

**THE FREEDOM OF INFORMATION LAW, 2007
(LAW 10 OF 2007)**

**THE FREEDOM OF INFORMATION (INFORMATION
COMMISSIONER) REGULATIONS, 2008**

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CAYMAN ISLANDS

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In exercise of the powers conferred by section 35 of the Freedom of Information Law (Law 10 of 2007), the Governor after consultation with Cabinet makes the following Regulations-

1. These Regulations may be cited as the Freedom of Information (Information Commissioner) Regulations, 2008. Citation

2. (1) The Governor shall appoint a selection panel not exceeding five persons, including at least one member of the official opposition in the Legislative Assembly and a member of the public. Appointment of selection panel

(2) After complying with the procedures set out in these Regulations, the selection panel shall by simple majority recommend to the Governor the name of a person to be appointed Information Commissioner.

3. (1) A candidate for the position of Information Commissioner may apply or be nominated for it by a member of the public. Application or nomination of candidates

(2) Applications shall be in such form as may be prescribed by or under the Public Service Management Law, 2005 and the Personnel Regulations, 2006 and nominations shall be in the form set out in the Schedule.

(3) Where a person nominates someone, the nomination shall not be valid unless the nominee signifies his agreement in writing.

(4) A person who does not qualify for appointment under section 35 (2) (a) of the Law may apply or be nominated but if he is successful shall be required to resign from the position that disqualified him before the appointment is made.

4. (1) The selection panel shall approve- Job description
 - (a) a job description defining-
 - (i) the duties of the position; and

- (ii) the qualifications, skills, knowledge and experience required of the appointee; and
- (b) the documents to be utilised in the interview process including screening matrices and interview questions.

(2) The format of the job description shall be as may be required by or under the Public Service Management Law, 2005 and the Personnel Regulations, 2006.

Advertisement

5. (1) The position of Information Commissioner shall be publicly advertised and the advertisement shall include a summary of the duties, qualifications, skills, knowledge and experience required of applicants, the method of submitting applications or nominations for the position, and the closing date and time for applications and nominations.

(2) The time between appearance of the advertisement and closing date shall be no less than fourteen calendar days.

(3) Except as specified in these Regulations, recruitment procedures prescribed by or under the Public Service Management Law, 2005 and the Personnel Regulations, 2006 shall apply.

Shortlisting

6. (1) The selection panel shall review the applications and nominations in accordance with the requirements of section 35 (1) of the Law and the job description, and prepare a shortlist of suitable candidates.

(2) Subject to subsection (3), the selection panel shall dispatch written notification to each candidate who has not been shortlisted.

(3) After dispatching the written notification referred to in subsection (2), the selection panel shall in the same manner as the job advertisement was placed notify the public of the shortlist of candidates.

Selection process

7. (1) In considering applicants for the position of Information Commissioner, the selection panel shall be guided by the principles set out in section 4 of the Law.

(2) The selection panel shall interview all shortlisted candidates in a manner that is consistent and fair to all candidates.

(3) Once the selection panel has made a decision on whom to recommend, it shall as soon as reasonably practicable make the recommendation to the Governor.

(4) Acting in exercise of his powers under section 35 (1) the Governor shall appoint the Information Commissioner.

(5) The Governor shall within seven days of making the appointment dispatch written notice to each candidate who was shortlisted informing him that his application or nomination was unsuccessful.

(6) The Governor shall as soon as practicable after making the appointment publish in the Gazette and in at least one daily newspaper the name and biography of the Information Commissioner.

8. All decisions and reasons for decisions, including those relating to unsuccessful applicants, shall be documented. Records of selection process

9. The selection panel and the Governor shall not allow unreasonable disclosure of personal information about candidates. Confidentiality of candidates' information

SCHEDULE

(Regulation 3)

NOMINATION OF CANDIDATE FOR INFORMATION COMMISSIONER

1. Information about the person nominated:
 - a. Full name.
 - b. Residential address.
 - c. Mailing address.
 - d. Telephone contact number.
 - e. Current occupation.
2. Information about the person making the nomination:
 - a. Full name.
 - b. Residential address.
 - c. Mailing address.
 - d. Telephone contact number.
 - e. Relationship with person nominated.
3. Please note that the Freedom of Information Law, 2007 and associated regulations state that no-one shall be appointed Commissioner if he-

- a. holds office in, or is an employee of a political party, or holds a position in central or local government, elective or otherwise except that a current employee of central or local government may be considered for appointment as Commissioner but must resign office prior to taking up office if appointed; or
 - b. has been convicted of a violent crime or a crime of dishonesty, or theft, for which he has not been pardoned.
4. In signing below as the nominee, you agree with the following statements:
- a. I believe I meet the requirements of the position of Information Commissioner contained in the Freedom of Information Law, 2007, associated regulations and job description.
 - b. I hereby endorse my nomination and attach a statement on my background and suitability for the position.
 - c. I authorise release of my name and biography as stated above for the purpose of advising the public of my nomination.

SIGNATURE OF PERSON
NOMINATING.....

SIGNATURE OF
NOMINEE:.....

Name of Nominee (in full):.....

Date:.....

Deliver to: The Governor of the Cayman Islands

Made in Cabinet the day of , 2008.

Clerk of the Cabinet.

These Regulations were affirmed by the Legislative Assembly on the.....
day of, 2008 by Government Motion No.....in
compliance with section 57 of the Freedom of Information Law, 2007 (Law 10 of
2007).

Clerk of the Legislative Assembly.