



FOI Circular #2



Delegation of Information Manager Responsibilities

Issued February 4, 2009



"You must learn to let go."

Delegation of Information Manager Responsibilities

All public authorities in the Cayman Islands are required by Section 49 Freedom of Information Law 2007 to designate an Information Manager. The Law states that

“all public authority concerned shall ensure that members of the public know the name, function, contact details and such other information relating to the information manager as the authority may consider necessary or expedient to make available to the public.”

The FOI Law also recognises that Information Managers may either be employed full-time or appointed from among staff performing other functions. Therefore, it is essential that internal policy and procedures are developed by each public authority to ensure that your workload is manageable, that all of the responsibilities assigned to Information Managers under the FOI (General) Regulations 2008 are fulfilled, and that applications for information are processed smoothly.

Section 21 of the FOI Regulations outlines the general duties of Information Managers and Section 22 provides the power to delegate these responsibilities:

“an information manager may delegate such of his functions as he thinks necessary or expedient but shall remain accountable for the discharge of those functions” .

Responsibilities may be delegated for certain time periods or to accomplish specific tasks, which should be determined after appropriate consultation with your supervisor. This power to delegate *must* be utilised when you are out of office for prolonged periods (e.g. vacation, maternity leave, etc).

The FOI Unit has included a draft delegation instrument within this guidance document for you to officially assign responsibilities to other staff members. With this, the named employee *can* do the prescribed tasks for the period during which the delegation is valid. You can use this document to allow certain staff members to perform some of your tasks at all times, and for one person to assume all IM functions only while you are out of office. By individualising the document and entering a period during which it is valid you are able to control who is responsible for what tasks at what times. Please remember though, that *you* remain accountable for the discharge of these functions.

How and When to Allocate Tasks

The delegation instrument includes all of the duties described in Section 21 of the FOI Regulations, but also considers additional sections of FOI legislation and the generic Information Manager job description. All of these documents outline the mandated and common functions of an Information Manager. The duties of an Information Manger may vary within each public authority and therefore you need to amend the delegation instrument to suit your individual responsibilities and needs before using it.

Though the Law allows you to delegate any and all of your duties, always bear in mind that you were given these responsibilities for a reason and they should only be delegated to another member of staff who received appropriate training and has the necessary abilities. The FOI Unit has placed some tasks in Section 3.2 (authorities not delegated) which we recommend *only* the Information Manager or their designate should perform and the rest in Section 3.1 (authorities delegated) as tasks that can be regularly assigned to other staff members. However, you are welcome to amend the details of each task and divide the provisions as you see fit.

Ideally, only staff members who have attended IM training should make decisions on requests and only staff members who have thorough knowledge of JADE should manage that tracking system. There are also other tasks which require specific training, skills or managerial capacity. You were

hired for a complex job; in your position you have the authority to analyse and interpret requests for information, make decisions on what can be released, and take responsibility for the integrity of the entire process. You are primarily responsible for the smooth implementation of FOI in your public authority, so sitting down with the person to whom you will be assigning tasks and ensuring that he or she is comfortable with all of the responsibilities is strongly recommended.

Information Manager Designates

Your designate should have also attended the three-day intensive IM course and received training on JADE from the Computer Services Department. Your designate is your go-to person and the obvious choice of who should take over in your absence. If you are out of the office for an extended period of time this person should act as Information Manager, and when you are in office he or she will be your main source of support and assistance. If an IM Designate has not been appointed for your public authority this decision should be carefully reviewed with your human resources department and Chief Officer to ensure that it is suiting your post-implementation needs.

Records Officers

The Records Officer(s) at your public authority should have also received training useful for organisation (including the records survey and file plan) and cataloguing of records. Records Officers can offer valuable assistance with record retrieval, collation and reproduction and similar FOI-related tasks.

Keep Everyone Informed

It is very important that *everyone* in your public authority knows who will be handling the various FOI responsibilities while you are out of the office. Simply circulating an email to say “hey, I’m on vacation for two weeks, if anyone comes in looking for the Information Manager please direct them to so-and-so” ensures that everyone knows what’s going on. You should also update your email auto-reply and voicemail message to let everyone know who to contact with FOI-related questions or concerns.

