



FREEDOM OF INFORMATION

2020 Annual Statistics Report

Office of the Ombudsman

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Introduction

This report provides statistics on compliance with the Freedom of Information Act in the Cayman Islands Public Sector, as required by section 40 of the FOI Act, as well as additional statistics which place the 2020 figures in the context of the trends and results since the FOI Act came into effect.

The FOI Act promotes openness and accountability by creating a general right of access, balanced by exemptions for specific reasons, consistent with the system of constitutional democracy in the Cayman Islands.

Methodology

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

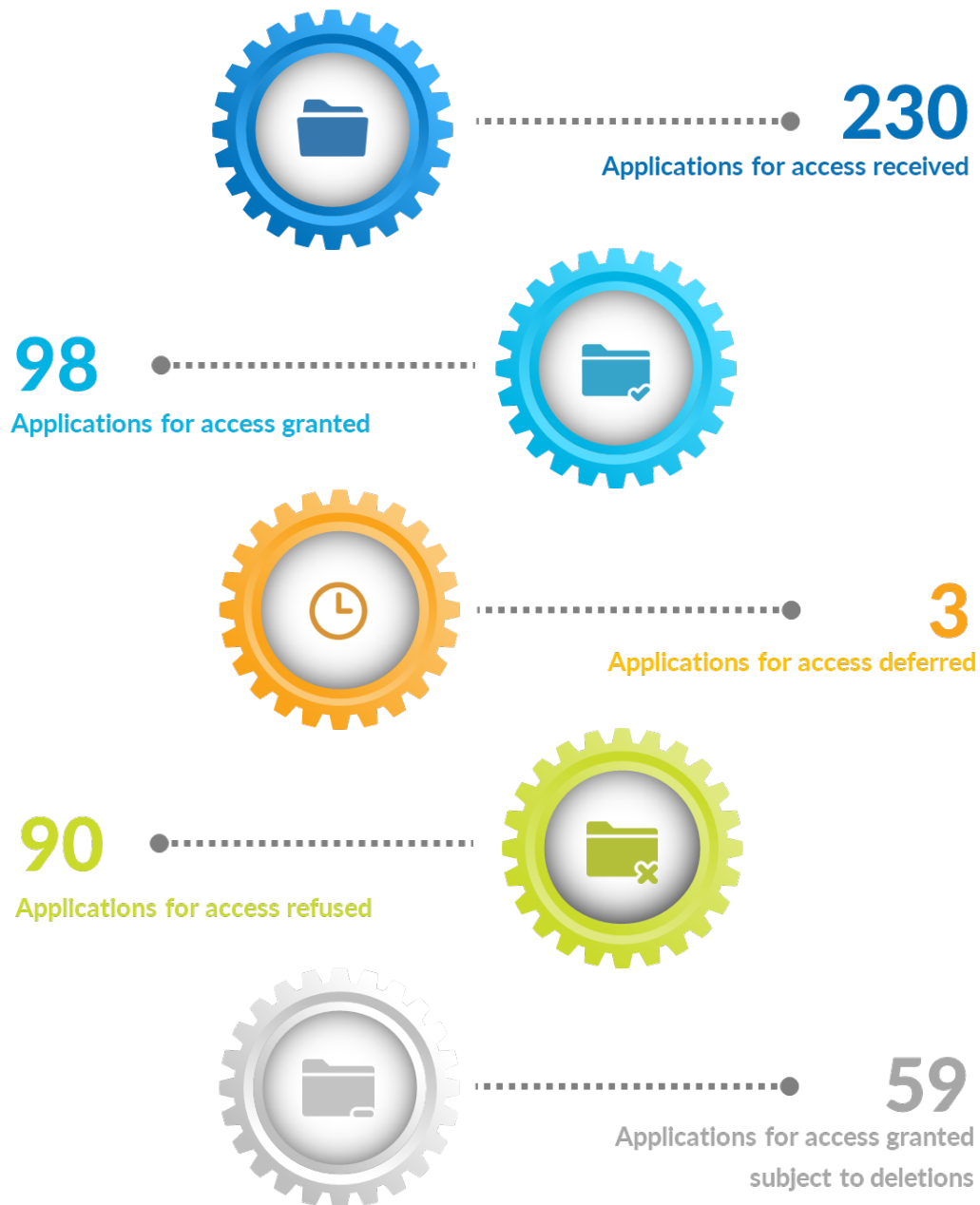
JADE is owned and maintained by the Cabinet Office, and we are grateful to the Information Rights Unit of the Cabinet Office for providing many of the raw data for this report.

