

NOTICE OF HEARING

HEARING 107-202500113

18 August 2025

IN THE MATTER OF: A REFUSAL TO GRANT ACCESS TO RECORDS UNDER THE FREEDOM OF INFORMATION ACT (2021 REVISION)

BETWEEN: THE JUDICIAL ADMINISTRATION AND AN APPLICANT

CONCERNING: RECORDS RELATING TO THE IMPORTATION AND POSSESSION OF GUNS AND/OR AMMUNITION

To: The Applicant
The Public Authority

This is a notice to you that, under section 43 of the Cayman Islands *Freedom of Information Act (2021 Revision)* (FOI Act), the Ombudsman will hold a written hearing regarding an appeal filed by the applicant dated 9 December 2024.

The applicant submitted the following request:

1. *Number of records confirming the total number of individuals convicted of importation and/or possession of guns from 2019 to 2024.*
2. *Breakdown of citizenship related to the importation and/or possession of guns.*
3. *Sentencing information requesting records showing the number of years imprisonment received for Caymanians.*
4. *Records showing the number of years imprisonment received for non-Caymanians.*
5. *Records showing the number of cases where no convictions were recorded for Caymanians.*

6. *Records showing the number of cases where no convictions were recorded for non-Caymanians.*
7. *Records showing reasons for not recording convictions against non-Caymanians.*
8. *Records confirming demographic information (i.e. age, gender, nationality) where no convictions were recorded for Caymanians.*
9. *Records confirming demographic information (i.e. age, gender, nationality) where no convictions were recorded for non-Caymanians.*

A. ISSUES UNDER REVIEW REQUIRING A RESPONSE BY THE APPLICANT and THE PUBLIC AUTHORITY

At the Hearing, the Ombudsman will consider and decide:

- 1) Did the Information Manager (IM) make reasonable efforts to locate a record that is the subject of an application for access (Regulation 6(1)) of the FOI Regulations (2021 Revision)?
- 2) Whether compliance with the request would unreasonably divert the Authority's resources under section 9(c).

Any further procedural matters relating to how the Judicial Administration handled the request will also be reviewed by the Ombudsman.

Applicable sections/regulation: section 9(c), regulations 6 and 10(3)(b)

Section 9 (c) states:

Vexatious, repetitive or unreasonable requests

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

...

...

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

...

Regulation 6 states:

Reasonable search

6. (1) An information manager shall make reasonable efforts to locate a record that is the subject of an application for access.

(2) Where an information manager has been unable to locate a record referred to in paragraph (1), the information manager shall make a record of the efforts that information manager made.

Regulation 10(3)(b) states:

Unreasonable diversion of resources

10. (1) Before a public authority makes a decision to refuse access under section 9(c) of the principal Act (on the basis that the request would unreasonably divert its resources) the information manager shall send written communication to the applicant —

...

(3) The information manager shall make a determination on “unreasonable diversion of resources” on a case by case basis and for this purpose —

...

(b) the types of factors which shall be considered to determine whether the diversion of resources would be unreasonable include —

- (i) the nature and size of the public authority;
- (ii) the number, type and volume of records falling within the request; and
- (iii) the work time involved in fully processing the request.

...

B. BURDEN OF PROOF

Section 43(2) of the FOI Act states that in any appeal the burden of proof shall be on the Public Authority to show that it acted in accordance with its obligations under the FOI Act.

C. MATTERS IN DISPUTE

Records related to the importation and possession of guns and/or ammunition.

D. SCHEDULE FOR SUBMISSIONS

Each party may submit an initial submission telling the Ombudsman why a finding should be in their favour and addressing the issues set out above.

The Analyst will review the submissions between the parties and exchange them by email. Each party is asked to please confirm receipt by return email each time they receive a submission or correspondence from the Analyst.

Please note that both the Initial and Reply Submissions must reach the Office of the Ombudsman by **no later than 12 noon on the date due**. Late submissions will only be accepted in exceptional circumstances.

Parties present Initial Submissions	25 August 2025
Analyst exchanges Initial Submissions	26 August 2025
Parties present Reply Submissions	2 September 2025
Analyst exchanges Reply Submissions	3 September 2025

E. IN-CAMERA SUBMISSIONS

Any material may be submitted *in camera*. However, the Ombudsman reserves the right to question whether the material has been appropriately submitted.

F. WHERE TO SEND SUBMISSIONS

Submissions may be sent via email to: shamique.frederick@Ombudsman.ky

G. CLOSE OF HEARING

Under section 43, once the Ombudsman has given both parties an opportunity to provide their views on the issues under review, a decision must be rendered within 30 calendar days.

The Ombudsman may extend the hearing for a further 30 calendar days if the Ombudsman notifies the parties in writing of this fact.