



FREEDOM OF INFORMATION

2018 Annual Statistics Report

Office of the Ombudsman

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Introduction

Section 40(2) of the Freedom of Information Law (FOI Law) requires this office to compile a report relating to compliance with the FOI Law. This report provides statistics on the operation of the FOI Law as required by section 40 of the FOI Law, as well as additional statistics which place the 2018 figures in the context of the trends and results for the last ten years. This report supplements the statistics which can be found in the 2018 Annual Report of the Office of the Ombudsman.

This year we celebrate the 10th anniversary of the Freedom of Information Law (FOI Law) which came into force in January 2009.

The FOI Law promotes openness by creating a general right of access consistent with the system of constitutional democracy in the Cayman Islands.

This report supplements the statistics already presented in our 2018 Annual Report.

Methodology

This report was compiled using aggregated statistics from the Cayman Islands Government's central tracking system known as JADE. Those figures have been augmented with, and verified against, compliance reports on FOI activity received from each individual public authority.

JADE is owned and maintained by the Cabinet Office, and we are grateful to the FOI Unit of the Cabinet Office for providing many of the raw data for this report.

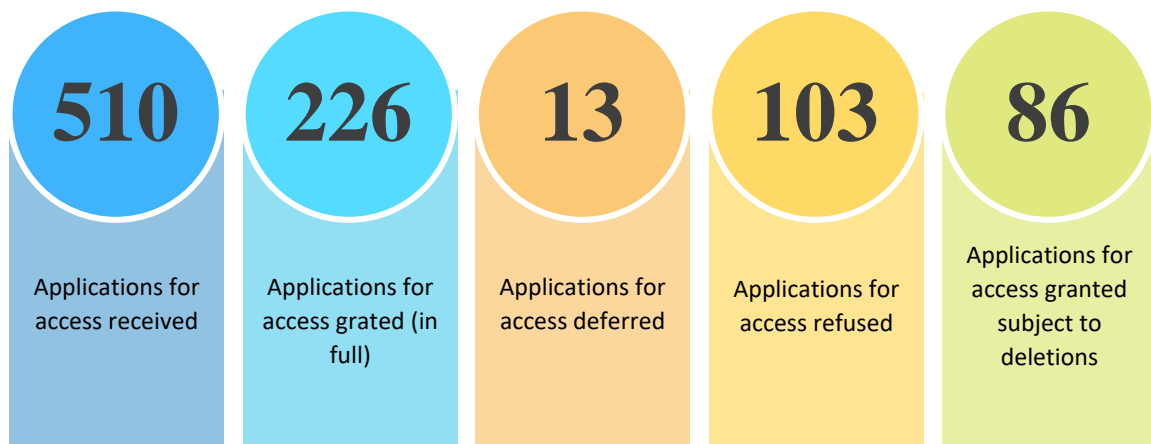
Operation of the FOI Law during 2018

The following statistical information represents the operation of the FOI Law in the Cayman Islands Government in 2018 in fulfilment of the statutory reporting requirements of section 40(2) of the FOI Law.

As in previous years, we believe that the number of internal reviews is under-reported by Information Managers (IMs) in the tracking system.

REPORTS

FOI Law section 40(2)(a)