As in previous years, there are no reliable figures for internal reviews conducted during the year, as they are being under-reported in the tracking system. Therefore, we are unable to report on this item.

The number of appeals to the Ombudsman and their success and failure rate have already been reported in the 2020 Annual Report of the Office of the Ombudsman and have not been duplicated here.

Operation of the FOI Act in 2020

REPORTS



Freedom of Information Act (2020 Revision) Section 40(2)(a)

Section	Description	Times Applied
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 organisation.	2
s. 16(a)	Records relating to law enforcement are exempt from disclosure if their disclosure would, or could reasonably be expected to endanger any person's life or safety.	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.	8
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.	3
s. 16(d)	Records relating to law enforcement are exempt from disclosure if their disclosure would, or could reasonably be expected to reveal lawful methods or procedures for preventing, detecting, investigating or dealing with matters arising out of breaches or evasions of the law, where such revelation would, or could be reasonably likely to, prejudice the effectiveness of those methods or procedures.	1
s. 17(1)(a)	A record is exempt from disclosure if it would be privileged from production in legal proceedings on the ground of legal professional privilege.	4
s. 17(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.	3
s. 19(1)(a)	Subject to subsection (2), a record is exempt from disclosure if it contains opinions, advice or recommendations, or a record of consultations or deliberations prepared for or arising in the course of proceedings of the Cabinet or the National Security Council or a committee of the Cabinet or the National Security Council.	3
s. 19(1)(b)	Subject to subsection (2), a record is exempt from disclosure if it contains opinions, advice or recommendations, or a record of consultations or deliberations prepared for the Governor or a Minister relating to the formulation or development of Government policy	3
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.	3
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.	4
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	2

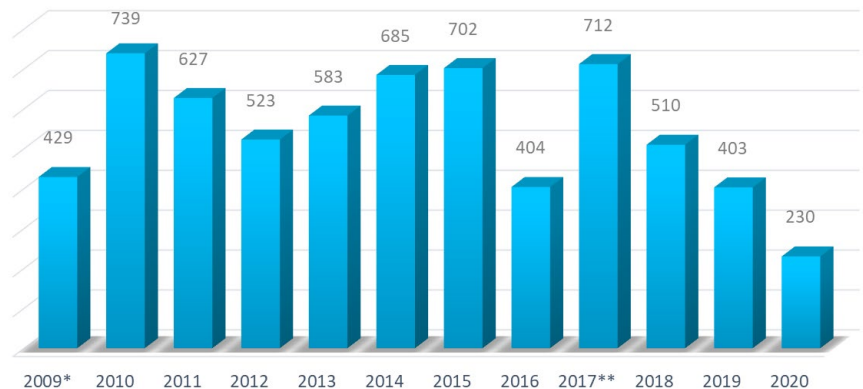
Section	Description	Times Applied
	reasonably be expected to be, destroyed or diminished if the information were disclosed.	
s. 21(1)(b)	Subject to subsection (2), a record is exempt from disclosure if it contains information (other than that referred to in paragraph (a)) concerning the commercial interests of any person or organisation (including a public authority) and the disclosure of that information would prejudice those interests.	1
s. 23(1)	Subject to the remaining provisions of this section, a record is exempt if its disclosure would involve the unreasonable disclosure of personal information of any natural person, whether living or dead.	43
	Other unspecified exemptions	3
TOTAL EXEMPTIONS CLAIMED		84

Freedom of Information Act (2020 Revision) Section 40(2)(b)

Additional FOI Statistics

NUMBER OF FOI REQUESTS PER YEAR (2009-2020)

The number of requests received by Government in 2020 shows the impact of the Pandemic, with only 230 requests logged, far below the average of 400-700 per year since 2009. In ten years of operation over 6,500 requests were logged in the FOI tracking system.

