



FREEDOM OF INFORMATION

2022 Annual Statistics Report

Office of the Ombudsman

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Introduction

This report provides statistics on the operation of the Freedom of Information Act (2021 Revision) (the FOI Act) in the Cayman Islands Public Sector, as required by section 40 of the FOI Act. It also places the 2022 FOI outcomes and activities in the context of the trends and results since 2009 when 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 by the Office of the Ombudsman using aggregated statistics from the Cayman Islands Government's central tracking system known as JADE, which was recently upgraded. Where needed, these figures were augmented, verified and corrected against the compliance reports on FOI activity received from each individual public authority.

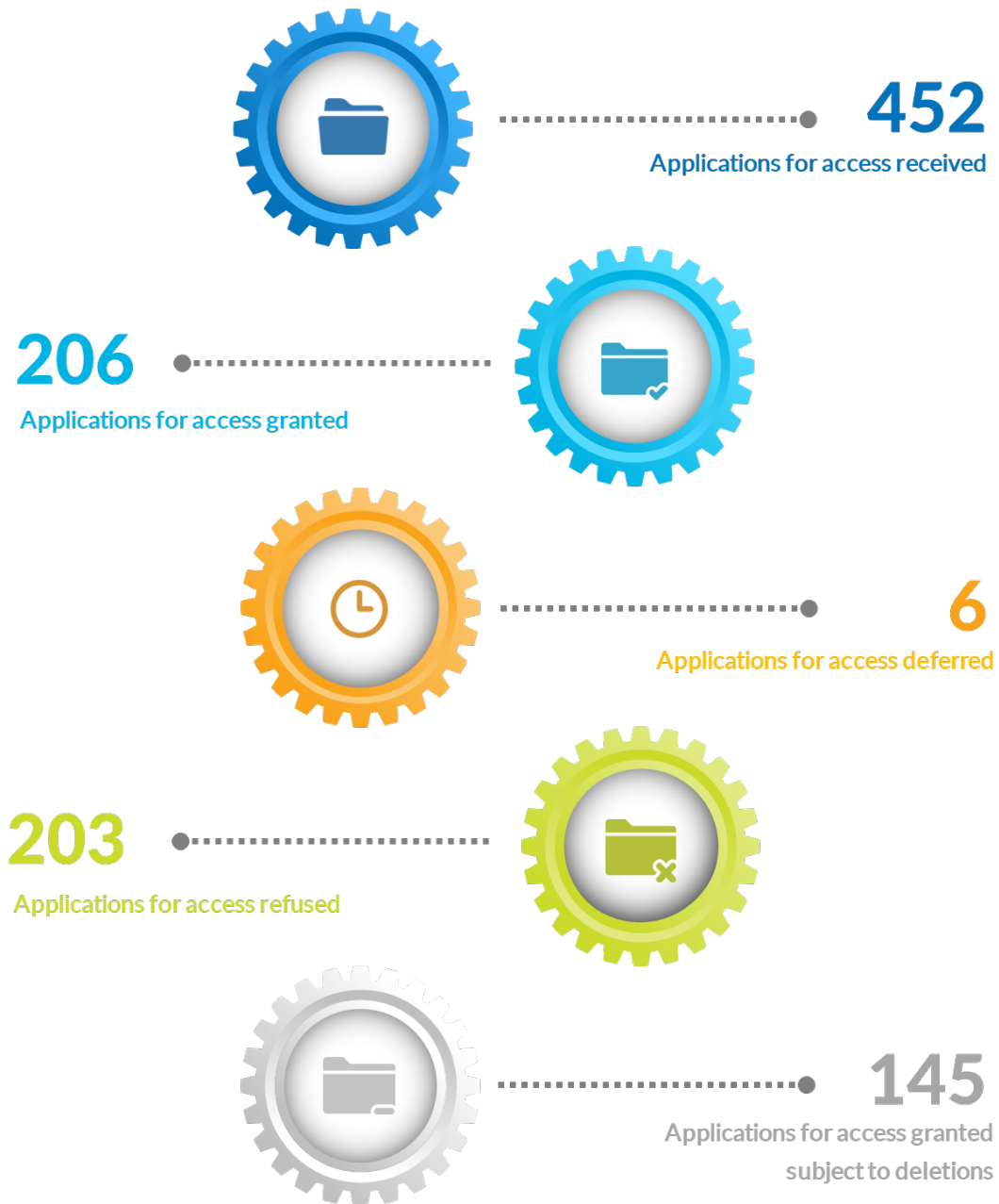
JADE is owned and maintained by the Cabinet Office, and we are grateful to the Information Rights Unit of the Cabinet Office and to the many FOI Information Managers around the Public Sector who implement the FOI Act on a daily basis, for providing the raw data for this report.

