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Grand Cayman, KY1-1103, Cayman Islands

29 December 2011

Reference Number: FOI/45023

Mr. John Evans
johnevans65961@hotmail.co.uk

Dear Mr. Evans,

Thank you for your application dated 12 November 2011 via email to the Governor's Office, which was officially received by us on 23 November 2011 in relation to our portion of the request. Based on your email I am responding to the third paragraph, which applies to our Office, which I have highlighted below for reference:

I refer to the article entitled 'Who was really in charge of Operation Tempura?' that was published in the Observer on Sunday this weekend.

At the end of the article there is reference to comments made in December 2009 by the former Auditor General, Dan Duguay, concerning attempts by the then Governor, Stuart Jack, and Deputy Governor Donovan Ebanks to influence the official report into Operation Tempura.

Mr. Duguay refers to written communications relating to this. Under the Cayman Islands Freedom of Information Law I am requesting copies of all items of correspondence or any other written records (emails, minutes of meetings, etc.) relating to the production of the Auditor General's report into Operation Tempura from any official who was involved, or attempted to become involved, in the format and contents of the final report.

Bluntly, I am asking for copies of all correspondence that shows which areas of the final report caused 'upset' or attempted to 'adjust' the contents of the report plus any other relevant material relating to the production of the report.

I have considered your application for the information. The Auditor General's Office is pleased to grant you partial access to the electronic copies of the records requested being:

1. A CoP response to AG 14 May 2009 (redacted).pdf
2. Audit of Expenditures for Operations Tempura and Cealt - Andre - 14 Aug 2009 (redacted).pdf
3. Audit of Expenditures for Operations Tempura and Cealt - George - 11 Aug 2009 (redacted).pdf
4. Audit of Expenditures for Operations Tempura and Cealt - Larry - 13 Aug 2009 (redacted).pdf
5. Audit of Expenditures for Operations Tempura and Cealt - Martin Bridger - 14 Aug 2009 (redacted).pdf
6. Audit of Expenditures for Operations Tempura and Cealt - Simon - 12 Aug 2009 (redacted).pdf
7. Audit of Expenditures for Operations Tempura and Cealt - Tonge - 11 Aug 2009 (redacted).pdf
8. Audit Report - comments from Governor 6 Aug 2009.pdf
9. Bridger Response (Redacted) to AG - 27 May 2009.pdf
10. D Ebanks to Aud Gen 15 July 2009.pdf
11. Email Correspondence to Bridger - not dated (Redacted).pdf
12. Email Correspondence to Richard - not dated (Redacted).pdf
13. Email to Alan and response back - not dated (Redacted).pdf
14. Email to John - not dated (Redacted).pdf
15. Email to John Yates - not Dated.pdf
16. Email to Steven - not dated (Redacted).pdf
17. Legal Comments - Schofield 17 July 2009.pdf
18. Management Response to Final Audit Report 1 Sept 2009.pdf
19. Request #45203 - Tempura - Part 1 Correspondence (redacted).pdf
20. Request #45203 - Tempura - Part 2 Correspondence for feedback on Report (redacted).pdf
21. Response from Andre (Marlene) - 12 Aug 2009 (Redacted).pdf
22. Response from Drury to AG 25 May 2009.pdf
23. Response from Solicitor General to AG 14 July 2009.pdf
24. Response from Governor - Op Tempura - 15 July 2009.pdf
25. Response to Hector Robinson - 21 Sept 2009 (Redacted).pdf
26. Responses to Tempura Report Requested 31 Aug 2009.pdf
27. Revised draft of the Report on Operations Tempura and Cealt - Ebanks - 19 Aug 2009.pdf
28. Revised draft of the Report on Operations Tempura and Cealt - Gough - 7 Aug 2010.pdf
29. Revised draft of the Report on Operations Tempura and Cealt - Gough - 11 Aug 2009.pdf

30. Revised draft of the Report on Operations Tempura and Cealt - McCarthy – 6 & 11 Aug 2009.pdf

31. Solicitor Generals comments to AG - 4 June 2009 (redacted).pdf

The records requested contains exempt matter which has been deleted/redacted pursuant to section 12 of the Freedom of Information Law. Under section 20(1)(b) and (d) a record is exempt from disclosure if it would inhibit the free and frank exchange of views for the purposes of deliberation (i.e. audit process) and prejudice, the effective conduct of public affairs (i.e. the audit). In addition, under section 23(1) a record is exempt from disclosure if it would unreasonably disclose personal information of any person, whether living or dead.

We have also been provided a legal opinion that has not been provided to you under legal professional privilege based on section 17(a) of the Freedom of Information Law.

The reasons for my decision are that there is a risk that by disclosing all the entire record it will inhibit the free and frank discussion undertaken during an audit process with those we are auditing. The individuals will be less likely to speak with us in a free and frank manner thereby impacting the effective conduct of our audits. In addition, I have redacted individual's names, addresses, email addresses, etc. that I determined would constitute personal information that should not be disclosed.

In the documents I have provided to you I have indicated where I have redacted certain information to help alleviate the risk that other individuals in the future may not communicate with us in a free and frank manner if it was known that what they say could possibly be made publically available in the future under the FOI Law.

There is no fee for granting you this Freedom of Information (FOI) request.

If you are not satisfied with my decision in only granting partial access to the information specified in your application you have a right for internal review under Section 33 of the FOI Law. An application for the internal review is to be made within 30 calendar days after the date of this notification. The application for appeal can be made to the Auditor General by e-mail at Alastair.swarbrick@oag.gov.ky or by letter to the address above. When requesting for an internal review you should include:

- (a) your name, address and telephone number;
- (b) a copy of your Application and/or the Reference Number assigned to your Application;
- (c) a copy of this letter; and
- (d) if so inclined, the basis on which you are requesting a Review of the decision indicated.

If upon Internal Review, the decision is still not favourable to you, you have the right under section 42 of the FOI Law to appeal to the Information Commissioner within 30 days of:

- (a) the date of notification of the decision taken at Internal Review;
- (b) a decision taken by the Auditor General; or
- (c) the date on which you should have been notified of the decision referred to above but of which you received no notification.

Contact Details for the Information Commissioner's Office:
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Yours sincerely,



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