

Information and Communications Technology (“ICT”) Authority’s Publication Scheme Produced in accordance with the Deputy Governor’s Code of Practice

CONTENTS:

1. About the publication scheme
2. Information that may be withheld
3. Methods of access
4. Fees and charges
5. Requests for information outside the publication scheme
6. Complaints
7. Categories of information

1. About the publication scheme

Every public authority covered by the *Freedom of Information Law, 2007* (“FOI Law”) has a legal duty to maintain a publication scheme.

The purpose of a publication scheme is to make information readily available to the public without the need for specific written requests. Schemes are intended to encourage authorities to proactively publish information, to develop a culture of openness and participation.

The publication scheme lists the information which is readily available to the public. The list is divided into seven (7) different categories of information, to help you find the documents you are looking for.

This publication scheme commits the ICT Authority to making information available to the public as part of its normal business activities.

The ICT Authority will:

- specify the information held by the authority, which falls within the seven (7) categories below;
- proactively publish or otherwise make routinely available, information which is held by the authority and falls within the categories below;
- describe the methods by which specific information is made available, so that it can be easily identified and accessed by members of the public;
- list any fees charged for access to information described in this scheme;
- publish or otherwise make information available, in accordance with the methods and fees stated in this scheme;
- make this publication scheme available to the public;
- regularly review and update the information made available under this scheme.

2. Information that may be withheld

One exemption of particular relevance to the ICT Authority and its Licensees is that covering commercially sensitive information. The ICT Authority handles commercially sensitive information in accordance with the *Information & Communications Technology Authority (Confidentiality) Regulations* ("the Confidentiality Regulations"). These Regulations state that any person submitting information to the Authority may request that such information be designated "confidential" provided it is accompanied by:

- a. a written justification for the claim of confidentiality; and,
- b. either a redacted copy of the document, or a statement as to the existence and general nature of the document, for placing on the public record.

The ICT Authority itself, or any third party, may challenge the claim of confidentiality. The originator is given the opportunity to further justify its claim of confidentiality, and then the ICT Authority makes a determination in accordance with the Regulations.

Unless the ICT Authority considers such a claim for confidentiality is justified, the Authority may - and normally will - make the information publicly available by publishing it on its web site or providing copies to parties who request them.

It is the ICT Authority's understanding that, following the introduction of the FOI Law, information provided to the ICT Authority under a confidentiality claim made in accordance with the Confidentiality Regulations will continue to be handled in accordance with those Regulations. As before, information for which no such claim is justified will be liable to disclosure and now will also be subject to the FOI Law. It should be noted that the FOI Law and the Confidentiality Regulations are very similar, and that both include a "public interest" test. Perhaps the biggest difference is that under the Confidentiality Regulations the ultimate decision on whether or not information should be disclosed is made by the Board of the ICT Authority whilst under the FOI Law it is made by the Information Commissioner.

In addition, the ICT Authority will generally not publish:

- information in draft form;
- information that is not held by the ICT Authority, or which has been disposed of in accordance with a legally authorised disposal schedule;
- information that is not readily-available – for example: information that is contained in files that have been placed in archive storage, or is otherwise difficult to access;
- information which is exempt under the FOI Law, or otherwise protected from disclosure – for example: personal information; or commercially sensitive information. Records containing exempt matter will be published in a redacted¹ form, wherever it is practical to do so, indicating which exemptions apply.

In maintaining this publication scheme, our aim is to be as open as possible.

However, there may be limited circumstances where information will be withheld from one of the categories of information listed in *section 7: Categories of information*.

Information will only be withheld where the FOI Law expressly permits it.

¹ A copy of the record, with the exempt matter deleted in accordance with the National Archive's *Redaction Standard*.

For example: where disclosure would breach the law of confidentiality, infringe personal privacy, harm the ICT Authority's (or another organisation's) commercial interests, or endanger the protection of the environment.

Whenever information is withheld, we will inform you of this and explain why that information cannot be released. Even where information is withheld, it may be possible to provide a redacted copy, with the exempt matter edited out.

If you wish to complain about any information which has been withheld, please refer to *section 6: Complaints*.

3. Methods of access

Information available under our publication scheme will usually be accessible through the methods described below.

Section 7: Categories of information provides more details on the information available under the scheme, along with additional guidance on how the information within each category may be accessed.

Online

Most of our documents are published electronically on our website at www.icta.ky and can be downloaded in various formats. Where information is available online, a link within *section 7: Categories of information* will direct you to the relevant page or document.

If there is no link, or the link is broken, you can use our website's "Search" facility at www.icta.ky. If you are still having trouble locating information listed under our scheme, please contact our Information Manager, Dr Russell Richardson, at 946-4282 or foi@icta.ky.

