

**Ombudsman Appeal Hearing 107-202500113 For Freedom of Information Request
FOI/111515**

Initial Submissions By Alric Jeremy Lindsay (the “Applicant”) August 25, 2025

IN THE MATTER OF ACCESS TO RECORDS UNDER THE FREEDOM OF INFORMATION
ACT (2021 REVISION)

BETWEEN:

(1) ALRIC JEREMY LINDSAY (APPLICANT)

AND:

(1) JUDICIAL ADMINISTRATION (RESPONDENT)

INITIAL SUBMISSIONS BY ALRIC JEREMY LINDSAY

1) Introduction

These submissions are made by Alric Jeremy Lindsay (the “Applicant”), a financial services professional and a journalist based in the Cayman Islands, pursuant to Part VII of the Freedom of Information Act (2021 Revision) ("FOIA"), appealing the decision of the Freedom of Information Manager ("the Manager") of the Cayman Islands Judicial Administration ("the Judiciary") dated January 17, 2025, refusing part of a FOIA request dated December 9, 2024.

2) Background of FOIA request

The December 9, 2024, FOIA request sought the following:

“1. Total Number of Convictions

Records confirming the total number of individuals convicted of importation and/or possession of guns and/or ammunition from 2019 to 2024.

2. Breakdown by Citizenship

Records showing the number of these convictions that were for Caymanians.

Records showing the number of these convictions that were for non-Caymanians.

3. Sentencing Information

Records showing the number of years imprisonment received for Caymanians.

Records showing the number of years imprisonment received for non-Caymanians.

4. No convictions recorded

Records showing the number of cases where no convictions were recorded for Caymanians.

Records showing the number of cases where no convictions were recorded for non-Caymanians.

5. Reasons for no convictions

Records showing reasons for not recording convictions against non-Caymanians.

6. Demographic Information

Records confirming demographic information (age, gender, nationality) for query number 4 above.”

The FOI Manager provided data on total convictions but denied the nationality breakdown, citing as follows:

“1. Total Number of Conviction related to importation and/or possession of guns from 2019-2024.

The data reveals the total number of conviction related to importation and/or possession of guns from 2019-2024 is 240.

2. Break down by citizenship

The data does not to determine who is Caymanian or foreign nationals. The data does not disclose this information by nationality, however, please see information in relation to same.

The Criminal Registry cannot review all applications from 2019 to the present to extract the requested information, as **doing so would represent an unreasonable diversion of resources.**

Accessing the records manually to determine whether the information can be obtained from the supporting documents would require a substantial, lengthy, and labour-intensive effort for this office.

3. Sentencing Information

The data does not disclose this information by nationality, however, please see information in relation to the number of years imprisonment received overall. The Criminal Registry cannot review all applications from 2019 to the present to extract the requested information, as **doing so would represent an unreasonable diversion of resources.** Accessing the records manually to determine whether the information can be

obtained from the supporting documents would require a substantial, lengthy, and labour-intensive effort for this office.

4. No conviction recorded

The data does not disclose this information by nationality, however, please see information in relation to same. The Criminal Registry cannot review all applications from 2019 to the present to extract the requested information, as **doing so would represent an unreasonable diversion of resources**. Accessing the records manually to determine whether the information can be obtained from the supporting documents would require a substantial, lengthy, and labour-intensive effort for this office.

5. Reason for no conviction

The data does not disclose this information by nationality, however, please see information in relation to same. The Criminal Registry cannot review all applications from 2019 to the present to extract the requested information, as **doing so would represent an unreasonable diversion of resources**.

Accessing the records manually to determine whether the information can be obtained from the supporting documents would require a substantial, lengthy, and labour-intensive effort for this office.

6. Demographic Information

The data does not disclose this information by nationality, however, please see information below in relation to same. The Criminal Registry cannot review all applications from 2019 to the present to extract the requested information, as **doing so would represent an unreasonable diversion of resources**.

Accessing the records manually to determine whether the information can be obtained from the supporting documents would require a substantial, lengthy, and labour-intensive effort for this office.”

3) Applicant’s request for an internal review

On January 17, 2025, the Applicant requested an internal review of the Respondent’s decision.

