



FREEDOM OF INFORMATION ANNUAL STATISTICS

Right to Know Week 2015

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Freedom of Information Annual Statistics

Right to Know Week 2015

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INTRODUCTION

The Freedom of Information Law (FOI Law) came into effect over six years ago, and this report provides part of the statistical background against which Freedom of Information (FOI) in the Cayman Islands can be assessed.

As intended, the FOI Law has resulted in greater governmental openness and transparency since its inception in January 2009. Across the Public Sector more information is being made available proactively or upon demand than before, and where necessary, the FOI Law continues to provide an important additional means of balancing the right to access with the legitimate need to withhold some records. In its balanced approach, the Law starts from an assumption of openness and creates a general right of access, but also restricts access for a number of specific, limited reasons consistent with the system of constitutional democracy in the Cayman Islands. Where access remains in dispute, requests can be internally reviewed and appealed to the Information Commissioner for a decision.

The Information Commissioner's Office (ICO) is an independent entity responsible for hearing, investigating and ruling on appeals under the Cayman Islands' Freedom of Information Law (2015 Revision).

The ICO also promotes access rights to Government records and monitors compliance of the public authorities in upholding the FOI Law.

METHODOLOGY

FOI requests are registered and tracked in a central tracking system which is used by the majority of information managers (IMs) in public authorities across the Public Sector. Thanks to the tracking system, and in accordance with the reporting requirements of the Information Commissioner in the Law itself, important statistics are known and the use of FOI can be tracked over time. This report contains such statistics for the period from January 2009 to the end of the last financial year 2014-15.

Unfortunately, it is necessary to point out the limitations of the tracking system, and therefore also of this annual statistical report. Data entry is not an exact science, and although many IMs diligently enter data for each request that is made, there are also a number of public authorities that do not have access to the tracking system. The use of the government FOI tracking system known as JADE is a requirement of the *Freedom of Information (General) Regulations, 2008* (regulation 24). The ICO intends to investigate compliance with this provision in the coming financial year.

As a result, an estimated 20% of requests are not being logged into the system (and are not represented in this report). This means that, while the multi-year statistics do show actual trends, many of the precise figures relating to requests included in these tables and graphs are significantly lower than the actual numbers of requests processed by IMs. As well, because data on internal reviews and appeals are not entered systematically, it is likely that actual average response times (i.e. the time before an initial response is provided to an applicant) are slightly shorter than the ones reported in this report.

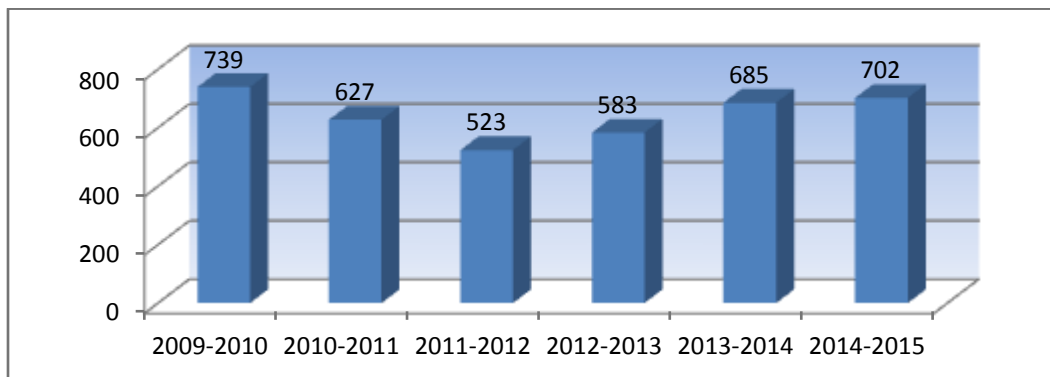
We hope that you will find this statistical report interesting and useful, and we encourage you to contact the ICO if you have any further questions.

