



FREEDOM OF INFORMATION

2021 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 Act) in the Cayman Islands Public Sector, as required by section 40 of the Act. It also places the 2021 FOI outcomes and activities in the context of the trends and results since 2009, when the Act came into effect.

The 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.

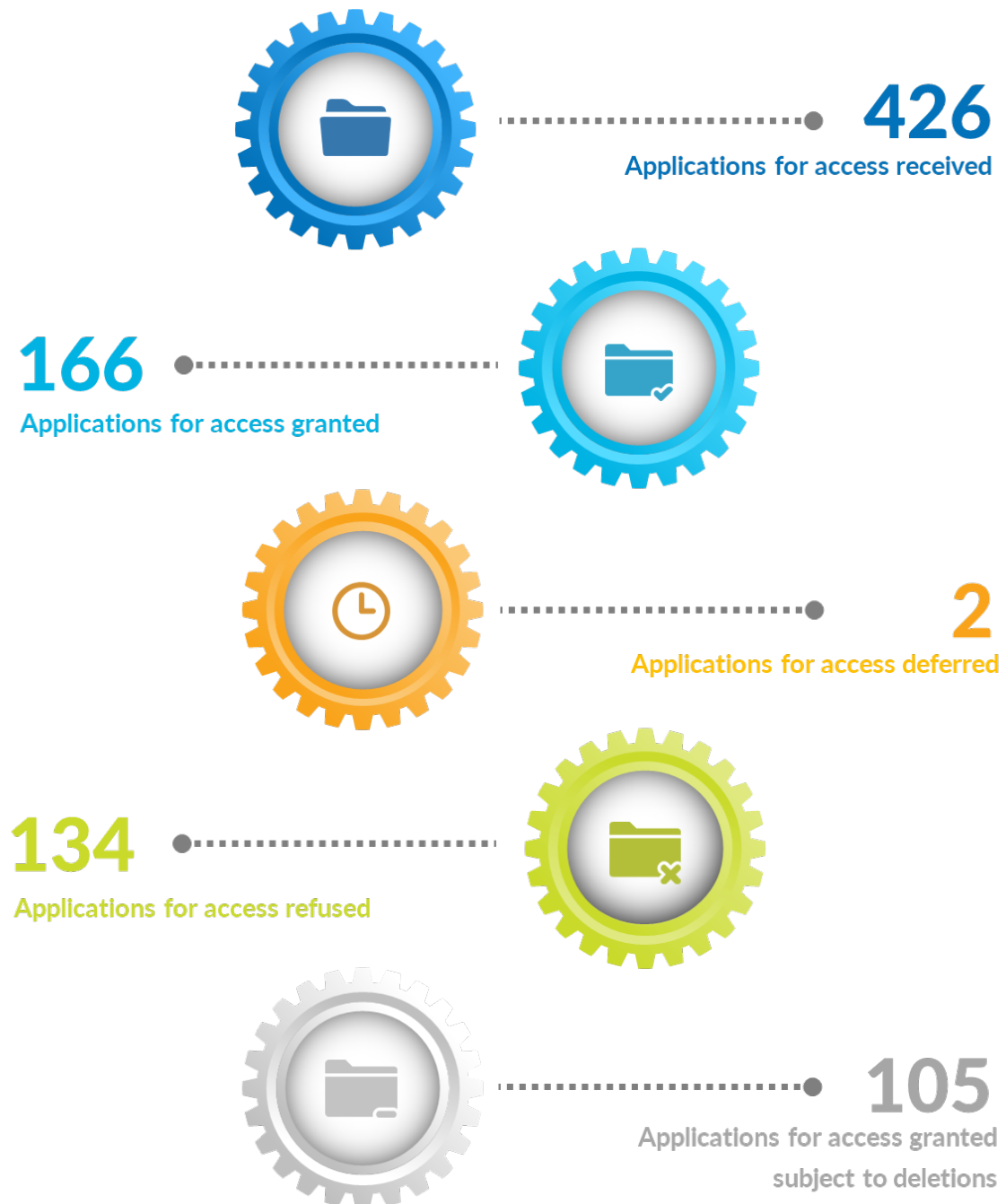
JADE is owned and maintained by the Cabinet Office, and we are grateful to the Information Rights Unit of the Cabinet Office, and to the many FOI Information Managers around the Public Sector who implement the FOI on a daily basis, for providing the raw data for this report.

As in previous years, there are no reliable figures for internal reviews conducted during the year, 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 were reported separately in the 2021 Annual Report of the Office of the Ombudsman and have not been duplicated here.

Operation of the FOI Act during 2021

OVERVIEW



CATEGORIES OF EXEMPTIONS AND NUMBERS OF EACH CATEGORY

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.	3
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(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.	5
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.	4
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(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.	3
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.	6
s. 17(1)(b)(i)	A record is exempt from disclosure if the disclosure thereof would constitute an actionable breach of confidence.	2
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. 18(1)	A record of a type specified in subsection (2) is exempt from disclosure if its disclosure or, as the case may be, its premature disclosure would, or could reasonably be expected to, have a substantial adverse effect on the Caymanian economy, or the Government's ability to manage the economy.	2

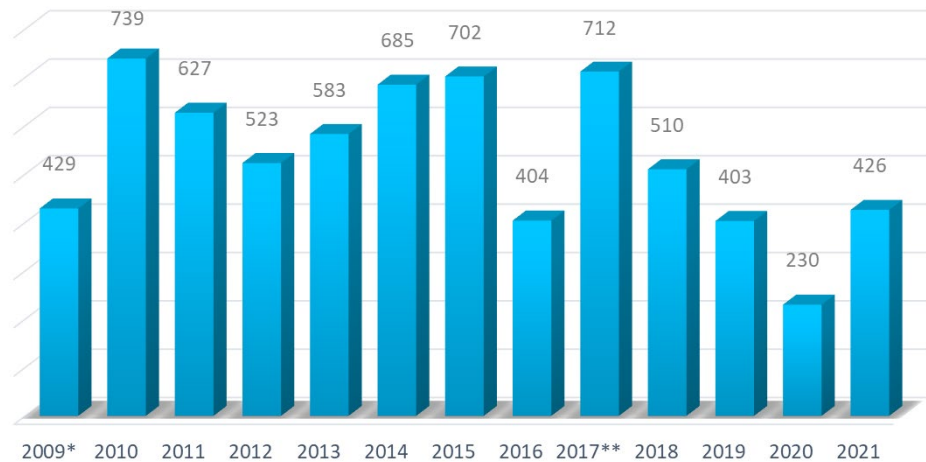
Section	Description	Times Applied
s. 19(1)(a)	Subject to subsection (2), a record is exempt from disclosure if it contains opinions, advice or recommendations, or a record of consultations or deliberations prepared for or arising in the course of proceedings of the Cabinet or the National Security Council 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 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 reasonably be expected to be, destroyed or diminished if the information were disclosed.	5
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.	6
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.	49
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
s. 24(b)	A record is exempt from disclosure if its disclosure would, or would be likely to endanger the safety of any individual.	1
	Other unspecified exemptions	4
	TOTAL EXEMPTIONS CLAIMED	111

Freedom of Information Act (2021 Revision) Section 40(2)(b)

Additional FOI Statistics

NUMBER OF FOI REQUESTS PER YEAR (2009-2021)

The overall number of requests answered under the Act has recovered from the impact of the pandemic, with 426 requests tallied during the year. This total falls within the average of 400-700 requests per year, albeit on the low end of the range. Since the commencement of the Act just under 7,000 requests have been processed.

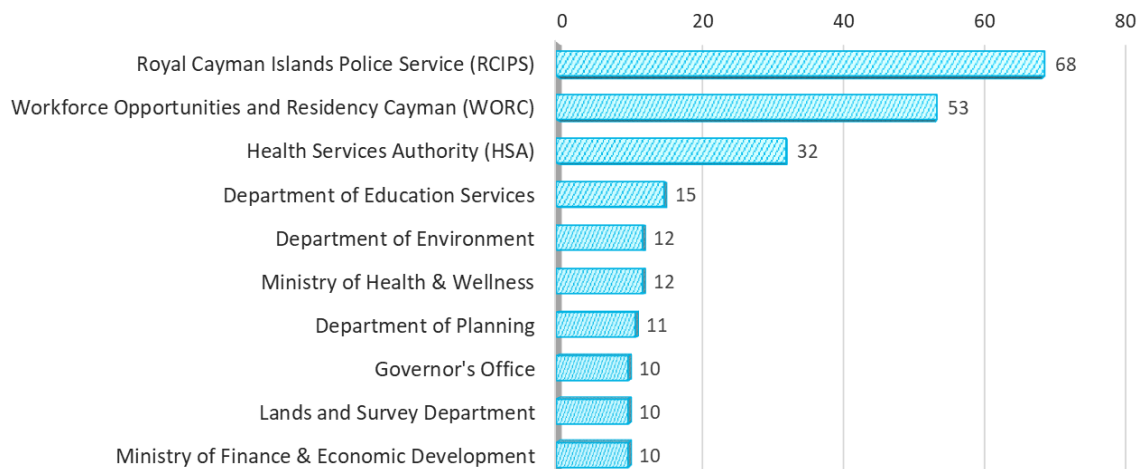


* 6 months period from 01 January 2009 to 30 June 2009

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

SPREAD OF FOI REQUESTS ACROSS THE PUBLIC SECTOR (2021)

As in previous years, most FOI requests were received by those public authorities whose decisions impact individuals the greatest. The Royal Cayman Islands Police Service received the most requests of all public authorities (68), followed by Workforce Opportunities & Residency Cayman (WORC) (53), the Health Services Authority (HSA) (32), and the Department of Education Services (15).

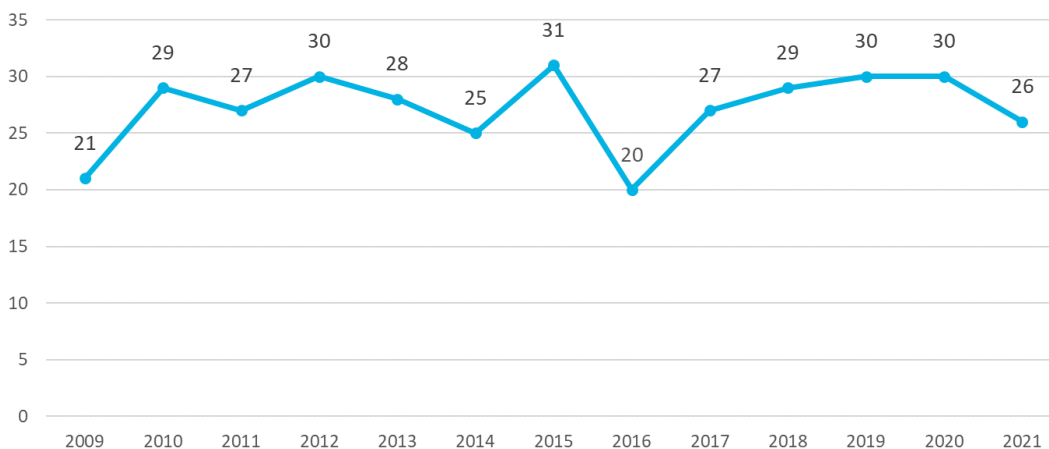


RESPONSE TIMES 2009-2021

The 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.

In 2021 the average time cases stayed open decreased 26 days, down from 30 days in the previous years. The proportion of cases taking less than 10 days increased from 16% to 28%, and cases taking longer than 30 days dropped from 46% to 35%. The latter include many cases that were extended, internally reviewed or appealed.

These improvements are in part due to the upgrades made to the tracking system JADE, which now records the date when responses are given, rather than when cases are closed in the system.



