

MODEL ACTION PLAN FOR PUBLIC AUTHORITIES TO IMPLEMENT THE CAYMAN ISLAND FREEDOM OF INFORMATION LAW ¹

1. Introduction

The Cayman Island Freedom of Information Law is proposed to be brought fully into force by the Governor on 1 January 2009. Successful implementation requires efficient use of the planning time available. The **purpose** of this model Action Plan is to provide guidance to effect coordination within every government public authority (i.e. Ministry/Portfolio/Department/Government Company/Statutory Authority) to ensure effective and timely implementation of the FOI Law.

2. Background

The Freedom of Information Law 2007 creates significant new rights of access to recorded information held by Public Authorities in the Cayman Islands. The FOI Law will apply to approximately 90 Public Authorities, which are defined in the Law as ²:

- A ministry, portfolio or department.
- A statutory body or authority, whether incorporated or not.
- A government company which is wholly owned by the Government or in which the Government has more than 50% shares.
- Any other body or organisation specified in an Order approved from time to time by the Governor.

The FOI Law is a major step forward in terms of openness and accountability. Successful implementation of the Law will enable Authorities to serve their customers, stakeholders and the wider public more effectively and to build increasing levels of trust in the way all responsibilities are carried out. To attain this high standard, each staff member should acknowledge that he or she is a “steward” of public information to which the public has certain rights of access.

Preparation for introduction of the FOI Law across the range of Public Authorities is a complex project that requires detailed project management. The FOI Unit has been set up, as part of the Cabinet Office, to provide technical guidance on implementation. The FOI Steering Committee (FOISC), with representation from all Ministries and Portfolios, has been established to oversee planning for implementation and to monitor progress. The FOISC, which reports to the Cabinet Secretary, has a number of technical sub-committees to assist with detailed planning and monitoring. The following sub-committees have been established – Implementation Planning, Training and Records Management, Legal, Public Awareness, and Communication and Information Technology.

The Freedom of Information Law creates two general rights in relation to information. The first is the right to be told by the Public Authority whether or not access will be granted or refused to the information requested; and the second is the right to be given a decision within 30 calendar days. There is no requirement in the Law for the person to state that they are making a Freedom of Information request.

There is also a duty on all Public Authorities to adopt and maintain a Publication Scheme which details their services, functions, policies, decision-making processes and information held. Publication Schemes must indicate how to access published information and how charges will be applied. This information will be made available to the public without a Freedom of Information Request. Where documents are already in the public domain, no Freedom of Information request is required.

During 2008 an Information Commissioner will be appointed. This office has wide powers to enforce the rights contained in the Law.

The Law represents a major shift in the way Public Authorities are to deal with requests for information, and it will bring about a significant change to the culture of dealing with such requests, and of handling information generally. Successfully preparing for implementation of the FOI Law will require all the time available until January 2009. It is recognised that there is a large amount of preparatory work. In order to properly prepare, each Public Authority requires an action plan to assist with disseminating best practice, coordinating activities and achieving a structured introduction of the Law.

Explanatory notes:

1. This Model Action Plan is designed for Ministries/Portfolios and Public Authorities as a recommended template to follow in order to coordinate, and where appropriate delegate, actions to assist in meeting the requirements of the FOI Law. The Model is designed so that Public Authorities can amend, delete or adapt as required. Explanatory Notes should be deleted from the approved version of the plan.
2. The Action Plan is laid out for the strategic level of the organisation (e.g. Ministry/Portfolio) to complete Section 4 (to help effect coordination between departments) with the remainder of the document to be completed by Public Authorities. Please note (i) the definition of Public Authority in the above Background section, and (ii) that core Ministries/Portfolios are also Public Authorities in their own right.

