

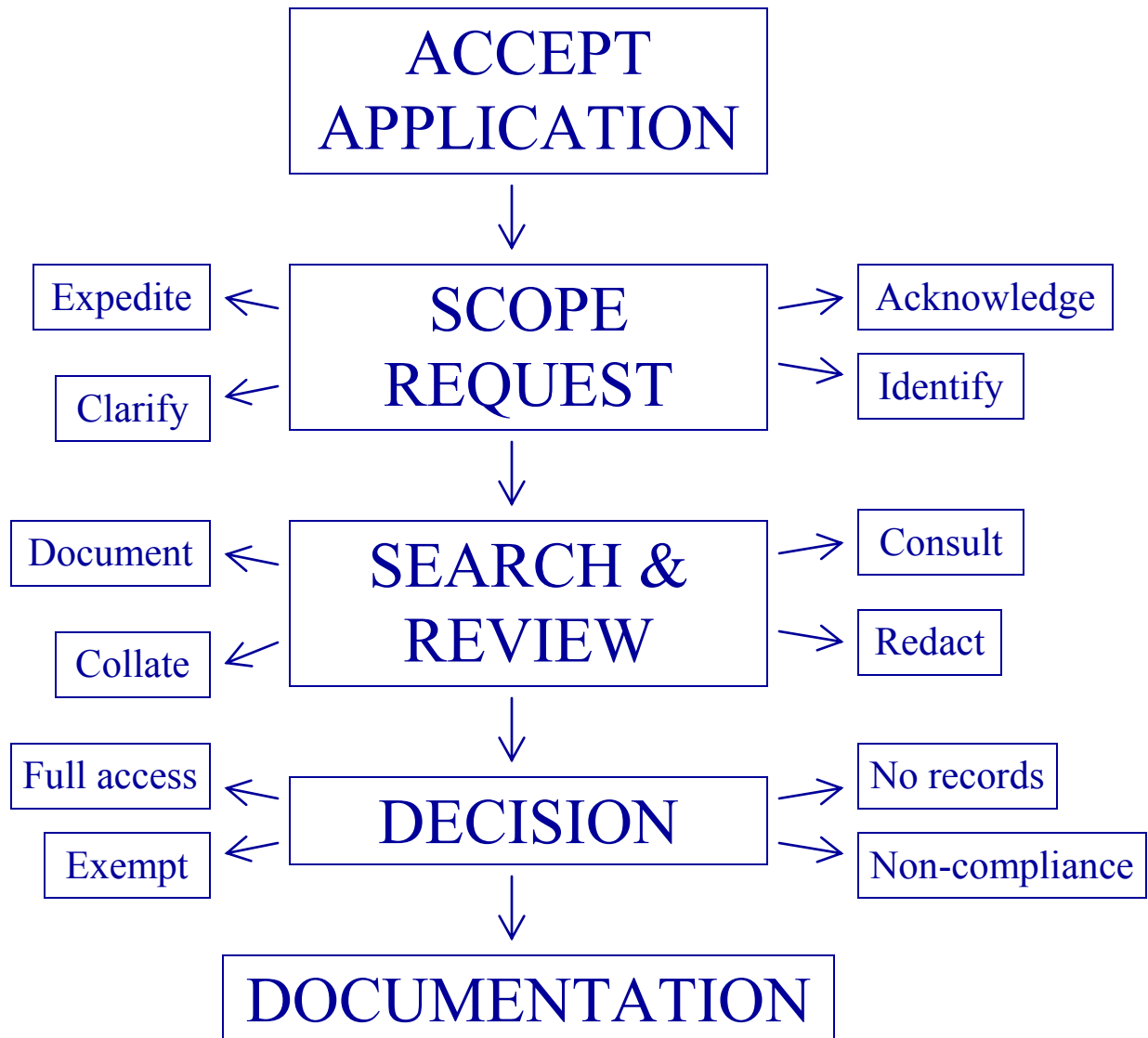


FOI Circular #3

Processing FOI Requests



Issued February 18, 2009



Processing FOI Requests

It is important that there is some consistency across government in how Information Managers process FOI applications. Information Managers have to review all relevant records within the scope of the request line by line to ensure correct processing. All Information Managers should use the JADE system in processing requests.

