

**From:** [FOI.PLG](#)  
**To:** [FOI.PLG](#)  
**Cc:** [Walker, Heather](#)  
**Subject:** IMPORTANT: Consultation in relation to disclosure of personal information  
**Date:** Thursday, October 31, 2024 5:02:25 PM

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Dear all,

1. We should be very grateful for your assistance in relation to a freedom of information request received earlier this week which may concern your personal data and in relation to which we are, therefore, seeking your views.
2. Amongst other things the requestor seeks access to records revealing the breakdown of the number of Caymanians and non-Caymanians contracted to work as lawyers for the Portfolio of Legal Affairs, including the title of the posts concerned. We interpret this request to include those contracted to work in a legal capacity (i.e. posts for which a qualification as an Attorney is considered 'desirable', as reflected in the job description, and in relation to which the current appointee has such a qualification). The requestor has asked for the same breakdown in relation to Articled Clerks.
3. Whether a particular employee is, or is not, Caymanian constitutes that employee's 'personal information' for the purposes of the Freedom of Information Act (2021 Revision)("the Act").
4. Where a public authority proposes to release a record containing the personal information of a third party, it is required to afford that third party the opportunity to consent or to make any written representations as to why the information should not be disclosed (see regulation 11 of the Freedom of Information (General) Regulations (2021 Revision)("the FOI Regulations")).
5. **The purpose of this email is therefore to seek your views as to whether you would be content for your status (whether you are Caymanian or not Caymanian) to be disclosed, bearing in mind that a disclosure under the Act is effectively a disclosure into the public domain.**
6. **For the avoidance of doubt, we do not intend to release the names of individual post holders along with their particular status. All that would be released in response to this aspect of the request is the title of the role / post and whether or not the current post holder is Caymanian.**
7. However, in the case of posts for which there is only one post holder, such as 'Solicitor General' or 'Law Reform Commissioner', if we release the requested records, the requestor (and ultimately the public at large) will likely be able to identify the status of the individual concerned by reviewing the records alongside other information already in the public domain. Many of us have LinkedIn profiles with our job title or are otherwise named in published papers and articles. Even for positions where there is more than one post-holder, such as 'Crown Counsel', where all the post holders in that particular role are Caymanian or,

conversely, non-Caymanian, it will inevitably be possible to discern the status of individuals occupying those roles.

8. Whilst there is an undoubted, and legitimate, public interest in understanding the make-up of the Portfolio in terms of Caymanian and non-Caymanian staff, we do not rule out the possibility that there might, in some rare instances, be a countervailing private interest pointing to the need to withhold a particular person's status. This is your opportunity to say if you think you have a valid reason for your status to be withheld.
9. Ultimately it will be a decision for me as Deputy Information Manager as to whether to grant access to this aspect of your personal information. Even if you were to object it does not automatically follow that a decision will be made to withhold access to a record which may reveal your Caymanian status. However, please be assured that before any of your personal information is released we are under an obligation to notify you, at which point you will have a right of appeal to the Ombudsman under regulation 12 of the FOI Regulations.
10. **Under the Regulations, third parties are to be given 28 calendar days, from today, in which to respond with any written objections. It would, however, be exceptionally helpful to me if you were able to respond to this email by Friday 15 November 2024 indicating whether:**
  - a. **you consent to the release of information specifying that your particular post is occupied by a Caymanian or non-Caymanian, as the case may be; or**
  - b. **you object to this information being released, with reasons as to why.**

**If you think you will need more time to consider the issue please do let me know.**

11. Finally, please be advised that as part of our response to this particular request, we intend to release the Salary Grade and Salary Scale for all posts within the Portfolio of Grades A-K. This does not constitute personal information within the meaning given by regulation 2 of the FOI Regulations because it constitutes the general terms upon, and subject to, which an individual occupies a position in a public authority (see paragraph 2 of Schedule 1 to the FOI Regulations). Salary Grades are, of course, also featured on all job descriptions, which are publicised. This reflects the approach across the Civil Service with respect to requests for salary related information. Our consultation obligations do not apply to the release of Salary Grades and Salary Scales, but we wanted to let you know as a matter of courtesy. For the avoidance of doubt we will not be releasing the particular amount that any given employee is paid on an annual or monthly basis.
12. If anyone has any questions, do feel free to reach out to me directly and I should be happy to answer them. My personal extension is 4537.

Thank you very much in advance,

Heather Walker  
Deputy Information Manager  
**Portfolio of Legal Affairs**

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