JADE is maintained by the Cabinet Office, and the Information Commissioner's Office (ICO) is grateful to the Cabinet Office for providing many of the raw data for this report.

TABLES (JANUARY 2009 – JUNE 2015)

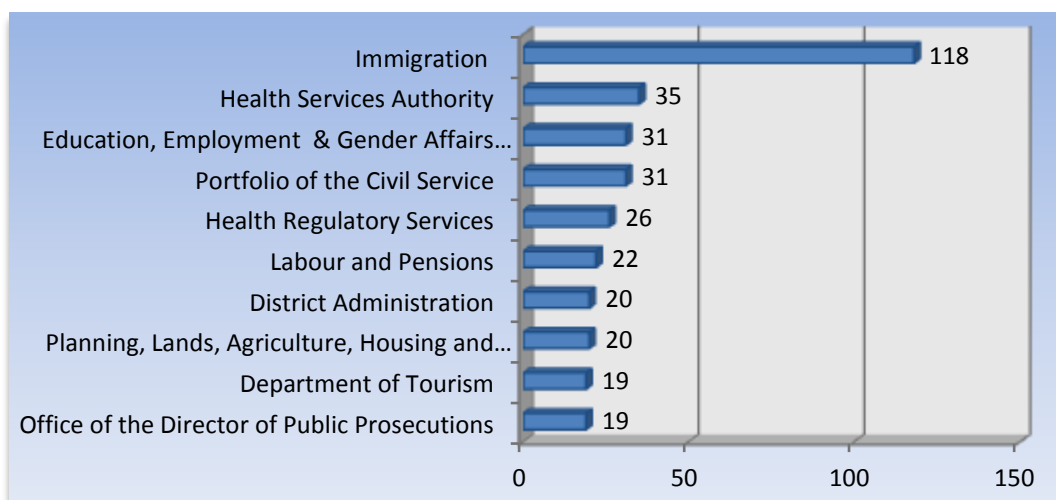
Number of FOI requests per year (2009-2015)

Following an initial spike shortly after the FOI Law came into effect in 2009, the number of requests received by Government has varied between 70 and 297 per quarter. The overall trend shows a steady use of FOI by applicants, who made 702 requests in the 2014-15 year, an increase of 2.5% since last year. Since the FOI Law came into effect in 2009 until 30 June 2015 a total of 4,288 requests have been registered in the tracking system.



Spread of FOI requests across the Public Sector (2014 – 2015)

As in previous years, the bulk of FOI requests was directed towards those public authorities whose decisions impact individuals the greatest, or who hold information that interests applicants most. However, requests to the RCIPS have made a significant drop from last year as this year they did not make it in the top ten.

