

Cabinet Office
Government Administration Building
133 Elgin Avenue
George Town
Grand Cayman
Cayman Islands

Attention: Information Manager

24 July 2020

Dear Information Manager,

**Request for Internal Review Under The Freedom of Information Law (“FOI Law”)
(in relation to Request for Quotations (the “RFQ”) No.: T2019/007 issued to prospective
respondents to submit non-binding quotations for The Smith Barcadere Redevelopment
Project)**

On 24 June 2020, I submitted the enclosed Freedom of Information request (the “FOI Request”).

On 1 July 2020 (the “1 July Correspondence”), I received an email responding to the FOI Request and stating that the Cabinet Office only holds records in relation to item numbers 2 and 3 of the FOI Request, however, the records were not provided to me because Cabinet records are exempt under Section 19 (1) of the FOI Law. For your convenience, items 2 and 3 of my application are as follows:

“2. Confirmation whether any exemptions were granted at any time whatsoever in connection with The Smith Barcadere Redevelopment Project

3. If any exemptions were granted, please provide copies of signed minutes of meetings recording such exemptions.”

As noted by your own 1 July Correspondence, any exemption claimed by the Cabinet Office under section 19(1) is subject to section 19(2). According to section 19(2), section 19(1) “does not apply to records which contain material of a purely factual nature or reports, studies, tests or surveys of a scientific or technical nature” (the “Permitted Records”). Items 2 and/or 3 of the FOI Request clearly fall within the Permitted Records as they comprise materials of a purely factual nature or reports, studies, tests or surveys of a scientific or technical nature in relation to RFQ No.: T2019/007 issued to prospective respondents to submit non-binding quotations for The Smith Barcadere Redevelopment Project. In order to comply with the FOI Law, the Cabinet Office must provide all of the Permitted Records in relation to the FOI Request.

Section 26(1) of the FOI Law also states that “notwithstanding that a matter falls within sections 18, 19(1)(a), 20(1)(b) and (d), 21, 22, 23 and 24, access shall be granted if such access would nevertheless be in the public interest.” Under the FOI regulations, “public interest” means but is not limited to things that may or tend to:

- (a) promote greater public understanding of the processes or decisions of public authorities;
- (b) provide reasons for decisions taken by Government;
- (c) promote the accountability of and within Government;
- (d) promote accountability for public expenditure or the more effective use of public funds;
- (e) facilitate public participation in decision making by the Government;
- (f) improve the quality of services provided by Government and the responsiveness of Government to the needs of the public or of any section of the public;
- (g) deter or reveal wrongdoing or maladministration;
- (h) reveal information relating to the health and safety of the public, or the quality of the environment or heritage sites, or measures to protect any of those matters; or
- (i) reveal untrue, incomplete or misleading information or acts of a public authority.

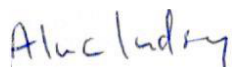
Section 19(1)(a) includes opinions, advice or recommendations, or a record of consultations or deliberations prepared for or arising in the course of proceedings of the Cabinet which are matters of public interest as defined in the FOI regulations. Access to the foregoing must therefore be granted in relation to each item of the FOI Request. It is a matter of public interest to access information which explains reasons for decisions taken by Government including any exemptions granted at any time whatsoever in connection with The Smith Barcadere Redevelopment Project, in order to promote the accountability of and within Government, to promote accountability for public expenditure or the more effective use of public funds in relation to plans and/or meetings (whether public or private) for The Smith Barcadere Redevelopment Project and to deter or reveal wrongdoing or maladministration and to reveal untrue, incomplete or misleading information.

Timeframe for Internal Review/Response

Under Section 34(3) of the FOI Law, a person who conducts an internal review shall take a decision within a period of thirty calendar days after the date of receipt of this application.

Thank you in advance for your kind cooperation in this matter.

Yours sincerely,



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