

FOI Implementation Steering Committee Minutes

January 17 2008

In attendance

- Mr. Tim Hubbell – Cabinet Office
- Mrs. Tamara Selzer - Cayman Islands National Archive
- Mr. Michael Johnston – Portfolio of the Civil Service
- Mrs. Wanda Tatum – District Administration
- Mrs. Janet Chisholm – Ministry of Education
- Mr. Carlon Powery – Customs Department
- Mrs. Cornelia Olivier – Government Information Services
- Mrs. Jacqueline Jefferson-Ziemniak – Portfolio of Finance and Economics
- Mrs. Carole Excell- FOI Unit

Apologies

- Mr. Ian Fenton – Portfolio of Civil Service
- Mr. Richard Barton –Legal Department

Review of Minutes from last meetings

The meeting began with the review of the last FOIISC meeting and concluded that no changes were to be made.

The committee then reviewed the IT Sub-Committee minutes. The minutes from the last November meeting were not yet completed.

Even though the minutes were incomplete, it was announced that CINA had prepared a report on Tracking Systems, and that Computer Services was going to start preparing an in-house Tracking System.

There was then a review of the Implementation Sub-Committee Minutes. The minutes covered the issues of UK records that are held in the Cayman Islands, how the Information Commissioner will be appointed, and FOISC Committee terms of reference. The minutes also addressed the issue of lack of attendance at FOIISC meetings. There was also an update on the National Archives Record Management Readiness report, and the Interim Report to Cabinet. Budget implications were also discussed in the report.

There was no Training and Records Management or Communication and Public Participation meeting held.

However, there was an update from the Communications and Public Participation committee chair. The sensitization training video had been completed. The chair also outlined that the work of the committee would now be on the process of appointing the Information Commissioner. It was noted that the law required the participation of the public in the process of appointing the Information Commissioner. The Committee suggested that Leader of Government Business and the Governor should give presentations on the importance of the Information Commissioner.

The Communications and Public Relations committee chair still needs to review what dates the sensitization training video will be available so that it can be distributed to all Heads of Department in Government to start FOI sensitization.

FOI sensitization training

It was announced that there has already been two requests for FOI sensitization training from the Health Services Authority and the Police.

It was decided that if Public Authorities do not request sensitization on their own, then the FOI unit will go through its governing Ministry or Portfolio.

FOI Implementation Plan

The FOI Implementation Plan has been finalized. The FOI Unit will have 90 copies made of the plan so that it can be distributed to all government public authorities.

The major changes that have made to the plan are:

Training

It was decided that it would be more cost effective to start training in May 2008 instead of April 2008.

The FOI regulations have to be in place before training can commence.

The FOI training will be done at the Civil Service College.

Cayman Brac needs to be factored into training.

Training cannot begin too early because civil servants might forget their training before the law comes into effect.

It was suggested that instead of one large training session, that there should be constant small training sessions all the way up January 2009.

The issue of how to ensure that there were a number of FOI trainers was also discussed. The idea of holding a train the trainer's course was raised. The FOI unit could train 5 other people outside of the FOI unit to help teach the FOI courses. The FOI unit needs to identify 5 other people within the civil service to train.

FOIISC Cabinet Paper

Some milestones for FOI implementation have already been met for 2008. The first Cabinet working paper has been completed and comments have been received from all of the chairs of the sub-committees.

FOI Public Relations and Communications Sub-Committee

The Public Relations committee is responsible for various things before January 2009. They have to help advise the public on their FOI rights, and will play a large role in the appointment of the Information Commissioner.

The PR committee is also responsible for planning FOI Sunshine Week 2008, which will be even more important in 2008 because the law is coming into effect in 2009.

The next FOI newsletter is due in February, and there will be a report on the Information Commissioner, and it should be printed at Computer Services, as well as be made available online.

Freedom of Information regulations should be completed by the end of February.

FOI IT Sub-Committee

The IT Sub-Committee is to monitor progress of the tracking system, as well as review the e-based publication scheme.

Even though the Publication Scheme is not due in until 2010, there will be minimum requirement for e-based publication schemes to be put online.

There should be a link to the FOI website from all other Public Authorities' websites.

Public Authorities need to be encouraged to submit information to put on the www.gov.ky website.

It was decided that all FOI requests can be sent to the FOI representative through a generic FOI Information Manager Emails address. Example foi.im.cabinetoffice@gov.ky

The Information Manager's personal e-mail address will be linked to the generic FOI address, and there should be more the one person linked to the generic address in case of absence.

FOI Legal Sub-Committee

The Legal Sub-Committee will responsible for amending legislation before 2009 that might be inconsistent with the Freedom of Information Law.

The Legal Sub-Committee is also responsible for finalizing the FOI regulations.

Items for FOI Sub-Committees Attention

Some issues were addressed in the working paper to be submitted to Cabinet that requires attention from the other FOI sub-committees.

All Public Authorities that have special requirements need to be identified. A few of these agencies have already contacted the FOI unit to help them prepare with their unique issues.

Contingency issues were also raised during the meeting. It was estimated that 85 to 90 percent of Public Authorities will not hire extra staff for the passing of the law in 2009. What would happen if these authorities receive too many requests for their current staff to handle, and how would we address this problem?

Redaction was also discussed during the meeting and it was decided that CINA and Computer Services will need to meet to deal with the proper procedure for redactions. A guidance manual will propose how to deal with redactions, and details of paper to electronic and electronic to paper records.

Records Management Readiness Report

The Records Management readiness report was also discussed, as well as the Code of Practice for Records Management which has not been finished.

The Code of Practice has been drafted on behalf of the Chief Secretary. It is currently being commented on by Chief Officers. The FOI Unit has sent its comments. After all comments are received it will be submitted to Cabinet.

The Code of Practice will cover what public authorities are required to do in creation, management, and disposal of records. The Code of Practice is to be written in easily read and understood language so that it can be easily adopted and followed.

It is planned to get all public authorities to adopt the Records Management Code of Practice.

The Records Management readiness report is to be circulated at the Chief Officer Briefing on January 24th 2008. The report includes an analysis of who has been trained in Records Management. It was noted that a number of persons who were trained in records management have left their substantive positions. There are also details of issues that public authorities are facing before Freedom of Information comes into effect. These include complaints on lack of time from Records Officers to do their work, and fear of not being prepared in Records Management before the bringing into operation of the law in 2009.

To help prepare Public Authorities for FOI, CINA has redone their Records Management training. They have developed a specialized Records Survey class that will deal specifically with Records Surveys, which is the minimum required of the FOI Implementation Plan. It is recommended that at least 1 person from each public authority attend CINA Records Management training.

Training should be constant because there is a huge turnover of staff, but there is a priority to train all designated Information Managers and Records Officers first.

CINA will also offer specialized one day long workshops for Information Managers. It was also recommended by CINA that at least 1 Information Manager be designated, but it would be preferred if there were 2, in case of absences and emergencies.

It was decided that a section on Records Survey will be added to the Chief Officer Briefing presentation on the 24th of January to emphasize the importance of completing the Records Survey before 2009.

Next Meeting

The next FOIISC meeting will be held on Thursday 21st February 2008 in the Eastern Conference Room, Government Administration Building.