FOI ACTION PLAN TEMPLATE

Strategic Guidelines (e.g. Ministry/Portfolio) ¹

3. **Scope.** The Public Authorities covered by these strategic guidelines are: ²
- *(insert names of public authorities - verify list of public authorities with the FOI Unit)*

4. **Leadership and Policy**

Objective: To ensure that the Ministry/Portfolio of has the necessary leadership in place and oversight to coordinate preparation for successful implementation of the FOI Law.

Activity	Responsible Person	Completion Timeframe	Staff involved & actions required. Identify resourcing requirements.
Appoint a person in the Ministry/Portfolio to lead the process of completing Action Plan(s) and ensuring implementation within all agencies under the Ministry ³		19 October 2007	
Appoint a project team to assist (as necessary)			
Identify any pooling of staff and physical resources ⁴			
Coordinate departmental Action Plans, setting internal milestones and reporting requirements as necessary ⁵		12 January 2008	

Explanatory notes:

1. Sections 3 and 4 are for the strategic level of the organisation and should be completed by a senior level Manager, on behalf of the CO/CEO.
2. Clarify here which Public Authorities are covered by these strategic guidelines (e.g. a list of Public Authorities could be all the departments of a Ministry/Portfolio). Statutory bodies or authorities and government companies could also use Sections 3 and 4 to provide strategic guidance to their organisations.
3. The senior/strategic level manager needs to be identified in time to attend the Public Authority Heads briefings (during the period 22nd – 31st October 2007). This person should have a key role in coordinating the efficient use of internal FOI staff and resources.
4. There may be good reasons for Public Authorities (in particular Ministries and Portfolios) to pool department FOI resources e.g. it may be sensible for small departments/units to develop joint arrangements or work in association with the Ministry/Portfolio. Also, Public Authorities should consider contingency planning for times when their FOI staff are away from work (e.g. on leave or sick) and in the event of unexpected FOI request overload. As a contingency plan, pooling of staff is a solution. Arrangements for pooling of staff or contingencies should be formally documented.
5. It is recommended that Ministries/Portfolios ensure their departments' Action Plans are coordinated to achieve efficiencies and to develop centres of staff expertise.

Public Authority Plan ¹

5. Staffing & Planning

Objective: To ensure that Public Authority has the necessary leadership, resourcing and planning in place to properly prepare for successful implementation of the FOI Law.

Activity	Responsible Person	Completion Timeframe	Staff involved & actions required. Identify resourcing requirements.
Appoint an Information Manager & Records Officer(s) ² <ul style="list-style-type: none"> • Designate (if necessary) to act as the Information Manager/ Records Officer • Formally appoint 		31 October 2007 29 February 2008	
Appoint a project team leader and project team to complete and implement this Action Plan ³			
Complete the Baseline Assessment and submit to FOI Unit ⁴		14 December 2007	
Identify any pooling of staff and physical resources ⁵			
Develop contingency arrangements in the event of FOI request overload and staff absences ⁶			

Explanatory notes:

1. The remainder of the template is for Public Authorities to complete. As previously indicated, note (i) the definition of Public Authority in the above Background section, and (ii) that core Ministries/Portfolios are also Public Authorities in their own right.
2. The intent is for each Public Authority to identify the Information Manager as early as possible. The appointments should be at least provisionally identified by 31 October 2007.
3. Ideally the project team leader would be the Information Manager.
4. A Baseline Assessment template will be provided. It is designed to assist you to identify staffing, physical and process requirements, as well as any special challenges you may need to face, and will help in developing your Action Plan.
5. As indicated in Section 4 above, there may be good reasons for a number of Public Authorities to pool FOI resources e.g. it may be sensible for small agencies to develop joint arrangements.
6. Public Authorities must consider contingency planning for times when their FOI staff are away from work (e.g. on leave or sick) and in the event of unexpected FOI request overload. One solution is to pool FOI staff (either permanently or temporarily).