RESPONSE TIMES 2021

6.1%

Same day

21.5%

1-10 days

37.4%

11-30 days

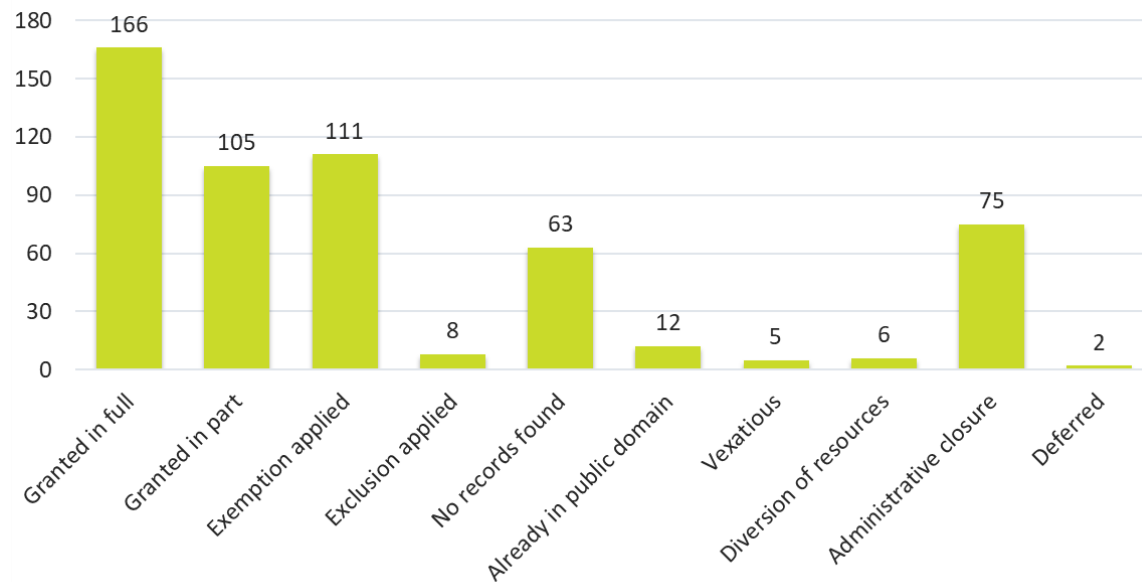
23.0%

31-60 days

12.1%

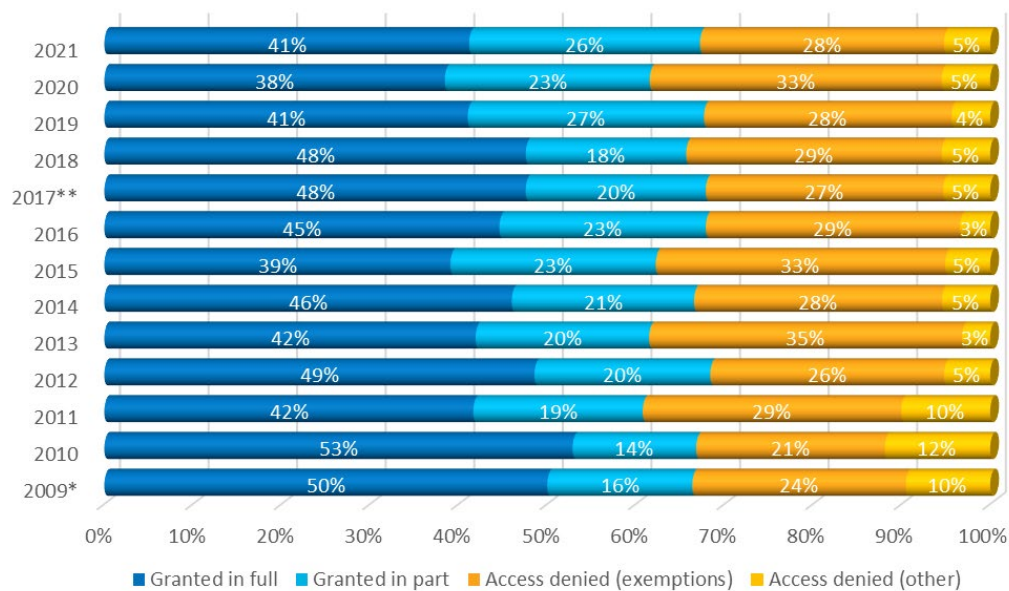
Over 60 days

OUTCOMES OF FOI REQUESTS (2021)



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), about two thirds of requests were granted in full or in part (67%),



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