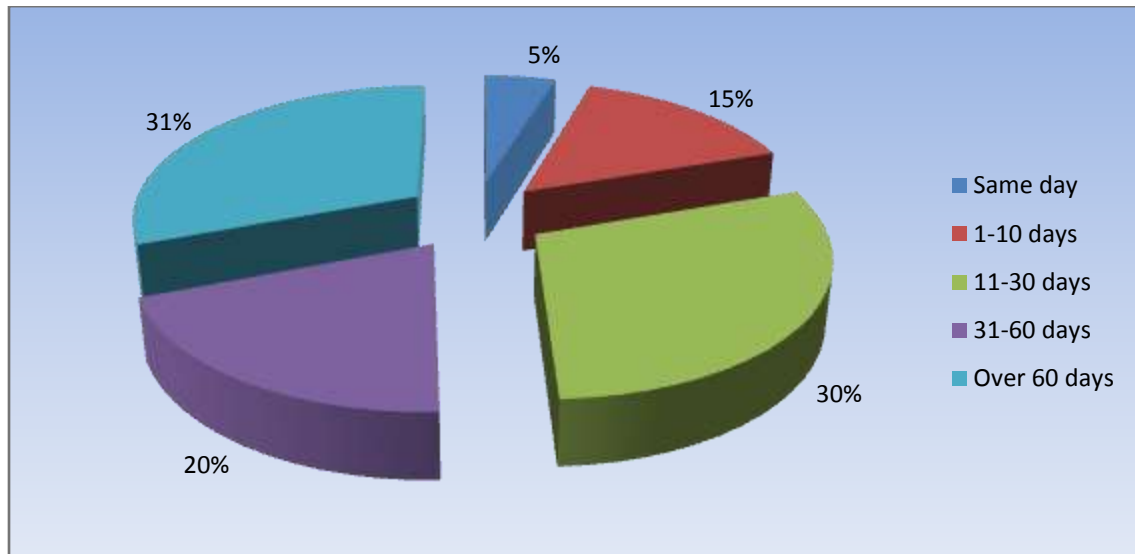


The ten most popular public authorities accounted for approximately 49% of requests in 2014-15 - this proportion has been fairly consistent since 2009.

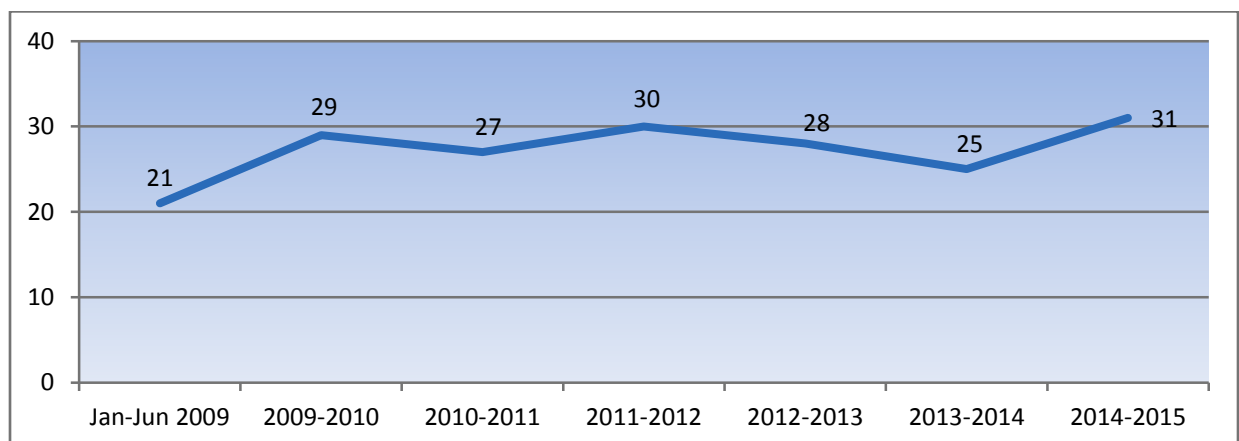
Response times

The FOI Law requires that public authorities give their initial response “as soon as practicable” but not later than 30 calendar days after receiving a request. Response times took a turn for the worst in the last fiscal year with 51% of requests being responded to outside of the initial 30 days as compared to 34% in 2013-14. This is a disturbing trend and will certainly be an area of concern for the ICO in the coming year.

The graph below shows the response times for the 2014-15 financial year.

