



Opening Doors
to Information

"A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps, both."

Pres. James Madison,
4 August 1822



Information Commissioner's Office Newsletter
Cayman Islands

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INFORMATION

THE ICO SEMINAR SERIES

Decision–Makers Seminar

with Justice Henderson



Back row from left: Durk Banks, Lemuel Hurlston, Sonji Myles, Cory Martinson, Jennifer Dilbert, Marva Scott, Julie Faulknor-Grant, Deborah Bodden, Oneil Roberts. Front row from left: Aisha Conolly, Justice Alexander Henderson, Deborah Ebanks. Missing from photo: Pasha Delahunty & Mitchell Welds

On 28 April and 5 May, Justice Henderson led the ICO and a group of decision makers through the intricacies of decision writing and the judicial review process.

The group was privileged to be able to draw on Judge

Henderson's extensive judicial experience and legal expertise. The seminar focused on the broad and general approach to decision making and included discussions on administrative fairness, procedural matters, the judicial review process and how to lay out decisions with supporting reasoning. Helpful tips on decision writing methods and styles were also shared with participants.

Along with the ICO team, 9 other participants from various boards, committees and departments attended the seminar which was held in the Judge's



Information Commissioner, Jennifer Dilbert participates in the group discussion.



Matters relating to the Liquor Licensing, Immigration and the Parole Board's were addressed in a general way by the group.

Chambers. Representatives from the Liquor Licensing Board, the Commission Secretariat, the Parole Board, Department of Immigration, the Complaints Commission and the Public Transport Board were in attendance. All benefitted from the new found knowledge which will be of much use in their respective roles.

The idea for the seminar stemmed from a meeting between the Justice Henderson and Mrs. Dilbert where a need to better understand judicial review was identified. It was thought that a wider audience would benefit from the presentation, and other agencies who render decisions were therefore invited to attend.

Future topics for other ICO seminars are currently being discussed and reviewed.

GOVERNMENT

ICO DECISION 3-02209

The Applicant
and
Department of Agriculture

Summary:

An Applicant was refused access by the Department of Agriculture to a copy of the 'Alliance of Marine Mammal Parks and Aquarium Standards and Guidelines'. These guidelines were referenced in the Department of Agriculture's policy papers which set out the conditions and application process to import a marine mammal to the Cayman Islands.

The Information Commissioner found that the requested record was not exempt from disclosure under the *Freedom of Information Law, 2007* and ordered the Department of Agriculture to release a copy of the record to the Applicant.

The Public Authority is seeking to appeal this Decision by way of judicial review to the Grand Court.



The records at issue in the Commissioner's third formal decision relate to the standards and guidelines for importing bottlenose dolphins into the Cayman Islands.

The ICO welcomes our new Deputy Information Commissioner



Mr. Jan Liebaers, the new Deputy Information Commissioner

Mr. Jan Liebaers took up his post as the new Deputy Information Commissioner on 1 June 2010.

While Jan is new to the ICO, he is not new to the Island, having worked with the Cayman Islands National Archive for more than 10 years until 2007, where he headed the Archive and Records Management sections. In 2006-07 he was a member of the FOI Steering and Implementation Committees which formulated the *Freedom of Information Law* in the Cayman Islands and prepared for its implementation.

Along with his substantial experience in records management and FOI, Jan recently completed (with distinction) an LL.M in Information Rights and Practice at Northumbria University (in conjunction with the Ministry of Justice in the UK), which focused on Freedom of Information and Data Protection.

The Commissioner and her staff are very happy to welcome Jan to the ICO team. He is eager to explore his new role and delve into the ongoing projects of the office."

TRANSPARENCY

ICO DECISION 4-02109

The Applicant
and
Cabinet Office

Summary:

An Applicant was refused access by the Cabinet Office to a copy of the transcripts of the three rounds of constitutional negotiation talks between representatives of the Cayman Islands and the United Kingdom Foreign and Commonwealth Office.

The Information Commissioner found that the requested record was not exempt from disclosure under the *Freedom of Information Law, 2007* and ordered the Cabinet Office to release a copy of the requested record to the Applicant.

The responsive record was released to the Applicant and proactively published online and can be found at www.cabinetoffice.gov.ky

To access the entire decision for ICO Hearing 3 - 02209 and 4 - 02109, please visit the 'Appeals' section of our website at www.INFOCOMM.ky

“This Law wasn’t
designed to make
your job easy.
It was designed to keep
your actions legal.”

Ray Don Jackson
US District Attorney

FOI allows the
public to better
understand the
'why' and 'how'
behind Government
decisions.

It enables people
to participate in the
national decision
making process.

Commissioner's 2009 Annual Report

Section 40 of the *Freedom of Information Law* requires that the Information Commissioner lay before the Legislative Assembly each year a report on the operation of the law.

While the ICO has produced quarterly reports & operational plans since the inception of the Law, the 2009 Annual Report includes a more comprehensive analysis of statistics as well as a financial overview as required by the Law.

The report has been distributed to the member of the House for their review. Once tabled in the Legislative Assembly, an electronic version will be posted on our website.

The ICO Investigates the maintenance of records at public authorities

Records management is key to providing efficient and complete access to records under the FOI Law.

It is of little benefit for a public authority to collect information if it cannot properly organize it so that it can be appropriately utilized and/or accessed by the public in an expedient manner. The public has an expectation that government, as a custodian of records, will collect, store and use records in accordance with the rules of the country. This will ensure the effective functioning of the bureaucracy and preserve corporate memory for the benefit of future generations.

The FOI Law and the Code of Practice on Records Management assist in this endeavor. Due to the importance of records management and its relationship with the public's rights under the FOI Law, the Information Commissioner conducted an investigation into how six public authorities were meeting some of the standards laid out in the Code of Practice on Records Management.

The six public authorities were the Legal Department, Planning Department, Royal Cayman Islands Police Services, Immigration, Monetary Authority and the Health Services Authority. The results of the investigation will be released shortly and published on our website at www.INFOCOMM.ky



New logo for the
Information
Commissioner's
Office

We are very proud to launch the Information Commissioner's Office logo.

The ICO has been using the Cayman Islands crest since opening its offices in April 2009. However, we recognize that it is important to assert the independence of the Office and one way to do so is with our own individual branding.

The ICO's logo is simple, effective and unique. We incorporated our signature shades of blue, orange and yellow which also correlate to the sea, sun and sand, elements of these beautiful Islands. You will also note that inside the 'O' of the abbreviation is a key-hole that helps to illustrate our tag line and motto...

"Opening Doors to Information"

UK to extend FOI Act to include a wider range of bodies

Following the UK general election in early May 2010, the newly formed coalition government between the Conservatives and Liberal Democrats have pledged to implement measures to increase transparency of the state.

Plans are to extend the FOI Act to cover a wider range of bodies, including Network Rail, the Carbon Trust and the NHS Confederation. The Lib Dem manifesto is looking to include private companies that deliver monopoly public services under the Act.

Another transparency measure discussed is to proactively publish more salary and expense information of senior officials, along with council spending over £500 and government spending over £25,000.

The minister with responsibility for FOI policy in the new government is Lord McNally.

ICO STATISTICS

5 January 2009 -
31 May 2010

Number of Appeals Opened - 34

Number of Appeals Closed - 31

Number of Hearings Conducted - 4

Number of upcoming Hearings - 1

Files Referred Back to Authority - 16



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Sister Islands ICO: Periodic visits to the Brac will be scheduled

For more information visit our website:

www.INFOCOMM.ky