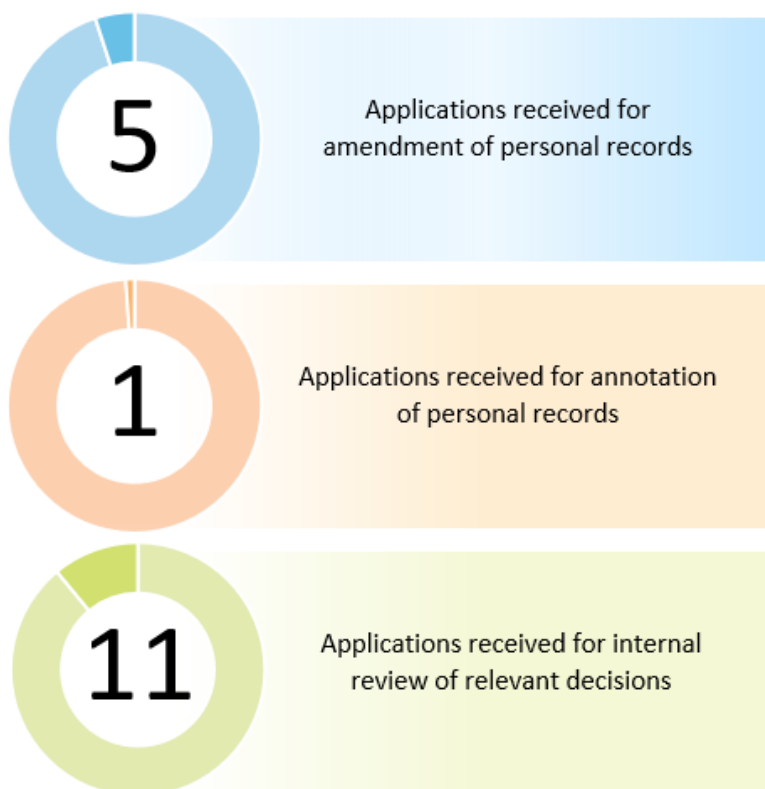


FOI Law section 40(2)(b)

Section	Description	Times Applied
s. 15(a)	Records are exempt from disclosure if the disclosure thereof would prejudice the security, defence or international relations of the Islands	4
s. 15(b)	Records are exempt from disclosure if those records contain information communicated in confidence to the Government by or on behalf of a foreign government or by an international organization.	1
s. 16(b)(i)	Records relating to law enforcement are exempt from disclosure if their disclosure would, or could reasonably be expected to affect the conduct of an investigation or prosecution of a breach or possible breach of the law.	4
s. 16(b)(ii)	Records relating to law enforcement are exempt from disclosure if their disclosure would, or could reasonably be expected to affect the trial of any person or the adjudication of a particular case.	9
s. 16(c)	Records relating to law enforcement are exempt from disclosure if their disclosure would, or could reasonably be expected to disclose, or enable a person to ascertain, the existence or identity of a confidential source of information, in relation to law enforcement.	1
s. 17(a)	An official record is exempt from disclosure if it would be privileged from production in legal proceedings on the ground of legal professional privilege.	6
s. 17(b)(i)	An official record is exempt from disclosure if the disclosure thereof would constitute an actionable breach of confidence.	12
s. 19(1)(a)	Subject to subsection (2), a record is exempt from disclosure if it contains opinions, advice or recommendations prepared for proceedings of the Cabinet or of a committee thereof.	2
s. 19(1)(b)	Subject to subsection (2), a record is exempt from disclosure if it contains a record of consultations or deliberations arising in the course of proceedings of the Cabinet or of a committee thereof.	2
s. 20(1)(b)	A record is exempt from disclosure if its disclosure would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation.	5
s. 20(1)(c)	A record is exempt from disclosure if it is legal advice given by or on behalf of the Attorney General or the Director of Public Prosecutions.	4
s. 20(1)(d)	A record is exempt from disclosure if its disclosure would otherwise prejudice, or would be likely to prejudice, the effective conduct of public affairs.	7
s. 21(1)(a)(i)	Subject to subsection (2), a record is exempt from disclosure if its disclosure would reveal trade secrets.	1
s. 21(1)(a)(ii)	Subject to subsection (2), a record is exempt from disclosure if its disclosure would reveal any other information of a commercial value, which value would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed.	4
s. 21(1)(b)	Subject to subsection (2), a record is exempt from disclosure if it contains information (other than that referred to in paragraph (a)) concerning the commercial interests of any person or organisation (including a public authority) and the disclosure of that information would prejudice those interests.	15
s. 22(1)(a)	Subject to subsections (2), a record is exempt from disclosure if its disclosure would, or could reasonably be expected to result in the destruction of, damage to, or interference with, the conservation of any historical, archaeological or anthropological resources.	1

Section	Description	Times Applied
s. 23(1)	Subject to the provisions of this section, a public authority shall not grant access to a record if it would involve the unreasonable disclosure of personal information of any person, whether living or dead.	51
s. 24(a)	A record is exempt from disclosure if its disclosure would, or would be likely to endanger the physical or mental health of any individual.	3
s. 24(b)	A record is exempt from disclosure if its disclosure would, or would be likely to endanger the physical or mental health of any individual.	2
	Other unspecified exemptions	6
	TOTAL EXEMPTIONS CLAIMED	140