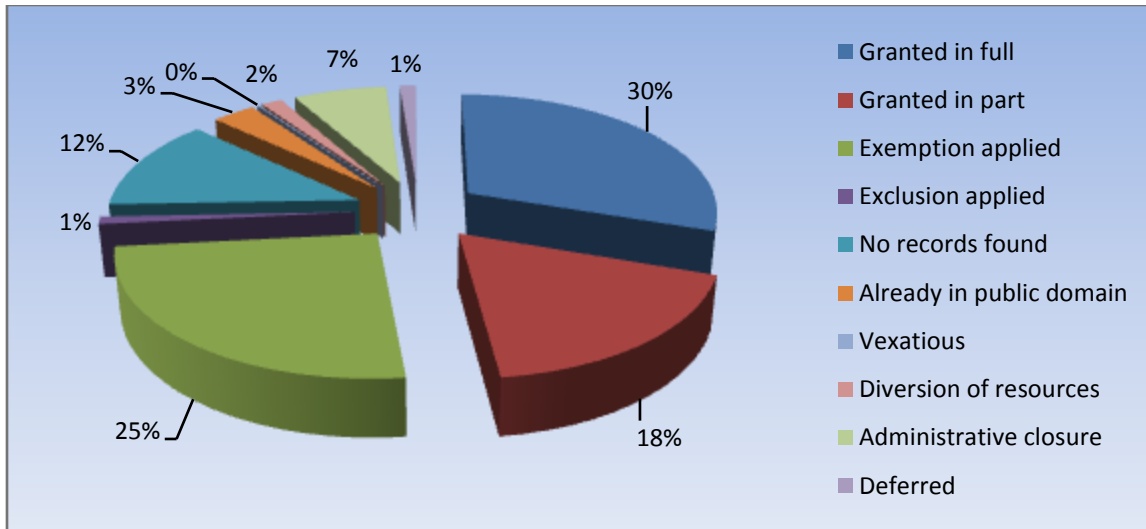


The median response time shows the same disturbing trend. The median number of days needed by public authorities to provide an applicant with their initial response has increased from 25 to 31 days, which is the highest since the FOI Law came into force. In prior years the ICO has stated that anecdotal evidence indicated that many public authorities viewed the statutory limit of 30 calendar days as a target, rather than a maximum allowed period. However, now it seems that, at least half of the time, the legal time limit is a loose guideline rather than a target, let alone a legal requirement.



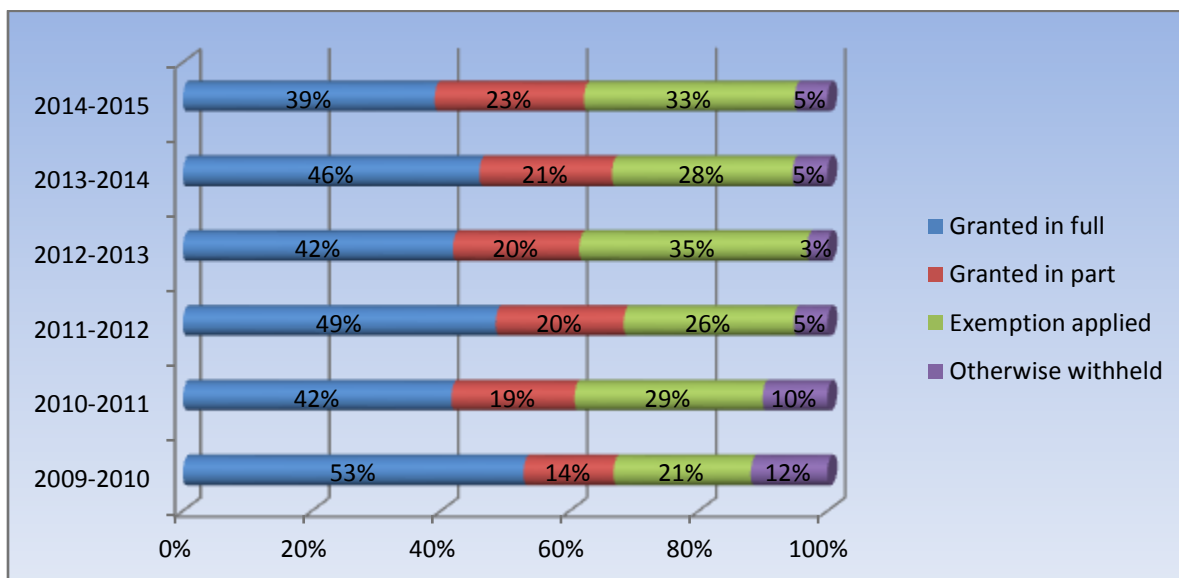
Resolution of FOI requests (2009-2015)

In responding to an FOI request, public authorities can grant access to the requested records in full or in part. Alternatively, they can apply a number of exemptions or other reasons for withholding the records.