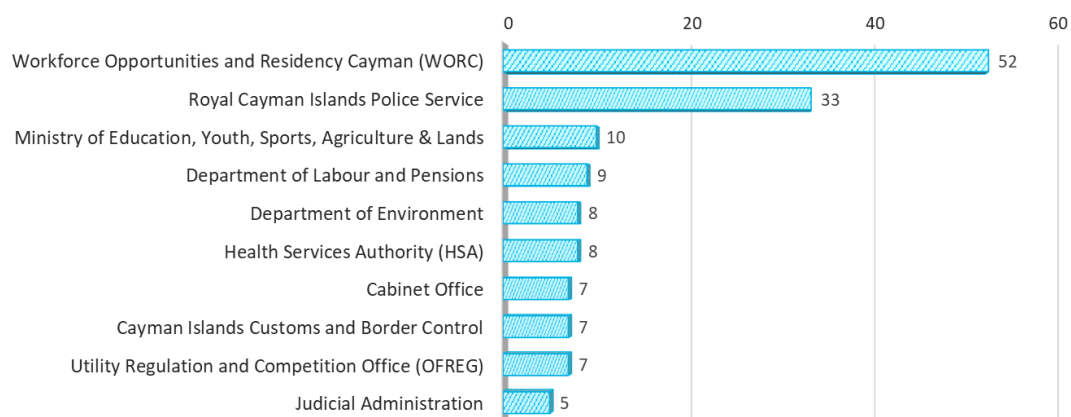


* 6 months period from 01 January 2009 to 30 June 2009

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

SPREAD OF FOI REQUESTS ACROSS THE PUBLIC SECTOR (2020)

As in previous years, most FOI requests were received by those public authorities whose decisions impact individuals the greatest. Workforce Opportunities & Residency Cayman (WORC) received the most requests (52) followed by the Royal Cayman Islands Police Service (33) and the Ministry of Education, youth, Sports, Agriculture and Lands (10).

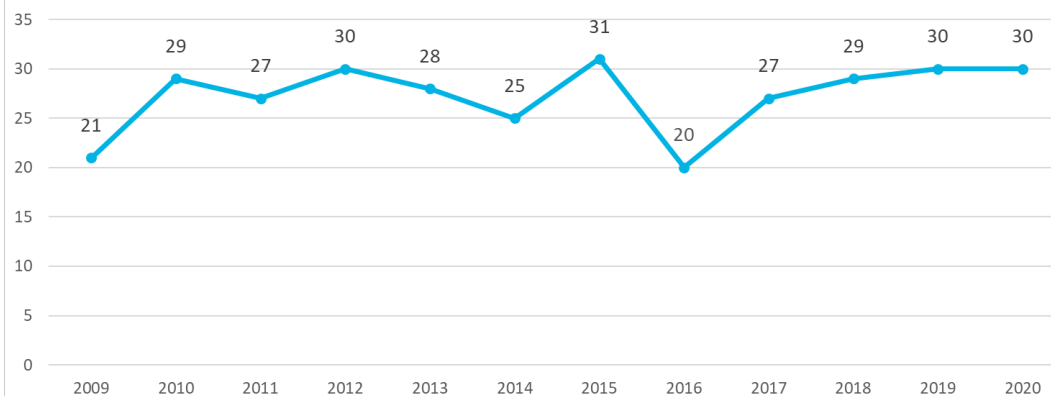


REQUEST HANDLING TIMES 2009-2020

In 2020 the average time cases stayed open remained stable at 30 days. About 46% of FOI requests took longer than 30 days, compared to only 37% in 2017.

The case management system (upgraded in early 2021) records when cases were closed. This includes many cases with legitimately extended timelines, or cases that were internally reviewed or appealed.

The FOI Act requires public authorities to give their initial decision to an FOI request “as soon as practicable” but not later than 30 calendar days after receiving it.



