



INFORMATION
FREEDOM

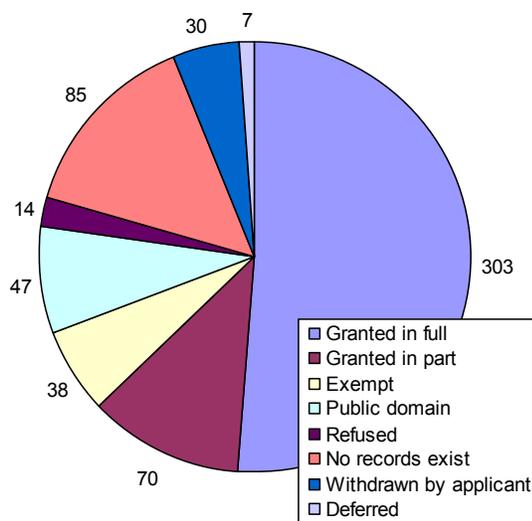
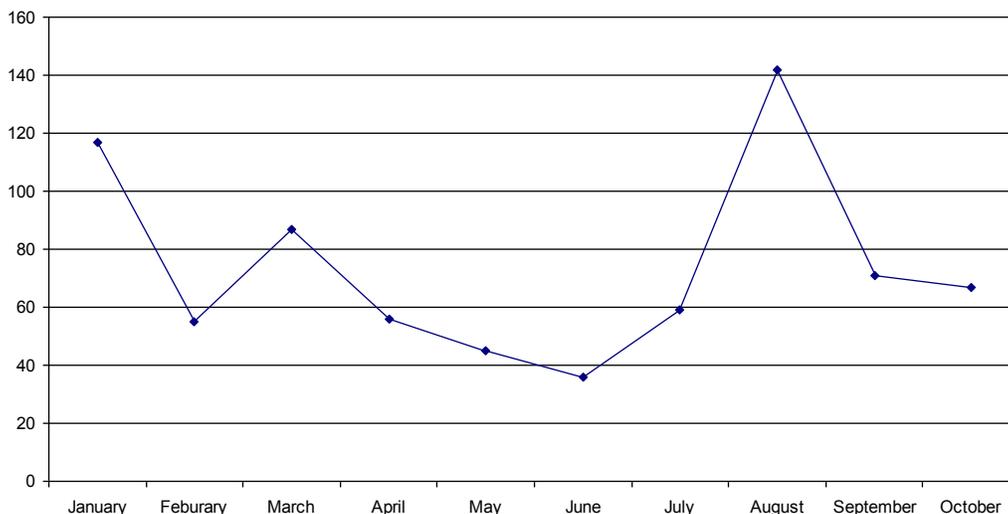
**Freedom of Information Unit
Report on Implementation
October 2009**

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

| | page(s) |
|---|---------|
| 1 Introduction..... | 3 |
| 2 Requests Made to Each Public Authority | 4 |
| 3 Outcome of Requests | 5 |
| 3.1 Timeline of Requests..... | 5 |
| 3.2 Provisions Utilised to Exempt, Refuse or Defer Access | 6 |
| 4 Popular Requests and General FOI Applications of Interest | 7 |
| 5 Internal Reviews and Appeals to the Information Commissioner..... | 8 |
| 6 More Information..... | 8 |

1 Introduction

The FOI Law 2007 was brought into effect January 5 2009. The number of requests submitted to public authorities showed another slight drop in the month of October. After a volatile last few months, 67 new requests were submitted this past month for a total of 735 for the year so far.



In total, 594 requests have been closed and 74.5% of resolvable applications that have been processed will receive all records that they requested. After discounting the 30 withdrawn requests and 85 requests where no records were found to exist in relation to the application, 63.3% of the remaining requests were granted fully, 9.8% were already in the public domain, and 1.5% were deferred (i.e. full access will be granted at a defined later date). A further 14.6% 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 October. 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

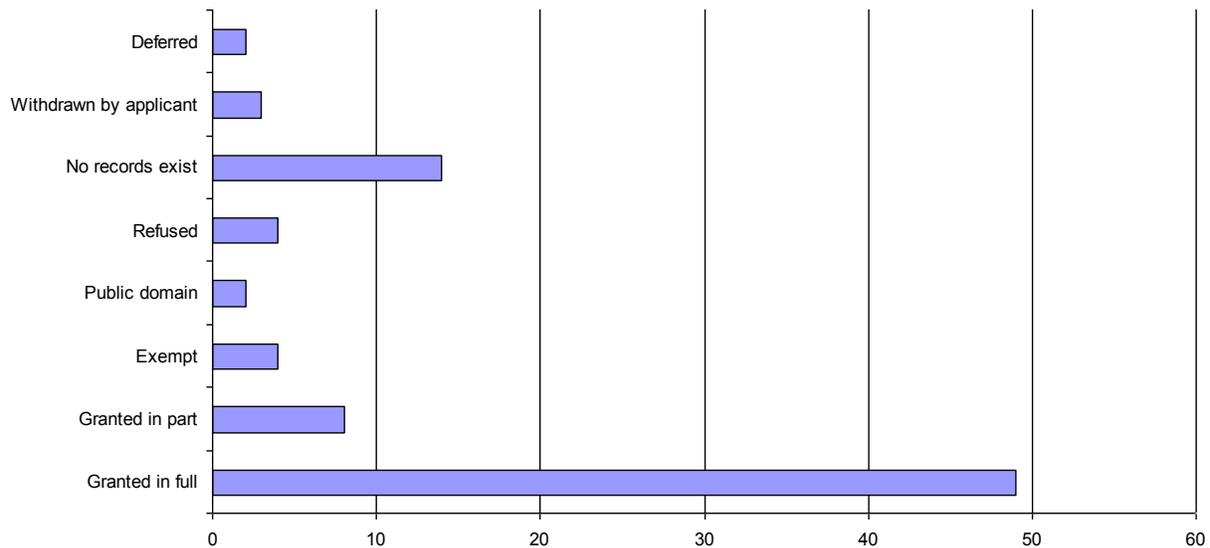
Between October 1, 2009 and October 31, 2009, thirty of the eighty-eight public authorities received a combined total of 67 requests for information under the FOI Law:

