



**INFORMATION COMMISSIONER'S OFFICE
Cayman Islands**

JOB DESCRIPTION

JOB TITLE: Deputy Information Commissioner

JOB HOLDER:

REPORTS TO: Information Commissioner

JOB PURPOSE

The overall purpose of the Information Commissioner's Office is to provide independent oversight of the implementation of the Freedom of Information (FOI) Law, 2007 and the Freedom of Information (General) Regulations, 2008, and in particular to serve as an independent appellate body to investigate complaints and appeals lodged under the FOI legislation.

As such the Deputy Information Commissioner will support the Information Commissioner in all aspects of organizing, managing and directing the Information Commissioner's Office.

DIMENSIONS

The Deputy Information Commissioner is responsible for:

- a) Managing a team of staff in the Information Commissioner's Office in accordance with the Public Service Management Law & Regulations.
 - b) Assisting with operating a fiscal budget for the Information Commissioner's Office in accordance with the Public Management & Finance Law and Regulations.
 - c) Acting in the capacity of Information Commissioner when necessary, provided such appointment has been made by His Excellency the Governor.
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PRINCIPAL ACCOUNTABILITIES:

The Deputy Information Commissioner will provide key operational, technical and management support to the Information Commissioner and therefore play a key role in fulfilling the overall obligations of the Information Commissioner's Office as provided in the Freedom of Information Law, 2007 and Regulations. The responsibilities of the Office of the Information Commissioner are statutory in nature, and the Deputy Information Commissioner will be involved in all aspects of these duties, especially in light of the relatively small office and the need for the individual to act as Information Commissioner as and when necessary. The Deputy will be delegated significant responsibilities as may be allowed under the law.

Assist with hearings and investigations (30%)

- Assist with hearings, investigations and mediation and providing advice on rulings (and rule only when acting as Information Commissioner) on appeals filed under the FOI law.
- The FOI legislation provides extensive powers to the Information Commissioner in the handling of these duties, including power to conduct a full investigation, order the production of evidence, compel witnesses to testify, and inspect records including exempt records generally and the power to order that information be released.
- Appeal of the Commissioner's decision can be made to the Grand Court by way of judicial review.
- The Deputy Information Commissioner is expected to be the main legal advisor to the Commissioner.

Assist with monitoring and reporting on compliance (25%)

- Assist with monitoring and reporting on compliance by public authorities with their obligations under the FOI law.
- The Deputy Information Commissioner is expected to advise the Information Commissioner on necessary steps that public authorities should take to bring them into compliance with the law.
- The Deputy Information Commissioner is expected to advise the Information Commissioner on matters which warrant investigations to be initiated by the Office of the Information Commissioner, and where this is done, the matter shall be treated as an appeal under the law.
- The Deputy Information Commissioner is required to assist in the submission of various reports to the Legislative Assembly, some of which require the compilation of information provided by public authorities in accordance with the FOI law.

Make recommendations for reform (15%)

- Make recommendations to the Information Commissioner for reform both of a general nature and directed at specific public bodies.

- Assist the Information Commissioner in making recommendations for changes to record keeping practices and in relation to training of public authority officials.

Advise the Information Commissioner when offences committed (5%)

- Advise the Information Commissioner in relation to referring to the appropriate authorities, cases where it appears that a criminal offence has been committed.
- In cases where egregious or wilful failures of a public authority to comply with an obligation under this law have been determined, the Information Commissioner can refer the matter to the appropriate disciplinary authority as required.

Promote the Freedom of Information Law and access rights (15%)

- Promote, through promotional campaigns and other methods, general awareness of the Freedom of Information Law and individuals' right to access information held by the Government.

