



FREEDOM OF INFORMATION

2023 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 2023 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.

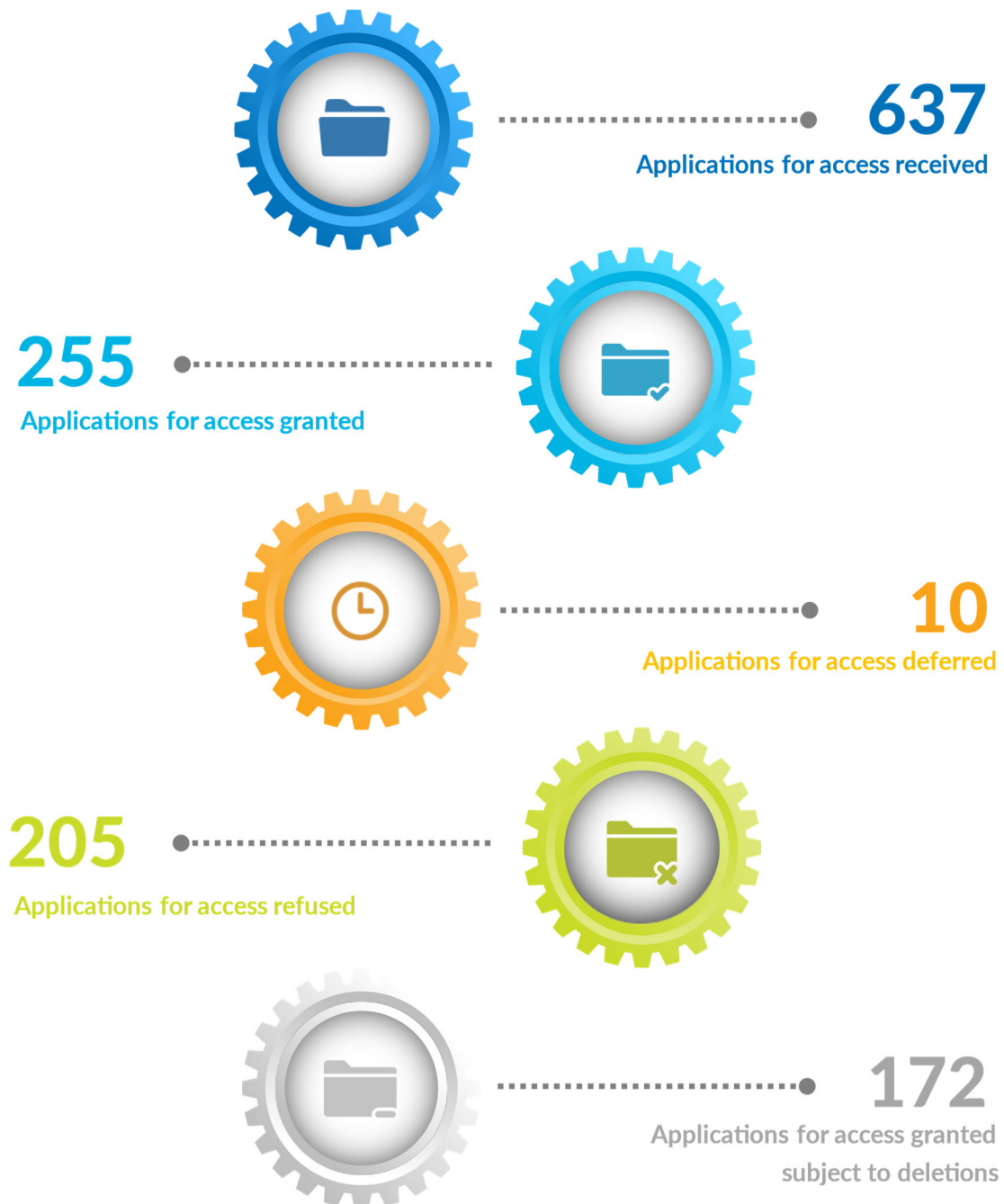
JADE is owned and maintained by the Cabinet Office, and we are grateful to the Information Rights Unit of the Cabinet Office and to the many FOI Information Managers across the Public Sector who implement the FOI Act daily for providing the raw data for this report.

