



23 September 2024

FOI Reference: 109840

Mr. Alric Lindsay

By email only: alric.lindsay@gmail.com

Dear Sir,

Re: Freedom of Information Request dated 14 May 2024: Request for Internal Review

I write in response to your email dated 23 August 2024 wherein you requested an internal review which, as I understand it, has been made pursuant to section 33(1)(b) of the Freedom of Information Act (2021 Revision) (the “Act”).

Background

Your request for records dated 14 May 2024 (the “Request”) was passed to the Portfolio of Legal Affairs (the “Portfolio”) on 21 June 2024. The Deputy Information Manager (the “Deputy Manager”) provided you with some responsive records on 19 July 2024. The Deputy Manager requested an extension of 30 days to conduct appropriate searches with a view to identifying other responsive records. However, not having complied with the deadline of 21 August 2024, you were advised¹ that it was open to you to apply for internal review by the Chief Officer.

Your Request contained 53 matters, some of which sought records while others related to explanations, findings, assessments and/or confirmation of certain facts and/or matters.

FOI Request

There are two limbs to your Request. The Deputy Manager dealt with each limb as set out below.

(A) Request for information

By letter dated 19 July 2024, the Deputy Manager advised, inter alia, that “*a request under the Act is strictly for access to records held by a public authority, rather than information. In particular, public authorities are under no obligation, under the Act, to answer questions aimed at eliciting information as to the reasons behind particular decisions which have been taken, absent the existence of a responsive record which is relevant to that particular decision*”².

¹ By email dated 23 August 2024 from Heather Walker

² Para [3]

The Deputy Manager further indicated that in light the above, she considered that the Portfolio was not obliged to address questions 6, 8, 9, 10 (the first question), 15, 17 (the first question) as those did not appear to be formulated as requests for records³.

(B) Request for records

The Deputy Manager also provided you with records that were responsive to questions 1, 2, 4, 5, 7, 10a and b, 13b, and 14. She indicated that in relation to the remainder of your Request, given its expansive nature, further time would be required to conduct appropriate searches for any responsive records.

Outcome of your internal review

(A) Request for information

With respect to matters under this heading, having reviewed your Request, I am satisfied that the Deputy Manager properly advised you that the Portfolio was not obliged to address the questions set out in paragraph 5 of her letter to you on the basis that you sought answers to questions rather than actual records.

(B) Request for records

With respect to this limb of your request, for the purposes of this review I caused searches of records within the Portfolio to be carried out with a view to identifying any other responsive records. Specifically, I requested searches be carried out in the records held by the Attorney General's Office and the Portfolio's Finance section. I also conducted searches of my electronic and hard copy files.

As a result of these searches, the following responsive records were identified and access to these documents is now granted as set out below:

Description of record	Aspect of Request to which record is responsive
Loan Agreement between CIG and CILPA dated 1 October 2019 (full)	Questions 4, 14
Cabinet Extract dated 8 October 2019 (full)	Question 3
CARA statistics for 2021(full)	Question 13(b)
CARA AML/CFT/TFS Annual Report March 2021 (partial)	Question 13(b)
CARA AML/CFT/CPF Annual Report March 2022 (partial)	Question 13(b)
Cause Nos. G67, 68, 69, 70, 72, 100 of 2020 – various applicants v CILPA	Question 13(f)

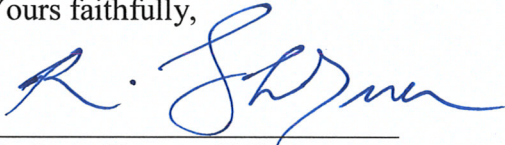
³ Para [5]

Please be advised that under section 42 of the Act, you have a right of appeal to the Ombudsman for a decision that the public authority has –

- (a) failed to indicate whether or not it holds a record;
- (b) failed to communicate the information contained in a record within the time allowed by the Freedom of Information Law or at all;
- (c) failed to respond to a request for a record within the time limits established in the Freedom of Information Law;
- (d) failed to provide a notice in writing of its response to a request for a record;
- (e) charged a fee that is in contravention of the Freedom of Information Law; or
- (f) otherwise failed to comply with an obligation imposed under the Freedom of Information Law.

You have thirty (30) days from the date of receipt of this letter to make an appeal by writing to the Ombudsman.

Yours faithfully,



Reshma Sharma KC
Solicitor General/Chief Officer
Portfolio of Legal Affairs

Email: FOI.PLG@gov.ky

[Handwritten signature]