On January 21, 2025, the Respondent sent an email to the Applicant citing the Applicant’s FOIA request and stating as follows:

“Please be advised that the review will be conducted in accordance with section 33 of the Freedom of Information Act (2020 Revision) and a response forwarded to you within the prescribed period of (30) calendar days, which begins the day after your request was received. We further advise that the thirty (30) calendar days include weekends and

public holidays therefore you can expect to receive a response on or before the 17th of February 2025.”

On January 29, 2025, the Applicant, in a good faith effort to relieve the Respondent of any perceived burden in providing transparency, sent an email to the Respondent as follows:

“Dear FOI Manager,

To avoid what is stated as "an unreasonable diversion of resources" and "a substantial, lengthy, and labour-intensive effort for this office", please note that I would be happy to manually review all files myself with the Court's permission. I am available daily from 830am to 10am and 2pm to 5pm. Please confirm whether this is feasible.

Kind regards,

Alric Lindsay”

On February 14, 2025, the Respondent responded to the Applicant stating as follows:

“I have reviewed the matter in accordance with section 34 of the Freedom of Information Act (2020 Revision).and pursuant to your request for an internal review, I confirm that this review has now taken place. Your original request was considered, and my findings under the internal review process align with the conclusions previously communicated to you by the FOI Manager and are appropriate under the provisions of the Act in that this task would require a considerable amount of time and manpower beyond the resources currently available to the Courts pursuant to section (9) of the Freedom of Information Act (2020 Revision).

We are further guided by the provisions of Regulation 10 of the Freedom of Information (General) Regulation (2021 Revision) whereby the Public Authority is required to communicate with the applicant with a view to:

- (a) explaining how the request is likely to unreasonably divert resources; and
- (b) inviting consultation with a view to narrowing the request.

Prior to the Public Authority communicating with applicant in this regard, we received the following email in relation to same:

“To avoid what is stated as "an unreasonable diversion of resources" and "a substantial, lengthy, and labour-intensive effort for this office, please note that I would be happy to manually review all files myself with the Court's permission. I am available daily from 830am to 10am and 2pm to 5pm. Please confirm whether this is feasible.”

I have considered the further representations by the applicant and find that the Court staff would still be required to review each file manually to identify and remove any confidential or sealed documents before making the files available for review and addressing their minds to any potential data protection issues that may arise. This task

would require a considerable amount of time and manpower beyond the resources currently available to the Courts pursuant to section (9) of the Freedom of Information Act (2020 Revision).”

4) Appeal to the Ombudsman

On February 14, 2025, the Applicant appealed to the Ombudsman regarding the Respondent’s decision dated February 14, 2025.

On March 25, 2025, the Respondent sent an email to the Applicant as follows:

“Dear Sir

Further to your request made on December 9 2024, please be advised that the Ombudsman Office has directed that you narrow the scope of your application for information. This will allow the Courts to review your application afresh to determine whether we can comply with your request.

We look forward to hearing from you.”

On May 2, 2025, the Applicant responded to the Respondent by email as follows:

“Dear FOI manager,

The request is narrowed to the period from 2022 to 2024 rather than 2019 to 2024.

Kind regards,

Alric Lindsay”

On May 21, 2025, the Respondent sent an email to the Applicant stating as follows:

“Dear Mr Lindsay

Further to your email wherein you have narrowed your request by years, please also note that even in its “narrowed” state, it will require considerable time and manpower beyond the resources currently available to the Courts, as contemplated by section (9) of the Freedom of Information Act (2020 Revision).

Additionally, although the Applicant has made further representation that he would manually identify each file and review them himself, again, we have to express there are substantial concerns of potential data protection issues that may arise, therefore, the staff would again, be tasked with the labour intensive human resources and considerable time beyond the resources currently available to the Courts to ensure all files are sanitized for the applicant review.”

On August 18, 2025, the Ombudsman sent a letter to the Applicant and the Respondent outlining the dates for hearings and submissions to the Ombudsman.

5) **Applicant's Submissions**

The Applicant argues that the Respondent's denial is unlawful and contravenes fundamental principles of access to information enshrined in the Cayman Islands Constitution Order 2009 ("the Constitution"), the Grand Court Rules ("GCR"), the FOIA itself, the National Archive and Public Records Act ("NAPRA"), relevant Cayman Islands judgments, and UK Privy Council judgments. In addition, the Respondent's decision is irrational and not proportionate.

The requested data pertains to aggregate statistical information derived from public court records, which are inherently accessible under the principle of open justice. As a journalist, the Applicant plays a vital role in public accountability, particularly on matters of gun crime and judicial transparency, which engage significant public interest.