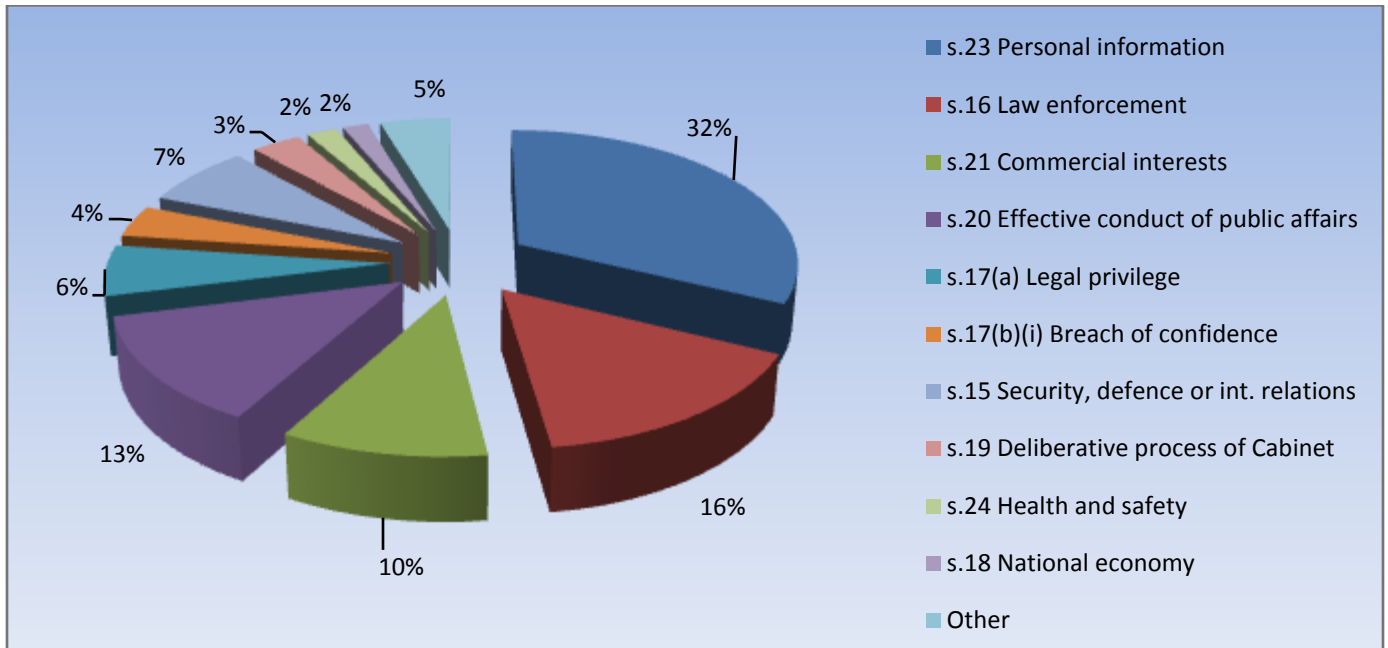
Over the years, the proportion of requests granted in full or in part varied between a low of 44% in the first half of 2009 and a high of 55% in 2011-12. As the table above shows, since 2009 48% of requests were either granted in full or in part.

The proportion of requests granted in full or in part is larger when certain cases are discounted i.e. requests for which no records were found, where records were already in the public domain, or where the request was administratively closed because it was a duplicate or was withdrawn by the applicant, as this graph shows. Of concern, however, is that the number of requests granted in full reached an all-time low of 39% in the last financial year.



