FOI Implementation Steering Committee

February 21ˢᵗ 2008

In Attendance

Samuel Rose – Ministry of Tourism, Environment, Investment and Commerce
Jacqueline Jefferson-Ziemniak – Portfolio of Finance and Economics
Michael Johnston – Portfolio of the Civil Service
Wanda Tatum – District Administration
James Watler – Department of Education
Lorraine Gillies – Cayman Airways
Linda Evans – Portfolio of Internal and External Affairs
Carole Excell – Freedom of Information Unit
Natasha Bodden – Freedom of Information Unit
Gilbert McLaughlin – Computer Services
Tami Selzer – Cayman Islands National Archives

Apologies

Cornelia Olivier – Government Information Services
Christopher Eakin – Immigration Department
Tim Hubbell – Cabinet Office
Richard Barton – Legal Department
Paul Tibbetts – Cayman Airways
Jo Richards – Portfolio of the Civil Service
Ian Fenton – Portfolio of the Civil Service

Training

Sensitization Training was discussed by the committee. The FOI Unit is working on a FOI Brochure, with a basic overview of the FOI Law to be used by all Public Authorities and the general public.

FOI Unit and GIS have met, and discussed the best way to train staff in public authorities, and there was a few options discussed.

There was a suggestion to have training material available on www.foi.gov.ky, for public authorities to download, and use for training. There was also a suggestion of sending out FOI information in Computer Services messages. Although, there would be a disadvantage to Computer Services messages, because not all Public Authorities receive Computer Services messages.

There will also be FOI Newsletters sent out to every Public Authority.

There was also a suggestion that FOI information is attached to Civil Servants Payslips.

The FOI Unit has organized a sensitization schedule. The sensitization will be an hour and a half briefing.

It was also suggested by the committee that information should be sent to each Information Manager, and that it is their responsibility to disseminate FOI information to their Public Authority.

Redaction

Procedures for redaction were discussed at the meetings. CINA is responsible for providing procedures for redaction. The issues of exemptions and authentication of electronic documents also have to be decided on. The Legal Committee of FOISC is to ensure that the issue of the process of authentication is addressed but they need recommendations to be made to them to then be sent to the Attorney General. When the final decisions are made on these issues, they will be included in the Information Manager Guidance Manual.

The committee has decided that there will have to be another meeting to decide on the procedures for redaction of documents. Computer Services, FOI Unit and CINA need to meet and further discuss redaction.

E-Publication Guidance

The IT Sub-Committee prepared an E-Publication Guidance document for the FOISC committee to review. The template is still being worked on, and GIS and Computer Services are still finalizing the document.

The document provided was a provisional guide, because the Chief Secretary will provide the full guidance for creating a Publication Scheme.

The deadline for publishing information online is October 27th 2008. All basic information will have to be published online, including Heads of Departments, location of public authority, postal address, hours of operation, fax and phone numbers. The publication scheme should list information that has already been made available by the Public Authority.

"Hot Topic" issues should also be published. This is the type of information should be published, because this is what the public will be most interested at the time.

Permits that are granted and/or refused should also be published. Annual reports and budgets should be published. Complaints information and how to make a complaint should be published. Other important items to be published online are frequently asked questions, forms, and the FOI Information Manager information.

Once finalized, the E-Publication guidance manual will be circulated to all Information Managers to help them prepare their publication scheme.

CINA Records Management Code of Practice

CINA provided an update on the RM Code of Practice. The Code of Practice has been completed, and has been approved by the Chief Secretary, and is to be released in an Administrative Circular.

Update on the Chief Officer Briefing

Every Ministry and Portfolio was represented at the January 24th Chief Officer Briefing. The FOI Unit made a presentation on the progress made in the implementation of FOI. Anyone in the Committee who was interested in this presentation was asked to contact the FOI Unit. Mr. Michael Johnston did a presentation on Baseline Assessments received and the statistics that they have provided about FOI readiness. CINA did a presentation on their RM Readiness Report.

What was evident from the Chief Officer Briefing is that there are many agencies that have not yet started preparing for FOI. Also, not all Public Authorities have submitted their baseline assessments. All baseline assessments are needed as soon as possible.

The general feeling from the baseline assessments that were submitted was that the vast majority of Public Authorities (80%) welcome the passage of the FOI Law.

Update on Implementation Sub-Committee

The committee reviewed the Implementation Sub-Committee Minutes from January 17th 2008.

The FOI Unit have met with the Governor's Office.

The Information Commissioner Regulations have been drafted and have been sent to Cabinet. The Cabinet Note was to be provided by Mr. Tim Hubbell.

The Information Commissioner's Job Description was graded, and sent to Portfolio of the Civil Service to be reviewed.

The Report on Baseline Assessments is being finalized, with all the Baseline Assessments that have been submitted to date. The final date for receipt of Baseline Assessments was February 22nd 2008.

The FOI Unit is going to meet with the Civil Service College to review FOI training classes.

The FOI unit is preparing the material for the training courses The Unit has decided to hire a consultant to do a train the trainers course on FOI to ensure that there are at least 4 trainers working in the Civil Service who can continue to train the Information managers course in the future through the civil service college.

The Trainers should be trained in September, and be able to train future courses. It was noted that Information Manager training begins in May of this year.

