

CAYMAN ISLANDS



FREEDOM OF INFORMATION (AMENDMENT) BILL, 2019

Supplement No. 1 published with Legislation Gazette No. 33 dated 17th September, 2019.

A BILL FOR A LAW TO AMEND THE FREEDOM OF INFORMATION LAW (2018 REVISION) BY REPLACING REFERENCE TO THE FORMER CUSTOMS DEPARTMENT WITH THE NAME OF THE NEWLY ESTABLISHED CUSTOMS AND BORDER CONTROL SERVICE; BY REMOVING FROM THE APPLICATION OF THE PUBLIC INTEREST TEST IN SECTION 26(1) EXEMPT RECORDS UNDER SECTION 19(1)(a) OF THE LAW TO PREVENT THE UNINTENDED DISCLOSURE OF CABINET AND NATIONAL SECURITY EXEMPTED RECORDS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Portfolio of Legal Affairs (PLA)



**Memorandum of
OBJECTS AND REASONS**

The Bill seeks to amend the Freedom of Information Law (2018 Revision) (the “principal Law”) in order to make an amendment consequential upon the enactment of the Customs and Border Control Law, 2018. The Bill also seeks to remove from the application of the public interest test in section 26(1) of the principal Law, exempt records under section 19(1)(a) of the principal Law, to prevent the unintended disclosure of Cabinet and National Security Council exempted records.

Clause 1 provides for the short title and commencement of the legislation.

Clause 1(2) provides for Clause 3 to commence on 14th June, 2019 which is the same date that the relevant sections of the Freedom of Information (Amendment) Law, 2018 came into force.

Clause 2 amends section 3(8) of the principal Law by deleting the reference to the former Customs Department and substituting the name of the newly established agency with responsibility for customs and border control which is the Customs and Border Control Service.

Clause 3 amends section 26(1) of the principal Law by removing the reference to section 19(1)(a) of the principal Law.

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ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

- (1) This Law may be cited as the *Freedom of Information (Amendment) Law, 2019*.
- (2) Section 3 of this Law is deemed to have come into force on 14th June, 2019.

Amendment of section 3 of the Freedom of Information Law (2018 Revision) - application

- The *Freedom of Information Law (2018 Revision)* is amended in section 3(8) by repealing paragraphs (c) and (d) and substituting the following paragraph —
“(c) the Customs and Border Control Service;”.

Amendment of section 26 of the Freedom of Information Law (2018 Revision) - granting access to exempt information

3. The *Freedom of Information Law (2018 Revision)* is amended in section 26(1) by deleting the words “19(1)(a),”.

Passed by the Legislative Assembly the day of , 2019.

Speaker

Clerk of the Legislative Assembly