Please also update the FOI Unit and the Cayman Islands National Archive any time there is a change of staff and/or assigned responsibilities at your public authority. CINA maintains a list of Information Managers, Information Manager Designates and Records Officers, updating it monthly to circulate to various government entities and publish on their website. Please also check other published information (e.g. on our website and in the blue pages) and let us know any changes in contact details!

REMEMBER

Though you are able to delegate any and all of your IM duties, you will always remain responsible for the discharge of these functions. Allocate certain tasks in a way that ensures each individual’s workload is manageable and that each application is given the time and consideration that it deserves. Also, communicate with your staff, the FOI Unit and CINA on a regular basis to ensure smooth implementation.

DELEGATION INSTRUMENT BY INFORMATION MANAGER
UNDER THE FREEDOM OF INFORMATION LAW, 2007

TO: NAME, TITLE, PUBLIC AUTHORITY

FROM: NAME, Information Manager, PUBLIC AUTHORITY

DATE:

1. Delegation

1.1 In accordance with the authority provided to me by Section 22(1) of the Freedom of Information (General) Regulations, 2008 (Delegation of functions), *I hereby delegate to you*, NAME, TITLE, the responsibilities of an Information Manager specified in Section 3.1 for the period defined in Section 1.3.

I acknowledge that I will remain accountable for the discharge of these functions.

1.2 This delegation is to be exercised in accordance with the conditions specified in Section 2 of this delegation instrument.

1.3 This delegation shall take effect on DATE and expire on DATE.

2. Conditions of Delegation

2.1 The authorities specified in paragraph 3.1 are to be exercised in accordance with the policies and procedures established by:

- (a) The Freedom of Information Law, 2007; and
- (b) The Freedom of Information (General) Regulations, 2008.

2.2 The authorities specified in paragraph 3.1 are to be exercised in a manner consistent with:

- (a) The Public Sector Values as specified in Section 4 of the Public Service Management Law;
- (b) The requirement of Section 47(2) of the Public Service Management Law to exercise delegated powers without patronage or favouritism; and
- (c) The objects of Freedom of Information as defined in Section 4 of the FOI Law.

3. Information Manager Authorities Delegated [Select applicable provisions]

3.1 The following authorities are delegated to you:

- (a) Receiving, dating and logging individual FOI requests and subsequent correspondence in the public authority's physical/electronic filing system and JADE;
- (b) Considering applications for expedited service on the grounds described in Section 16 of the FOI Regulations and, if approved, providing records within ten calendar days;
- (c) Transferring requests to another public authority to which the subject matter is more closely related, you must consult with the Information Manager at the receiving public authority before completing the transfer within fourteen calendar days and inform the applicant that his or her request has been transferred and the details of who will be handling the request from this point forward within ten calendar days;
- (d) Determining whether a request is vexatious or substantially similar to a previous request by the same applicant, and denying said requests as allowed in Section 9 of the FOI Law;
- (e) Corresponding with applicants, assisting with formalisation of requests and identifying the record(s) to which the applications relate;
- (f) Accepting proof of identification for an applicant's own personal information or proof of an applicant's authority to apply for the personal information of another person;
- (g) Assisting applicants who have limited ability to read or write English or with any mental or physical disability;
- (h) Sending out formal acknowledgement within ten calendar days of receiving applications, in the prescribed form set out in Schedule 2 of the FOI Regulations utilising form letters provided in the IM Guidance Manual and automatically generated by JADE;
- (i) Locating records requested by an applicant, collating relevant information, conducting reasonable searches and documenting efforts where records are not found;
- (j) Authenticating copies of records if requested by the applicant and in the manner determined by the Attorney General under Section 10(4) of the FOI Law;
- (k) Examining each record for which access has been applied and interpreting the FOI Law and Regulations as to the appropriateness and legality of disclosure, determining whether the record is excluded or exempt in its entirety, contains exempt matter, access should be granted, or the grant of access shall be deferred under Section 11 of the FOI Law;
- (l) Granting or refusing access to records in writing directly to an applicant;
- (m) Determining whether a parent or guardian who has applied for their child's personal information without his or her consent should not receive the relevant record(s) for reasons described in Section 26 of the FOI Regulations;
- (n) Redacting exempt matter from copies of records to be provided to an applicant and informing the applicant where and why (quoting applicable exemptions from the FOI Law) information has been deleted in accordance with Section 12 of the FOI Law;

