

Own-Initiative Investigation 7
JADE Investigation Report
10 October 2016

Executive Summary

The *Freedom of Information (General) Regulations, 2008* (FOI Regulations) require the use of a central government tracking system to record requests made under the Freedom of Information Law (FOI Law) by Information Managers (IMs).

The FOI tracking system, called JADE, was developed by the Government in order to allow for the tracking, monitoring and reporting of requests, as required under the FOI Law. It is owned by the FOI Unit of the Cabinet Office, which provides statistical data to the Information Commissioner's Office (ICO) upon request, so that the ICO may report to the Legislative Assembly on usage of the Law, as it is mandated to do under section 40 of the FOI Law.

Weaknesses in the system and its use have been noted in past years. This own-initiative investigation is intended to determine the extent to which JADE is being utilized by IMs to record information about FOI requests, and explore whether public authorities have access to the system and have been trained in its use, so that the ICO may order or recommend appropriate remediation where required.

The investigation found that out of 90 public authorities:

- ❖ 9 do not have access to JADE ;
- ❖ 10 are not using JADE ; and
- ❖ 5 have not received JADE training.

On the basis of this report, the ICO recommends that:

- ❖ all public authorities are provided with access to the system;
- ❖ all public authorities use the tracking system, as required by Law;
- ❖ all public authorities are offered training in order to meet the needs of existing and new IMs;
- ❖ all public authorities are provided with stronger technical and help desk support for JADE users;
- ❖ a working group is created to review JADE, in order to review the system to identify and resolve key organizational and technical issues; and

- ❖ Chief Officers and Heads of Department ensure that all IMs and Deputy IMs are internally supported in order to fulfil their statutory obligations.

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A. Introduction

Under section 39(b) of the FOI Law, the Information Commissioner is responsible for monitoring and reporting on the compliance of public authorities under the FOI Law. In order to fulfill this mandate, the ICO from time to time conducts own-initiative investigations under section 46 of the FOI Law, which states that the Commissioner may, on his own initiative, conduct an investigation into any matter.

Regulation 24 of the FOI Regulations requires the use of a centralized tracking system by IMs, as follows:

The information manager shall, in the monitoring and tracking computer system used by Government, keep a register of applications in electronic form which shall include but be not limited to-

- (a) an application number;*
- (b) the name of the applicant;*
- (c) the date of the application (which shall be the date of original receipt, where it was at that time a complete and valid request under this Law or these Regulations) or a subsequent date (where the application had to be resubmitted so as to be complete and valid);*
- (d) a summary of the applicant's request;*
- (e) the date the response was sent to the applicant;*
- (f) a summary of information provided, where information was provided;*
- (g) where the application was refused, the specific clause relied upon with an explanation of reasons; and*
- (h) whether an appeal was filed and the outcome of that appeal.*

In preparation for the rollout of the FOI Law in 2009, the Government developed a tracking system called JADE, which tracks and monitors FOI requests, and produces reports that support the processing of FOI requests and the administration of the FOI Law in general.

The data produced by JADE are important for planning and compliance monitoring by the ICO and the Cayman Islands Government. They help determine the allocation and use of scarce human resources dedicated to meeting the statutory requirements of the FOI Law. Specifically, the tracking system allows public authorities to manage and report on critical FOI timelines. It documents the performance and workload of IMs, and assists the ICO in meeting its statutory reporting responsibilities under the FOI Law. In order to meet these objectives, it is critical that all public authorities enter all relevant data on requests and outcomes into the system in an accurate and timely fashion.

In a number of annual statistics reports the ICO has noted that the statistics regarding access requests made under the FOI Law are only as accurate as the data entered into the JADE system. Notably, each year a substantial discrepancy was observed between the aggregated statistics produced by JADE and the data directly communicated to the ICO by IMs in individual FOI compliance reports mandated under section 40(3) of the FOI Law. For example, the number of FOI requests reported in compliance reports in 2013-14 was an estimated 20% higher than the number entered into JADE. As well, information gathered for the ICO's 2015-16 Annual Statistics Report indicates that FOI requests made to public authorities who do not use JADE accounted for at least 7% of the total number of requests for that year. These discrepancies indicate significant weaknesses in the statistical information extracted from JADE, and have considerably complicated the ICO's reporting of accurate statistics under the Law.