6. Training & sensitisation

Objective: *To ensure that Public Authority staff are trained to levels appropriate to their responsibilities to respond to requests for information, and that all staff are aware of their obligations contained in the FOI Law.*

Activity	Responsible Person	Completion Timeframe	Staff involved & actions required. Identify resourcing requirements.
Arrange with the FOI Unit for the Information Manager (and Records Officers, as required) to be trained as per the FOI training schedule ¹		Nominate no later than 29 Feb 2008	
Nominate Records Officers (and Information Managers, as required) for Records Management training, in accordance with the CINA training schedule ²			
Arrange with the FOI Unit, general FOI sensitisation for public authority staff ³		Available from 1 November 2007	
Identify customer-facing staff for customer service training. This training to be done by your Information Manager (with the assistance of the FOI Unit) ⁴			
Arrange staff to undertake training in the use of FOI IT systems (e.g. the request tracking system) ⁵			

Explanatory notes:

1. Formal FOI training for Information Managers occurs between 7 April and 30 May 2008. Note that Records Officers need some FOI training but not at the same level as Information Managers.
2. Effective records management systems are critical for implementation of the FOI Law. CINA records management training is designed for staff in Records Officers roles. Information Managers also need a sound understanding of records management and the appropriate level of training.
3. This is a general "FOI awareness" package presented by FOI Unit staff to Public Authority staff. It is recommended that the awareness training is completed between 1 November 2007 and 7 April 2008. Public Authorities should provide a suitable room for the presentation and coordinate with the FOI Unit regarding date and time.
4. This is a package that is designed for Information Managers to present (with some support from the FOI Unit) to customer-facing staff in Public Authorities. It is recommended that this training is done between 19 August and 31 October 2008 (near to the 1 January 2009 implementation date).
5. Information Managers will require training on the use of the system, once it is developed by Computer Services.

7. Information & Records Management

Objective: *To establish information management systems and practices that will allow Public Authority to know what information it holds and where it is, to be able to retrieve and distribute information and respond to information requests in a timely and efficient way.*

A number of formal records management provisions are contained in the National Archive & Public Records Law, 2007.

Activity ¹	Responsible Person	Completion Timeframe	Staff involved & actions required. Identify resourcing requirements.
Complete a Records Survey in accordance with Records Management standards issued by CINA		18 August 2008	
Develop a File Plan in accordance with Records Management standards issued by CINA, for approval by the Records Advisory Committee			
Develop a Disposal Schedule in accordance with Records Management standards issued by CINA, for approval by the Records Advisory Committee ²			
Adopt the FOI Code of Practice on records management ³			
Identify any third party information that may be held ⁴			

Explanatory notes:

1. CINA records management courses provide appropriate training in relation to the first three activities listed.
2. Records Management Standards are issued by CINA under the National Archive Law, 2007. Draft Disposal Schedules should be submitted to CINA and the Records Advisory Committee, under Sections 5 and 6 of the same law.
3. The FOI Code of Practice is currently in draft form and formalisation is expected by 1 February 2008.
4. Public Authorities should identify information that they hold that they have received from private organisations or companies and the terms under which the information is held. Public Authorities should review the contractual arrangements under which this information is held.

8. Systems & Procedures

Objectives:

- b. To ensure that the Public Authority has a comprehensive Publication Scheme for access by the public.**
- c. To ensure that the Public Authority systems and procedures for handling, responding to and monitoring requests comply with the duties and obligations contained in the FOI Law.**

Activity	Responsible Person	Completion Timeframe	Staff involved & actions required. Identify resourcing requirements.
Develop an action plan for any special requirements to implement FOI that are applicable to your Public Authority ¹		12 January 2008	
Develop and implement a provisional Publication Scheme for the Authority ²		27 October 2008	
For certain Public Authorities, develop internal FOI protocols and procedures specific to the organisation for the release of information under the FOI Law ³		27 October 2008	
Complete test run of new FOI systems & procedures ⁴		27 November 2008	
Ensure Public Authority staff are aware of FOI protocols and procedures and how they will affect them ⁵		27 November 2008	

Explanatory notes:

1. The Baseline Assessment provides an approach to assessing special requirements or special challenges that will be faced by Public Authorities in applying the FOI Law. Special requirements are those issues outside the norm which are identified because of technical or procedural complexity and need to be treated in a special way by the Public Authority.
2. The Publication Scheme provides information about the Public Authority for the public. For ready access, this information should be posted on the Public Authority's website and should also be available in hardcopy. The FOI Law allows until January 2010 for formalisation of the Publication Scheme, however as the information provided in the Scheme may well influence the nature and volume of information requested, it is advisable to have a provisional Publication Scheme in place by the 1 January 2009 implementation date.
3. These internal procedures relate to specific Public Authorities which have legislation that provide separate provisions on the release, or restriction on release, of information by law or which want to provide access to information outside of FOI by making information available for purchase or under separate administrative arrangements.
4. The month of November 2008 should be devoted to Public Authorities testing their FOI processes and documentation and, if needed, making final adjustments. Public Authorities should appoint an independent person to 'walk' several information requests through the system, as a quality check.
5. Staff need to be aware of how they will be affected by the FOI Law, the detail of their responsibilities and where they fit into the FOI processes. Public Authorities should use the testing period to do final familiarisation for their staff.

9. Budgeting

Objective: To ensure that Public Authority has accounted for the necessary budgetary requirements to successfully implement the FOI Law.

Item	2007/08 Budget (\$)	2008/09 Budget (\$)
<u>Personnel Costs</u> ¹ Salaries & Allowances		
<u>Operating Expenses</u> ² Supplies & materials <ul style="list-style-type: none"> • Computer & communication supplies • Office supplies – consumables • Printing • Reproduction reports/plans • Postal supplies • Miscellaneous supplies • etc Utilities <ul style="list-style-type: none"> • Telephone costs • Facsimile costs • etc Other operating & maintenance expenses <ul style="list-style-type: none"> • Software licensing • Information systems services • Web-site • etc Reference & other <ul style="list-style-type: none"> • Audio-visual • etc 		
<u>Capital Costs</u> ³		

Explanatory notes:

1. Personnel Costs. Consider the salary implications associated with revising positions and expanding the scope of existing jobs
2. Operating expenses. Consider increased costs for:
 - i. Consumables associated with employing any extra FOI staff and for information dissemination to staff
 - ii. Responding to FOI requests – e.g. added paper use and printing costs
 - iii. The possible need to purchase services (e.g. from CINA, CS, GIS or an external provider) to respond to specialised FOI requests such as providing data on audio cassette, video cassette, compact disk, DVD, microfiche.
 - iv. Communication – telephone, facsimile, email
 - v. Software licensing costs etc
 - vi. Additional electronic storage capacity
 - vii. Changes in records management methodology
3. Capital costs. Consider the need for:
 - i. New or refurbished offices for staff
 - ii. Additional office furniture and equipment for FOI staff
 - iii. Increased file storage capacity
 - iv. An area for the public to inspect records, and possibly upgrade public reception areas
 - v. Additional photocopier(s)
 - vi. Additional computers (networked)
 - vii. Any specialised equipment (e.g. the possible need to provide data on audio cassette, video cassette, compact disk, DVD, microfiche)

10. Infrastructure ¹

Objective: To ensure the **Public Authority infrastructure supports implementation of the FOI Law**

Activity	Responsible Person	Completion Timeframe	Staff involved & actions required. Identify resourcing requirements.
Ensure FOI staff office needs are met e.g. refurbished office, furniture etc			
Ensure appropriate copying equipment is available e.g. photocopier, scanner etc ²			
Ensure availability of specialist reproduction facilities, if required e.g. for audio cassette, video cassette, compact disk, DVD, microfiche etc ³			
Ensure physical and electronic file storage capacity is adequate			
Ensure appropriate communication facilities are available for FOI staff e.g. facsimile, computer, email, web-site (as appropriate)			
Establish/identify a place for the public to inspect records			
Establish facilities/processes for the collection of revenues ⁴			