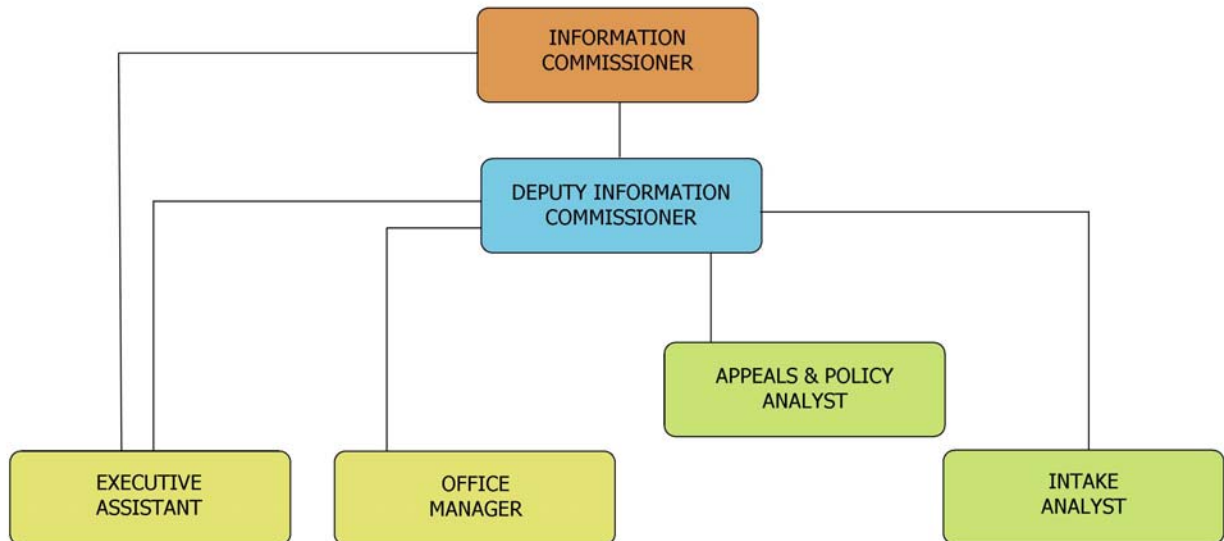
Manage team of support staff (10%)

- Directly manage a team of support staff to deliver the required services of the Information Commissioner's Office, including but not limited to staff mentoring, coaching, performance appraisal and review, as well as planning, assignment and supervision of work.

ORGANIZATIONAL CHART



Information Commissioner's Office
Organizational Plan
(updated October 7, 2009)



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. The implementation of a freedom of information regime is critical to this end.

KNOWLEDGE, EXPERIENCE AND SKILLS

The position of Deputy Information Commissioner is expected to be a fairly high profile one and as such the post holder should be of high caliber, integrity and honesty.

The post holder should:

- Be able to demonstrate complete objectivity, impartiality and independence.
- Should have good organization and middle management experience and sound analytical and problem solving skills.
- Have extensive knowledge of the Cayman Islands Government and the Cayman Islands Freedom of Information legislation.
- Clearly demonstrate a commitment to the principles of democracy, openness and good governance.
- Have a relevant legal qualification at graduate or post graduate level and at least five years experience at a senior level in a relevant field.

- Preferably have previous experience working with Government.
 - Have good public speaking and report writing skills.
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ASSIGNMENT AND PLANNING OF WORK

The Deputy Information Commissioner will have a significant amount of delegated authority for fiscal and human resources functions of the Office.

The Deputy Information Commissioner will be responsible for the day to day supervision of the Office and for assisting the Information Commissioner with the short, medium and long term forward planning and organization of work of the Office.

The Deputy Information Commissioner is expected to be highly motivated and work on his own initiative. The post holder will however take instructions from the Information Commissioner as required.

SUPERVISION OF OTHERS

The Deputy Information Commissioner will be responsible for the day to day supervision and management of the staff of the Information Commissioner's Office. The current number of subordinate staff is 4 persons.

OTHER WORKING RELATIONSHIPS

The Information Commissioner's Office is an independent oversight body similar to that of the Complaints Commissioner and the Auditor General. The maintenance of good working relationships will be important, but should not compromise the independence of the office.

It is expected that the Deputy Information Commissioner would maintain close working relationships with all public authorities, other oversight offices, judiciary, Government and members of the Legislative Assembly. The Deputy Information Commissioner is also expected to closely liaise with the Freedom of Information Unit of the Cabinet Office especially in efforts to promote the awareness of the FOI law to public officers and the public generally.

DECISION MAKING AUTHORITY AND CONTROLS

The post-holder will carry the responsibilities and authority of a Deputy Chief Officer as provided for in the Public Finance and Management law and Regulations as well as that in the Public Service Management Law and Regulations.

In the exercise of his powers, the Deputy Information Commissioner shall assist and support the Information Commissioner with her responsibilities to the Legislative Assembly in accordance with the Freedom of Information Law, 2007

In addition, the post holder will execute the authority invested by the Freedom of Information Law, 2007 and relevant Regulations when acting as Information Commissioner which may include:

- Ordering the publishing of information, recommending changes to record keeping practices and training as well as referring matters for disciplinary action.
- Power to conduct full investigations, including issuing orders requiring the production of evidence, compelling witnesses to testify, and the inspection of exempt records.

PROBLEMS / KEY FEATURES

As a new Office, the post holder will be required to assist with continuing to equip the office, instituting operational procedures, and recruiting staff as necessary.

It is expected that the new FOI regime will require extensive culture change not only within the public service but the community as a whole. As such, awareness and educational efforts will be required on an ongoing basis.

WORKING CONDITIONS

Working conditions are expected to be normal office environment and regular working hours with additional time as required.

AGREED BY:

Job Holder
(Signature)

Date

Information Commissioner
(Signature)

Date