



GOVERNMENT ADMINISTRATION BUILDING
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CAYMAN ISLANDS
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Cayman Islands Government

**Ministry of
District Administration, Tourism and Transport**

2nd January 2019

Reference Number: FOI/84654

Ms. Wendy Ledger
Grand Cayman

wendyledger@caymannewsservice.com

Dear Ms. Ledger,

Thank you for your application dated 7th December 2018 received by us on 7th December 2018. The following request was dealt with under the terms of the Freedom of Information Law.

- **"I am specifically interested in the following:**
 - a) The passenger commitment made by each cruise line**
 - b) The timelines this refers to**
 - c) What terms were approved by Cabinet**
 - d) The total financial commitment."**

Accordingly, please see the attached response provided to me by our Chief Officer. In light of the foregoing, the information requested is exempted under the following sections of the Freedom Information Law for the reasons provided:

1. *section 20(1)(b), as its disclosure would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation;*
2. *As per Section 20(1)(b), "its disclosure would otherwise prejudice, or would be likely to prejudice, the effective conduct of public affairs."*
3. *As per Section 17 (b)(i), "the disclosure thereof would constitute an actionable breach of confidence; and*
4. *As per Section 21(1)(b), "it contains information concerning the commercial interests of any person or organization (including a public authority) and the disclosure of that information would prejudice those interests".*

In accordance with section 33 of the Freedom of Information Law, you may ask for an Internal Review of a response to your request:

- (a) Refusing to grant access;
- (b) Granting partial access to the record(s) specified in your application;
- (c) Deferring the grant of access to the document;
- (d) Refusal to amend or annotate an official document containing personal information; or
- (e) Charging a fee for action taken or as to the amount of the fee charged; and where the decision was taken by a person other than the responsible Minister, Chief Officer or Principal Officer of the Public Authority.

You have 30 days from the date of receipt of this Notice to request an Internal Review by writing to the Public Authority in question and including:

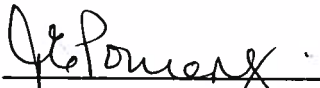
- (a) Your name, address and telephone number;
- (b) a copy of your Application and/or the Reference Number assigned to your Application;
- (c) a copy of this letter; and
- (d) If so inclined, the basis on which you are requesting a Review of the decision indicated.

If upon Internal Review, the decision is still not favourable to you, you have the right under section 42 of the FOI Law to appeal to the Ombudsman within 30 days of:

- (a) the date of notification of the decision taken at the Internal Review;
- (b) a decision taken by a responsible Minister, Chief Officer or Principal Officer of the Public Authority; or
- (c) the date on which you should have been notified of the decision(s) referred to above but of which you received no notification.

If you have any queries about this letter, please contact me. Please remember to quote your reference number above in any future correspondence.

Yours sincerely,



Judy E. Powery
Administrative Officer II/ Information Manager
Ministry of District Administration, Tourism and Transport
Government Administration Building
Box 109
Grand Cayman, KY1-9000
Telephone: 244-2419
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MINISTRY OF
DISTRICT ADMINISTRATION,
TOURISM & TRANSPORT
CAYMAN ISLANDS GOVERNMENT

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28 December, 2018

Mrs. Judy Powery
Judy.powery@gov.ky

Dear Mrs. Powery,

Thank you for sending the FOI request for information in relation to the agreement announced by the Ministry in relation to the Cruise Berthing Project.

The requester is seeking information that includes correspondence, documents, agreements and any other records held by the Ministry in relation to the Agreement and specifically requests:

- a) The passenger commitment made by each cruise line;
- b) The timelines this refers to;
- c) What terms were approved by Cabinet; and
- d) The total financial commitment.

As per the Freedom of Information Law, I am of the view that records related to the above are exempt because:

1. As per Section 20 (1) (b), 'its disclosure would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation';
2. As per Section 20 (1) (d), 'its disclosure would otherwise prejudice, or would be likely to prejudice, the effective conduct of public affairs';
3. As per Section 17 (b) (i), 'the disclosure thereof would constitute an actionable breach of confidence'; and
4. As per section 21 (1) (b), 'it contains information concerning the commercial interests of any person or organization (including a public authority) and the disclosure of that information would prejudice those interests'.

The Ministry is engaged in active procurement and it is vital that the integrity of the process is protected. It is both necessary and important that distinction is made between disclosures relating to a completed procurement process and active procurement, where the duty to protect the commercial interests must supersede the public's right to know while the process is ongoing.

During active procurement the process must be permitted to continue unimpeded by public sentiment and/or lobbying for or against one or more of the parties involved in the competition. Additionally, given that the Agreement has been formally approved by Cabinet and forms part of the Port Redevelopment Project tender documentation it must remain in a protected environment until all evaluations have been completed.



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If the Agreement is disclosed prematurely and in isolation, the outcome of the process could be called into question, and would be contrary to Section 19 of the Constitution Order 2009 which requires decisions of government to be 'lawful, rational, proportionate and procedurally fair.'

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Stran Bodden', written over a horizontal line.

Stran Bodden
Chief Officer

CC: All FOI Managers