

FREEDOM OF INFORMATION APPLICATION FORM



Please read the information for applicants on the reverse before you fill in this form.

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| Application made to: Office of the Auditor General |
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Details of applicant:

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|---------------------------------------|---|
| Surname (Family Name): LINDSAY | First Name: ALRIC |
| Organisation (if relevant): NONE | <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Other _____ |
| Postal address: PO BOX 10337 APO | Postal code: KY1-1003 |
| Home phone number: 345 926 1688 | Work phone number: N/A |
| Email Address: ALRICLINDSAY@GMAIL.COM | Fax: |

Details of Request:

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| <p>I request access to record(s) covering matters which are:</p> <p>1. Personal</p> <p>Please include the name of the person to whom the information refers: _____</p> <p>2. Non-personal X</p> | <p>Office use only</p> <p>Identity verified? (personal information only) Yes No</p> <p>Type of identification: _____</p> <p>Authorisation to make application? Yes No (Personal Information only)</p> |
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It is understood that at some point between November 2019 and January 2020, a purchase agreement was signed on behalf of the Cabinet or the Cayman Islands Government with a private sector association named the Cayman Islands Legal Practitioners Association (CILPA).

The purpose of this FOI is to understand the dollar amount of public funds provided to CILPA since the date of approval and/or execution of the purchase agreement, how these public funds were spent by CILPA, the value for money analysis completed by the Government and the governance (including monitoring and oversight) procedures implemented in connection with the spending of public funds.

In addition, the FOI seeks to understand the dollar amount of public funds provided to the Cayman Islands Legal Services Council since its establishment, how these public funds were spent, the value for money analysis completed by the Government and the governance (including monitoring and oversight) procedures implemented in connection with the spending of public funds.

The record(s) I request are:

1. Please confirm the date that the Finance Committee or the Parliament or the Cabinet or other person acting on behalf of the Government executed the purchase agreement with CLIPA.
2. Please provide a copy of the fully executed purchase agreement.
3. Please provide an **extract** of the Cabinet minutes (**not the Cabinet deliberations**) approving the purchase agreement and approving its execution.
4. In connection with the purchase agreement, please confirm the dollar amount of public funds that was **approved** by the Finance Committee or the Parliament or the Cabinet to subsidise or pay CILPA as a private sector association.
5. Please confirm the dollar amount of public funds **actually paid** to CILPA as a private sector association in each of the years 2019, 2020, 2021, 2022, 2023 and 2024.
6. Please provide the specific reasons or objectives behind the Government's decision to provide funding to CILPA

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as a private sector association whose board of directors comprised employees of private law firms in the Cayman Islands who would then be tasked to carry out inspections on themselves and their commercial competitors.

7. Please confirm the dollar amount of public funds allocated or appropriated by the Government to CILPA pursuant to the terms of the purchase agreement that was **directly or indirectly** paid to one or more members of the Cayman Attorneys Regulatory Authority (CARA) in each of the years 2019, 2020, 2021, 2022, 2023 and 2024.

8. Where public funds were paid directly or indirectly paid to one or more members of CARA for the years queried in 7 above, please confirm the reasons for this decision since neither CARA nor any of CARA's members were understood to be parties to the purchase agreement.

9. Bearing in mind that the National Risk Assessment for the Cayman Islands states that "the overall inherent ML/TF/PF risk for firms of attorneys-at-law conducting RFB in the Cayman Islands is considered to be medium-high, due to the materiality of the International Supervised Firms relative to Domestic Supervised Firms," please confirm how the selection process was carried out by the Government to ensure that CILPA or CARA receiving the public funds was the most appropriate recipient, especially since at the time of the execution of the purchase agreement CILPA was a private sector association whose board of directors were made up of employees of private law firms in the Cayman Islands who would then be tasked to carry out inspections on themselves.

10. What governance measures were implemented by the Government to ensure transparency, accountability and to manage conflicts of interest in the use of public funds by CILPA or CARA? In addition, please confirm:

a. Whether the Government or the Cabinet or the Auditor General was provided with all minutes of CILPA and CARA relating to the spending of public funds allocated or appropriated by the Government.

b. Whether the Government or the Cabinet or the Auditor General required annual accounts to be produced by CILPA and CARA which would be expected to contain details relating to the spending of public funds allocated or appropriated by the Government.

c. Whether the Government or the Cabinet or the Auditor General reviewed or audited the annual accounts of CILPA and CARA to ascertain whether the public funds allocated or appropriated by the Government were properly spent in compliance with the terms of the purchase agreement.

d. Whether the Government or the Cabinet or the Auditor General were provided with governance policies of CILPA and CARA and whether the Government or the Cabinet or the Auditor General assessed whether such governance policies were effective in ensuring transparency and accountability in relation to the use of public funds allocated to CILPA and/ or CARA.