6) **Ground 1: The Denial Contravenes the Principle of Open Justice and Access to Court Files Under GCR Order 63**

The requested data is derived from court records of criminal convictions, which are maintained on court files and registers open to public inspection under GCR Order 63.

Rule 3(5) states as follows:

“(5) The Court may give leave on application to any person not being a party to the proceedings to inspect the Court file or to take a copy of any document on the Court file relating to those proceedings.”

Rule 4(2) states:

“(2) A document may be temporarily removed from the Court file by or with the permission of the Clerk of the Court for the purpose of photocopying it.”

Rule 7 states:

“7. (1) The Clerk of the Court shall create a file upon which shall be placed an office copy of every final judgment given or made by the Court of the kind referred to in Order 42, rule 5(8), unless otherwise directed by the Court, which shall be referred to as the ‘**Register of Judgments**’.

(1A) With effect from 1 January 2022 every document entered on the Register of Judgments will be an electronic copy and the Register of Judgments will thereafter be maintained in electronic form only.

(2) The Register of Judgments shall be open to public inspection upon payment of the prescribed fee, if any.

(3) Any person shall be entitled, upon payment of the prescribed fee, to obtain from the Clerk of the Court a certified paper copy of any judgment or order contained in the Register of Judgments.

Rule 8 states:

“8. (1) Subject to paragraph (1A), the Clerk of the Court shall create a file containing, in chronological order, an office copy of every writ and every other originating process and every third-party notice, including amendments thereto, sealed by the Court, which shall be referred to as the "**Register of Writs and other Originating Processes**". For the avoidance of doubt, the Register of Writs and Other Originating Processes shall include every *ex parte* originating summons and *ex parte* originating motion but it shall not include any application made pursuant to Order 53, rule 3.”

The Applicant understands that the Cayman Islands courts have consistently affirmed that once documents are filed or relied upon in proceedings, they enter the public domain unless sealed, emphasizing the constitutional imperative of open justice.

In the unreported judgment in the application by the Joint Official Liquidators of Abraaj Investment Management Limited, The Joint Official Liquidators submitted that “it was established that where a document on the Court file (a) formed part of the Court’s decision-making process and (b) the applicant had a legitimate interest in having access to it, the Court had good (and even strong) reasons for exercising its discretion by granting leave.”

In that case, the Joint Official Liquidators sought a copy of a confidential settlement deed on the court file.

The following was also noted in the case:

“[The Joint Official Liquidators] (added for emphasis) rely on the judgment of Sir Donald Nicholls V-C in *Dobson v Hastings* [1992] Ch 394 (where the English court considered an equivalent rule under the Rules of the Supreme Court O.63 r.4) for the proposition that the Court’s discretion to grant leave is to be exercised having regard to all the circumstances. They also rely on the open justice principle and note that in *Re Sphinx* FSD 16 of 2009 (ASCJ) (unreported, 30 January 2017), Smellie CJ had reiterated that open justice was a fundamental principle of the common law, as well as being enshrined in the Cayman Islands Constitution, and had said that “*Where documents have formed part of the Court’s decision-making process at a public hearing, the principle of open justice has a part to play. In those cases, if the applicant can show a legitimate interest in having access to the documents, the Court should lean in favour of allowing access to the documents in accordance with the principle of open justice.*”

Justice Segal concluded as follows:

“11. In my view, having regard to all the circumstances, the JOLs’ application should be granted.

12. It seems to me that the JOLs’ summary of the applicable legal principles is right. They have established that they have a legitimate interest in seeing the Deed. It is clear that the Deed was referred to in an affidavit filed with the Court without any order being made for the sealing of the Court’s file to preserve the confidentiality of the Deed. It is also clear that I reviewed and discussed the terms of the Deed for the purpose of deciding the GHF Parties’ application for an order that required Mr Jafar to exercise his rights under the Deed. It was therefore reviewed for the purpose of deciding what order the Court should make and formed part of the Court’s decision making process. In my view, as a result, the Deed entered the public domain and any opposition to the JOLs’ application based on the need to keep the Deed confidential and preserve its status as a confidential document is without foundation and must fail.