Update on IT Sub-Committee

The IT Sub-Committee is working on a standard format for FOI Information Manager E-Mails.

The committee is also working on a report on the FOI IT Tracking and Monitoring system. Computer Services is responsible for presenting a work plan, so that there is a detailed plan for the completion of the Tracking and Monitoring system.

The IT Tracking and Monitoring system should be complete by July 2008.

It was decided that every two weeks Computer Services was to provide the FOI Unit with an update on the Tracking System.

Update on Legal Sub-Committee

The Legal Sub-Committee had a Legal Retreat that lasted for two days, during which Drafting instructions for the FOI Regulations were prepared.

Appointment of the Information Commissioner

The Information Commissioner Regulations have been finalized and are being sent to Cabinet for approval.

The process to get the Public to nominate the Information Commissioner has to be completed in March 2008.

There is going to have to be as much Public Awareness as possible.

The Regulations outline the nomination process for the Information Commissioner.

The Regulations say that any person can nominate themselves, or be nominated. The Information Commissioners Job Description has been approved and graded. The Information Commissioner will be in office for five year periods.

There will be a selection panel made up of civil servants, and the panel will include a member of the opposition as well as a member of the public.

Publicizing of the Information Commissioner and their appointment

The committee raised some issues about appointing the Information Commissioner.

They wanted to ensure that Cayman Brac be involved in the Information Commissioner nomination process.

The committee discussed the best ways to ensure that Cayman Brac was involved in the nomination process.

Some of the ideas included –

- Putting flyers in Mailboxes
- Providing information in schools
- Providing information to businesses to be displayed
- Public Meetings

It was suggested that there was a separate small budget prepared for Information Commissioner publicity in Cayman Brac.

This money can be taken from the Information Commissioner's budget.

The committee also suggested that flyers be put into mail boxes in Grand Cayman.

Some other ideas for publicizing the appointment of the Information Commissioner included –

- Articles in the Press
- Jingles about the appointment of the Information Commissioner
- Presentation on Radio Shows
- Presentations on Television Shows
- Trivia questions

The importance of Public Participation cannot be overemphasized in the appointment of the Information Commissioner.

The committee also suggested that the FOI unit take opportunity during the Information Commissioner publicity to raise the idea of a public focus group.

The public focus group can be used to test the IT tracking system, and the new FOI websites.

The FOI Action Plan should be amended to include these items.

The Draft FOI Regulations Consultation Paper Presentation

The Draft FOI Regulations Consultation Paper is to be finalized and published.

Comments and Questions
Mrs. Excell did a presentation on the proposed FOI regulations to the Committee.

The electronic production costs in the FOI regulations have to be confirmed by Computer Services.

The Law says that Public Interest must be defined. Seven of the ten exemptions listed under the FOI Law are subject to a Public Interest Test.

The FOI Regulations define Personal Information. The Definitions are based on Australian and Alberta FOI Laws.

All Information Managers have to keep a record of reasonable search when researching a FOI request. All things that have been researched have to be documented.

The template for an FOI application has been made. It will be recommended for use when a person wants to make a FOI application, even though they do not have to use the form. The form is easier to track and keep a record of for public authorities.

Once the Drafting Instructions are approved, then the consultation paper will be prepared.

The paper will then be made available to the public, as well as all Public Authorities for comments.

The FOI Regulations have to be finalized before May 2008.

The committee also had some questions about the completion of the guidance manual, and the ability to complete it even thought FOI regulations have not been finalized yet. The FOI unit has provided the consultant who is writing the guidance manual with all the information that is available currently, and the consultant will complete as much as possible with the information available.

Pooling of Resources

The committee discussed the possibility of pooling of resources to allow the designation of Information Managers.

The committee also was concerned that it was it may be difficult for some public authorities to designate an Information Manager that already works in the agency, because they might become overwhelmed with FOI requests, and not be able to take care of their normal duties.

The FOI Unit reminded the committee that all designated Information Managers will have their Job Descriptions amended and some will be re-evaluated to include their new responsibilities.

The committee suggested that Portfolio of the Civil Service assign guidance on grading Information Managers and Records Officers.

The salary increase would only come into effect in January 2009. For Information managers that feel that they should be compensated for the work that they have done for FOI Implementation they should be able to justify this with their Chief Officers for compensation.

Public Authority Listing

The committee was also informed that the Public Authority list is not complete. This list has to be completed because the list is to be included in the Regulations, and has to be used as a reference for the Public to use to make requests.

The list of Public Authorities is being sent out to all Public Authorities by CINA, and the authorities will have to provide comments about the list, and prescribe changes.

The committee was aware that the Public Authority list could change during elections.

Payments for Overseas Requests

The committee briefly addressed the issue of receiving payments from requesters from outside of the Cayman Islands. Would they use cash, cheque, or credit cards? It was noted that the Regulations left this up to the Public authority in question to designate how to receive fees. CINA recommends the use of money orders.

Action Items

The committee has to provide comments on the FOI Regulations by the first week of March. The comments will be circulated at the next FOISC meeting.

Guidance on Redaction will be provided by CINA and Computer Services. The guidance should cover legal admissibility and authentication of electronic records.
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Next Meeting

The next meeting will be March 20th 2008.