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 cannot report them.

Appeals to the Ombudsman and their outcomes were reported separately in the 2023 Annual Report of the Office of the Ombudsman, and these have not been duplicated here.

Operation of the FOI Act during 2023

OVERVIEW



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

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.	2
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.	6
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.	30
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.	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;	4
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.	3
s. 17(1)(b)(i)	A record is exempt from disclosure if the disclosure thereof would constitute an actionable breach of confidence.	3
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.	2
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	1

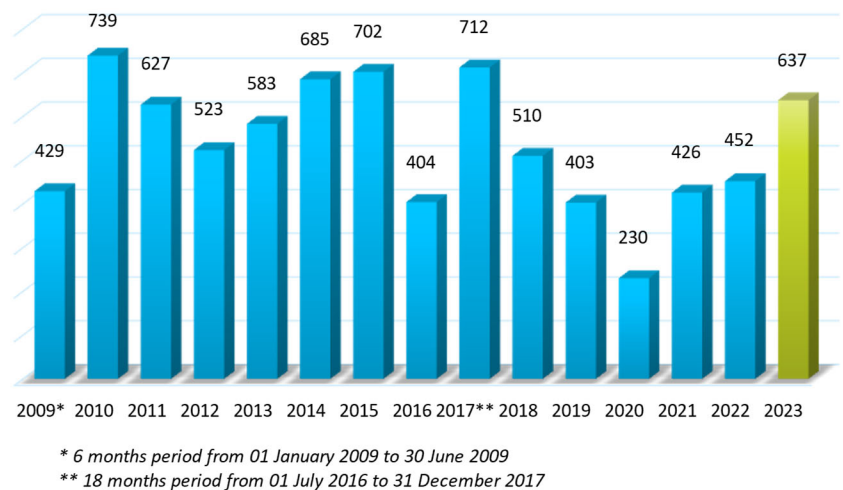
Section	Description	Times Applied
	deliberations prepared for the Governor or a Minister relating to the formulation or development of Government policy.	
s. 20(1)(b)	A record is exempt from disclosure if its disclosure would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation.	8
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.	3
s. 21(1)(a)(i)	Subject to subsection (2), a record is exempt from disclosure if its disclosure would reveal trade secrets.	2
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.	9
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.	88
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
	TOTAL EXEMPTIONS CLAIMED	183

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

Additional FOI Statistics

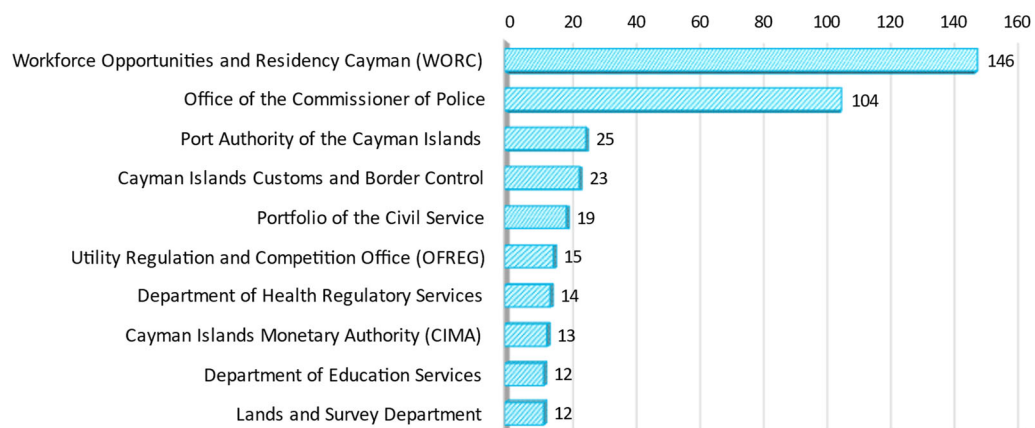
NUMBER OF FOI REQUESTS PER YEAR (2009-2023)

The overall number of requests answered under the FOI Act has gradually recovered since the pandemic and significantly increased, with 637 requests tallied during the year. This total falls within the average of 400-700 requests recorded yearly since 2009, edging towards the higher end of that range. Since the commencement of the FOI Act, over 8,000 requests have been processed.