As in previous years, there are no reliable figures for internal reviews conducted during the year. These cases are underreported in the tracking system, and we are unable to report on them.

Appeals to the Ombudsman and their outcomes were reported separately in the 2022 Annual Report of the Office of the Ombudsman, and these have not been duplicated here.

Operation of the FOI Law during 2022

OVERVIEW



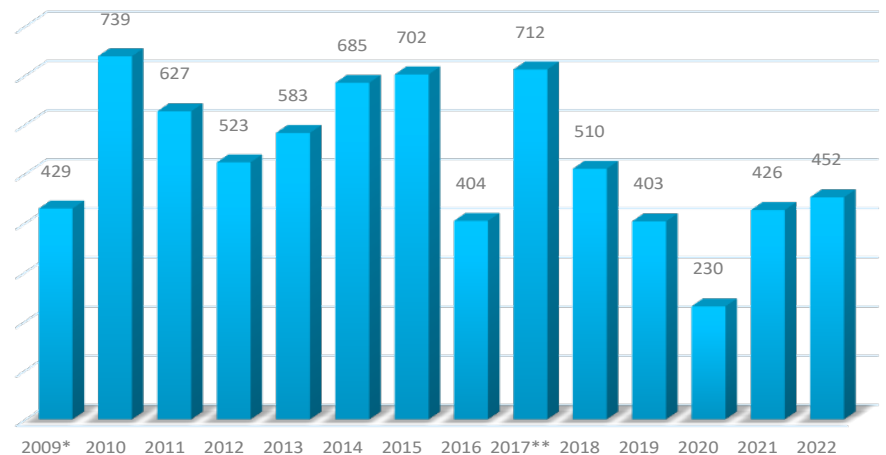
Section	Description	Times Applied
s. 15(a)	Records are exempt from disclosure if the disclosure thereof would prejudice the security, defence or international relations of the Islands.	4
s. 16(a)	Records relating to law enforcement are exempt from disclosure if their disclosure would, or could reasonably 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.	15
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.	8
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. 16(f)	Records relating to law enforcement are exempt from disclosure if their disclosure would, or could reasonably be expected to jeopardise the security of prison.	2
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.	9
s. 17(1)(b)(i)	A record is exempt from disclosure if the disclosure thereof would constitute an actionable breach of confidence.	10
s. 17(1)(b)(ii)	A record is exempt from disclosure if the disclosure thereof would be in contempt of court.	1
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.	7
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.	4
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	4

Section	Description	Times Applied
	deliberations prepared for the Governor or a Minister relating to the formulation or development of Government policy.	
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.	11
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.	12
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.	11
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.	64
23 (5)	Where the Data Protection Act, 2017 [Law 33 of 2017] does not permit disclosure or publication of a record or part of a record, that record or part of the record shall be exempt from disclosure under subsection (1), and section 26(1) shall not apply.	1
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.	1
	TOTAL EXEMPTIONS CLAIMED	171

Additional FOI Statistics

NUMBER OF FOI REQUESTS PER YEAR (2009-2022)

The overall number of requests answered under the FOI Act continued a moderate recovery from the impact of the pandemic, with 452 requests tallied during the year. This total falls within the average of 400-700 requests per year recorded since 2009, albeit on the low end of that range. Since the commencement of the FOI Act almost 7,500 requests have been processed.

