

PUBLIC, PRES SCEPTICAL ABOUT FOI

Caymanian Compass

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Neither Cayman's media, nor the general public are too confident about the success of the country's first Freedom of Information Law, according to a summary of public comments on the issue.

Government Information Services officials conducted two focus groups on the topic in May with a goal of finding out how much people knew about open records laws, how people felt about open government, and what people expected from the FOI law.

The Freedom of Information Law (2007) will allow, for the first time, anyone in the world to request copies of or access to various records kept by Cayman Islands government, statutory authorities or government companies. The law will come into effect in January.

According to government's analysis of the focus group meetings: "The real danger for freedom of Information is that the civil service is not ready and/or don't have the resources to successfully implement the law, and that the public might have unattainable expectations causing them to lose interest in FOI."

The group recommendations included focusing on efforts to get senior level civil servants to "buy-in" to the open records process. Both members of the press and the general public referenced a long standing "culture of secrecy" in the Cayman Islands civil service which might be a roadblock to successful implementation to the law.

The report recommended continuing support for the information commissioner's office and continuing the FOI Unit, now being led by Jamaican civil rights attorney Carole Excell. The FOI Unit should set up a "call centre" where civil servants can ask questions about FOI, the report recommended.

An information commissioner has not been nominated by Cayman's Governor. However, nominations and applications are being received for the position, which will also be advertised.

At a meeting of government information managers that week, a representative of the Commonwealth Human Rights Initiative, Sohini Paul, actually advised officials against selecting someone with a civil service background as information commissioner. Ms Paul said that has been a problem in other countries where open records laws were recently enacted.

"People who, for years, have spent their time in government hiding information are made information commissioner," Ms Paul told a group of about 75 government information managers gathered at the Grand Cayman Marriott Resort Thursday.

During the focus group session, members of the press expressed concern that civil servants might actually be scared of retaliation if they participate in FOI.

“Civil servants are scared of making the wrong decision – putting wrong information out there, and losing their jobs or missing out on promotions,” the government report stated.

Journalists were also worried that civil servants would use a 30-day period the FOI Law allows for response time to delay questions they didn't want to answer.

“If this is going to be a long-winded process, it will be pointless to try and access information under FOI,” the report stated.

Feedback from the community focus group indicated members of the public were unsure whether government had a “real commitment” to the spirit of the FOI Law.

Some members of the public suggested that all requests made under FOI should be free of charge, although the law does specify that some charge will be assessed for information retrieval in most cases.

In general, those questioned thought the FOI Law was a bit too vague in determining what information would be released and what was protected.

Both the press and members of the general public said that minutes of board meetings should be subject to open records requests. The press also asked that minutes of Cabinet meetings be subject to FOI.

The two groups also said the government's website, www.gov.ky, needed an upgrade because it was not considered user friendly.

Pullout:

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