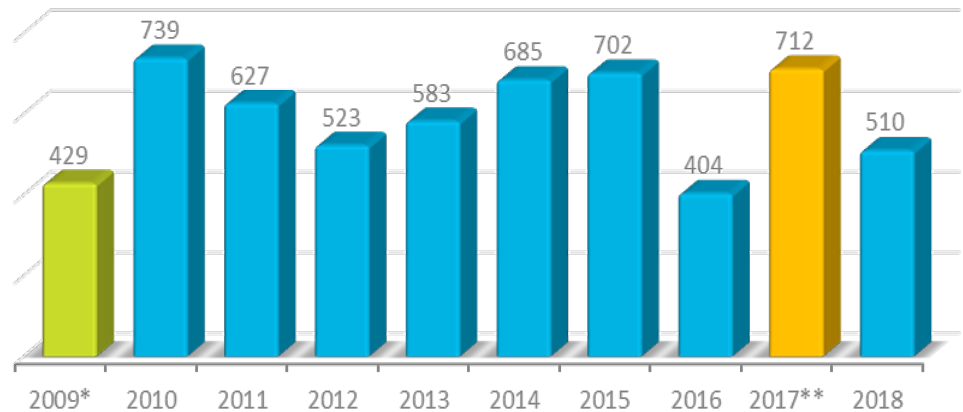
FOI Law section 40(2)(c) and (d)



Additional FOI Statistics

NUMBER OF FOI REQUESTS PER YEAR (2009-2018)

Following an initial spike shortly after the FOI Law came into effect in 2009, the number of requests received by Government has varied from approximately 500 to 700. In ten years of operation, 5,914 requests were made under the FOI Law.

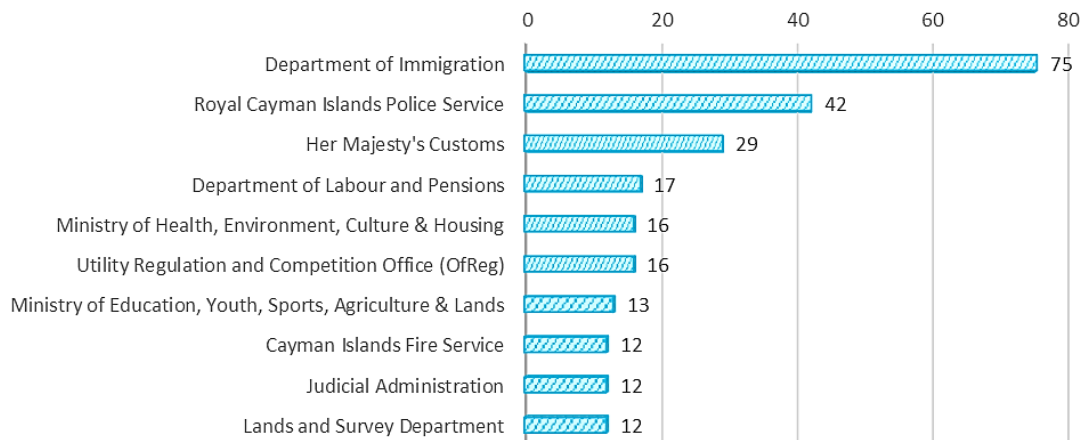


* 6 months period from 01 January 2009 to 30 January 2009

** 18 months period from 01 July 2016 to 31 December 2017

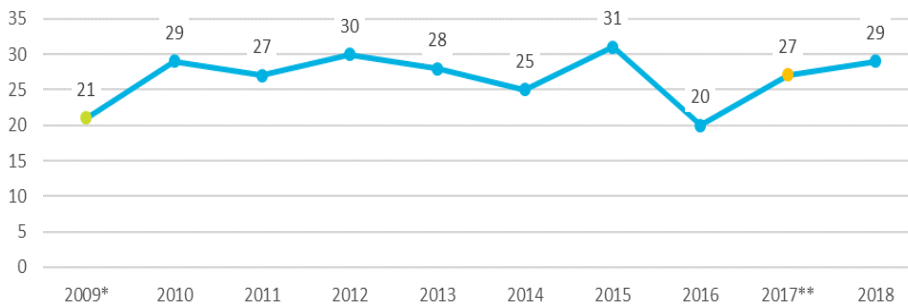
SPREAD OF FOI REQUESTS ACROSS THE PUBLIC SECTOR (2018)

As in previous years, most FOI requests were received by those public authorities whose decisions impact individuals the greatest. The Department of Immigration (75) received the most requests followed by the Royal Cayman Islands Police Service (42) and H.M. Customs Department (29).



RESPONSE TIMES

The FOI Law requires public authorities to give their initial response to an FOI request “as soon as practicable” but not later than 30 calendar days after receiving it. This year the average response time increased to 29 days which marks an increase of 9 days since 2016.



* 6 months period from 01 January 2009 to 30 January 2009

** 18 months period from 01 July 2016 to 31 December 2017

In 2018 more than 43% of FOI requests took longer than 30 days, compared to 37% in 2017.