- (o) Conducting the public interest test for exemptions which call for its application and in accordance with guidelines issued in Section 2 of the FOI Regulations;
- (p) Informing an applicant if the record(s) identified in his or her request is/are available in the public domain, and providing access or direction to access the information if requested;
- (q) Reproducing records and/or converting records to another format for delivery to an applicant and monitoring the inspection of records where access is granted in this form;
- (r) Providing estimates of fees associated with reproduction, conversion and delivery of records in accordance with Schedule 3 of the FOI Regulations and collecting fees from applicants in line with this public authority's internal procedures and acceptable forms of payment;
- (s) Determining whether an applicant is of inadequate means to pay fees associated with receiving records relating to his or her request and waiving said fees;
- (t) Maintaining FOI content on this public authority's website, including but not limited to updating staff details and managing electronic copies of records in the publication scheme;
- (u) Arranging for the publication scheme to be printed in the newspaper on an annual basis;
- (v) Promoting best practice in records management by developing, implementing and/or suggesting amendments to file plans and disposal schedules, preparing and executing a disaster control plan to protect vital records, and liaising with the Cayman Islands National Archive regarding records management requirements;
- (w) Arranging for staff to attend records management training by the Cayman Islands National Archive, IT Tracking System training for JADE by the Computer Services Department, and Information Manager training provided by the FOI Unit and Civil Service College;
- (x) Determining that a request will unreasonably divert the resources of this public authority in accordance with the guidelines issued in Section 10 of the FOI Regulations;
- (y) Notifying third parties of applications for their personal information, receiving response(s) as mandated by Section 11 of the FOI Regulations, and where partial or full access to third party information is granted, following proper channels of notification to the third party and allowing time for potential appeal in accordance with Section 12 of the FOI Regulations;
- (z) Preparing the publication scheme and disclosure logs of FOI requests which include but are not limited to records released in response to an FOI application and information required to be published under Section 5 of the FOI Law (statement of the organisation and functions of this public authority), detailed further in the Schedule to the FOI Law;
- (aa) Receiving complaints regarding the performance of this public authority relating to information disclosure;
- (bb) Compiling statistics and reports to be issued to the Chief Officer and/or the FOI Unit;

3.2 The following authorities are **not** delegated to you and will be exercised directly by me or other staff members. Any issues relating to these matters are to be referred to me or the responsible officer.

- (cc) Training and/or sensitising staff and developing procedures and systems for responding to FOI requests within this public authority;
- (dd) Liaising with the FOI Unit regarding access and implementation requirements, including attending Information Manager Network Meetings, unless specifically requested for individual issues or for each particular meeting because I am personally unable to attend;
- (ee) Amending internal policy and procedures without prior consultation and final consent, either at the initiative of this public authority or to fulfil obligations established by the FOI Unit or Information Commissioner, including but not limited to application forms and other templates and guidance documents used and issued within this public authority;
- (ff) Making any decision as to the correctness of information contained in a record of this public authority in response to an applicant's request for amendment or annotation of his or her own personal information under Section 28 of the FOI Law, and amending or annotating relevant records except where explicitly instructed to do so by myself;
- (gg) Managing the FOI budget of this public authority and utilising the personal purchasing authorisation given to the Information Manager;
- (hh) Responding to or corresponding directly with applicants who have applied for internal reviews before referring the application to the Chief Officer.

4. Authority to Sub-Delegate

4.1 You may not sub-delegate the authorities provided to you in Section 3.1 to any other staff, including those holding managerial positions in NAME OF PUBLIC AUTHORITY, including your DEPARTMENT/UNIT/OFFICE/ETC [AS APPLICABLE]:

Signed

NAME

Information Manager

NAME OF PUBLIC AUTHORITY