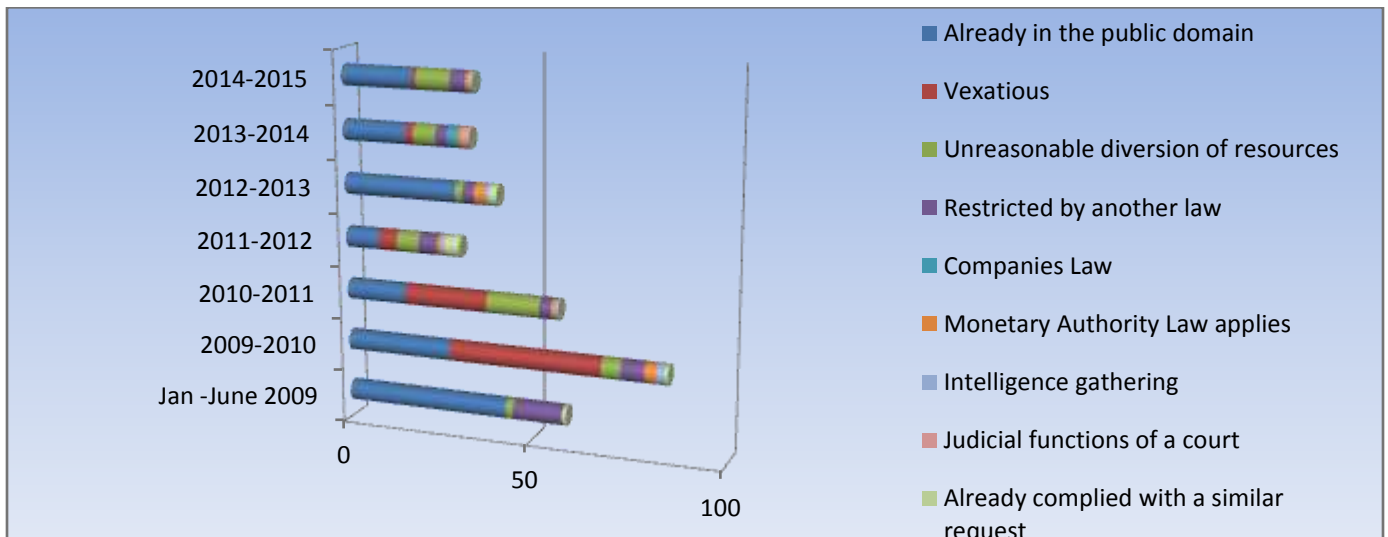
Breakdown of exemptions claimed (2009-2015)

In about 20% to 25% of all requests public authorities claimed one or more exemptions as a reason for withholding records under the FOI Law. The exemptions that are applied the most often have remained constant since 2009, most notably section 23 (personal information), section 16 (law enforcement), section 20 (effective conduct of public affairs) and section 21 (commercial interests).



