

**To:**           **The Applicant**  
Alric Lindsay  
**By email:**   [alric.lindsay@gmail.com](mailto:alric.lindsay@gmail.com)

**To:**           **The Public Authority**  
Utilities Regulation and Competition Office (OfReg)  
Daniel Lee, Information Manager  
**By email:**   [foi@ofreg.ky](mailto:foi@ofreg.ky)

22 October 2024

**Re: Receipt of Appeal for Ombudsman Appeal file Lindsay 202400654; FOI/TBD**

This is in response to an application to the Office of the Ombudsman to appeal the Utility Regulation and Competition Office (OfReg) to partially withhold access to records requested under the Freedom of Information Act (2021 Revision) (FOIA).

On 22 July 2024, the applicant submitted a request to the Ministry of Planning, Agriculture, Housing, Infrastructure, Development and Transport (PAHITD) as follows:

*“ On July 8, 2024, Radio Cayman reported a loss or degradation of internet service for several customers.*

*Regarding this, please confirm:*

- 1. Please confirm whether either of the two submarine cables experienced any damage whatsoever between January 2024 and the present date.*
- 2. If damage occurred, please specify the extent of the damage to each cable, including details on the location and nature of the damage.*
- 3. If damage occurred, what was the date of the damage to the submarine cable(s) identified and reported?*
- 4. If damage occurred, please disclose the dates when the repair work for the damaged submarine cable(s) was initiated and completed.*
- 5. If damage occurred, were any temporary solutions or alternative arrangements implemented to mitigate the impact of the damaged submarine cable(s) on internet service during the repair period?*
- 6. If damage occurred, what were the potential impacts on internet service, data transmission, and communication networks resulting from the damaged submarine cable(s)?*

*7. If damage occurred, provide details on any disruptions or outages in internet connectivity experienced by users, businesses, or service providers as a result of the damaged submarine cable(s).*

*8. If damage occurred, please disclose any measures taken to prevent similar incidents of damage to the submarine cable(s) in the future, including upgrades, maintenance schedules, or risk mitigation strategies.*

*10. If damage occurred, please provide any relevant reports, documents, or communication related to the damage, repair, and impact assessment of the submarine cable(s) during the specified period.”*

On the same day, the Ministry of PAHITD's Information Manager (IM) acknowledged receipt of the FOI request.

On 7 August 2024, the IM for the Ministry of PAHITD transferred the request to OfReg.

On 11 September, the applicant followed up on the request with OfReg.

On 13 September 2024, the applicant requested an internal review.

On 16 September 2024, the OfReg IM acknowledged receipt of the request.

On 7 October 2024, the Interim CEO responded to the request however withheld information concerning #10 of the applicants request citing section 15(a) and section 23(1) as the basis for the decision.

On 14 October 2024, the applicant submitted a request for an appeal to the Ombudsman.

We will investigate this appeal, and the parties will be given an opportunity to resolve it informally.

If you have any questions or concerns at any time during this process, please do not hesitate to contact me at +1 345 244-6162 or [shari.welcome@ombudsman.ky](mailto:shari.welcome@ombudsman.ky). For ease of reference, I have also attached our Appeal Policy and Procedures. You will find additional information in the Resources section of our website: <https://ombudsman.ky/resources>.

Kind regards,



**Shari Welcome**

Analyst, Information Rights