



## INFORMATION COMMISSIONER'S OFFICE Cayman Islands

### JOB DESCRIPTION

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**JOB TITLE:** Appeals and Policy Analyst  
**JOB HOLDER:** Cory Martinson  
**REPORTS TO:** Deputy Information Commissioner

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### JOB PURPOSE

Reporting to the Deputy Information Commissioner, the Appeals and Policy Analyst ("APA") is responsible for mediating and investigating appeals filed to the Information Commissioner and assists the Deputy Information Commissioner prepare final reports and the paperwork required for a formal hearing before the Information Commissioner. The analyst carries out research to enable the ICO to monitor compliance with the Law by public authorities as well as international developments in the areas of freedom of information and data protection.

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### DIMENSIONS

The overall purpose of the Information Commissioner's Office (ICO) is to act as a quasi-judicial appellate body, monitoring and enforcing compliance with the Freedom of Information Law (2007) and associated regulations. The ICO is an independent office of the Legislature with a broad mandate to protect and promote access to information within the Cayman Islands. The ICO mediates access disputes between individuals and public authorities, rules on appeals, monitors public authority compliance with the FOI Law, reports on matters affecting information rights and informs the public about the law. It provides education, training and outreach programs to achieve these objectives. The number of appeals per annum is estimated at 150.

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### PRINCIPAL ACCOUNTABILITIES

The Appeals and Policy Analyst is responsible for mediating disputes and conducting investigations. This includes gathering evidence, formulating and communicating his/her opinion on the merits of the case. The position requires a

good knowledge and understanding of the FOI law, the rules of natural justice and administrative fairness, investigation techniques and conflict resolution.

The appeals aspect of the job will be driven by demand, that is, the number of appeals received by the ICO.

### **Mediate access appeals and investigate access issues (35%)**

- Mediate requests for information disputes between individuals and public authorities, including gathering information, ascertaining the positions of parties on issues, investigating means of settlement, gaining the agreement of all parties with the terms of settlement and preparing and filing reports of the process;
- Interview appellants and public authorities' officers to determine the facts and understand their perspective in the matter;
- Follow up to ensure that the terms of any mediated settlement are realized;
- Identify issues to be resolved at a hearing, and identify any possible third parties or interveners that might be impacted by a decision at hearing;
- Prepare for hearings where mediation is not successful by preparing Fact Reports for the IC;
- Assist with the preparation for a hearing.

### **Conduct policy analysis and research (25%)**

- Analyse compliance reports from the public authorities and identify and report on trends or patterns to the IC;
- Conduct research concerning current and emerging FOI issues;
- Conduct analysis on the impacts of access to information on proposed legislation, policies, programs and services;
- Keep current on best practices with respect to access to information and make recommendations to enhance access to information in the Cayman Islands;
- Assist in formulating recommendations for legislative change to enhance the public's right to government information;
- Conduct specific research including case law and other jurisdictions' precedents and obtain background information for the privacy Commissioner;
- Provide advice and guidance to public authorities to assist them in complying with their responsibilities under the Law and work with Information Managers and the FOI Unit to address issues relating to access to information;
- Conduct surveys and/or interviews with public authorities and appellants to determine areas for improvement with ICO processes, policies and approaches.

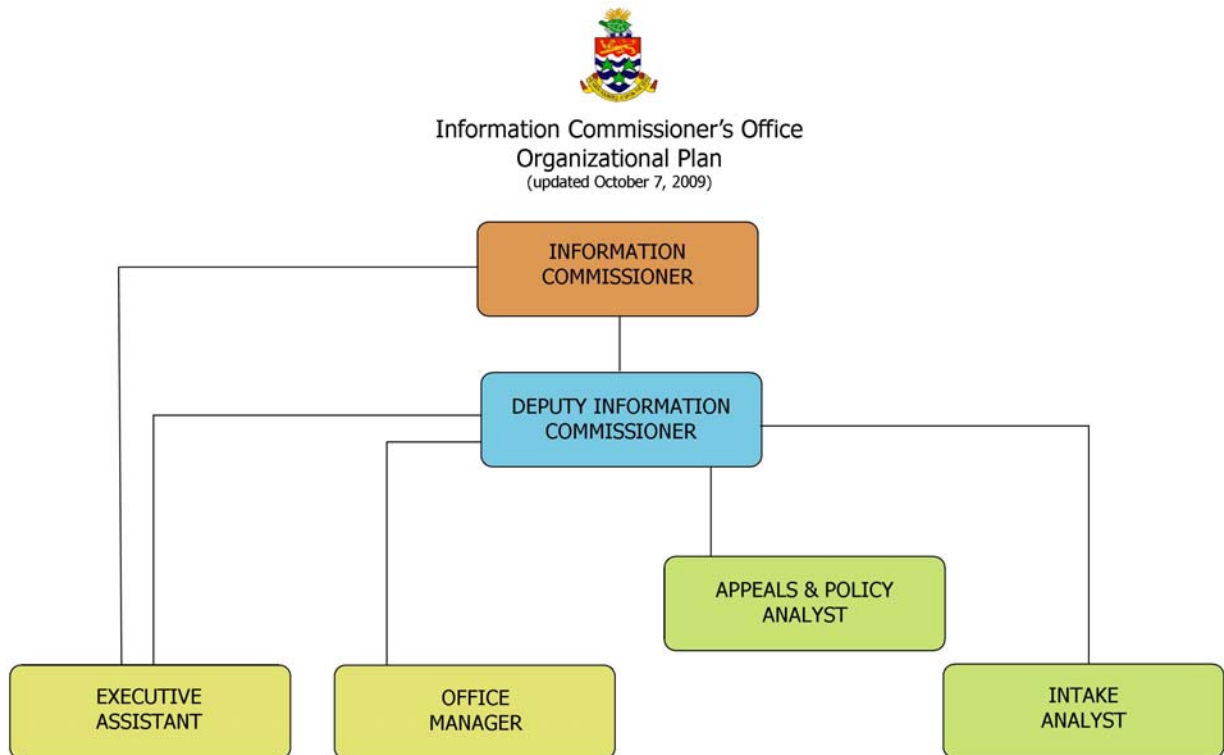
### Investigate FOI issues as directed by the Information Commissioner (20%)