SPREAD OF FOI REQUESTS ACROSS THE PUBLIC SECTOR (2023)

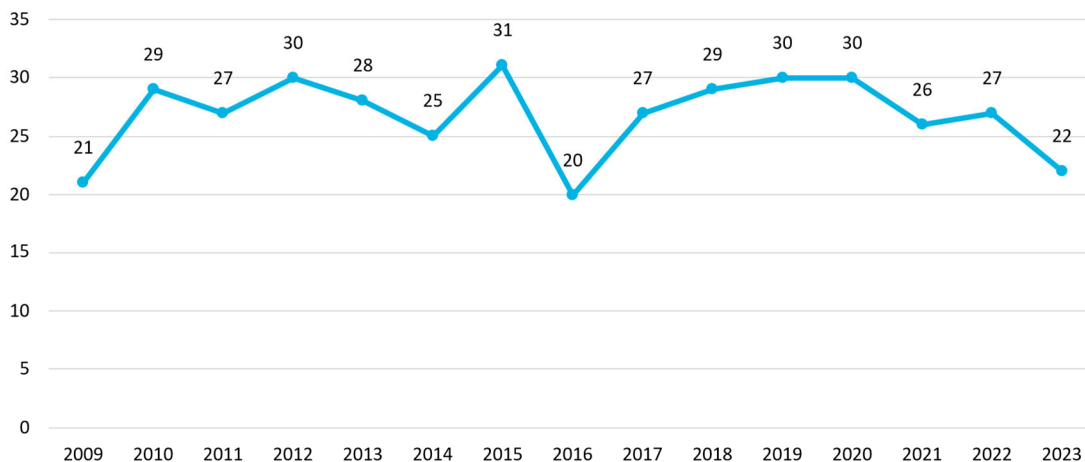
As in previous years, most FOI requests were received by those public authorities whose decisions (and records) impact individuals the greatest. Workforce Opportunities & Residency Cayman (WORC) received the most requests (146), followed by the Office of the Commissioner of Police (104), Port Authority of the Cayman Islands (25). Cayman Islands Customs and Border Control (23), and Portfolio of the Civil Service (19). The top ten entities received 383 requests or 60% of all requests made within the year.



RESPONSE TIMES 2009-2023

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.

In 2023 the average time cases stayed open dropped to 22 days, down from 27 days in (2022), but still below the average days since 2017. The proportion of cases taking less than 10 days went from 16% (2020), 28% (2021), and 25% (2022) to 30% (2023). Cases taking longer than 30 days continued dropping from 46% (2020), 35% (2021), and 32% (2022) to a significant 26% (2023). These included many cases that were extended, internally reviewed and/or appealed as allowed in the Act.



