



CABINET OFFICE
CAYMAN ISLANDS GOVERNMENT

Government Administration Building
133 Elgin Avenue, Box 105 Grand Cayman KY1-9000
CAYMAN ISLANDS
t. (345) 244 2208 f. (345) 946 1652
www.cabinetoffice.gov.ky

23rd September 2016

VIA Email: [REDACTED]

Dear [REDACTED]

I refer to your request on 24th August for an internal review of the decision of the Information Manager for the Office of the Premier.

Your original request was as follows:

"...Please provide a copy of the David Ritch consultancy report regarding immigration/permanent residence system."

I have reviewed the Information Manager's decision and uphold her initial decision to exempt the records under Section 17 (a) of the FOI Law. However I do not find that Section 17 (b) applies to this record.

I have also considered what other exemptions may apply in accordance with Section 34(3)(a). I therefore find that in accordance with section 20 (1)(c) the records constitute legal advice given by or on behalf of the Attorney-General.

I have arrived at this conclusion after reviewing the engagement letter between the Hon. Attorney General and Ritch & Connolly Attorneys-at-Law dated 21st September 2015. The letter clearly outlines that the Government (via the Attorney General) wishes to instruct Ritch & Connolly to provide a broad range of advice in relation to a number of matters.

Furthermore, the letter continues to identify a Senior Crown Counsel in the Attorney General's Chambers as the primary point of contact who would provide instructions and other support when required. This further indicates that the advice was given by or on behalf of the Attorney-General.

Exemptions under 20(1)(c) are subject to the public interest test. In favour of disclosure, I have considered that this report has received significant coverage within the media and that there will be significant interest in its contents especially by those who have applications pending for Permanent Residency.

Another factor in favour of disclosure would be that this could contribute to greater understanding of decision-making within the CIG.



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However, the need to protect attorney-client privilege significantly outweighs the factors in favour of disclosure. The need for this protection is long established and well understood. An additional factor in favour of non-disclosure is that the report itself merely provides advice by and on behalf of the Attorney General on a myriad of issues related to the Immigration Law. The records do not constitute a policy decision- and if and when a policy decision is taken, it will likely be brought forward as amendments to laws/regulations which will be in the public domain along with the reasons, rationale and policy advice. This will also be subjected to further scrutiny in the Legislative Assembly. Disclosure at this stage would be likely to prejudice the effective conduct of public affairs.

In summary I am prepared to uphold the decision of the Information Manager, for the Office of the Premier not to release the responsive record with respect to Section 17(a) only. I am also adding the additional exemption under Section 20(1)(c) as previously explained.

If you are not satisfied with this decision you have the right under Section 42 of the FOI Law to appeal to the Information Commissioner within 30 days of:

- a) The date of notification of the decision taken at 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.

For ease of reference, the contact details for the Information Commissioner's Office are:

3rd Floor, Anderson Square
PO Box 1375, Grand Cayman KY1-1108
Telephone: 345-747-5402
Fax: 345-949-2026
Email: info@infocomm.ky
Website: www.infocomm.ky

Sincerely,

Samuel Rose, JP
Cabinet Secretary & Chief Officer

Cc: Information Manager, Office of the Premier