Email

If information is listed in our publication scheme but is not published on the website, we may be able to send it to you by email. You can email us at foi@icta.ky to request information. Please provide a telephone number so that we can call you to clarify details if necessary.

Phone

Documents listed in the publication scheme can also be requested by telephone. Please call our Information Manager, Dr Russell Richardson, on 946-4282 to request information.

Post

All information listed in the publication scheme will usually be available in hard copy. Requests may be addressed to:

Dr Russell Richardson
General Counsel and Head of Licensing and Compliance
PO Box 2502
3rd Floor, Alissta Towers
85 North Sound Road
Grand Cayman KY1-1104
Cayman Islands

Tel: +1 345 945 4282
Fax: +1 345 945 8284
Email: foi@icta.ky

In your request, please provide your name and address, full details of the information or documents you would like to receive. You may also wish to provide a telephone number so that we can call you to clarify details if necessary. For faster processing, please also include any applicable fee. (See *section 4: Fees and charges* for further details.)

Personal visits

In limited cases, you may be required to make an appointment to view information listed in the publication scheme. This will be clearly stated in *section 7: Categories of information*, and relevant contact details will be provided in that section.

Advice and assistance

If you experience any difficulty identifying the information you want to access, please contact our Information Manager, Dr Russell Richardson, on 946-4282.

The ICT Authority will adhere to its obligations under section 10 of the FOI Law, and any requirements relating to disability or non-discrimination, when providing information in accordance with this publication scheme.

Information will be provided in the language in which it is held or in such other language that is legally required. Where the ICT Authority is legally required to translate any information, it will do so.

4. Fees and charges

The purpose of this scheme is to make the maximum amount of information readily available at minimum effort and cost to the public. The ICT Authority strives to ensure that fees and charges are clearly explained and kept to a minimum.

Information which is published online, downloaded through a website, or sent to you by email will be provided free of charge.

Fees may be charged for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage, as described below.

Reproduction costs

Where fees apply, photocopied information will be charged at a standard rate of \$1.00 per page (black and white; Letter size or Legal size only) and \$1.50 per page (colour; Letter size or Legal size only).

Computer discs will be charged at a rate of \$2 per disc.

Postage costs

The ICT Authority will pass on to the requester the actual costs of postage or courier delivery.

If a fee applies, you will be advised of the amount and how it has been calculated. Information will be provided when the ICT Authority has received your payment.

5. Requests for information outside the publication scheme

Information held by the ICT Authority that is not published under this scheme can be requested from our Information Manager whose details are given in Section 3 above. Your request will be considered in accordance with the provisions of the FOI Law.

6. Complaints

The ICT Authority aims to make our publication scheme easy to use, and to ensure our information is accessible to the public.

If you wish to complain about any aspect of this publication scheme, please contact our Information Manager, and we will try to resolve your complaint as quickly as possible.

You have legal rights to access information under this scheme, and a right to complain to the Information Commissioner if you are dissatisfied with our response. The Information Commissioner's details are”

Information Commissioner's Office,
2nd Floor, Elizabethan Square, Building 1
George Town, Grand Cayman
PO Box 1357,
Grand Cayman KY1-1108,
CAYMAN ISLANDS

Telephone: +1 345 747 5402
email: *info@infocomm.ky*

7. Categories of information

The Authority has already published over 1,000 documents on its web site (www.icta.ky); too many to list in this publication scheme. An alphabetical index, menus and a search engine are provided on-line. Anyone without Internet access may seek the assistance of the Authority's staff during normal working hours. The main categories of information are summarized below:

- A. About Us
- B. Policy
- C. Organisation
- D. Personnel
- E. Financial Management
- F. Development and Strategy
- G. Legislation
- H. Licensees
- I. Operations
- J. Public Registers

A. ABOUT US

Name of public authority

Information and Communications Technology Authority (“ICT Authority”)

Minister

The Board of the ICT Authority reports to the Legislative Assembly through the Minister of District Administration, Works & Gender Affairs (DAW&GA).

Principle officer

David Archbold
Managing Director
PO Box 2502
3rd Floor, Alissta Towers
85 North Sound Road
Grand Cayman KY1-1104
Cayman Islands

Tel: +1 345 945 4282
Fax: +1 345 945 8284

Information manager

Dr Russell Richardson
General Counsel and Head of Licensing and Compliance
PO Box 2502
3rd Floor, Alissta Towers
85 North Sound Road
Grand Cayman KY1-1104
Cayman Islands

Tel: +1 345 945 4282
Fax: +1 345 945 8284
Email: foi@icta.ky

Organisation and functions

The ICT Authority is an independent statutory Authority which was created by the *Information & Communications Technology (ICT) Authority Law* on 17th May 2002 (“ICTA Law”) and is responsible for the regulation and licensing of Telecommunications, Broadcasting, and all forms of radio which includes ship, aircraft, mobile and amateur radio. The ICT Authority conducts the administration and management of the .ky domain, and also has a number of responsibilities under the *Electronic Transactions Law 2000*.