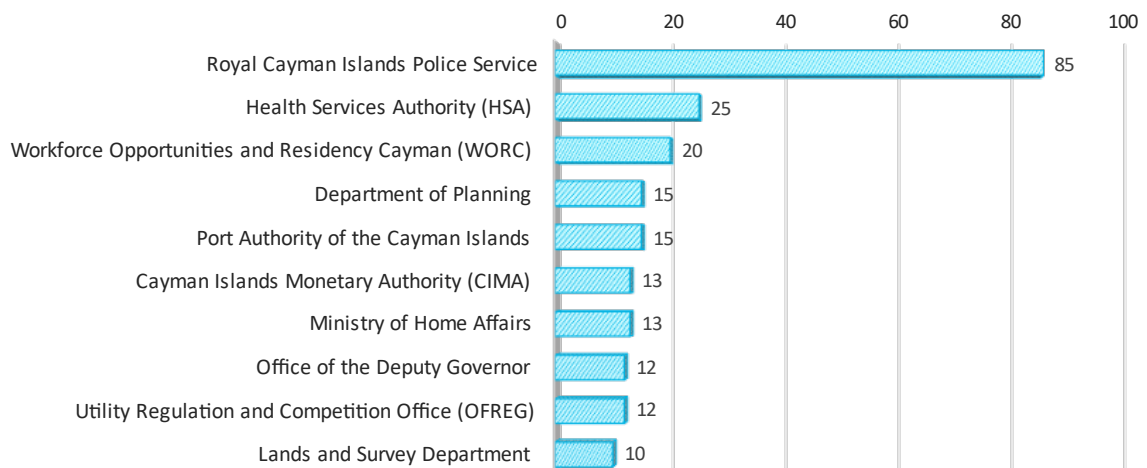


* 6 months period from 01 January 2009 to 30 June 2009

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

SPREAD OF FOI REQUESTS ACROSS THE PUBLIC SECTOR (2022)

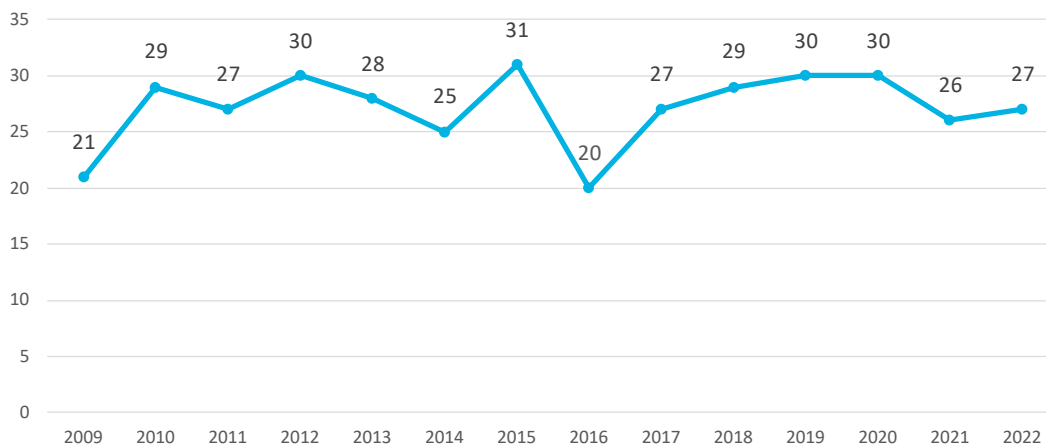
As in previous years, most FOI requests were received by those public authorities whose decisions (and records) impact individuals the greatest. The Royal Cayman Islands Police Service received the most requests of all public authorities (85), followed by the Health Services Authority (HSA) (25), Workforce Opportunities & Residency Cayman (WORC) (20), and the Department of Planning and the Port Authority of the Cayman Islands (15 each). The top ten entities received a combined total of 220 requests or 49% of all requests made in the year.



RESPONSE TIMES 2009-2022

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. This time is extendable to 60 calendar days.

The downward trend noted in 2021 reversed to an average of 27 days, up from 26 days (2021), but still below the 2019 and 2020 average of 30 days. The proportion of cases taking less than 10 days went from 16% (2020) and 28% (2021) to 25% (2022). Cases taking longer than 30 days continued dropping from 46% (2020) and 35% (2021) to 32%. These included many cases that were extended, internally reviewed and/or appealed as allowed in the Act.



