



INFORMATION
FREEDOM

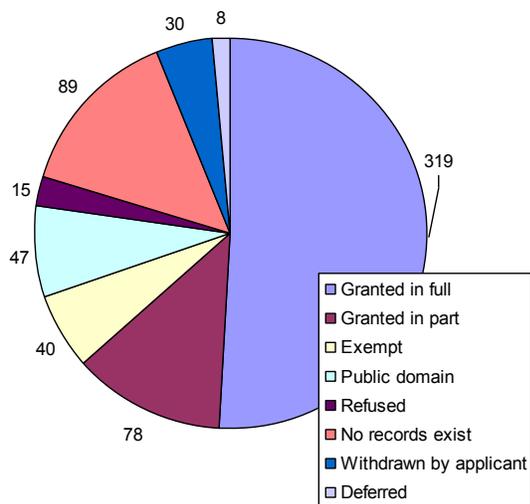
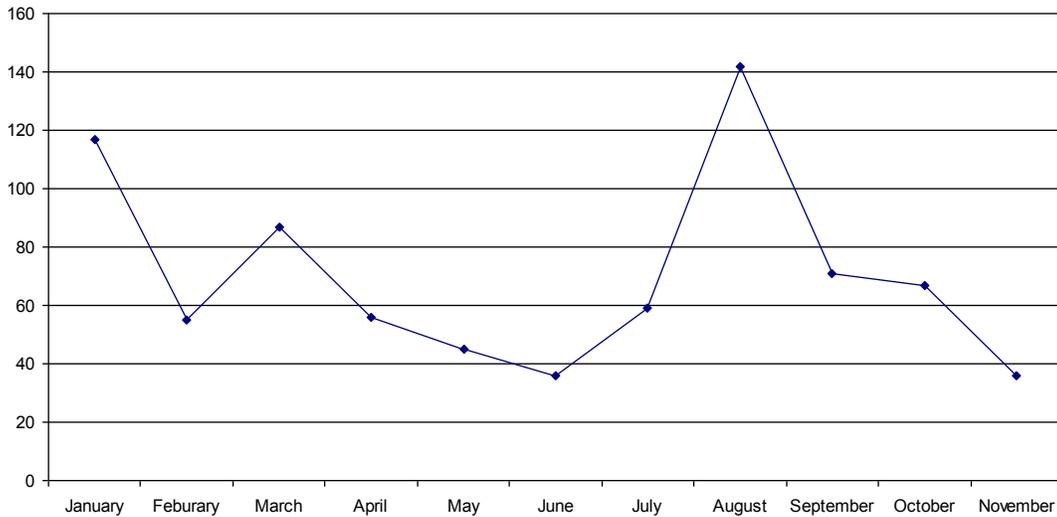
**Freedom of Information Unit
Report on Implementation
November 2009**

Prepared in accordance with the
Cayman Islands Government
FOI Implementation Plan
July 2007 – January 2010

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1 Introduction

The FOI Law 2007 was brought into effect January 5 2009. The number of requests submitted to public authorities showed another drop in the month of November. 36 new requests were submitted this past month, the lowest since June, for a total of 771 for the year so far.



In total, 626 requests have been closed and 73.8% of resolvable applications that have been processed will receive all records that they requested. After discounting the 30 withdrawn requests and 89 requests where no records were found to exist in relation to the application, 62.9% of the remaining requests were granted fully, 9.3% were already in the public domain, and 1.6% were deferred (i.e. full access will be granted at a defined later date). A further 15.4% were granted in part, some with only minimal redaction or redaction of information held

in responsive records that was irrelevant to the substance of the applicant's request.

Public authorities generally have a maximum of thirty calendar days to respond to requests, and therefore this reporting period will not reflect decisions on all requests submitted during the month, or only on those submitted in November. In compiling these reports, the FOI Unit relies entirely on self-reported statistics and progress from each Information Manager, which is inputted into a computer tracking and monitoring system entitled JADE.

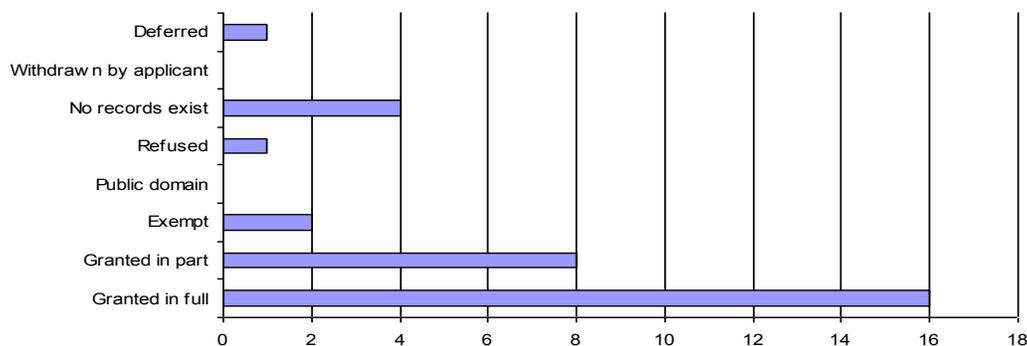
2 Requests Made to Each Public Authority

In November, 18 public authorities received a combined total of 36 requests for information under the FOI Law. To date, 771 requests have been submitted under the FOI Law.

