



CAYMAN ISLANDS GOVERNMENT

JOB DESCRIPTION

JOB TITLE:	Information Commissioner
JOB HOLDER:	Jennifer P Dilbert
REPORTS TO:	Legislative Assembly

JOB PURPOSE

The Information Commissioner heads the Information Commissioner's Office (ICO), the overall purpose of which is to provide independent oversight of the implementation of the Freedom of Information Law, 2007 (FOI Law) 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.

DIMENSIONS

The Information Commissioner is responsible for:

- (a) Leading a team of staff in the ICO in accordance with the Public Service Management Law & Regulations.
 - (b) Preparing, maintaining and operating a fiscal budget for the ICO in accordance with the Public Management & Finance Law and Regulations. (Projected Annual Budget for Office \$684,000)
-

PRINCIPAL ACCOUNTABILITIES:

Fulfilling the obligations of the Information Commissioner as provided in the Freedom of Information Law, 2007 and Regulations, which includes but is not limited to:

Hear, investigate and rule on appeals (30%)

- Hear, investigate and rule 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.

Monitor and report on compliance (25%)

- Monitor and report on compliance by public authorities with their obligations under the FOI law.
- The Information Commissioner can require that the public authority take such steps as may be necessary to bring it into compliance with the law.
- The Information Commissioner may on her own initiative conduct an investigation into any matter where she does so, the matter shall be treated as an appeal under the law.
- The Information Commissioner is required to submit various reports 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 (12%)

- Make recommendations for reform both of a general nature and directed at specific public bodies.
- The Information Commissioner can also make recommendations for changes to record keeping practices and in relation to training of public authority officials.

Refer cases where offences committed (3%)

- Refer 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.

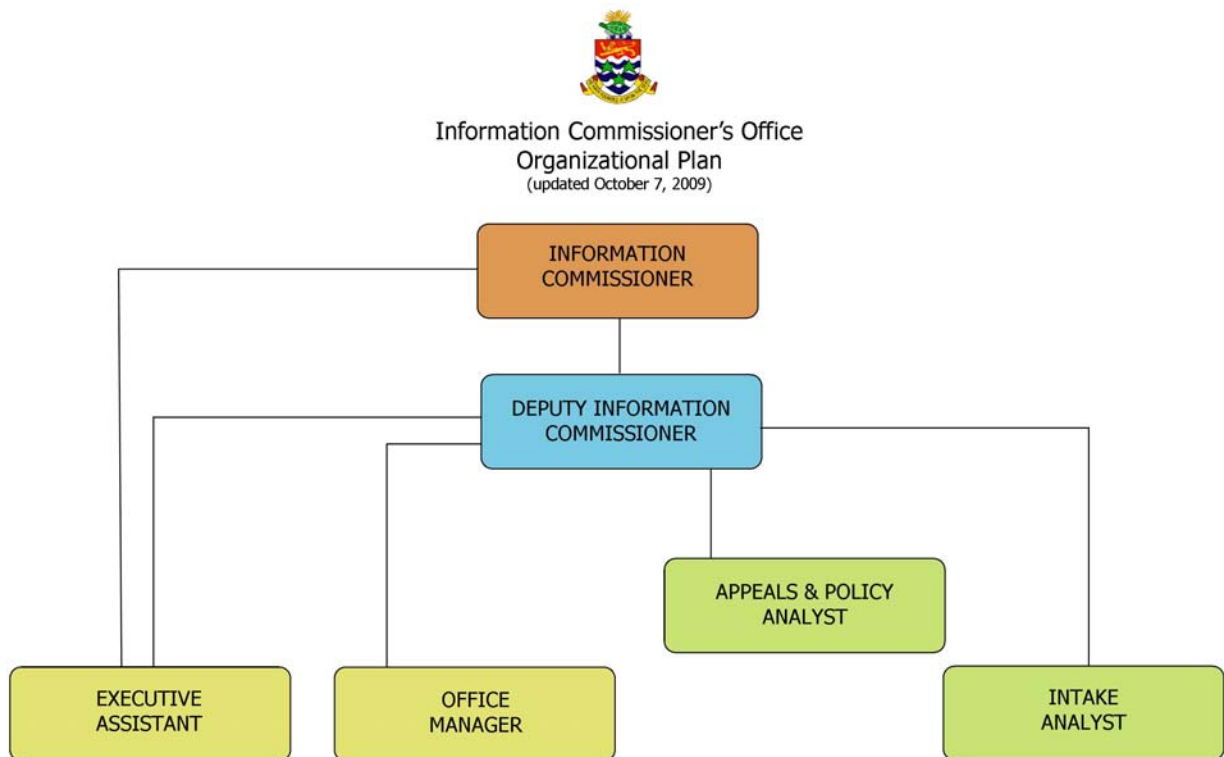
Promote the Freedom of Information Law (15%)