13. The Deed was, of course, not referred to in (or exhibited to) an affidavit filed on behalf of Mr Jafar but this does not affect the position with respect to confidentiality. The Deed must still be treated as having entered the public domain as a result of it being referred to in affidavit evidence and relied on and referred to by the Court as part of its decision making on the GHF Parties’ application. Had it been thought necessary to preserve the confidentiality of the Deed and prevent it from entering the public domain, an application to seal the Court file so as to avoid the Deed being made public could have been made but was not. There is no suggestion that the GHF Parties were not at liberty to refer to the Deed or put it in evidence.”

It is the Applicant’s humble submission that, in the above case, Justice Segal was indicating that the principle of open justice requires transparency unless outweighed by compelling privacy concerns. The Court noted that no sealing order had been sought, and the document’s reference in a public judgment diminished confidentiality expectations.

Similarly, in *The International Banking Corporation BSC v AHAB* 2018, the Court allowed non-party access to litigation documents under GCR Order 63 rule 3, applying the open justice principle to ensure public scrutiny of judicial processes.

Lastly, regarding open justice, the UK Supreme Court case of *Cape Intermediate Holdings Ltd v Dring* [2019] UKSC 38 said:

“This case is about how much of the written material placed before the court in a civil action should be accessible to people who are not parties to the proceedings and how it should be made accessible to them. It is, in short, about the extent and operation of the principle of open justice. As Toulson LJ said, in *R (Guardian News and Media Ltd) v City of*

Westminster Magistrates' Court (Article 19 intervening) [2012] EWCA Civ 420; [2013] QB 618 ("Guardian News and Media"), at para 1:

"Open justice. The words express a principle at the heart of our system of justice and vital to the rule of law. The rule of law is a fine concept but fine words butter no parsnips. How is the rule of law itself to be policed? It is an age old question. Quis custodiet ipsos custodes - who will guard the guards themselves? In a democracy, where power depends on the consent of the people governed, the answer must lie in the transparency of the legal process. Open justice lets in the light and allows the public to scrutinise the workings of the law, for better or for worse."

Paragraph 42 of the above judgment added:

"The principal purposes of the open justice principle are two-fold and there may well be others. The first is to enable public scrutiny of the way in which courts decide cases - to hold the judges to account for the decisions they make and to enable the public to have confidence that they are doing their job properly. In *A v British Broadcasting Corp*, Lord Reed reminded us of the comment of Lord Shaw of Dunfermline, in *Scott v Scott* [1913] AC 417, 475, that the two Acts of the Scottish Parliament passed in 1693 requiring that both civil and criminal cases be heard "with open doors", "bore testimony to a determination to secure civil liberties against the judges as well as against the Crown" (para 24).

43. But the second goes beyond the policing of individual courts and judges. It is to enable the public to understand how the justice system works and why decisions are taken. For this they have to be in a position to understand the issues and the evidence adduced in support of the parties' cases. In the olden days, as has often been said, the general practice was that all the argument and the evidence was placed before the court orally. Documents would be read out. The modern practice is quite different. Much more of the argument and evidence is reduced into writing before the hearing takes place. Often, documents are not read out. It is difficult, if not impossible, in many cases, especially complicated civil cases, to know what is going on unless you have access to the written material.

44. It was held in *Guardian News and Media* that the default position is that the public should be allowed access, not only to the parties' written submissions and arguments, but also to the documents which have been placed before the court and referred to during the hearing. It follows that it should not be limited to those which the judge has been asked to read or has said that he has read. One object of the exercise is to enable the observer to relate what the judge has done or decided to the material which was before him. It is not impossible, though it must be rare, that the judge has forgotten or ignored some important piece of information which was before him. If access is limited

to what the judge has actually read, then the less conscientious the judge, the less transparent is his or her decision.”

The Applicant submits that the Supreme Court was indicating that courts have inherent jurisdiction to grant access where it advances open justice, particularly for journalistic purposes, unless harm is demonstrated.

The FOI Manager's blanket invocation of resource diversion ignores constitutional imperatives, prioritizing administrative convenience over transparency in judicial outcomes.

The FOI Manager's denial of the Applicant's FOIA request ignores the above Court judgments and rules. Conviction records, including details of nationality (routinely noted in indictments, statements of offence, judgments, or registers), are not exempt from inspection. Compiling aggregate statistics from such records does not require disproportionate effort since, in the spirit of the GCR, the Judiciary should maintain electronic and physical files accessible via standard searches.