- Investigate matters affecting access to information and prepares reports as directed;
- Assist in the preparation of the terms of reference for such investigations;
- Provide information to the public authority during the course of the investigation and process feedback;
- Analyse the results of the investigation to inform the IC;
- Draft conclusions and recommendations, and circulate for comment and revision as directed.

### Build capacity with public authorities and assist with public education (20%)

- Consult with the ICO team on a regular basis to identify areas for training and public education;
- Work with the Executive Assistant to create public educational material for posting on the website and other mediums;
- Identify opportunities for the Information Commissioner to increase public awareness of the ICO and promote the importance of FOI in fostering a healthy democracy and accountable government.

## ORGANIZATIONAL CHART



## **BACKGROUND INFORMATION**

The Government is committed to the advancement of greater openness and transparency and the benefit this brings to good governance and improvements in public policy through greater participation of the public in decision-making. Widespread compliance by public authorities to the Freedom of Information Law, 2007 and The Freedom of Information (General) Regulations, 2008 (The FOI Law) is critical to this end.

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## **KNOWLEDGE, EXPERIENCE AND SKILLS**

- Knowledge of FOI strongly preferred;
  - University or associate degree in public administration, political science or other related field;
  - Demonstrable skills in conflict resolution would be an asset;
  - Two years direct experience in conducting investigations and/or experience in assessing evidence, interpreting legislation and formulating recommendations.
  - General knowledge of the principles of natural justice and administrative fairness;
  - General knowledge of the organization and structure of the Government of Cayman Islands;
  - Able to demonstrate objectivity, impartiality and possess sound analytical and problem solving skills;
  - Able to be diplomatic and respond appropriately communicate in an effective manner in verbal and written communications;
  - Able to communicate complex ideas in plain language to a wide and varied audience;
  - Able to function independently while consulting and sharing information with peers and colleagues;
  - Able to manage a large, demanding time sensitive workload;
  - Experience in developing and delivering training sessions, workshops, and presentations to a wide variety of audiences.
  - Solid written and oral communication skills;
  - Able to deal with hostile and aggressive individuals with the utmost respect, tact and diplomacy.
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## **ASSIGNMENT AND PLANNING OF WORK**

The APA will work closely with the Deputy Information Commissioner with respect to his/her mediation and investigation duties. The APA works with some independence in the planning and execution of his/her research and analysis assignments. The APA must consult often and widely amongst the ICO staff to identify training and public education needs.

## **DECISION MAKING AUTHORITY AND CONTROLS**

The Appeals and Policy Analyst will provide advice and recommendations to the Deputy Information Commissioner and the Information Commissioner. In a conflict situation the job holder will be required to think quickly and made a decision on how to handle the situation.

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## **PROBLEMS / KEY FEATURES**

As this is a new position in a new independent office, the incumbent must have good networking, investigative and conflict resolutions skills, and deploy them in an untested environment.

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## **WORKING CONDITIONS**

Working conditions are normal office environment, but the work is time-sensitive and may require additional time depending on the workload. The incumbent may be subject to hostile and angry clients, both on the phone and in person.

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## **OTHER WORKING RELATIONSHIPS**

The Appeals & Policy Analyst works with the information managers of all public authorities and has considerable interaction with members of the public. The Appeals & Policy Analyst maintains close relationships with a network of contacts in the broader community of Information Commissioners to keep abreast of current trends in the intake function. The APA will work closely with the Deputy Information Commissioner.

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## **AGREED BY:**

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Cory Martinson

Date:

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Jennifer Dilbert

Date: