



INFORMATION  
**FREEDOM**

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

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

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## **1 The Role of the Freedom of Information Unit**

The overall purpose of the Freedom of Information Unit is to promote open government. The FOI Unit is expected to lead and coordinate the implementation of the FOI Law and Regulations across the whole of the public sector by analysing, formulating and disseminating policies, procedures, benchmarks and guidelines applicable to the Cayman Islands Public Sector. We are also required to monitor and identify any shortcomings in implementation, making recommendations and reporting on the implementation of the Law, and to promote best practices and conduct the extensive training of the public sector and assist in raising the general awareness of the public.

Working very closely with other key Government entities such as the Legal Department, the National Archives, the Computer Services Department and the Portfolio of the Civil Service, which all have very critical roles to play, the FOI Unit aims for full and successful implementation of the new FOI regime.

The Freedom of Information Law was brought into effect on January 5<sup>th</sup> 2009. The FOI Unit will issue a monthly statistical report on implementation which will summarise the number of FOI requests received by public authorities and the decisions that were made during that month. Public authorities have up to a maximum of thirty calendar days to respond to an FOI request with a decision to grant, refuse or defer access and therefore this reporting period will not reflect decisions on all requests submitted during the month of January.

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. The number of requests and outcomes will reflect when they were logged in JADE and the details given there, as mandated in detail in Section 24 of the FOI Regulations.

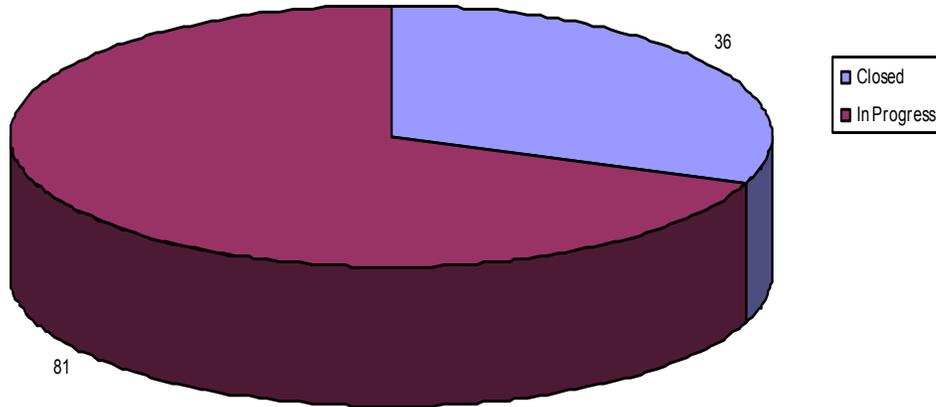
## 2 Requests Made to Each Public Authority

Between January 5, 2009 and January 31, 2009, eighty-eight public authorities received a combined total of one hundred and seventeen requests for information under the FOI Law.

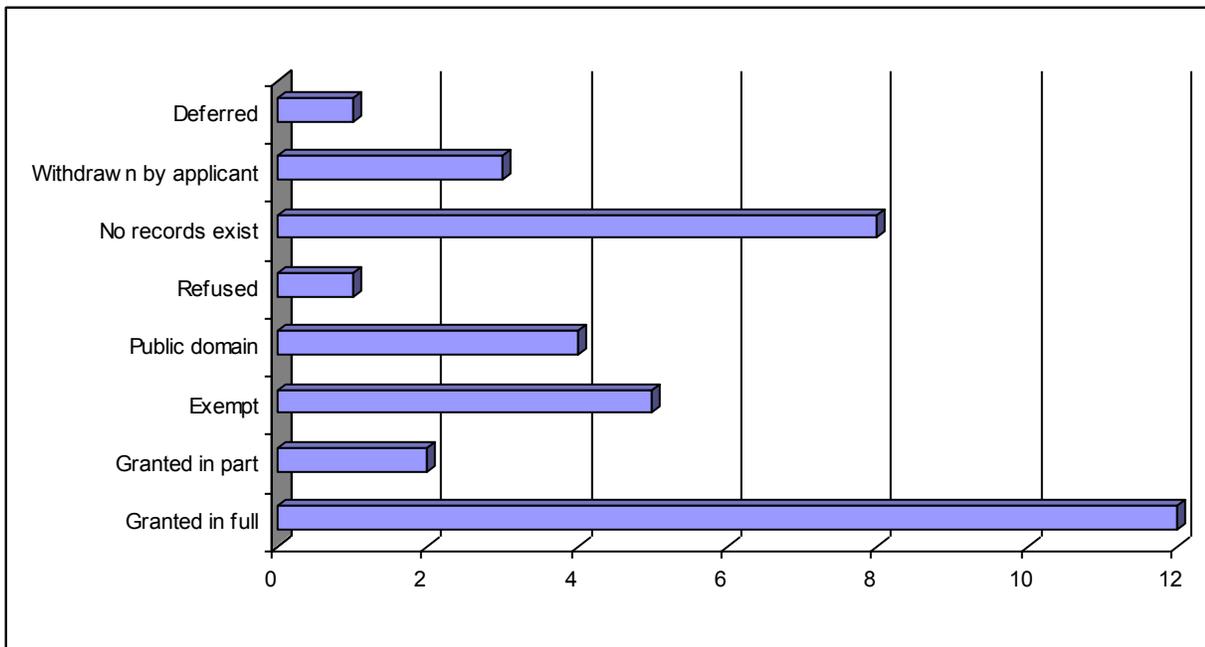
<i>PUBLIC AUTHORITY</i>	<i>NO.</i>
Immigration Department	17
Royal Cayman Islands Police Service	11
Legal Department	8
Health Services Authority (HSA)	7
Education, Training, Employment, Youth, Sports & Culture Ministry	6
Cayman Islands Monetary Authority (CIMA)	5
Tourism, Environment, Investment & Commerce Ministry	5
Cabinet Office	4
Cayman Airways	3
Civil Service Portfolio	3
Environment Department	3
Health & Human Services Ministry	3
Health Regulatory Services Department	3
Planning Department	3
Tourism Department	3
Audit Office	2
Cayman Islands Airports Authority	2
Mosquito Research and Control Unit (MRCU)	2
Port Authority	2
Postal Services	2
Public Service Pensions Board (PSPB)	2
Radio Cayman	2
Tourism Attraction Board	2
Agriculture Department	1
Children & Family Services Department	1
Civil Aviation Authority	1
Communications, Works & Infrastructure Ministry	1
Economics and Statistics Office	1
Education Services Department	1
Emergency 911	1
Finance & Economics Portfolio	1
Fire Services	1
General Registry	1
Information and Communications Technology Authority (ICTA)	1
Internal & External Affairs Portfolio	1
Lands and Survey Department	1
Legislative Assembly Department	1
Maritime Authority of the Cayman Islands (MACI)	1
Vehicle and Drivers' Licensing Department	1
Water Authority	1
<i>TOTAL</i>	<i>117</i>