- 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 a team of support staff (15%)

- Manage a team of support staff to efficiently deliver the required services of ICO, including but not limited to staff mentoring, coaching, performance appraisal and review, as well as planning, assignment and supervision of work.

ORGANIZATIONAL CHART



BACKGROUND INFORMATION

The Government is committed to the advancement of greater openness and transparency in Government, the benefits it brings to good governance and improvement in public policy through greater participation of the public in decision making.

The Information Commissioner will be responsible for the short, medium and long term forward planning and organization of work of the Information Commissioner's Office (ICO).

SUPERVISION OF OTHERS

The Information Commissioner will be directly responsible for the supervision and management of the staff of the Information Commissioner's Office. The total number of staff is currently six, including the Commissioner; however the FOI Law provides that the Information Commissioner may appoint such officers and employees as are necessary to enable her to perform her functions.

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 Information Commissioner would maintain close working relationships with all public authorities, other oversight offices, judiciary, Government and members of the Legislative Assembly. The 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 the public officers and the public generally.

DECISION MAKING AUTHORITY AND CONTROLS

The position carries the responsibility and authority of a Chief Officer as provided for in the Public Management and Finance Law and Regulations as well as that in the Public Service Management Law and Regulations.

In the exercise of powers, the Information Commissioner shall be responsible 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. In particular, the Commissioner conducts formal Hearings, makes independent Decisions and has the authority to make binding Orders.

In the exercise of her power under the Freedom of Information Law, the Information Commissioner may order the publishing of information, recommend changes to records keeping practices and training, as well as refer matters for disciplinary action.

KNOWLEDGE, EXPERIENCE AND SKILLS

The position of Information Commissioner is a high profile one and as such the post holder should be of the highest calibre, integrity and honesty. The individual should be someone with proven background which demonstrates that they can be entrusted with the significant responsibilities afforded the position under the FOI Law. The post holder should be someone who can hold the confidence of the general public.

The post holder should be able to demonstrate complete objectivity, impartiality and independence. As such the post holder should not hold the office in or is an employee of a political party, or hold an elected or appointed position in central or local government, elective or otherwise.

Extensive knowledge of the Cayman Islands Government and the Freedom of Information legislation is required. The position requires an individual who must clearly demonstrate and unwavering commitment to the principles of democracy, openness and good governance.

The post holder should have some experience chairing quasi-judicial or tribunal hearing and the responsibility that goes along with it. There will be a need to operate in a strict statutory and legal environment so the post holder would ideally have relevant and proven experience in this regard. Proven ability to learn and apply complicated legislation is an essential requirement.

The post holder should ideally have previously held a senior position in either the public or private sectors for a reasonable length of time to demonstrate proven experience at senior leadership and managerial levels requiring sound decision making capabilities. Previous experience working with Government is preferred.

A post graduate level of education is preferred, although a lower level of tertiary education along with substantial relevant senior management level working experience would also be considered. Exemplary public speaking and report writing skills are required.

ASSIGNMENT AND PLANNING OF WORK

The Information Commissioner is a Chief Officer and must provide the necessary degree of authority for fiscal and human resources functions of the Office, while reporting administratively to the Governor in keeping with the independent nature and role of the post

The Information Commissioner shall have the 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 continue to equip the office, institute operational procedures, and recruit the necessary staff.

The FOI regime requires 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:

Jennifer Dilbert

Date:

Donovan Ebanks

Date: