**PRESS RELEASE**

**25 September 2020**

**FOI Hearing Decision 81 - Cadastral claim file should be public**

A Freedom of Information (FOI) applicant sought access to a claim file created during the Cayman Islands cadastral survey of the 1970s that related to his family’s ancestral land claims on Grand Cayman. The government Lands & Survey Department said the records should be withheld from release.

The cadastral survey formed the basis for Cayman’s modern land registration system and the documents sought by the applicant, which are kept for Lands & Survey at the Cayman Islands National Archive, related to a single land claim. Government records showing transfers of property since the modern land registration system was developed are already publicly accessible, but documents that relate to the original claims when the Register was first created have traditionally not been made available. The Lands & Survey Department argued that the release of such information would “undermine the entire system of land registration”, prejudicing the effective conduct of public affairs and leading to the unreasonable disclosure of personal information.

The Ombudsman rejected the department’s arguments and ordered the release of the records within 14 days. A thorough review of the issue found that a decision to make the records public need not consider what the applicant intends to do with them. The Ombudsman also noted that the department provided no convincing evidence that making the records public would lead to a collapse of the land registration system or the unreasonable disclosure of personal information.

“The applicant sought access to the requested records in relation to an ownership claim over his great-grandfather’s land, a matter that has been the subject of his family’s investigations for several decades,” said Sandy Hermiston, Cayman Islands Ombudsman. “However, the time period for challenging the adjudication of (land) title has long expired and it’s likely that the disclosure of the responsive record would promote greater understanding of the decisions made at the time the cadastral record was created.”

The Lands & Survey Department also sought to argue that the claim file was created nearly 50 years ago for the “sole purpose” of creating the Register, and that they did not intend for those records to be publicly reviewed. These statements were also disputed by the Ombudsman.

“This argument could be used to withhold virtually any government record sought under the FOI Law,” said Deputy Ombudsman Jan Liebaers. “The very essence of Cayman’s FOI Law is the assumption that a government record is a public record unless there is a valid reason to legally withhold it. We could find no such reason in this case.”

You can read the full text of the decision on the Ombudsman website: <https://ombudsman.ky/images//pdf/decisions/Hearing_Decision_81-201900152.pdf>

Anyone wishing to appeal a government decision of an FOI request may contact the Office of the Ombudsman via phone at 946-6283 or via email at [info@ombudsman.ky](mailto:info@ombudsman.ky). Our website, [www.ombudsman.ky](https://nam04.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ombudsman.ky%2F&data=02%7C01%7Cbrent.fuller%40Ombudsman.ky%7Cce4723cb3d264b4b472808d8609c6f3f%7C64ddd3d2806844068a86e36349b87c41%7C0%7C0%7C637365572282980582&sdata=Ce33xZU%2BC1XFtEj1zTVgtXPobs%2BcUelCPtLNNvNmeO8%3D&reserved=0) also has much more information about the open records process in the Cayman Islands.