



FOI Sensitisation  
Boards and Committees



Marriott Resort Grand Cayman  
Tuesday 18th November, 2008  
8:30am-12:30pm

## OPENING REMARKS

By  
**Mr. Dalkeith Bothwell**  
Chairman, Central Planning Authority

Freedom Of Information Coordinator Mrs. Carole Excell, FOI Policy Analyst Ms. Natasha Bodden, fellow Chairs and members of Authorities, Boards and Committees, It is indeed an honour and a privilege to have been asked to deliver the opening remarks for this unique occasion. We are here for the first time as a group to learn more about the **Freedom of Information initiative**, and to see how it may impact our operations. As a bonus, we will also hear about our rights as citizens under the FOI Law.

Freedom of Information ushers in a **new relationship paradigm between the Government and members of the public**. It will take administrative, operational, as well as mental shifts in thinking of civil servants, Boards and Authorities to effect the actual and spirit of openness promoted by the FOI Law.

In this regard the Hon. D. Kurt Tibbetts, Leader of Government Business stated the following:

*“Freedom of information legislation is based on a culture of transparency and openness. It can only flourish in an environment in which civil servants are empowered to carry out their obligations.”*

At the forefront of preparing stakeholders for necessary changes is **FOI Coordinator** Mrs. Carole Excell. Let me take this opportunity to thank Mrs. Excell and her excellent team – pun intended - for the assistance rendered thus far to our Public Authority - the Planning Department.

If I may say, the amount of work done by the FOI Unit in preparation for implementation of the law is nothing short of incredible. Among other matters, the **Unit has sensitized and/or trained many groups of stakeholders**, including Information Managers, thousands of civil servants, statutory authority staff members, heads of departments, Chief Officers and elected representatives. Due to the volume of work done in such a short time... I wonder if Mrs. Excell now believes in cloning?

Now let me take a minute to brief you on **my experience thus far with FOI** as Chairman of the Central Planning Authority. The CPA is grateful that its Executive Secretary and **Director of Planning** Mr. Kenneth Ebanks has taken a proactive approach in ensuring that the Planning Department's Boards and Authorities are in the loop FOI-wise.

Accordingly, the Department's Assistant Director for Strategic Planning and **Information Manager** – Mr. Robert Lewis – has done FOI sensitization sessions with the Central Planning Authority, Development Control Board, Electrical Board of Examiners and staff members. Additionally, Mr. Lewis facilitated another presentation on the potential implications of FOI to the Department's Boards and

Authority. We are grateful to both Mr. Ebanks and Mr. Lewis for their leadership and initiative on FOI matters.

I would also like to **thank fellow Authority and Board members** for their keen reception of the positive implications of FOI.

The **objects of the FOI Law** are to reinforce fundamental principles underlying the system of constitutional democracy, namely:

- a) governmental accountability;
- b) transparency; and
- c) public participation in national decision-making.

The passage of the FOI Law in 2007 is a reflection of Government's commitment to **open, transparent, honest and efficient public administration**, as expressed in the Government's Strategic Policy Statement. As we shall see, these are not just fancy rhetoric.

Before concluding my remarks, I would like to leave you with food for thought regarding **public meetings**, working with the FOI Law and initiatives complimentary to FOI.

First, whether a Board or Authority holds **public or partial public meetings** is not mandated by the FOI Law. However, based on the aforementioned objects of the Law, policy makers in consultation with Boards and Authorities may wish to

consider whether, or to what extent to go public. We expect to be provided with more details on this subject today so that we can make informed opinions.

Second, the implementation of the FOI Law, like any new law – despite the best efforts of all involved – may have teething issues. May I suggest that as we become more familiar with the Law, and in particular how it affects us as citizens and members of authorities and boards, that we in due course make **recommendations for amendments** to it and – where necessary – other laws that appear to conflict with it? This effort can be aided by informal or formal networking of Chairs and members of authorities and boards via e-mail, etc.

Finally, while we are here because of FOI, may I suggest that, as appointed stewards of the public interest, we use this opportunity to look beyond the specific requirements of FOI. I respectfully submit that we are appointed to enhance good governance through implementing relevant laws, regulations, policies and procedures in the public interest. In promoting governmental accountability, transparency and public participation in national decision-making, we may consider implementing initiatives that fall outside the specific requirements of FOI, but compliment its goals.

Here is an example of a policy initiative not particularly required by FOI, but compliments it. Under my watch the Central Planning Authority adopted and implemented a conflict of interest policy. The benefits of this policy include:

- *that CPA **deliberations and decisions are done in a reasonable and fair manner** to all parties (i.e. applicant and objector) without undue personal bias;*

- *that the CPA is respected for **maintaining high standards of integrity** in its deliberation and decision making processes; and*
- *to reduce the likelihood of a CPA decision being overturned on **appeal** on the grounds of “unreasonableness” or “contrary to the principles of natural justice.”*

As a side note, the Development Control Board for the Sister Islands is also considering formally adopting a similar policy.

In conclusion, I personally believe that **FOI enhances good governance**. On behalf of the Central Planning Authority, I commend the Government of the day for implementing FOI, and I pledge full support to the Planning Department’s efforts and obligations under the FOI Law.

Today, like you, I look forward to learning more about FOI.

**Thank you.**