<i>PUBLIC AUTHORITY</i>	<i>NO.</i>
Department of Children and Family Services	1
Office of the Complaints Commissioner	4
Economics and Statistics Office	2
Ministry of Education, Training and Employment	1
Department of Environmental Health	1
General Registry	1
Health Services Authority	3
Department of Immigration	6
Portfolio of Internal and External Affairs	3
Lands and Survey Department	1
Portfolio of Legal Affairs	1
Port Authority	2
Public Works Department	1
Royal Cayman Islands Police Service	3
Tourism Attraction Board	2
Ministry of Finance, Tourism and Development	1
University College of the Cayman Islands	1
Water Authority	2
<i>TOTAL</i>	<i>36</i>

3 Outcome of Requests

In November, decisions were made on 32 individual requests. Of these closed requests, 16 were granted in full, 8 were granted in part, and 2 were exempt in their entirety. No applicants requested records available in the public domain or withdrew their application, but 4 asked for information where the Information Managers determined that the public authority held no records related to that request. 1 request was refused and 1 was deferred during the reporting period.



3.1 Timeline of Requests

Of the 32 requests closed in November, 7 decisions missed deadlines allowed under the FOI Law without a legal reason. Responses are generally due within 30 calendar days of receiving a request, barring certain circumstances which call for legal extensions. Though 4 additional applicants did not receive a decision within 30 calendar days, these responses were within legal boundaries. One request required consultation with third parties whose personal information was being released, and 3 decisions were made within 60 calendar days because the Information Managers required an extension of a further 30 calendar days as allowed by the FOI Law.

The average response time for all requests closed in November was 26.9 calendar days. This average is the number of calendar days between receipt of a complete request and the date that the decision was communicated to the applicant by the Information Manager. Excluding the requests that went over time, the average response time was 19.5 calendar days.

3.2 Provisions Utilised to Exempt or Refuse Access

In November, the following exemptions were utilised to justify the redaction of information where access to a record was granted in part, or to exempt the record in its entirety:

- ❖ Section 17(b)(i) – disclosure of the record would constitute an actionable breach of confidence (Ministry of Education, Training & Employment);
- ❖ Section 21(1)(a)(i) – disclosure would reveal trade secrets (Ministry of Education, Training & Employment);
- ❖ Section 21(1)(a)(ii) – disclosure would reveal information of a commercial value, which value would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed (Ministry of Education, Training & Employment);
- ❖ Section 21(1)(b) – the record contains information concerning the commercial interests of any person or organisation and the disclosure of that information would prejudice those interests (Ministry of Education, Training & Employment, Lands & Survey Department); and
- ❖ Section 23(1) – unreasonable disclosure of personal information (Cayman Islands Monetary Authority, Customs Department, Ministry of Education, Training & Employment, Department of Immigration, Lands & Survey Department);

One additional request was granted in part, but not due to redaction of information within relevant records. The Economics and Statistics Office granted access to records which answered part of the applicant's request, but no records were found to address the remainder.

4 Popular Requests and General FOI Applications of Interest

Some requests made during the month of October which may be of general interest are as follows (please note that decisions have not been made on all of the following requests, and not all that have been finalised were necessarily granted full access):

- Children & Family Services Department*: Information pertaining to the treatment regime or plan used in the Cayman Islands to deal with children who are abused or may be experiencing family violence and any statistical data that can be used to support this.
- Economics and Statistics Office*: The number of unemployed persons on work permits as at 31 August 2009 and the occupations of these unemployed persons.
- Environmental Health Department*. The total amount of waste produced annually in Grand Cayman, including the percentage which is biomass, metals or other.
- Health Services Authority*: Statistics on birth rates and teen pregnancies.
- Internal & External Affairs Portfolio*: Information related to the recruitment process for the Deputy Chief Immigration Officer, including why the successful candidate was hired.
- Port Authority*: The draft copy and final copy of the Memorandum of Understanding between the Port Authority and Dart Enterprises Construction Company.
- Tourism Attractions Board*: The agreement between judges for the National Song Competition.
- Ministry of Finance, Tourism and Development*: Full details of all costs incurred in connection with all ceremonies or functions held or to be held relating to the coming into effect of the Cayman Islands Constitution on 6 November 2009, including a breakdown of all costs associated with the swearing in of the Premier and any other celebrations.

5 Internal Reviews and Appeals to the Information Commissioner

In the month of November two internal reviews were logged in JADE, one for the Royal Cayman Islands Police Service and one for the Ministry of Education, Training and Employment.

No new appeals were received by the Information Commissioner's Office (ICO) during the month of November, though one mediation file that had been previously closed was re-opened. One appeal was closed through mediation after 21 calendar days and three cases advanced from the mediation stage pending a formal hearing before the Information Commissioner during the month. Two cases remained in active mediation at the ICO at the end of the month.

The 18 appeals that the ICO has dealt with or is currently dealing with were or are the result of applicants appealing time extensions, deferrals, inadequate search for records, or withheld records (either entirely or in part). Most of these appeals went through the internal review process before they were referred to the ICO.

6 More Information

For more information about Freedom of Information in the Cayman Islands, the activities of the FOI Unit and procedural matters related to FOI, please visit our website at www.foi.gov.ky or pick up a user guide from our office in Elizabethan Square in George Town. We can also be contacted by telephone at (345) 244-3609 or by email at FreedomOfInformationUnit@gov.ky.

Each public authority will maintain a disclosure log that records requests which are of general public interest and the decisions made on these requests. For more information about a particular request please see the disclosure log or contact the public authority's Information Manager at the contact details provided on their website. Websites for each public authority can be found on the main Government portal www.gov.ky and the FOI Unit also maintains a list of public authorities and Information Managers on our own website.

To learn more about the Information Commissioner's Office, including how to make an appeal, please contact the Office Manager at (345) 747-5402 or info@infocomm.ky. The ICO's website, www.infocomm.ky, includes Policies and Procedures for Appeals, Quarterly Operational Plans, Mediation Summaries and details of upcoming hearings.