Refusing journalists access to such data undermines the watchdog role of the press, as recognized in *In re Sphinx Group of Companies* [2010 (1) CILR 234], where the Grand Court emphasized that open justice facilitates public understanding of judicial decisions, particularly in criminal matters.

7) Ground 2: The Denial Breaches Constitutional Rights to Freedom of Information and Open Justice

Section 122 of the Constitution states:

“Freedom of information

122. A law enacted by the Legislature shall provide for a right of access to information held by public authorities, for the conditions for the exercise of that right, and for restrictions and exceptions to that right in the interests of the security of the Cayman Islands or the United Kingdom, public safety, public order, public morality or the rights or interests of individuals.”

The Applicant submits that the restrictions or exceptions stated in Section 9 of the FOI Act, including the one relied upon by the Judicial Administration that “A public authority is not required to comply with a request where... (c) compliance with the request would unreasonably divert its resources” is wider than the restrictions or exceptions listed in article 122 of the Constitution. The exceptions stated in Section 9 of the FOI Act, being primary legislation, cannot be wider than the limited exceptions set out in the Constitution, which is the supreme law of the Cayman Islands.

Ultimately, the data concerns public judicial outcomes essential for informed debate on crime and nationality-based disparities in convictions, and in order to comply with and

be compatible with the Constitution, the exceptions stated in Section 9 of the FOI Act should be narrower and only extend to “the interests of the security of the Cayman Islands or the United Kingdom, public safety, public order, public morality or the rights or interests of individuals.”

In the circumstances, Section 9 of the FOI Act is inconsistent with or repugnant to the fundamental rights and freedoms enshrined and protected by the Constitution and appears to be incompatible with article 122 of the Constitution. An action ought to be brought to the Grand Court to obtain a declaration of incompatibility. The Ombudsman should also reach a decision that the actions of the Judicial Administration in this matter are unlawful as they are outside the restrictions or exceptions stated in the Constitution.

Section 11 of the Constitution states:

“Expression

11. (1) No person shall be hindered by government in the enjoyment of his or her freedom of expression, which includes freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his or her correspondence or other means of communication.

(2) Nothing in any law or done under its authority shall be held to contravene this section to the extent that it is reasonably justifiable in a democratic society –

(a) in the interests of defence, public safety, public order, public morality or public health;

(b) for the purpose of protecting the rights, reputations and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating telecommunications, posts, broadcasting or other means of communication, or public shows or entertainments; or

(c) for the imposition of restrictions on public officers in the interests of the proper performance of their functions.”

Journalists' access to government-held information, including court records, is integral to this right, enabling dissemination of facts on matters of public concern like gun importation.

Section 7 of the Constitution states:

Fair trial

“7. (1) Everyone has the right to a fair and public hearing in the determination of his or her legal rights and obligations by an independent and impartial court within a reasonable time.”

The Applicant submits that this is a mandate that all proceedings, including criminal convictions, be held in public unless exceptions apply (e.g., for public order or privacy). This embodies open justice, requiring not just public trials but access to underlying records for accountability.

8) Ground 3: The Exemption Under Section 9(c) of the FOIA is Inapplicable and Misapplied

Section 9(c) of the FOIA states:

“9. A public authority is not required to comply with a request where —

...

(c) compliance with the request would unreasonably divert its resources;”

The Applicant submits that any exemption that could be pursued in accordance with the Constitution would be a narrow one and, as such, the exemption under section 9(c) of the FOIA should be interpreted as narrow and requires evidence of substantial adverse impact, not mere inconvenience. In any event, the Respondent should demonstrate how compliance would impair core duties.

Here, the data involves basic aggregation from a finite set of conviction records (gun offenses over five years), searchable via the Judiciary's registers and files. No personal information is sought—only anonymized nationality breakdowns—negating privacy or data protection concerns raised by the Respondent.

The public interest in disclosure, including journalistic scrutiny of potential disparities in convictions, outweighs any minimal resource use.

9) Ground 4: The Denial Contravenes Public Access Provisions Under the National Archive and Public Records Act

Section 6 of the National Archive and Public Records Act (NAPRA) states:

“General duties as to public records

6. (1) Every public agency shall make and maintain full and accurate public records of its business and affairs, and such public records shall be managed and maintained in accordance with this Law.

(2) It shall be the responsibility of the most senior officer in every public agency to ensure that public records of that public agency — (a) are maintained in good order and condition; and (b) are created, managed and disposed of in accordance with records management standards and disposal schedules drawn up under this Law.”