RESPONSE TIMES

3.3%

Same day

16.7%

1-10 days

36.3%

11-30 days

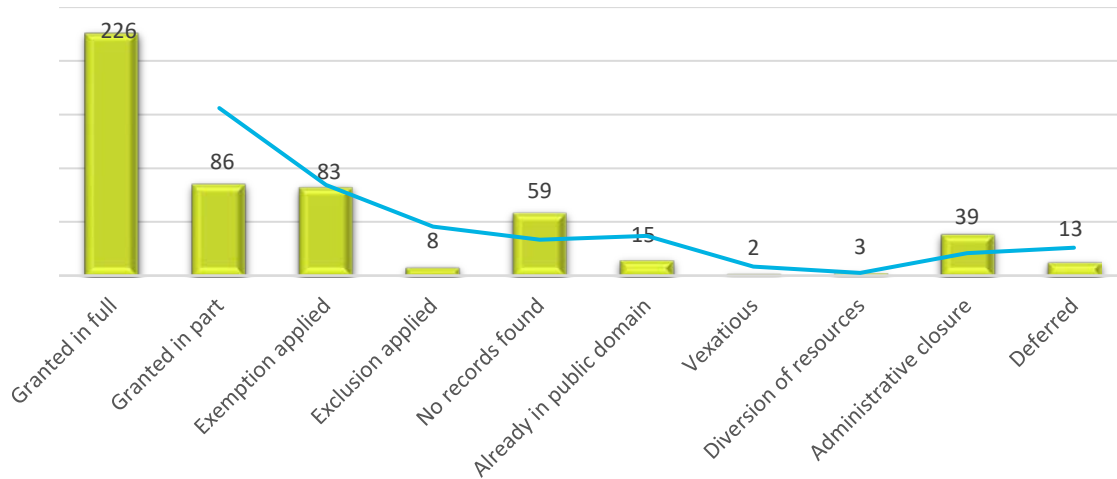
26.5%

31-60 days

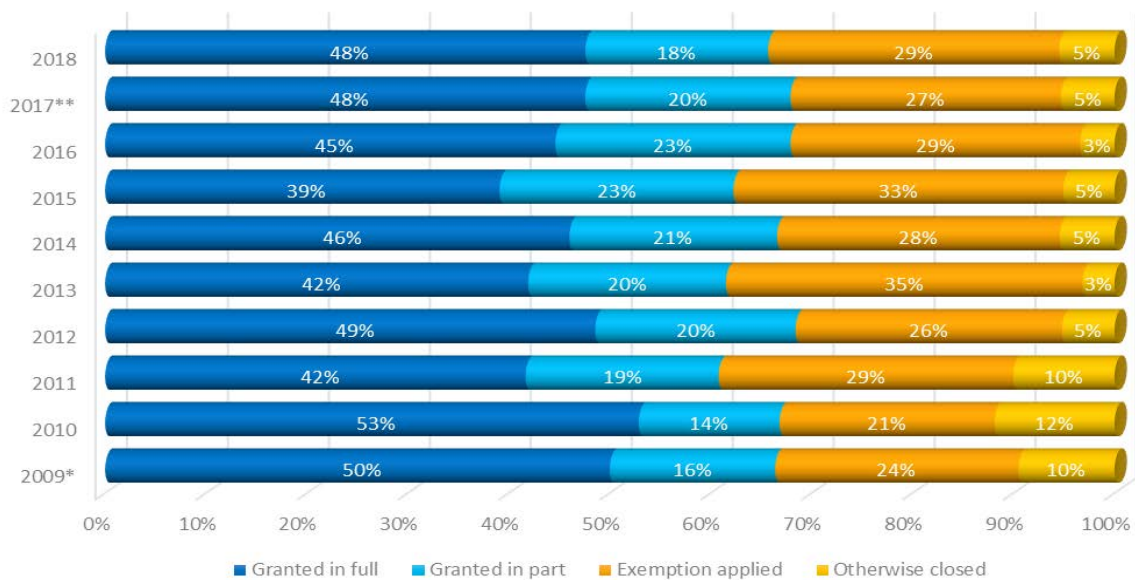
17.2%

Over 60 days

OUTCOMES OF FOI REQUESTS



When we discount cases where no records were found, records were already in the public domain, the request was a duplicate, or the request was withdrawn by the applicant, the proportion of requests granted (in full or in part) was about 65%, which is average in the 10 year period since the FOI Law has been in effect.



* 6 months period from 01 January 2009 to 30 January 2009

** 18 months period from 01 July 2016 to 31 December 2017