Explanatory notes:

1. This Section should be tied into the Budgeting Section 9.
2. Public Authorities will need to be able to copy/reproduce records when requested. The basic requirement is for the Information Manager to have ready access to a photocopier and scanner. Please note that confidential and personal information should be protected during the copying process.
3. There may also be a requirement to provide copies of records on audio cassette, video cassette, compact disk, DVD, microfiche etc. Public Authorities will need to evaluate if this will be an issue and how to address it. Please note that confidential and personal information should be protected during copying and that there are government agencies that can meet most reproduction requirements.
4. The requirement to collect fees and also pay for the cost of copying information, at the time of compiling this document, has yet to be confirmed. Should collection of fees become a requirement, Public Authorities should develop a straight forward process for payment of fees/costs by the public.

11. Progress Reporting

The FOISC is required to provide Quarterly progress reports to Cabinet. To assist with this, Public Authorities should advise progress in accordance the following reporting timelines:

Activity	Reporting Responsibility	Report to	Date
Heads of Public Authority attend briefing	FOI Unit	FOISC	22-31 October 2007
Public Authority designates person to act as Information Manager/FOI project leader	Public Authority	FOI Unit	31 October 2007
Baseline Assessment of readiness submitted to FOI Unit	Public Authority	FOI Unit	14 December 2007
Cut-off date for FOISC Quarterly Report	FOI Unit/FOISC	Cabinet Sec	21 December 2007
Public Authority Action Plan finalised	Public Authority	FOI Unit	12 January 2008
Special FOI Requirements defined and advised to FOI Unit [i.e. records to consider - Courts, Police, Medical, Immigration, Cabinet, Procurement/ Tenders, HR Records (PoCS); Cayman Brac FOI admin processes]	Selected Public Authorities	FOI Unit	12 January 2008
Public Authority confirms Information Manager appointment	Public Authority	FOI Unit	29 February 2008
Cut-off date for FOISC Quarterly Report	FOI Unit/FOISC	Cabinet Sec	20 March 2008
Public Authority Information Managers training complete	FOI Unit	FOISC	30 May 2008
Numbers of Public Authority Records Management staff trained	CINA	FOISC	30 May 2008
Cut-off date for FOISC Quarterly Report	FOI Unit/FOISC	Cabinet Sec	19 June 2008
Records Survey complete	Public Authority	FOI Unit	18 August 2008
Numbers of Public Authority Records Management staff trained	CINA	FOISC	1 September 2008
Cut-off date for FOISC Quarterly Report	FOI Unit/FOISC	Cabinet Sec	18 September 2008
Complete provisional Publication Scheme (for release to public)	Public Authority	FOI Unit	27 October 2008
Public Authorities test systems & processes & advise any issues	Public Authority	FOI Unit	4 - 28 November 2008
Cut-off date for FOISC Quarterly Report	FOI Unit/FOISC	Cabinet Sec	18 December 2008

12. Approval, agreements & delegations

This plan was compiled by to whom any points of clarification should be referred.
Name and Appointment

Delegations. To implement this plan, the following responsibilities are delegated: ¹

Responsibility	Person to whom delegated	Limitations/ Amount (\$)	Timeframes

Service Level Agreements. To implement this plan, the following Service Level Agreements have been put in place: ²

Service Level Agreement	Person Responsible	Specific details

Approval. The plan is approved by: ³ _____
Name and Appointment

Explanatory notes:

1. Use as applicable. Budgetary/financial delegations, delegation to a subsidiary part of your organisation and a delegation of FOI duties to an appointment other than the IM as a contingency, should be considered.
2. Documentation of arrangements with other departments/organisations, such as contingency arrangements and pooling of resources, in the form of an SLA is recommended.
3. As the Action Plan has budgetary, staffing and compliance implications, the Chief Officer/CEO/Head of Public Authority or a delegated senior position should approve this plan.