

## Office of the Ombudsman — appeal correspondence (Lindsay 202400544)

Department of Environment reef-damage FOI · emails of 3 February 2025

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*Reproduced for publication. The name, title, direct telephone line and the local part of the email address of the Office of the Ombudsman officer have been redacted; only the @ombudsman.ky domain is shown. The substance of the correspondence is unchanged.*

**From:** Alric Lindsay <alric.lindsay@gmail.com>

**To:** [REDACTED] <[REDACTED]@ombudsman.ky>

**Date:** Monday, 3 February 2025, 5:38 PM · **Subject:** Re: OMB Appeal Lindsay 202400544

Dear Office of the Ombudsman,

The below email is noted.

Kind regards,  
Alric Lindsay

**From:** [REDACTED] <[REDACTED]@ombudsman.ky>

**To:** Alric Lindsay <alric.lindsay@gmail.com>

**Date:** Monday, 3 February 2025, 5:20 PM

Dear Mr. Lindsay,

Thank you for your email.

Whilst we appreciate the concerns expressed regarding environmental offenses and the desire to gain more information. The Office of the Ombudsman is impartial and fair, and confidentiality and privacy are of the utmost importance to us and our clients. As such, please note that these types of records are subjected to the exclusion contained in sections 3(5)(g) and (6) of the Freedom of Information Act (2021 Revision) (FOI Act).

(5) This Act does not apply to —

...

(g) records obtained or created by the Office of the Ombudsman in the course of carrying out its functions (subject to subsection (6)).

(6) This Act applies to records of an administrative nature held in a registry or other office of a court, the Cayman Islands Stock Exchange, or the Office of the Ombudsman.

Therefore, your request is denied. Further, section 9(2) of the Ombudsman Act states:

(2) Any process used under this section shall be conducted with due regard to the privacy and confidentiality of the parties.

Lastly, our FOI Appeals Policy (see attached) states the Office of the Ombudsman does not disclose responsive records either during or after an appeal. Any other documentation or information provided to us during an appeal, unless otherwise stated in this policy, is kept in confidence; please refer to Stage 2: Informal Resolution, page 8, Confidentiality for the full details.

To this end, we again reiterate that based on our determination section 17(1)(b)(i) was appropriately applied, and we recommend closing this matter.

Kind Regards,

[REDACTED] | MA

[REDACTED]  
ombudsman.ky

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**From:** Alric Lindsay <alric.lindsay@gmail.com>

**To:** [REDACTED] <[REDACTED]@ombudsman.ky>

**Date:** Monday, 3 February 2025, 10:01 AM · **Subject:** Re: OMB Appeal Lindsay 202400544

Dear Office of the Ombudsman,

Can you share the "additional information from the Department in support of the application section 17(1)(b)(i) under the Freedom of Information Act"?

Just as an FYI, at the moment, Caymanians are being prosecuted in the courts for environmental offences. It is essential to understand why they are being charged while a non-Caymanian is not prosecuted.

Thanks.

Kind regards,  
Alric Lindsay

**From:** [REDACTED] <[REDACTED]@ombudsman.ky>

**To:** Alric Lindsay <alric.lindsay@gmail.com>

**Date:** Monday, 3 February 2025, 8:41 AM

Dear Mr. Lindsay,

We hope this email finds you well.

We have been in communication with the Department of Environment concerning your FOI request, and the Department has stated that it is upholding its decision which is as follows.

DOE is unable to confirm or deny exactly what records exist that are relevant to your request, as to do this would disclose exempt information; it would not be possible to respond to a request such as yours

under the Freedom of Information Act because to do so would constitute an actionable breach of confidence.

Through our investigation process, we received additional information from the Department in support of the application section 17(1)(b)(i) under the Freedom of Information Act. Accordingly, we conclude that the application of s 17(1)(b)(i) was appropriate within the scope of this request. Further, please note that section 17 is an absolute exemption meaning that it is not subject to the public interest test in section 26(1), and the Ombudsman cannot order that any records subject to this exemption be released in the public interest.

Considering our findings, we recommend closing this matter.

Kind Regards,

[REDACTED] | MA

[REDACTED]

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