RESPONSE TIMES 2022

2.8%

Same day

21.7%

1-10 days

43.6%

11-30 days

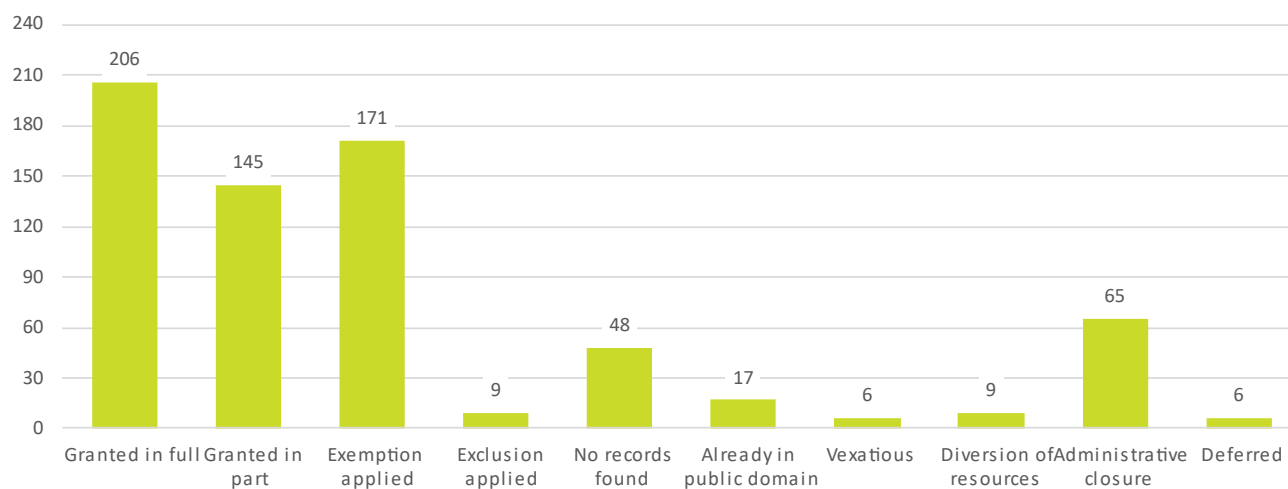
24.8%

31-60 days

7.1%

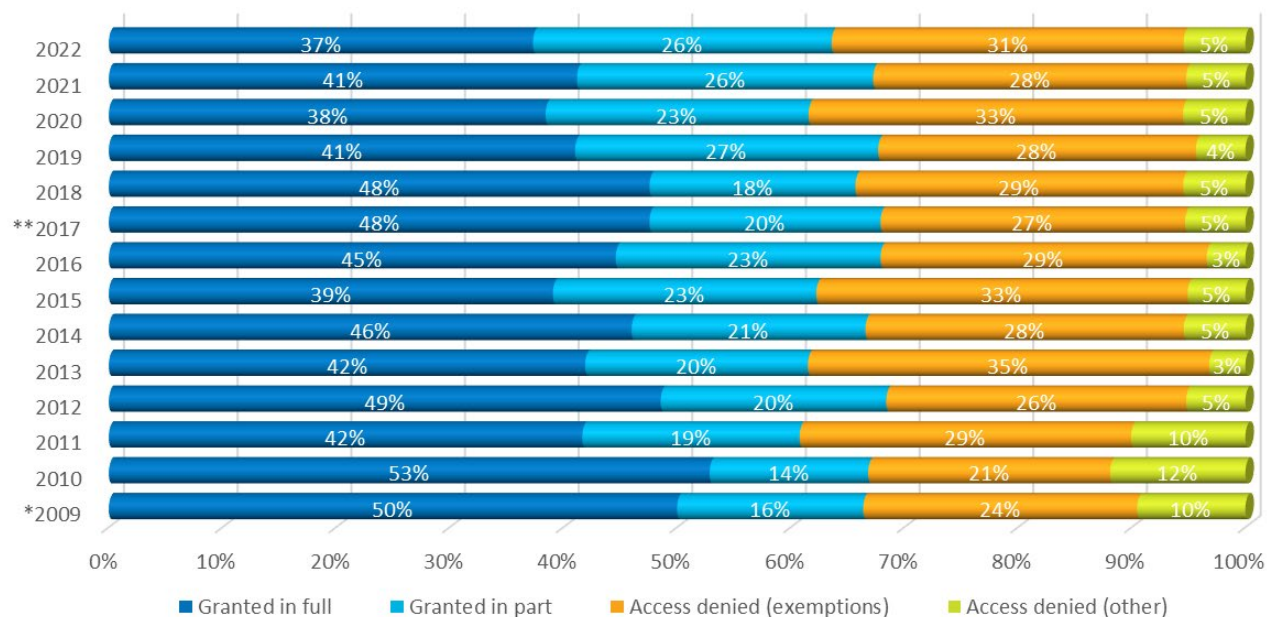
Over 60 days

OUTCOMES OF FOI REQUESTS (2022)



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), in 2022 almost two thirds of requests were granted in full or in part (63%).



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