In 2014 the ICO conducted an anonymous, voluntary survey (IM Survey) in which IMs and Deputy IMs¹ were asked, among other things, about access, usage and training relating to JADE. The IM Survey showed statistically significant trends and had a response rate of 63%. It concluded that the success of IMs depends on three ingredients:

- ❖ Support from senior management;
- ❖ Unfettered access to all the records and staff within the their organization; and
- ❖ Appropriate FOI related internal policies and procedures.

Since January 2009 public authorities have now had several years to adapt to the requirements of the FOI Law, including the establishment and development of internal policies, procedures and best practices in regard to the processing of FOI requests, and the recording of requests in the central tracking system, JADE.

Although Help Desk support and training for JADE lingered for some time, with the revitalization of the FOI Unit within the last year, there appears to be a new impetus to provide training and support necessary for public authorities to meet their legal obligations under the FOI Law, including in relation to the use of the tracking system, JADE.

¹ Information Commissioner's Office Survey of Information Managers Report, 2014, 3 November 2014, available on: <http://www.infocomm.ky/images/Survey%20of%20IMs%20Report%202014-11-03.pdf>; For the raw data, see: http://www.infocomm.ky/images/Survey%20of%20IMs%202014%20Summary_graphs.xls

With a response rate of 100%, the present investigation evaluates JADE access, usage and training for all IMs throughout the 90 public authorities of the Cayman Islands public sector, and compares the results with the benchmark findings of the 2014 IM Survey.

B. Methodology

The Cayman Islands National Archive (CINA) periodically publishes and updates the official listing of public authorities within the Cayman Islands Public Sector in accordance with regulation 25 of the FOI Regulations. The listing for July 2016 recorded 90 public authorities, all of which have legal obligations extending to the use of the centralized FOI tracking system. Each of these public authorities was contacted by email in the course of this investigation.²

On 18 May 2016 Chief Officers were advised of the impending investigation by email.

On 24 May 2016 all IMs were asked to respond to three close-ended questions concerning the JADE FOI tracking system:

1. *Are you currently able to log on and use the JADE FOI request tracking system?*
2. *Do you always use JADE for recording and tracking your FOI requests? (If you have never received an FOI request but believe you would be able and willing to use the JADE system then answer "yes")*
3. *Have you received training on the use of the JADE system?*

While access to JADE and training in its use are not, strictly speaking, compliance issues, the ICO considers these matters necessary prerequisites for use of the system, which public authorities are required to use by law.

The ICO analyzed the responses, and followed up where necessary, ultimately reaching a response rate of 100%. The results of this investigation constitute a snapshot of JADE usage in July 2016.

A draft copy of the JADE report was circulated to the public authorities initially found to be non-compliant. These authorities were invited to provide input or comments, any corrections to our findings, and any additional reasons for non-compliance. They were asked to provide a response within seven calendar days and these responses were further analyzed by the ICO.

It became clear that a number of public authorities made efforts to bring themselves into compliance with the FOI Law in the course of the investigation. This was greatly helped by the scheduled training sessions organized by the FOI Unit of the Cabinet Office during this period.

Consequently, while in the early stages of the investigation a relatively large number of IMs articulated that they had not received JADE training and were not using the system, these initial responses were

² <http://www.gov.ky/portal/page/portal/cnahome/publications/list-foi-public-authorities>

modified in the course of the investigation as additional individuals received access and training, and the final results of this study reported below were adjusted accordingly.

The final data were counted, filtered into charts, analyzed, and compared with the responses provided in the benchmark 2014 IM Survey.

