans.
- *Civil Service Portfolio* – If a “soft” hiring freeze is in effect and only key positions are being filled, what criteria are being used to determine whether positions are “key.”
- *Finance & Economics Portfolio* – Receivables outstanding, sorted by government departments, statutory authorities, ministries and companies; the types of arrears; the period the arrears have been outstanding; and the proposed collection activities with budgeted anticipated results.
- *Immigration Department* – The in-transit passenger movements made through the Owen Roberts International Airport in 2008, both incoming and outgoing; and confirmation of whether or not in-transit figures are included in the air arrival figures posted by the Department of Tourism.
- *Information Commissioner's Office* – The duties, exact salaries and qualifications of all employees, and the amount of money spent on advertising and publications to date.
- *National Roads Authority* – All quarries currently used; all quarries used in the past ten years; and the annual cost to the NRA of materials gleaned from all quarries each year for the past ten years.
- *Royal Cayman Islands Police Service* – The number of firearms that have been legally imported into the Cayman Islands since 1 January 2004; the number of people convicted under the Firearms (Amendment) Bill 2005; the number of firearms-related homicides since 1 January 2004; the number of firearms-related crimes in total since 1 January 2004; the number of firearms applications since 1 January 2004; and the number of rejected firearms applications since 1 January 2004.
- *Royal Cayman Islands Police Service* – The number of juvenile crimes over the last five years.
- *University College of the Cayman Islands* – A list of the minimum requirements needed to teach at UCCI and the degrees attained by each professor, including the name of the university.

5 Internal Reviews and Appeals to the Information Commissioner

In the month of September, one internal review was logged in JADE, the FOI tracking and monitoring system that follows requests through all life cycles, including internal review. The applicant requested an internal review of the decision to defer an application made to the National Drug Council, and the Chief Officer overturned the original decision by the Information Manager and released the records in full.

No new appeals were received by the Information Commissioner's Office (ICO) in September. One appeal was closed through mediation and no cases were heard during that same month. Five cases remain in mediation and no formal hearings are in progress as of 30 September 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).

New mediation appeal cases received	0
Mediation appeal cases closed	1
Cases pending Hearing before Commissioner	0
Cases heard before Commissioner	0
Mediation appeal cases in progress	5
Files referred back to the public authority	2

Most of these appeals went through the internal review process before they were referred to the ICO. Two applicants who contacted the ICO in September because they were dissatisfied with the decision on their request were referred back to the original public authority for an internal review by the Chief Officer.

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 on the Second Floor of Building D, 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 recording requests 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 using the 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 own website.

To learn more about the ICO, including how to make an appeal, please contact them at (345) 747-5402 or info@infocomm.ky. The ICO's website, www.infocomm.ky, also includes Policies and Procedures for Appeals, Quarterly Operational Plans, Mediation Summaries and details of upcoming hearings.