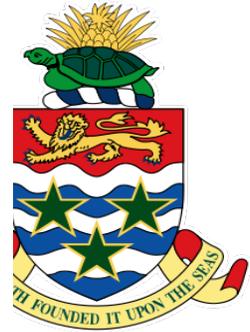




Cayman Islands Government Freedom of Information Unit

“Looking Backwards...Going Forward” FOI Retreat



Purpose:

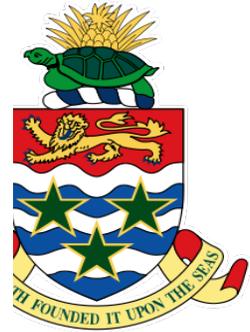
To determine the effectiveness of the CIG FOI implementation and to identify future directions to ensure the law meets its objectives of accountability, transparency and public participation as a long term commitment.

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|---|-------------------|
| 1. Welcome | 8:30am – 8:35am |
| ➤ Orrett Connor, Cabinet Secretary | |
| 2. Update from the Information Commissioner | 8:35am – 8:45am |
| ➤ Jennifer Dilbert , Information Commissioner | |
| 3. “Looking Backwards...Going Forward – Lessons learnt” | 8:45am – 9:25am |
| ➤ Carole Excell, FOI Coordinator | |
| 4. “Key Performance indicators for continued success –
A review of the implementation plan, gaps & challenges” | 9:25am – 10:00am |
| ➤ Michael Johnston, Project Manager, POCS | |
| 5. Questions and Answers | 10:00am – 10:10am |
| 6. “Transparency Case Studies – Focus Areas” | 10:10am – 10:40am |
| ➤ Natasha Bodden, Policy Analyst , FOI Unit | |
| 7. Coffee Break | 10:40am –10:55am |
| 8. Break out Groups | 10:55am–12:00am |
| 9. Report Back & Wrap up | 12:00am–1:00pm |



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Group One - Future directions

“The greatest challenges to the right of access to information are a lack of implementation and enforcement, backsliding in the more developed systems, and an absence of widespread use of the existing legislation and mechanisms”.

Issue Statement:

The Cayman Islands Government has implemented a Freedom of Information Law which has been in operation for almost six months. A review of the Law is mandated by legislation in June of 2010. There have already been proposals made for review and reform of the Law. Any reform process requires detailed research and analysis. At the heart of any review should be a consideration of whether the Law has been effective in meeting its objectives. Consider how we can evaluate how the Law is being implemented to determine whether it will meet its objectives.

Questions to consider:-

1. What are the trends we can identify already in the implementation of FOI in the Cayman Islands?
2. How do we capture lessons learnt from our experience in year one? What data will we need to collect?
3. What is the policy process to determine whether change is needed?
4. How should the Cayman Islands Government prepare for a review of the FOI Law?
5. Are there areas of reform that we should start documenting at this stage?
6. What are the lessons we can learn about the reform process in other countries that need to be applied in the Cayman Islands?

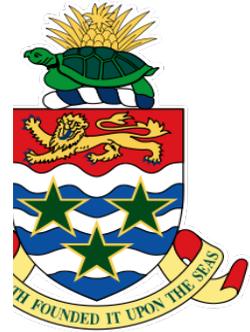
Identify what must be done, who is responsible for completing the task and what are the priorities for action.



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Group Two- Continued Implementation

“Implementation must be viewed as an on-going process requiring continuous attention”

Issue Statement:

When planning for FOI started in earnest some 18 months before the implementation date, we had a draft law (passed 3 months later), FOI Regulations were but an idea, and writing the FOI manual was on the distant horizon. We had a lot to do – staff needed to be appointed and trained, action plans needed to be executed, the communications plan implemented, a tracking system to be developed, publication schemes compiled, special requirements addressed and, importantly, we needed to make inroads on implementing a culture change in the public service (comprising 88 quite diverse public authorities). Through that 18 months, much had to be done concurrently and sequencing and monitoring of activities was important. However, we did it, and relatively successfully it would appear from the first six months. But what of the future?

Keeping in mind the objectives of the Law (i.e. accountability, transparency and public participation); we would like to learn from the implementation process. What went well and what could have been improved on? More importantly now, we want to establish what else is needed to ensure the Law's objectives are being delivered and how and what do we measure to ensure we are achieving those objectives? To guide future planning, it would also be helpful to establish what level of transparency in Government is needed and where should we focus our attention.

Questions to consider concerning the effectiveness of implementation:-

1. What have been the successes and areas for improvements/ gaps in the implementation process?
2. How do ensure that the law is delivering on its objectives? What are the Key Performance Indicators to monitor objectives?
3. Is it sufficient to refer to grant rate or is transparency or lack thereof more evident in what we have refused?
4. Should we look at the amount of information now released routinely and document this? What should be the process for ensuring compliance with the requirements of the Law for proactive disclosure?
5. What is the level of transparency needed, what areas should be the focus (e.g. contracts, expenditure) in the Cayman Islands?

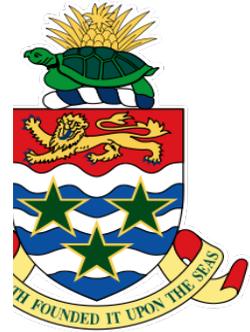
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Group three – Ongoing public awareness

“Transparency Regimes appear to do best where people feel a sense of empowerment, especially in terms of holding their government answerable and where necessary challenging the system and the powers that be”

“Government has developed a dependency on technology as a proxy for true access to information”

“Keeping demand strong and consistent is perhaps the most important part of maintaining an access to information regime – a lot of people don’t know about the law and how it functions”

“There is a need to engage a more “citizen-centered approach” to the right of access to information that encourages governments to provide the range of information that individuals need to exercise their full spectrum of rights”

Issue Statement:

The FOI Law is different than most laws which are enacted. The majority of the laws enacted sit on a shelf and are there for the public to follow; the FOI Law however, is different because it requires the public to actual use the Law to make requests.

During the first five (5) months since the FOI Law was brought into force, there have been a steady stream of requests. In January to May 2009, there have been a total of 374 FOI requests made, broken down 127, 61, 86, 53 and 47 requests made respectively.

While we have encouraged proactive disclosure and Publication Schemes are mandated to be Gazetted by January 2010 (and every year thereafter) there will still be the need for public education and awareness. If the number of requests continues to decrease, should it be assumed that less requests are being made because information is in the public domain or because FOI is not being taught continuously to the public and they are unaware of their rights?

To ensure the FOI Law is used and not forgotten, the public need to be reminded and educated about their right to information and to get involved in public decision making.

Questions to consider to sustain demand and raise awareness:

1. How do we let the public know about their right to information and how do we get the public involved in decision-making? Are separate policies needed on public consultation processes?
2. How do we expand the range of users in Cayman; i.e. children, persons on the Brac and Little Cayman, the disabled, private sector, and civil society groups?
3. How do we adopt a “citizen centered approach” through-out all 88 public authorities?
4. What is the role of public authorities, the FOI Unit and the Information Commissioner in this process of eliciting more demand?

Identify what must be done, who is responsible for completing the task and what are the priorities for action.