11. What assessments or evaluations has the Government or the Cabinet or the Finance Committee or the Public Accounts Committee or the Auditor General implemented to determine whether the Government received value for money from the funding provided to CILPA and/or CARA?

12. What were the findings of the assessments in 10(d) and 11 above?

13. Please confirm the following

a. For the period from 2019 to 2024, the number of inspections carried out by CILPA without any delegation to CARA

b. For the period from 2019 to 2024, the number of inspections carried out by CARA following delegation to CARA by CILPA

c. For the period from 2019 to 2024, the number of money laundering or proceeds of crime offences identified as a result of the inspections in 13a and 13b above.

d. For the period from 2019 to 2024, the number of money laundering or proceeds of crime convictions obtained as a result of the inspections and offences identified in 13a and 13b above.

e. For the period from 2019 to 2024, the number and nature of complaints lodged against CARA, CILPA or their members in connection with the carrying out of functions which utilised public funds.

f. For the period from 2019 to 2024, the number and nature of legal proceedings commenced or threatened against CARA, CILPA or their members.

g. For the period from 2019 to 2024, the outcomes of legal proceedings commenced against CARA, CILPA or their members.

h. For the period from 2019 to 2024, any direct or indirect commercial or personal conflicts of interest existing between any member of CILPA and any member of CARA

i. For the period from 2019 to 2024, any direct or indirect commercial or personal conflicts of interest existing between any member of CARA and the persons or firms being inspected by CARA

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14. Please provide a copy of the agreements, contracts, or terms that were established between the Government and CILPA authorising payment of public funds to CARA and please explain the expected outcomes which were to be delivered.

15. For the period from 2019 to 2024, how did the Government ensure that the interests of the public were being safeguarded throughout the process of providing public funding to CILPA and/or CARA?

16. Since the coming into force of Parts 1 and 2 and sections 99 and 101 of the Legal Services Act, 2020 on October 14, 2022, please confirm the following:

- a. The date of the establishment of the Cayman Islands Legal Services Council.
- b. The members of the Cayman Islands Legal Services Council.
- c. The remuneration paid to the members of the Cayman Islands Legal Services Council.
- d. The date of the execution of the purchase agreement between the Cayman Islands Legal Services Council and the Government.
- e. The amount of public funds approved by the Finance Committee or the Parliament or the Cabinet in 2021, 2022, 2023 & 2024 to subsidise the Cayman Islands Legal Services Council.
- f. The amount of public funds allocated to the Cayman Islands Legal Services Council that was directly or indirectly paid to CILPA in 2021, 2022, 2023 & 2024.
- g. The amount of public funds allocated to the Cayman Islands Legal Services Council that was directly or indirectly paid to the members of CARA in 2021, 2022, 2023 & 2024
- h. In the case of 16(f) and 16(g), what was the rationale behind the decision?

17. Since the date of inception of the Cayman Islands Legal Services Council, what governance measures were implemented by the Government to ensure transparency, accountability and to manage conflicts of interest in the use of public funds by the Cayman Islands Legal Services Council? In addition, please confirm (since the date of inception of the Cayman Islands Legal Services Council):

- a. The number of meetings held by the Cayman Islands Legal Services Council.
- b. Whether the Government or the Cabinet or the Auditor General was provided with all minutes of the Cayman Islands Legal Services Council relating to functions required to be executed by the Cayman Islands Legal Services Council and decision-making connected to the spending of public funds allocated or appropriated by the Government.
- c. Whether the Government or the Cabinet or the Auditor General required annual accounts to be produced by the Cayman Islands Legal Services Council.
- d. Whether the Government or the Cabinet or the Auditor General reviewed the annual accounts of the Cayman Islands Legal Services Council to ascertain whether the public funds allocated or appropriated by the Government were properly spent in compliance with the terms of the purchase agreement or any other agreed terms.
- e. Whether the Government or the Cabinet or the Auditor General were provided with governance policies of the Cayman Islands Legal Services Council and whether the Government or the Cabinet or the Auditor General assessed whether such governance policies were effective in ensuring transparency and accountability in relation to the use of public funds allocated to the Cayman Islands Legal Services Council.

18. What assessments or evaluations has the Government or the Cabinet or the Finance Committee or the Public Accounts Committee or the Auditor General implemented to determine whether the Government received value for money from the funding provided to the Cayman Islands Legal Services Council?

19. What were the findings of the assessments in 17(e) and 18 above?

20. Please confirm the following

- a. From the date of inception of the Cayman Islands Legal Services Council to date, the number of inspections carried out by the Cayman Islands Legal Services Council without any further delegation to CARA or CILPA.
- b. From the date of inception of the Cayman Islands Legal Services Council to date, the number of inspections carried out by the Cayman Islands Legal Services Council with further delegation to CARA or CILPA.
- c. From the date of inception of the Cayman Islands Legal Services Council to date, all matters other than inspection functions delegated by the Cayman Islands Legal Services Council to CARA or CILPA.
- d. From the date of inception of the Cayman Islands Legal Services Council to date, the number of money laundering or proceeds of crime offences identified as a result of the inspections in 20a and 20b above.
- e. From the date of inception of the Cayman Islands Legal Services Council to date, the number of money

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laundering or proceeds of crime convictions obtained as a result of the inspections and offences identified in 20a and 20b above.