JADE should help you by

- providing request numbers,
- identifying duplicate results,
- generating correspondence,
- managing the consultation process,
- maintaining contact information about requestors, and
- ensuring timeline monitoring and effort utilised for each request.

Processing requests under the *Freedom of Information Law* involves the search for and analysis of potentially large volumes of paper and electronic records. Each page of these records must be examined on a **line-by-line** basis to determine whether it is within the scope of the request, and whether the information can be released, deferred or denied. Requests may also have to be transferred, third parties may need to be consulted, and this all must be done in a timely manner. Information Managers will also have to keep in contact with the applicant over the phone and in writing and prepare statistical reports on their work.

Points to Note

- Clarifying with your requestor the scope of the request will save you time and effort.
- Completing the records survey (at a minimum) of electronic and paper files for your organisation is critical for proper processing.
- Arrange for the search and retrieval of relevant records. Other staff members **must** cooperate. A schedule of records containing an index and brief description of the records covered by the request should be prepared.
- Depending on the scope and date range of the materials requested, your search should include:
 - Active, semi-active and inactive records
 - Records on any medium (e.g. paper, electronic data, microforms, audio/video)
 - Records held in any location (on-site, off-site, off-line, central storage, staff filing areas, warehouses, Government Records Centre, etc)
- Consultation with other public authorities is necessary to decide whether a transfer is required.

- Careful consideration should be given to the need to seek the expert opinions of others within your own public authority. The effect of release of a document may not be within your own knowledge, and so it is sensible to find it out from others.

Tips for Processing Requests

1. Put all FOI response letters to the applicant on your public authority's letterhead.
2. Include the reference number that you receive from the JADE tracking system FOI/ [insert reference number] at the top of your letter.
3. Make sure all the Information Managers information is included in emails and letters, i.e.

[Your Name]
Information Manager
[Name of Public Authority]
Mailing Address
Cayman Islands Government
Tel:
Fax:
E-mail:
Website:

4. Letters that are sent in hard copy, by regular mail, should be printed on letterhead paper and signed by the Information Manager. Letters that are sent via email should be converted to PDF and attached to a message sent from the Information Manager's email account. Ensure the above details are included in all email responses, in a professional signature block which meets your public authority's corporate style.
5. Always try to use the JADE model letters when responding. You **should add additional information** to the form letters and take out information that is not relevant. Provide as much information as possible to satisfy the applicant.
6. Include your title as Information Manager in your email signature and on letters.
7. When corresponding with an applicant ensure your e-mail has some content, e.g.

Dear Carole Excell,

RE: FOI/5697

Thank you for your request under the Freedom of Information Law, which was received by me on November 3, 2008. I am pleased to advise you that the [insert name of Public Authority] has granted access to the information you requested. Please find an official letter that contains further details and the requested documents attached.

If I may be of further assistance to you please do not hesitate to contact me.

Best regards,

8. Put a subject matter in your email e.g. Re: FOI Request Ref: FOI/5697
9. Input the terms of the FOI request in JADE, do not literally include everything in their application e.g. salutations, the applicant's contact details etc. You may summarise the request if needed.
10. You should PDF all documents to which you are granting access and then email them as attachments. This will reduce the risk of documents being altered.
11. If you can grant access to the applicant electronically (and you have an email address) then don't make an appointment to view the records – simply email it to the applicant.
12. Ensure all "Out of Office" auto-replies have the name of and contact email address and phone number(s) for your IM Designate.
13. Talk to the applicant – make sure you know what they want and contact them to clarify.
14. When granting access, provide a copy of the record – don't "cut and paste" it into the response letter.
15. When redacting exempt information, identify what has been redacted and which exemption applies for each redaction – don't just blank out the exempt material in the record.
16. Make sure you read the request carefully. Do not deny access to information which was not requested.