| <i>PUBLIC AUTHORITY</i> | <i>NO.</i> |
|---|------------|
| Cabinet Office | 1 |
| Cayman Islands Airports Authority | 1 |
| Cayman Islands Monetary Authority (CIMA) | 2 |
| Cayman Islands National Museum | 1 |
| Cayman Turtle Farm (Boatswain's Beach) | 1 |
| Children & Family Services Department | 1 |
| Civil Aviation Authority (CAA) | 1 |
| Civil Service Portfolio | 1 |
| Computer Services Department | 1 |
| Customs Department | 3 |
| Education, Training & Employment Ministry | 2 |
| Emergency 911 | 1 |
| Environmental Health Department (DEH) | 2 |
| Finance & Economics Portfolio | 3 |
| Financial Services, Tourism & Development Ministry | 1 |
| Health, Environment, Youth, Sports & Culture Ministry | 2 |
| Immigration Department | 13 |
| Information Commissioner's Office (ICO) | 1 |
| Internal & External Affairs Portfolio | 3 |
| Judicial Administration | 1 |
| Lands and Survey Department | 5 |
| Legal Affairs Portfolio | 2 |
| National Roads Authority (NRA) | 1 |
| Planning Department | 5 |
| Port Authority | 1 |
| Public Works Department (PWD) | 1 |
| Royal Cayman Islands Police Service (RCIPS) | 4 |
| Tourism Department (DOT) | 3 |
| Treasury Department | 1 |
| Water Authority | 2 |
| <i>TOTAL</i> | <i>67</i> |

To date, seven hundred and thirty-five requests for information have been submitted to various Cayman Islands public authorities under the Freedom of Information Law.

3 Outcome of Requests

During the month of October, decisions were made by public authorities on 86 individual requests. Of these closed requests, 49 were granted in full, 8 were granted in part, and 4 were exempt in their entirety. 2 applicants requested records available in the public domain, 3 requests were withdrawn by the applicant, and 14 other applicants asked for information but the Information Managers determined that their public authority held no records related to that request. 4 requests were refused and 2 requests were deferred during the reporting period.



3.1 Timeline of Requests

Of the 86 requests closed in October, 17 decisions missed the 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 three additional applicants did not receive a decision within 30 calendar days, these responses were within legal boundaries. The 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 October (excluding the 3 withdrawn by the applicants) was 24.2 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 17.1 calendar days.

3.2 Provisions Utilised to Exempt or Refuse Access

In October, 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 20(1)(b) – disclosure of the record would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation (Department of Agriculture);
- ❖ Section 20(1)(d) – disclosure of the record would prejudice , or would be likely to prejudice, the effective conduct of public affairs (Agriculture Department);
- ❖ 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 (National Gallery, Department of Tourism);
- ❖ 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 (Department of Tourism);
- ❖ Section 23(1) – unreasonable disclosure of personal information (Department of Agriculture, Department of Children & Family Services, Department of Environmental Health, Health Services Authority, Information Commissioner’s Office, Department of Tourism);

Three additional requests were granted in part, but not due to redaction of information within relevant records. The Health Services Authority and Public Works Department both granted access to records which answered part of the applicants’ requests, but the remainder of each request was withdrawn by the applicants and a decision was not made by the public authority on those sections of the requests.

The Public Service Pensions Board granted one request in part, but deferred the remainder of the information under s. 11(2)(b) of the FOI Law. The relevant record was prepared for presentation to the Legislative Assembly, and will be made publicly available after it has been tabled.

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 related to young offenders, including the number of youth in custody or on probation and the types of offenses.
- Customs Department*: The number of boats imported in the last two years, including the intended use, size and classifications.
- Education, Training & Employment Ministry*: All copies of contract bids for the new John Gray High School Campus and Clifton Hunter High School Campus.
- Environmental Health Department*: A list of all block and parcel numbers for which no garbage fees were paid in 2009.
- Finance & Economics Portfolio*: All internal audit reports from 2006 which relate to CINICO.
- Health & Human Services Ministry*: Records related to the importation and use of products containing Bisphenol A (BPA).
- Immigration Department*: Total number of destination weddings, broken down by domicile.
- Legal Affairs Portfolio*: Details of all prosecutions in the Cayman Islands where an offender insulted the modesty of a woman, including the actions of the accused and outcome.
- Royal Cayman Islands Police Service*: The total amount of marijuana destroyed by the RCIPS January 2005 – present, including dates of destruction and certified witnesses.
- Tourism Department*: The budget allocated for each foreign artist performing at JazzFest.
- Water Authority*: Any records relating to any legal action taken over the past 12 months against the owner or operator of a wastewater treatment plant in relation to the plant not operating within the legally required standards.

5 Internal Reviews and Appeals to the Information Commissioner

In the month of October no internal reviews were logged in JADE, the FOI tracking and monitoring system that follows requests through all life cycles, including internal review.

One new appeal was received by the Information Commissioner's Office (ICO) during the month of October, and another appeal submitted by a dissatisfied applicant was referred back to the original public authority. One appeal was closed through mediation and one case advanced from the mediation stage pending a formal hearing before the Information Commissioner during the month. Five cases remain in mediation at the ICO as of 31 October 2009 and the average time for an appeal to be resolved through mediation is 51.4 calendar days.

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.