RESPONSE TIMES 2023

4.8%

Same day

25.0%

1-10 days

43.8%

11-30 days

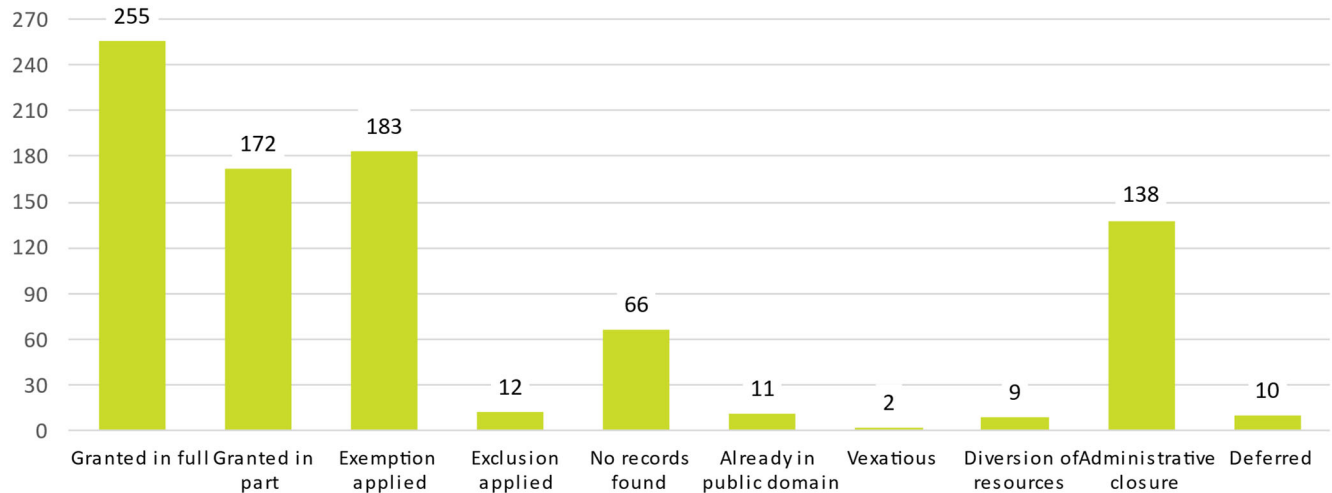
17.1%

31-60 days

9.3%

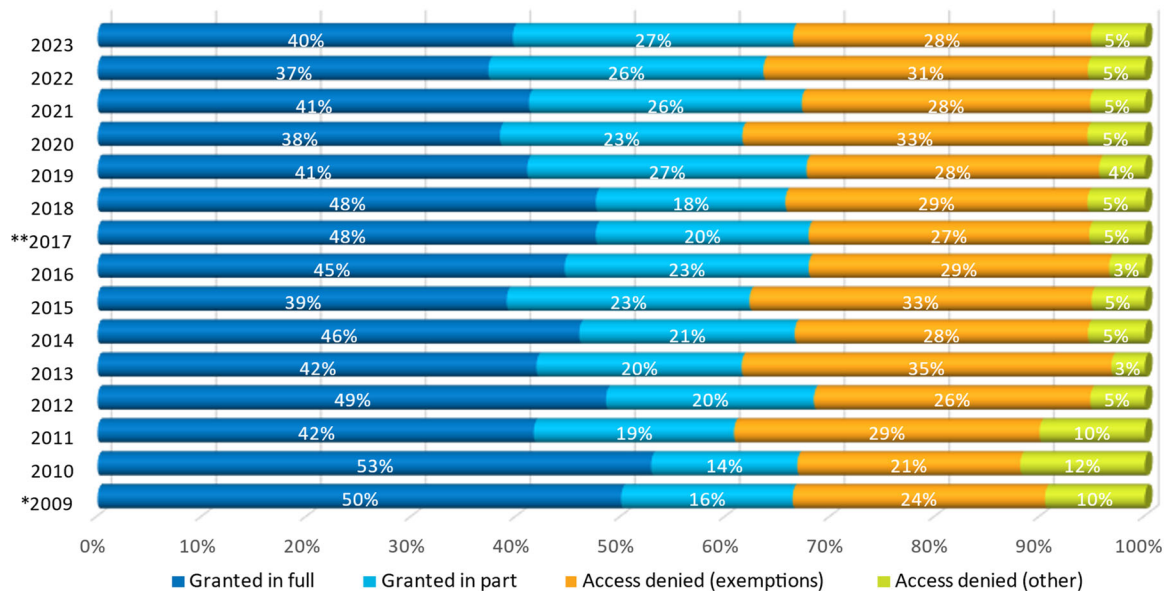
Over 60 days

OUTCOMES OF FOI REQUESTS (2023)



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 2023, almost two-thirds of requests were granted in full or in part (67%).



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

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