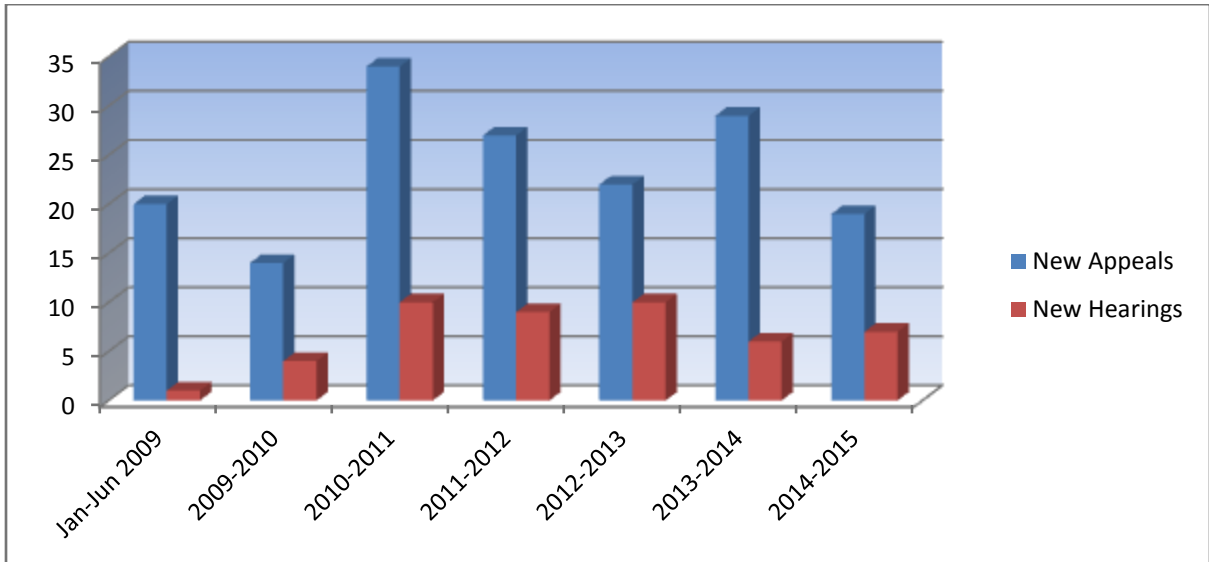
Exceptions and exclusions claimed (2009-2015)

The FOI Law allows public authorities to use other reasons for withholding requested records besides exemptions. These are either exceptions (e.g. where a request is vexatious or unreasonably costly) or exclusions (where the FOI Law does not apply). Exceptions and exclusions are only rarely used.

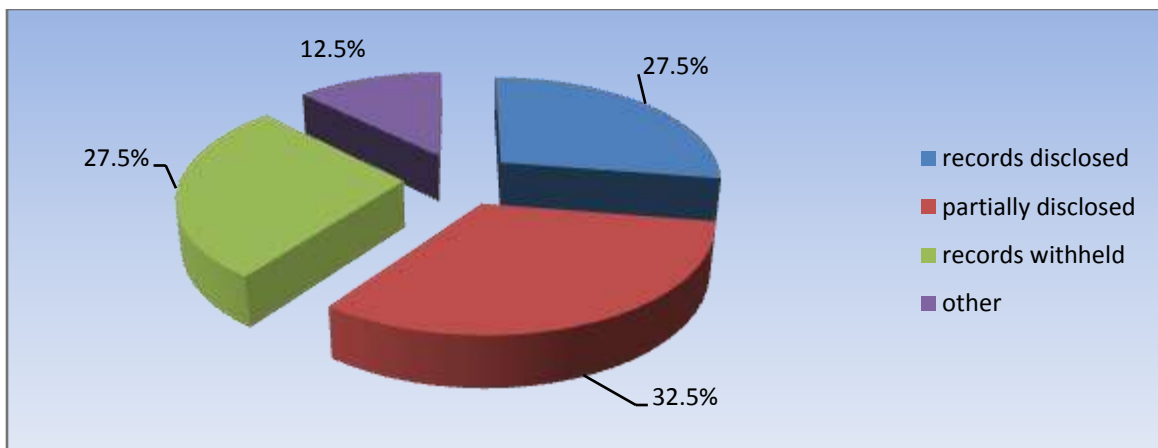


Appeals and hearings (2009-2015)

From 2009 to the end of June 2015 the ICO received some 171 appeals, of which 44 progressed to a formal hearing before the Commissioner. Of these, respectively 19 and 7 were initiated in the last financial year.



As of 30 June 2015, the Information Commissioner had made 44 formal Hearing Decisions. The outcome of these is approximately evenly balanced between disclosure and non-disclosure.



Many of the ICO's other functions do not translate easily into statistical representation. They include outreach to the general public, compliance monitoring and investigation of public authorities, as well as training of Information Managers and other officials in general, and other advice about the FOI Law to the Public Sector.

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