With the enactment of the ICTA Law, the Cayman Islands became one of the first countries in the world to officially recognise the convergence of telephony, radio and broadcasting, the Internet and e-business.

Location and hours

Information and Communications Technology Authority
PO Box 2502
3rd Floor, Alissta Towers
85 North Sound Road
Grand Cayman KY1-1104
CAYMAN ISLANDS

Tel: [345] 946-ICTA (4282)
Fax:[345] 945-8284

Email:

General Enquiries:

info@icta.ky

Ship, Aircraft and Misc Licensing Matters:

licensing@icta.ky

Contributions to Public Consultations:

consultations@icta.ky

Business Hours: 8.30am to 5pm, Monday to Friday

Board of Directors

ICT Authority Board members are appointed by the Governor in Cabinet and hold their office for not less than 3 years.

The Board of Directors is responsible for the policy and general administration of the affairs and business of the ICT Authority.

The current Board of Directors was appointed on 15th September 2009 and consists of:

- Mr. George Berry - Director
- Mr. Alexander Bodden - Director
- Mr. Lyndhurst Bodden - Director
- Mr. J. Samuel Jackson - Director
- Dr. Joseph Jackman - Director
- Mrs. Pearlina McGaw-Lumsden - Director
- Mr. John Thompson - Director
- Mr Paul Tibbetts - Director
- Mr David Archbold - Managing Director

Frequently asked questions

The ICT Authority has published a list of Frequently Asked Questions about the regulation of the ICT Sector (and their answers) on its web site at www.icta.ky/da_faqs.php.

B. POLICY

The policy for the ICT Authority, relationships with Government, International Organisations and other jurisdictions. This topic includes:

- Directives to ICTA
- Hazard Management

- Correspondence with CI Government
- Correspondence with Regional and International ICT organisations
- Information on ICT Regulation in other jurisdictions

C. ORGANISATION

Office accommodation, office equipment, press releases, establishment, office miscellaneous. This topic includes:

- Establishment
- Accommodation
- Office Equipment
- File Index
- Press Releases
- Misc. Boards & Committees
- Office Miscellaneous

D. PERSONNEL

Personnel policy, recruitment, staff files, pensions, and training. This information is not available on-line but may be requested in accordance with the FOI Law. Topics include:

- Policy
- Job Descriptions
- Recruitment
- Pensions
- Work Permits
- Routine Correspondence
- Courses and Seminars
- Temp Staff & Consultants
- Staff Files

E. FINANCIAL MANAGEMENT

Documents relating to the administration of the authority's monetary resources – including projected and actual income, including:

- Accounts Policy
- Asset Register
- Audit
- Bank
- Budgets
- Accounting Forms
- Financial Statements
- Government reporting
- Insurance
- Invoices
- Licence Fees

- Pensions
- Purchases
- Spectrum Fees
- Suppliers

F. DEVELOPMENT AND STRATEGY

Research, development and statements of regulatory policy matters, including:

- Numbering
- Customs Duty Waiver
- Emergency Services 911
- Forms and Licences
- Information Security
- Internet Café Policy
- License Fees
- Disaster Communications
- Regulatory Structure
- Tech Standards & Certifications
- Access
- Testing
- Accounting Separation
- Bypass
- Payment Gateway
- Imputation Tests
- Directives
- Licensing General
- Ebusiness
- Price Caps
- Quality of Service
- Directories

G. LEGISLATION

Laws, Regulations, drafting instructions organised as follows:

- Data Protection
- Freedom of Information
- Hansard
- ICTA Law
- ICTA Regulations
- Intellectual Property Rights
- Notice Under s23(2) ICTA Law
- Other Cayman Laws
- Process Rules
- Public Authorities Bill
- Tobacco & Liquor Advertising
- Legal Opinions

H. LICENSEES

Matters between the ICT Authority and a single licensee, licence documents and amendments, including:

- Applicants & Potential Licensees
- Archives of ex-Licensees and Applicants
- All current Licensees

I. OPERATIONS

The ICT Authority's day-to-day regulatory matters, complaints, fixed licences, ky domain, Board decisions, compliance, including:

- Complaints - General Public
- Complaints - Licensees
- Compliance
- Fixed Licences
- FAC Model
- ICT Decisions
- ICTA Board
- Interconnection
- KY Domain
- Public Consultations
- Spectrum Management
- Statistics and Financial Reports
- Type Approvals

J. PUBLIC REGISTERS

In addition to the above, the ICT Authority publishes the following Registers on its web site:

- Licence Applications
- Licences Issued
- Number Ranges allocated to Licensees
- Spectrum Allocations and Assignments