REQUEST HANDLING TIMES 2020

1.0%

Same day

14.6%

1-10 days

38.5%

11-30 days

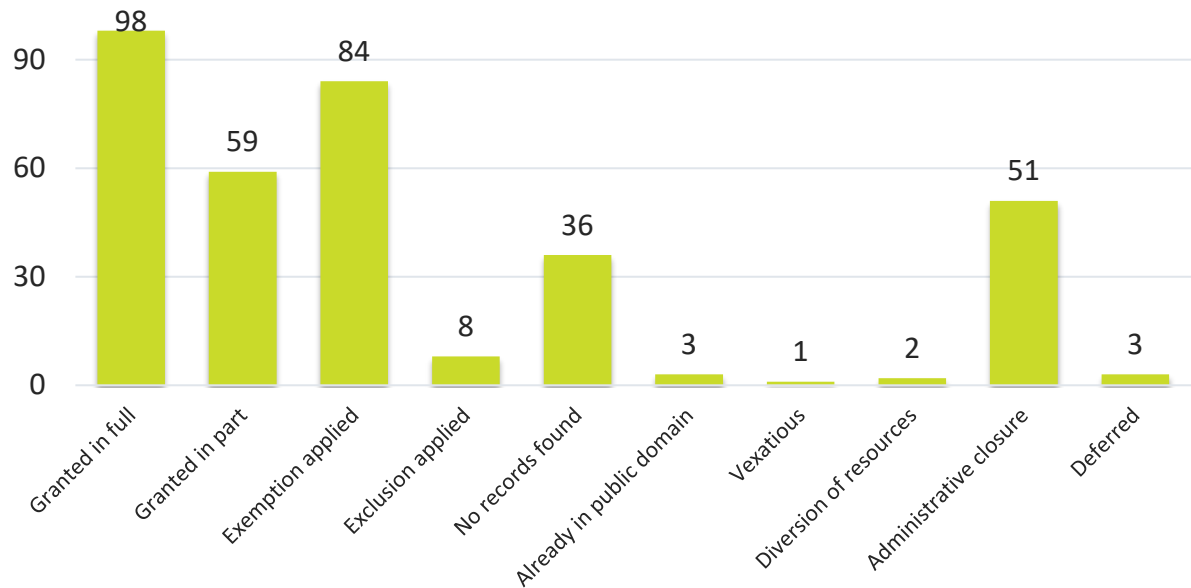
23.4%

31-60 days

22.4%

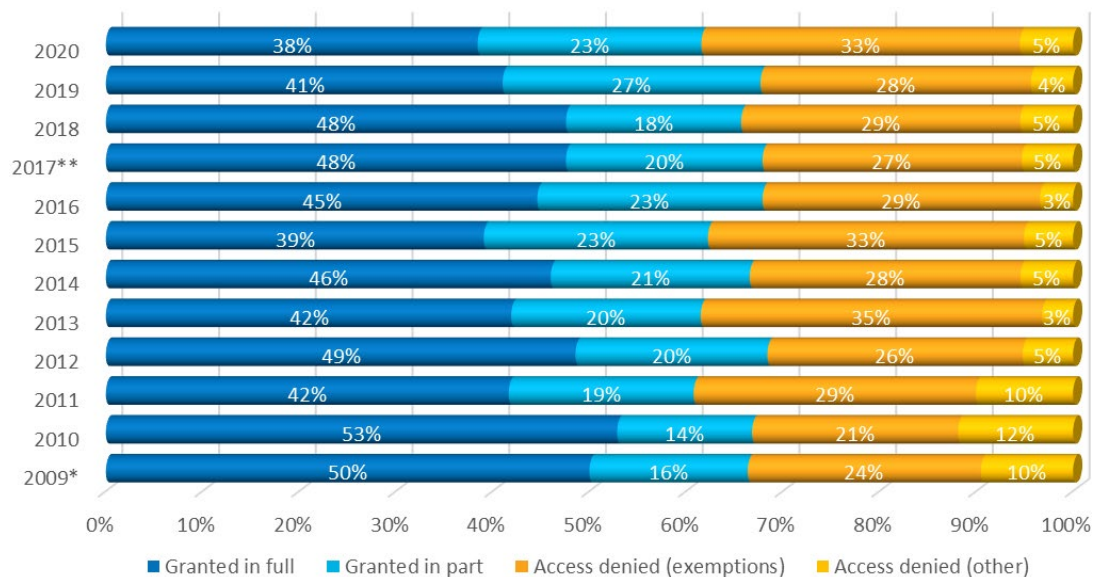
Over 60 days

OUTCOMES OF FOI REQUESTS (2020)



The FOI tracking system logs one or more outcomes for each request.

When certain outcomes are discounted (no records found, records already in the public domain, duplicate request, or request withdrawn), the proportion of requests granted in full or in part was about 61%, which is below average.



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