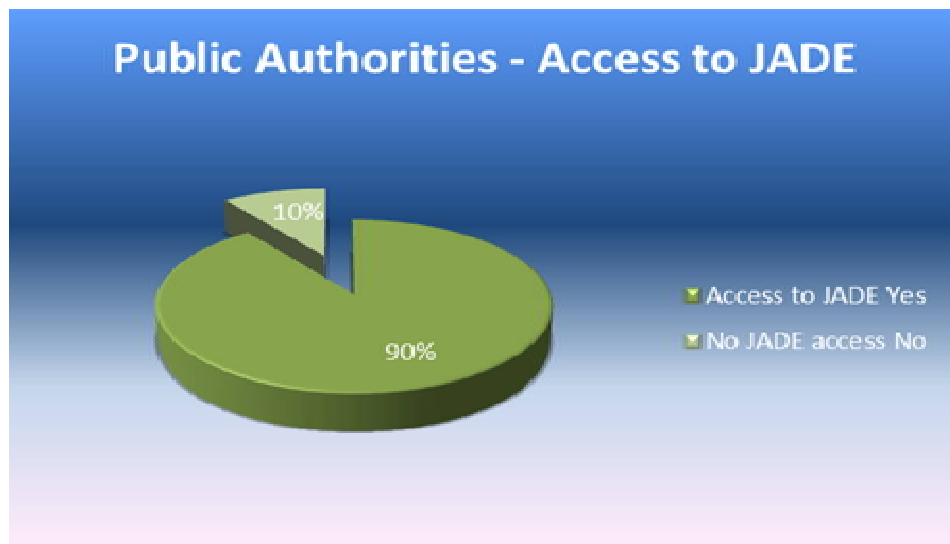
C. Results

Access to JADE

The tracking system was developed in-house by Computer Services Department (CSD) in 2008 as an Oracle database which resides on the government's central network. Access for entities that are not on the central network is provided by a web portal, using a secure ID token. Obtaining access by this method has presented technical challenges for some IMs and public authorities.

The IM Survey conducted in September 2014 indicated that one quarter of IMs (24%) did not have access to JADE. In comparison, the present investigation shows that a much larger majority of IMs, some 90%, now have access to JADE.

Therefore, while there has been significant progress in the last two years, 9 public authorities do not have access to the government's statutory tracking system. Some of these are in the process of obtaining access.



The 9 public authorities which currently do not have access to JADE are the following:

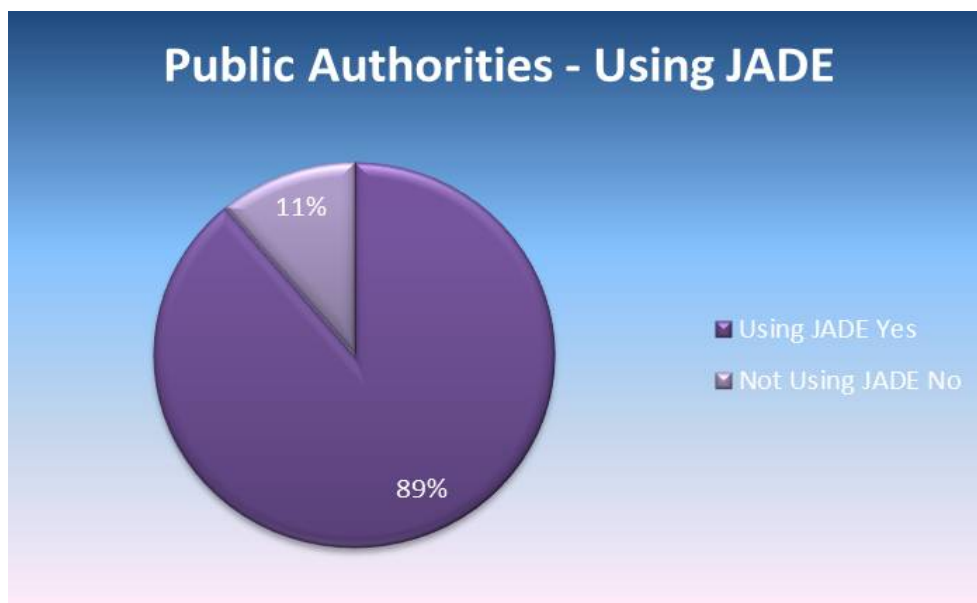
1. Cayman Airways
2. Cayman Islands Development Bank (CIDB)
3. Children & Youth Services (CAYS) Foundation
4. Department of Vehicle and Drivers' Licensing

5. Elections Office
6. Governor's Office
7. Needs Assessment Unit
8. Sunrise Adult Training Centre
9. Youth Services Unit

Usage of JADE

The 2014 IM Survey showed that up to 40% of IMs were not using JADE. Two years later, that number has dropped to 11%.

Apart from the 9 public authorities listed immediately above, which do not have access to the system, only the Royal Cayman Islands Police Service (RCIPS) has access (and has received training) but chooses not to use the system. The reason given for this non-compliance is that further training is required.



Therefore, in terms of usage of the tracking system, the Government has made significant progress since 2014. Nonetheless, 100% compliance, as required by Law, appears to remain elusive.

JADE Training

In September 2014 some 69% of IMs reported having received formal JADE training, leaving 31% without. In comparison, the present investigation found that only 6% of IMs, representing 5 public authorities, have not had JADE training. These figures represent a significant improvement since 2014, no doubt thanks to the increased training efforts of the FOI Unit.

