

Statement by Hon D. Kurt Tibbetts, JP
Leader of Government Business
Freedom of Information Briefings
Wednesday July 9, 2008

Salutations

Ladies and gentlemen, let me begin by thanking you for attending today and for your strong interest and continued commitment to fostering greater accountability and transparency in Government through the Freedom of Information (FOI) initiative.

I'd like to offer a special welcome to Commonwealth Human Rights Initiative representative Ms. Sohini Paul for traveling all the way from India to participate in today's briefing session. Thanks also to CHRI for their ongoing legal and technical review and support from the very beginning in looking and commenting on our draft FOI law and regulations.

This in fact gives me an opportunity to blow our own horn just a bit as Government has received a number of accolades from various bodies, such as the CHRI and the Commonwealth Parliamentary Association for our commitment in engaging the public and civil society in the FOI process. We continue to reach out to the public and publish our meeting minutes, draft guidelines and regulations online to encourage feedback. We believe this is an example of good governance.

The theme for this Retreat is “**6 MONTHS UNTIL FULL IMPLEMENTATION**” and now is the time for us to focus on how we’ll achieve this target with your full commitment and support. Just to remind everyone – we started the process (not un-similar to the constitutional modernization process) in 2005 by publishing a draft FOI law and launched an extensive education and awareness campaign throughout the district in all three islands. We then set up an FOI Working Group to consider all the feedback received and to formulate recommendations for revision to the draft.

A number of improvements were made to the draft legislation as a result and they are reflected in the FOI law which was approved in 2007 and provides people with a fundamental right to government information.

One of the key recommendations made by the FOI Working Group was the establishment of an in-house office to help guide our readiness for this new era of greater openness. The FOI Unit office was officially opened in May 2007 to coincide with the first Sunshine Week celebrations. At the time a representative from the Carter Center praised us for establishing the FOI Unit and for the ongoing maintenance and awareness campaign we’ve developed as the lack of such a campaign had been identified as a major impediment to successful implementation in many other jurisdictions.

Freedom of Information is a government wide initiative and requires support from the highest level of Government right through Heads of Department, Information Managers and Records Officers. In order to be inclusive we established the FOI Steering Committee with representatives from all Ministries and Portfolios. This Committee makes regular reports to the Cabinet on progress in implementation, risks and mitigation measures.

The main Committee has various sub committees which deal with key areas of responsibility such as implementation planning, information technology and records management and training. I would like to mention here that we tried our best to utilize in-house resources as much as possible. For example, we decided to ask Computer Services to design the IT programmes that we'll utilize for logging FOI requests, tracking and fulfillment as well as generating reports to monitor and measure our success. I understand that this system is well on track to be completed.

Another key aspect of the FOI regime is the statutory establishment of a formal appeals structure in the form of an Information Commissioner who will have authority to investigate issues and order the release of information. The law provides for the independence of the Commissioner who will report to the Legislative Assembly.

I recently tabled the Information Commissioner regulations which sets the stage for this key appointment which will now commence in earnest. We have decided to utilize a very public and participatory

process for this appointment which provides for public nominations to be made for the post; the publication of the shortlisted applicants; as well for members of the public to form part of the selection committee.

An office location has been identified and a Service Level Agreement signed with Public Works to make the office space ready for occupancy as soon as possible. Office equipment and computers have already been purchased and the Portfolio of the Civil Service is currently evaluating the support staff job descriptions.

Our target date for full implementation is 1st January 2009 and on that date we'll bring the FOI law into effect – bringing statutory authority to requirements and obligations. With this timeline drawing near, Civil servants' knowledge and participation is critical. Once the law is in effect there is a legal duty to provide requested information within a certain timeframe unless Government can demonstrate the information is exempt from disclosure under the law.

Guidance manuals for Information Managers and detailed regulations have been drafted and a tremendous amount of work has already been completed. Training for Information Managers has begun and sensitization sessions have been carried out by the FOI Unit with more to take place as we move closer to the implementation date.

The law encourages proactive disclosure of information, which will help keep the public informed as well as hopefully minimize the need

for appeals to be made. Publication of additional information from each public authority is to begin by the end of July this year.

I sincerely hope that this new culture of openness that we are encouraging with the Freedom of Information legislation will become the operating norm for Government. Throughout this process we've driven change from the top down to ensure successful implementation. The political support shown by my fellow Ministers and the other members of Cabinet has been paramount in getting this initiative underway and is one in which I am extremely proud.

I thank you for your help in the successful implementation of Freedom of Information. I believe this is something the people of the country deserve and all of you will have done your part to make it happen.