### 3 Outcome of Requests

As of January 31, 2009, twenty-six calendar days after the Freedom of Information Law came into full effect, eighty-one requests remained in progress.



Of the thirty-six requests that were closed in this time period, twelve were granted in full, two were granted in part, and five were exempt in their entirety. Four applicants requested records that were available in the public domain and eight other applicants asked for certain information but the Information Managers determined that their public authority held no records related to that request. Three requests were withdrawn by the applicants, one request was refused under Section 9(c) of the FOI Law and one request was deferred under Section 11(2).



### **3.2 Provisions Utilised to Exempt or Refuse Access**

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 15(a) – records affecting security, defence or international relations (Cabinet Office);
- ❖ Section 16 – records relating to law enforcement (Audit Office);
- ❖ Section 16(b)(i) – (records relating to law enforcement) exempt from disclosure if their disclosure would, or could reasonably be expected to affect the conduct of an investigation or prosecution of a breach or possible breach of the law (Emergency 911);
- ❖ Section 16(b)(ii) – (records relating to law enforcement) exempt from disclosure if their disclosure would, or could reasonably be expected to affect the trial of any person or the adjudication of a particular case (Emergency 911);
- ❖ Section 21(1)(a)(ii) – a record is exempt from disclosure if its disclosure would reveal any other information of a commercial value, which value would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed (Radio Cayman); and
- ❖ Section 23(1) – a public authority shall not grant access to a record if it would involve the unreasonable disclosure of personal information of any person, whether living or dead (Environment Department, Immigration Department, Royal Cayman Islands Police Service).

One request made to Cayman Airways was refused because Section 9(c) of the FOI Law allows a public authority to not respond to a request if compliance would unreasonably divert the resources of that public authority. Guidelines of what an Information Manager should consider before making the decision to refuse access under Section 9(c) are listed in Section 10 of the Freedom of Information (General) Regulations, 2008.

One request made to Radio Cayman was deferred under Section 11(2) of the FOI Law because the information will be published and available in the public domain in the near future.

#### **4 Popular Requests and General FOI Applications of Interest**

The Immigration Department received the most requests during the first month of FOI, and of the seventeen, twelve were to review the applicant's own immigration file. Some other requests made in January which may be of general interest are as follows:

- *Cabinet Office* – A list of all persons granted Caymanian Status by Cabinet in 2003 and any supporting documentation giving the reasons for the grant.
- *Education, Training, Employment, Youth, Sports & Culture Ministry* – The process required for obtaining approval to operate as a school in the Cayman Islands.
- *Education, Training, Employment, Youth, Sports & Culture Ministry* – The money allocated to the Human Rights Committee by the Cayman Islands Government each year, and any conditions attached.
- *Immigration Department* – The scoring system used to evaluate permanent residence applications.
- *Mosquito Research Control Unit (MRCU)* – The approved altitude of the spray plane; any documentation on planes that may have flown too low in 2007; if any disciplinary action has ever been taken against a pilot for low flying, and what the action was.
- *Royal Cayman Islands Police Service* – Correspondence regarding the drafting of legislation to enable the creation of an internal sex-offenders registry in Cayman.
- *Tourism, Environment, Investment & Commerce Ministry* – E-mails and documents relating to the contract for and proposed development of the port expansion.
- *Tourism, Environment, Investment & Commerce Ministry* – All CITES and all import documentation in relation to the two recent dolphin importation shipments.

#### **5 Internal Reviews and Appeals to the ICO**

During the reporting period there were no internal reviews requested of Chief Officers and no appeals sent to the Information Commissioner.

## **6 More Information**

For more information about Freedom of Information in the Cayman Islands, please visit our website at [www.foi.gov.ky](http://www.foi.gov.ky) or pick up a user guide from our office in Elizabethan Square in George Town. 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.