Since the beginning of 2014 the FOI Unit has made considerable efforts in providing training, conducting a reported 11 specific training sessions on JADE in which sixty-nine people were trained. Given the high

turnover of IMs in some public authorities, ensuring that 100% of IMs have had JADE training can, understandably, be challenging. Our investigation showed that while the ICO expects that every IM should be trained in the use of JADE there are times when an IM moves to another position or role, and their replacement may need to assume the IM role and responsibilities without proper training for the time being, especially if the next training course is not immediately available. This was the explanation provided by a number of untrained IMs.

Nonetheless, IMs are by Law expected to use the tracking system, and JADE training is therefore a necessary prerequisite for usage of the system and legal compliance. Each person being appointed as IM in their public authority should be trained. It appears to the ICO that this issue could, at least to some degree, be addressed by improved HR planning in regard to the roles of IM and Deputy IM.



The 5 public authorities whose IMs have not had JADE training are the following:

1. Children & Youth Services (CAYS) Foundation
2. Department of Vehicle and Drivers' Licensing
3. Elections Office
4. Needs Assessment Unit
5. Sunrise Adult Training Centre

Of these, all but the Elections Office have indicated that they are scheduled for training in the near future.

Further observations

In the course of this investigation additional issues with JADE were expressed by IMs in various public authorities or otherwise noted by the ICO. These are:

- ❖ Data entry in JADE is not an exact science and there appear to be too many procedural ambiguities and shortfalls within the system itself which may be problematic when analyzing statistics on the outcomes of FOI requests, as they may cause the accidental creation of duplicate files and timeliness for processing requests;
- ❖ There appear to be technical difficulties such as expired or non-functioning access keys/tokens, and FOI requests “disappearing “ from the system and remaining irretrievable for days;
- ❖ The system appears to be time consuming and cumbersome to work with, and given many IMs’ other obligations they find it easier to record pertinent data in a separate spreadsheet, instead of using JADE; and
- ❖ In some cases IMs are unsure whether some of the data on FOI requests are actually being entered into the system. Some IMs reported to the ICO that their public authority was not using JADE, when in fact upon investigation it was, at least part of the time. This seems to indicate a certain level of confusion about internal work processes and responsibilities in relation to handling FOI requests within those public authorities.

D. Conclusion and Recommendations

Notwithstanding that regulation 24 of *the Freedom of Information (General) Regulations, 2008* requires all public authorities to use a “monitoring and tracking computer system provided by Government”, this investigation has found that some public authorities are not compliant with this requirement.

As indicated above, while access to the system and training are not, strictly speaking, issues of compliance, the ICO considers these necessary prerequisites for use of the system, which itself is legally required.

In particular, the following results were found:

- ❖ **Access to JADE**

The majority of public authorities indicated that they have access to JADE. Out of 90 public authorities, 81 do and 9 do not have access.

- ❖ **Usage of JADE**

The majority of public authorities indicated that they are using JADE. Out of 90 public authorities, 80 are using JADE and 10 are not.

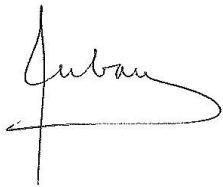
- ❖ **JADE Training**

The majority of public authorities have indicated that they have been trained in JADE. Out of 90 public authorities, 85 have been trained and 5 have not.

If the usage of the central FOI tracking system, and the accuracy of the data it contains, are to improve, a number of issues should be addressed. In this regard the ICO makes the following recommendations:

- ❖ All public authorities should ensure they have technical access to the tracking system and use it as required by regulation 24 of the FOI Regulations;
- ❖ The FOI Unit should continue its efforts in providing training for IMs, both in the form of full JADE training for new users, and refresher courses for existing users;
- ❖ Stronger technical support should be made available to IMs in the form of designated technical help from CSD, and ongoing help desk assistance from the FOI Unit;
- ❖ A Working Group should be formed with representation from the FOI Unit, CSD, a selection of IMs and the ICO, tasked with identifying and resolving key problems with the JADE system. Resources should be allocated in order to ensure the effective implementation of any recommendations made by the Working Group.
- ❖ Chief Officers and Heads of Department/General Managers should include the roles of Information Manager and Deputy Information Manager in their HR planning efforts, so that these roles are, as much as possible, filled by staff members who are adequately trained before taking on these important duties.

The ICO will follow-up with the non-compliant public authorities identified in this investigation within sixty calendar days from the publication date of this report, and may issue orders under section 43(3)(b) to those entities which continue to be non-compliant in order to require them to meet their obligations under the applicable parts of the Law.



Jan Liebaers
Acting Information Commissioner

10 October 2016