

Message from HE the Governor Stuart Jack, CVO
On the nomination and appointment of an Information Commissioner
Friday, 1 August 2008
Grand Cayman

The passing of regulations for the nomination and appointment of a Freedom of Information (FOI) Commissioner for the Cayman Islands in the Legislative Assembly, paves the way for filling the position of Information Commissioner. A position essential to the realisation of the Freedom of Information (FOI) Law.

While the FOI Unit has responsibility for implementing the law and its regulations, the Information Commissioner will ensure that public agencies adhere to the FOI Law and that your FOI requests are answered properly and in a timely fashion. Most importantly, if your request has been denied or if you are dissatisfied with the response, you will be able to appeal to the Information Commissioner.

Clearly, this appointment comprises a fundamental step in ensuring the success of our FOI Law, and it requires full public participation.

Thus, even as the regulations task me with appointing the Information Commissioner after consultation with Cabinet and a selection panel, you, as residents, also have an important role in the process.

According to the regulations, members of the public can nominate candidates so long as the persons being nominated agree in writing. Nomination forms and eligibility criteria will be distributed on all three islands and are available online at the FOI Unit's website (www.foi.gov.ky)

From the start, the hallmark of creating Cayman's freedom of information legislation has been public inclusion and government has made every effort to make residents part of the process. As such you had the chance, in 2005, to comment on the FOI Bill and most recently, on the FOI implementation plan. I urge you to take yet another opportunity to open the doors of government by nominating a candidate for the post of Information Commissioner.

The Information Commissioner will be the guardian of your right to know, and in making your nomination you must be mindful of the importance of this task. The position is high profile and the person appointed will need to have unquestionable integrity and honesty. Objectivity, impartiality and independence are also vital qualities as the Information Commissioner will be the hub of the wheel that turns to ensure transparent and accountable government through information freedom.

While there might be some debate on whether or not freedom of information can be termed a basic human right, I do believe that -- more than any other law -- the FOI Law belongs to the people. The responsibility that comes with that is that if people do not use the law or own the process, it will languish, and with it your capability of holding your government accountable.

Freedom of information legislation is an important anti-corruption tool that tests the legitimacy of elected governments and those who hold public office. With open access to government records, citizens can determine whether their leaders deserve re-election, or whether their tenure should end because of fraud or mismanagement. Openness also spurs investor confidence and promotes commerce.

These benefits can only become a reality if the public makes FOI requests. If you want freedom of information to work, you must find individual and collective voices to take on the responsibility of asking your government the tough questions.

Finally, I know a lot of hard work has already been done behind the scenes in preparation for the FOI Law to come into effect next January. I therefore thank the FOI Unit and all civil servants for their time and effort as they prepare to act as the stewards of government information.

I also thank ministers and members of Cabinet for their constant support for the process of establishing freedom of information legislation for the Cayman Islands.