



INFORMATION COMMISSIONER'S OFFICE
Cayman Islands

MEMORANDUM

To: All Chief Officers, Information Managers and Members of the Press
From: Jennifer Dilbert, Information Commissioner
Subject: The different roles and duties of the Freedom of Information Unit and the Information Commissioner's Office
Date: September 24, 2009

Background:

The Freedom of Information (FOI) Law (2007) came into effect in the Cayman Islands on the 5th of January 2009. We hope that by outlining the details and differences of each unit below, public authorities and the media will be better equipped to deal with and report on FOI related issues. This topic was highlighted recently when a TV station displayed the Freedom of Information Unit (FOI Unit) logo whilst communicating on matters pertaining to the Information Commissioner's Office (ICO).

The objects of the FOI Law are to reinforce and give further effect to certain fundamental principles underlying constitutional democracy:

- Transparency
- Accountability and
- Public participation in national decision-making by granting to the public a general right of access to records held by public authorities.

Access to government records provides citizens with the information they need to participate in the democratic process. An informed electorate is better able to evaluate and monitor public officials and ensure an honest, competent and responsive government. It means that every citizen can exercise responsibility as a voter and, equipped with the right to access information, hold the administration accountable as representatives of the people. In a democracy, the records belong to the people and are held on trust for the people by the government.

Information is crucial to good decision-making. Through Cayman's Freedom of Information legislation the public now has access to the thousands of records Government produces yearly containing information about roads, housing, employment, policies on energy, immigration, security, disaster preparedness, planning, environmental protection, health care or education and beyond.

This informational brochure outlines the duties, accountabilities and contact details of the two separate entities that administer and enforce the Freedom of Information Law (2007) as detailed at 1 and 2 below:

1. INFORMATION COMMISSIONER'S OFFICE (ICO)

The overall purpose of the Information Commissioner's Office is:

- To provide independent oversight of the operation of the Freedom of Information Law and subsequent regulations.
- To serve as an independent appellate body to investigate complaints and appeals lodged under FOI legislation.
- To promote general awareness of the FOI law and the public's rights under it.

The Information Commissioner's Office:

- Hears, investigates and rules on appeals filed under the FOI Law.
- Monitors and reports on compliance by public authorities with the Law.
- Makes recommendations for reform both of a general nature and directed at specific public bodies.
- Refers cases where it appears that a criminal offence has been committed to the appropriate authorities.
- Publicises the requirements of the FOI Law and the rights of individuals under it.

During the process of an investigation or an appeal, the Information Commissioner:

- May order the publishing of certain information or categories of information.
- May recommend the making of certain changes to the practices of the management and destruction of records.
- May recommend the provision of training to the public authority's officials on the right of access to records.
- May refer a matter to the appropriate disciplinary authority where there has been an egregious or willful failure to comply with an obligation under the Law.
- May require the public authority to take such steps as may be necessary to bring it in compliance with its obligations under the Law.
- May issue orders requiring the production of evidence and compelling of witnesses to testify and/or inspect records in order to reach a decision.
- Will comply with the process of judicial review by the courts.

2. FREEDOM OF INFORMATION UNIT (FOI UNIT)

The overall purpose of the FOI Unit is:

- To assist and provide general advice to public authorities on interpretations of the Law and Regulations and procedural and administrative requirements.
- To train and educate the public sector on their duties under the law and guide and support public authorities throughout the FOI process.
- To internally monitor and report on various areas such as monthly progress and statistics.
- To conduct comprehensive and ongoing training of; Information Managers, Chief Officers, elected officials and the public sector in general.
- To promote best practices within public authorities.

The FOI Unit is also responsible for:

- Coordinating the creation of a Data Protection Policy for the Cayman Islands.
- Reviewing statutory obligations and policy requirements to help identify inconsistent legislation and how it relates to FOI.
- Working closely with other Government entities such as the Portfolio of the Civil Service, the National Archive, Government Information Services and the Legal Department, who have critical roles to play in the successful implementation of the new FOI regime.
- Analysing, formulating and disseminating policies, procedures, benchmarks and guidelines applicable to the Cayman Islands Public Sector related to the FOI Law and Regulations.

INFORMATION COMMISSIONER'S OFFICE

Information Commissioner

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Hours:

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Abbreviated Name:

ICO

Logo*:



*(*Please use the Cayman Crest when referring to the Information Commissioner's Office)*



*(*Please use the Right to Know logo when referring to Right to Know Week events)*

FREEDOM OF INFORMATION UNIT

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Abbreviated Name:

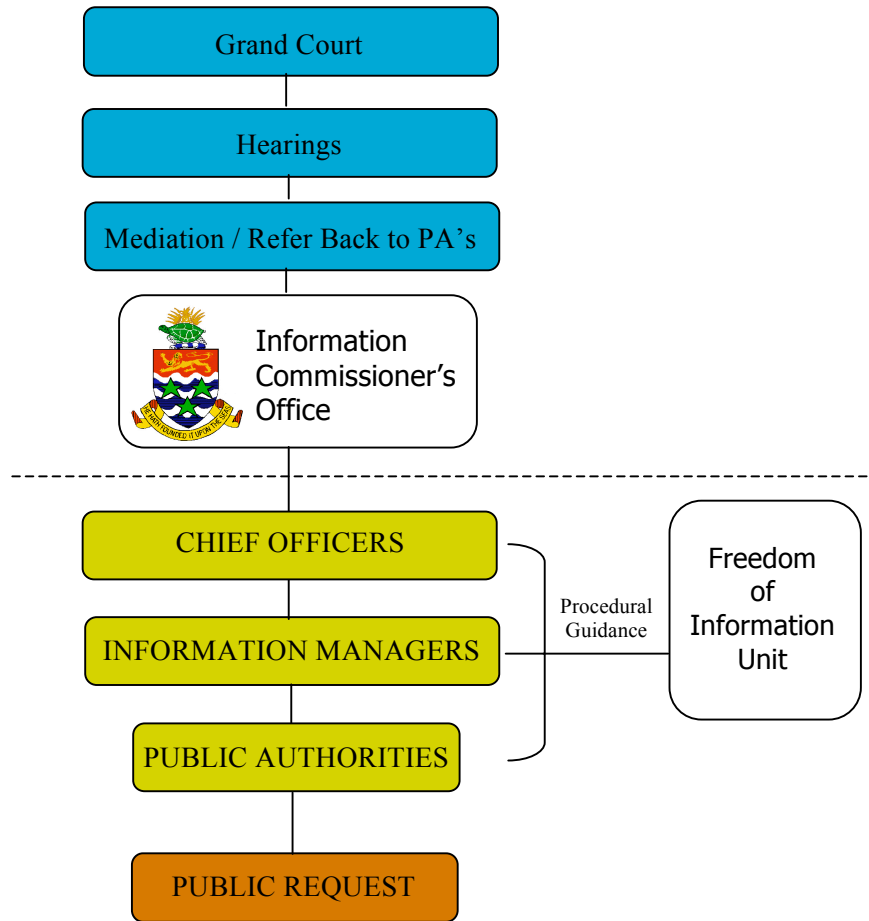
FOI Unit

Logo:



*(*Please use the 'Information Freedom' logo when referring to the FOI Unit)*

Flow Chart of Accountabilities:



For further information, contact:

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