17. Inform persons who collect faxes at your office about the FOI Law and that you are the Information Manager and that any request for information should be passed on to you.
18. If you are assessing the public interest test you need to provide specific examples of what you considered e.g. I considered factors in favour of release such as promoting accountability, and I considered the following factors against release... I determined...
19. You do not need a mailing address to process the request if you have an e-mail address.
20. If granting access electronically, add at the bottom of the letter that there are no fees attached to the release of the information.
21. Conduct a thorough search of your records in relation to the request. You may have to explain to the applicant what search was undertaken to convince them that you have no records and that you have conducted a "reasonable search" as defined by the FOI Regulations. If you have found no records you **still must** inform the applicant of their right of internal review **and/or** appeal as found in the form letters.
22. Always ask applicants if you can be of further help in your response letters.
23. If you cannot provide access to the records in the form requested, explain why you are providing the alternative using reasons under the FOI Law, Section 10(3).
24. Always clarify a request first, then acknowledge, then make your decision, and then provide the information requested. The acknowledgement, decision and provision of records can all be done in one letter.
25. Check mailboxes often for registered mail and regular letters.
26. You can begin processing the request without knowing the format the applicant wants to receive the information in – assume an applicant wants copies unless otherwise stated.

27. Advise the applicant of their right of internal review! Even if you think you have answered their request in full and in accordance with the Law, they may not be satisfied.
28. Use the attached application checklist to ensure that everything is done properly and on time. It can also serve as a useful quick reference guide on the front of your paper file.
29. Ensure that **before** transferring a request you have searched for records within your own public authority's files. Add "no records found" to the outcome in JADE for this request.
30. Close requests in JADE in a timely manner after the decision has been made. If records are being provided at a later date, you can close after the fees are paid or the records delivered.
31. Ensure that the correct outcome is logged in JADE, including a decision to utilise more than one exemption to refuse access.
32. Use the Correspondence History in JADE this tracks all the letters you have sent out or received from the applicant.

CAYMAN ISLANDS FREEDOM OF INFORMATION LAW, 2007

APPLICATION CHECKLIST

(Attach this checklist to the front of your FOI file as a quick reference guide)

FOI Applicant:

Response Due Date:

FOI Request Number:

Officer:

Scoping the Request (*Check all applicable items*)

- Make decision on whether or not to provide expedited service Date:
 CI\$50 fee accepted by: cheque cash credit card Decision: yes no
- Contact the requester by phone / e-mail / letter to clarify the request Date:
- Formally acknowledge receipt of request to applicant via email / letter Date:
- Commence identifying relevant records Date:
- Contact any other public authorities which are likely to have relevant records Date:
- Extend time for response for another thirty days Date:
 Basis for extension:

Search and Review (*Check all applicable items*)

- Search all sources likely to house relevant records and collate information
- Obtain access to records
- If no records are located, record efforts made to conduct search
- Determine whether any exemptions apply
- Consult any other public authority or third party about documents Date:
 - Any response from third party in favour of release? yes no Date:
 - Are third party reasons for non-release valid? yes no Date:
- Notify third party and applicant of decision and, if applicable, rights of appeal Date:
- Redact exempt material from records that will be released in part

FREEDOM OF INFORMATION APPLICATION CHECKLIST (*Continued*)

Decision Letter – Full Disclosure (*check if all records related to request are located and released*)

- Decision sent via e-mail / letter (PDF, on letterhead, signed, includes contact details & title) Date:
- Calculate fees and notify requester of fee estimate \$ _____ Date:
- Collect fees cheque cash credit card waived Date:

Decision Letter – Partial Access/Refusal (*check if any material is denied*)

- Decision sent via e-mail / letter (PDF, on letterhead, signed, includes contact details & title) Date:
 - Specifically identifies the information being withheld
 - Cites applicable exemption and includes statement explaining the exemption
 - Details how public interest test was applied and what factors for and against were considered
- Detail right of appeal and offer further assistance to the applicant
- Calculate fees and notify requester of fee estimate \$ _____ Date:
- Collect fees cheque cash credit card waived Date:

Decision Letter – No Records (*check if no records are located for all or part of the request*)

- Co-ordinate with all public authorities and sub-units likely to have responsive documents Date:
- Decision sent via e-mail / letter (PDF, on letterhead, signed, includes contact details & title) Date:
 - State type of search conducted and the location of the files searched
 - Detail right of appeal and offer further assistant to the applicant

Other Determination (*check applicable item*)

- Transfer to another public authority: _____ Date:
- Request cancelled or withdrawn by the applicant Date:
- Non-compliance under Section 9 of the FOI Law Date:
 - (a) vexatious (b) substantially similar (c) diversion of resources (d) public domain
- Other: _____ Date:

FOI File Documentation

- Maintain a copy of, or create an index of documents released and withheld for disclosure log
- Update JADE thoroughly and close the request number in the computer system