“public agency” includes — (a) the Cabinet; (b) the Legislative Assembly; (c) a ministry, portfolio or department; (d) a statutory body or authority, whether incorporated or not; (e)

an office established by any Law; (f) a court or tribunal; (g) a company in which the Government has a controlling interest, or any subsidiary of such a company; or (h) a prescribed person or body;

“public record” means information, in any form, created, received, or maintained by a public agency in the course of, or as evidence of, a transaction or activity effected or undertaken in the conduct of its business or affairs;

“record” means information — (a) that is inscribed, stored or otherwise maintained on a tangible medium; or (b) that is stored in an electronic or other medium and is accessible in a perceivable form, and includes a public record; and “records management standard” means a standard in force under section 7.”

Court records are "public records" under the NAPRA, transferred to the National Archive for preservation and access. The NAPRA provides for access to government records, and deems the National Archive to hold records for public access purposes under laws like the FOIA. The NAPRA mandates preservation, and Ombudsman Decision 98 emphasized that records must not be destroyed or withheld once a FOIA request is made. In this case, the records requested exist in the files of the Respondent (there is no request to produce a new record because the record exists) and should not now be destroyed.

The Judiciary, as custodian, cannot invoke resource diversion to deny statistical data from archived or current court files, as this frustrates the NAPRA's objective of public scrutiny.

10) Ground 5: Respondent’s decision is irrational, unreasonable and procedurally unfair

Section 19 of the Constitution requires that the Respondent’s actions be lawful, rational and procedurally fair.

It states:

“Lawful administrative action

19. (1) All decisions and acts of public officials must be lawful, rational, proportionate and procedurally fair.

(2) Every person whose interests have been adversely affected by such a decision or act has the right to request and be given written reasons for that decision or act.”

The Applicant submits that the Applicant made significant good faith efforts as follows:

On January 29, 2025, the Applicant, in an effort to relieve the Respondent of any perceived burden in providing transparency, sent an email to the Respondent as follows:

“Dear FOI Manager,

To avoid what is stated as "an unreasonable diversion of resources" and "a substantial, lengthy, and labour-intensive effort for this office", please note that I would be happy to manually review all files myself with the Court's permission. I am available daily from 830am to 10am and 2pm to 5pm. Please confirm whether this is feasible."

On May 2, 2025, the Applicant narrowed his request to the period from 2022 to 2024 rather than 2019 to 2024.

By making himself available for several hours of the day to review the Court files himself and by narrowing the request, the Applicant submits that it is unreasonable and irrational for the Respondent to continue hold the position that there would be an unreasonable diversion of the Respondent's resources. The Respondent should forthwith agree to undertake fulfilling its statutory obligations.

The Applicant reiterates here that the Respondent is not being asked to create a new record as the information requested is routinely discussed in court proceedings.

In the circumstances, the Applicant submits that the Respondent's actions are, and continue to be, unlawful, irrational, disproportionate and procedurally unfair.

11) Conclusion and Relief Sought

The denial is unlawful, disproportionate, and contrary to the principles of open justice, constitutional rights, and statutory access regimes. It stifles journalistic inquiry into gun crime trends and judicial equity, undermining public trust.

The Applicant seeks from the Office of the Ombudsman the following declarations:

- (a) The actions of the Respondent were and continue to be unlawful and/or irrational and/or disproportionate and/or procedurally unfair;
- (b) The FOI Manager breached regulation 6 of the Freedom of Information (General) Regulations (2021 Revision) in that no reasonable efforts were made to locate the records requested and there is no record of the efforts that the information manager made;
- (c) The actions or omissions of the FOI Manager and/or the Respondent were and continue to be in breach of the National Archive and Public Records Act (2015 Revision);
- (d) The actions or omissions of the Respondent were and continue to be a breach or a threatened breach of the Appellant's constitutional right to access information from a public authority (restrictions or exceptions explored by the Respondent under the FOI Act cannot be wider than those stated in the Constitution)

- (e) The Ombudsman monitor and report on the compliance by the Respondent with its obligations under the National Archive and Public Records Act;
- (f) There was a breach of natural justice in that the Respondent failed to give the Applicant an opportunity to review the records himself;
- (g) There is a breach of the principles of open justice that the Respondent continues to restrict access to the requested information.