- f. From the date of inception of the Cayman Islands Legal Services Council to date, the number and nature of complaints lodged against the Cayman Islands Legal Services Council.
- g. From the date of inception of the Cayman Islands Legal Services Council to date, the number and nature of legal proceedings commenced or threatened against the Cayman Islands Legal Services Council or its members.
- h. From the date of inception of the Cayman Islands Legal Services Council to date, the outcomes of legal proceedings commenced against the Cayman Islands Legal Services Council or its members.
- i. From the date of inception of the Cayman Islands Legal Services Council to date, any direct or indirect commercial or personal conflicts of interest existing between any member of the Cayman Islands Legal Services Council and any member of CARA or CILPA.
- j. From the date of inception of the Cayman Islands Legal Services Council to date, any direct or indirect commercial or personal conflicts of interest existing between any member of the Cayman Islands Legal Services Council and the persons or firms being inspected by the Cayman Islands Legal Services Council

Do you want your request to be expedited (answered in 10 days)? If yes, please attach an explanation

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| No | |
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I wish to receive a copy/copies of the record(s) in the following format:

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| <input checked="" type="checkbox"/> photocopy | <input checked="" type="checkbox"/> electronic (via e-mail) |
| compact disc (audio/video or data) | <input checked="" type="checkbox"/> transcript |
| other (<i>please specify</i>) | Number of copies required: 1 |

The applicant must complete this section (tick appropriate box):

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| I want physical copies of the record(s) to be: | <input checked="" type="checkbox"/> Available to be picked up |
| | <input checked="" type="checkbox"/> I want to have the record(s) e-mailed to me |
| Signature: <i>Aluc Indry</i> | Date: May 14, 2024 |

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Information for Applicants:

This form has been designed to assist people in gaining access to records held by the Cayman Islands Government.

What is Freedom of Information?

The *Freedom of Information Law, 2007* (FOI Law) gives you the right to request access to records held by government authorities. All public authorities are required to follow a statutory process with respect to a response to your request and the timeframes under the law in assessing your application.

What details should I provide?

Applications for information do not need to be made on a particular form but may be made on this application form if preferred. In accordance with the *Freedom of Information (General) Regulations 2008*, (FOI Regulations) an application shall include the following

- a. A name;
- b. A postal address or e-mail address to which notices and information can be sent;
- c. Details of the records, including (if known) the period and/or geographic area to which the information relates; dates relevant to the information needed; the name or other identifying characteristics of the document; and
- d. The form of access preferred (e.g. electronic or photocopies).

What is Personal Information?

Under the FOI Law a person may request their own information. A separate application is required under the FOI Regulations for amendment or annotation of a personal record. If a person makes an application for their own personal information they must produce identification that allows the public authority to release this information. A person may be authorised to request someone else's personal information but must supply sufficient proof of this authorisation as required by the public authority (e.g. power of attorney, written authority by a next of kin).

What can I ask for?

You can ask for records that are held by a Cayman Islands Public Authority. Under the FOI Law a "record" includes: a paper file, microfiche, print out, disk, visual material (maps, plans, and photographs) and audio-visual material.

Do I have to pay?

Under the FOI Law, there is no application fee and no cost to inspect a record. However, the requestor is required to pay for expedited response, physical delivery of the records or for the cost of reproduction of a record, including the cost of converting a record into an alternative form.

The requestor shall be liable to pay a charge in the amount or at the rate fixed by, or in accordance with, the Schedule to the FOI Regulations. Payment by cheque / cash / money order / electronic card is required before copies of the document will be made. Each public authority may specify which forms of payment are accepted and which are not.

You will be supplied with a notice of the estimate of the charges if applicable. Processing and access charges may be waived for applicants at the discretion of the Chief or Principal Officer (e.g. financial hardship).

Processing of Application

You will receive acknowledgment of receipt of your application 10 calendar days after receipt by the public authority. A decision will be made within 30 calendar days of receipt unless an extension is authorised of an additional 30 calendar days. If you have indicated that you want your request expedited, you must provide a non-refundable fee of CI \$50 and a reasonable explanation (i.e. the records are needed for judicial proceedings, or proof that it will affect life, liberty or public safety/health) as outlined in the FOI Regulations. If your request for expedition is granted you will receive the records in 10 calendar days.

For more information, including specific fees, and to see a list of public authorities and Information Managers please visit our website at www.foi.gov.ky