

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

**To:** The Public Authority  
Department of Environment  
Sonya van de Wouw, Deputy Information Manager  
**By email:** [foi.env@gov.ky](mailto:foi.env@gov.ky)

27 September 2024

**Re: Ombudsman Appeal file Lindsay 202400544; FOI/ 110162**

This is in response to an application to the Office of the Ombudsman to appeal the decision of the Department of Environment (DOE) regarding an applicant's request under the Freedom of Information Act (FOIA), which stated that DOE has denied access to the records requested.

On 11 July 2024, the applicant submitted the following request:

*The record(s) I request are:*

*The extent of the damage caused to the Cayman coral reef by the TDE Maritime superyacht M/Y Tatoosh in the year 2016.*

*Specifically, I am seeking the following information:*

- 1. The documented extent of damage caused to the Cayman coral reef by the TDE Maritime superyacht M/Y Tatoosh.*
- 2. Whether the Government initiated legal action in respect of the incident.*
- 3. If the answer to 2 is "yes" please confirm what legal action was taken.*

4. *If the answer to 2 is “no” please provide the reasons for the decision not to take legal action.*
5. *Whether any charges were filed in respect of the incident.*
6. *If the answer to 5 is “yes” please confirm what the charges were.*
7. *If the answer to 5 is “no” please provide the reasons for the decision not to file charges.*
8. *The total fines paid by or on behalf of the TDE Maritime superyacht M/Y Tatoosh as a result of the damage caused to the coral reef in the Cayman Islands.*
9. *Whether any statements, admissions, or acknowledgments made by the owner or representatives of the TDE Maritime superyacht M/Y Tatoosh regarding the damage caused to the Cayman coral reef.*
10. *Whether any settlement agreement was signed. If yes, please provide a copy of the settlement agreement.*

On 7 Aug 2024, the Deputy Information Manager (IM) responded to the applicant, informing him that the request was taking longer than expected as they were consulting with third parties. As such, the IM extended the time for a response by another 30 calendar days.

On 5 September 2024, the applicant received a response which informed him that access to the responsive records was denied *“because any records that may exist are exempt under section 17(1)(b)(i) of the Freedom of Information Act. While the 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.”*

The applicant was also informed that some records responsive to the request already exist in the public domain, and copies of these records were provided. The applicant was further informed that the Director of the DOE was consulted on the decision, therefore no internal review was possible.

On the same day, the applicant appealed the IM’s decision to the Ombudsman.

We will investigate this appeal, and the parties will be given an opportunity to resolve it informally. However, should the appeal not be resolved, it will proceed to a formal hearing before the Ombudsman.



If you have any questions or concerns at any time during this process, please do not hesitate to contact me at +1 345 244-6165 or [trudyann.martinson@ombudsman.ky](mailto:trudyann.martinson@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,

A handwritten signature in black ink, appearing to read "Trudyann Martinson". The signature is written in a cursive style and is positioned above a solid horizontal line.

**Trudyann Martinson**  
Senior Data Protection Analyst