

MINUTES
7th MEETING OF 2023
ANTI-CORRUPTION COMMISSION
4th DECEMBER 2023
COMMISSIONS SECRETARIAT

COMMISSION MEMBERS PRESENT:

Adrian (Gus) Pope	Chairman
Simon Whicker	Member
Laurence Aiolfi	Member
Romeo Frederick	Member
Kendra Foster	Member
Charles Jennings	Member

SECRETARIAT MEMBERS PRESENT:

Donna-Kay Smith	Interim Manager
Richard Oliver	Senior Investigator (“SIO”)
Evette Burnell	Administrator/Analyst

1. Meeting called to Order

The meeting was called to order at 10:00am.

2. Conflicts of Interest

It was noted that there were no conflicts of interest to date (save as previously disclosed) and Members were reminded of their obligation to disclose and recuse themselves should any conflict of interest arise in relation to any new matters arising during the course of the meeting.

3. Confirmation of Minutes

It was noted that the minutes of the meeting of 16 October 2023 were previously approved and posted on the ACC website.

4. Matters Arising from Previous Minutes**a. Policies and Procedures Update**

It was reported that the draft Policies and Procedures Manual for the ACC, which was prepared by Member Jennings, has now been reviewed by the Chairman and all Members and they are satisfied with the content for publishing in the public domain. The Chairman advised that the draft has now been submitted to the Secretariat for review and comments. The Interim Manager for the Commissions Secretariat advised that the Secretariat had started to review the document and had a few suggestions. The Secretariat will revert back with

comments. The Policies and Procedures Manual for the ACC is intended to be uploaded to the ACC website after completion. The intention is to have the Policies and Procedures Manual finalized and published in December 2023.

b. Secretariat HR Update

The Chairman updated the Members in regards the meeting which took place with all the Commission Chairs, the Interim Manager and the Deputy Chief Officer of the Portfolio of the Civil Service on 17th October 2023, which provided a forum for candid discussion from all Commission Chairs regarding focus areas for consideration and implementation within the Commissions Secretariat.

The Interim Manager advised that recruitment for the position of Manager and Deputy Manager is at the interview stage. Within the Administrative team, an Administrator/Analyst post became vacant as of 30th November 2023. However, two (2) employees have joined in the role of Administrator/Analyst in addition to the existing Research Analyst and PR/Educations Coordinator. Work has been re-distributed within the Administrative Team so that each Administrator/Analyst and Reach Analyst are assigned two (2) commissions each to better support the needs of the commissions. Mrs. Evette Burnell who will be the primary support for the ACC was introduced.

The Interim Manager further advised that for the Investigation team, recruitment has been completed for the Analyst post, and the new employee is scheduled to commence employment 1st February 2024. In addition, recruitment for one (1) Investigator I post and one (1) Investigator II post is now at the stage where applications are being reviewed to determine shortlisted candidates. Once these posts are filled, the changes will result in four (4) Investigator posts in total, supported by two (2) Investigator I posts which are at the supervisory-level, reporting in to the SIO who has operational oversight for the Investigative Team.

c. Secure Data/Information Transfer Update

It was noted that Members continue to periodically experience errors when accessing files on Sharefile. The Interim Manager advised members that she is engaging with the Computer Services Department (CSD) to ensure effective channels to facilitate the secure exchange of information via email and Sharefile and will also have the recently reported issues checked and resolved. Based on the checks, consideration will be given to whether Sharefile is a feasible option to continue sharing information. The Interim Manager advised that an upcoming meeting is scheduled with the Director and Deputy Director for the Computer Services Department and these matters will be escalated to them for resolution.

The Secretariat will also review the current structure of how information is organized in Sharefile and ensure the content is better organized for ease of access.

d. Data Protection Act

Members discussed the independent legal advice received in regards to the obligations of the ACC under the Data Protection Act (DPA). It was noted that the DPA superseded the Anti-Corruption Act. However, there are exceptions to the law, which include investigations and national security etc. There are also carve outs in the law available for exceptional use, which can include a certificate from the Governor.

e. Membership of GlobE Network

It was reported that subsequent to the ACC requesting the assistance of Her Excellency the Governor (HE) with submitting the ACC's application to GlobE via the United Kingdom as the relevant United Nations member, an update was received from the Office of the Governor that the matter is currently before the UK to determine the process for an Overseas Territory to sign up to GlobE.

f. MOU with CSPL and HM Prisons

Reference was made to the two (2) draft Memoranda of Understanding (MOUs), which were sent to the Prison service and CSPL. This is similar in nature to the MOU currently in place with the Royal Cayman Islands Police Service (RCIPS). The ACC is currently awaiting a response from both parties on the proposed MOUs. This will be followed up by the Administrator/Analyst.

5. New Business

a. Previously Concluded Investigation

The Chairman updated the Members on this matter.

b. Educational outreach/International Anti-Corruption Day 2023

The Commission members were informed of the drive forward on outreach and education opportunities. Plans are underway to schedule a presentation for private sector compliance officers, to assist them in spotting red flags regarding potential corruption. In addition, the Secretariat intends to roll out a presentation for prioritized groups of Government employees and the Deputy Governor has given his approval to proceed with this initiative. Members were also informed that the Chairman spoke on the panel, which included the Auditor General, at the Cayman Islands Institute of Professional Accountants (CIIPA) symposium for Anti-Corruption.

As a part of the educational outreach the ACC has also decided to release a statement for International Anti-Corruption Day on 9th December 2023. The Public Relations & Education Coordinator for the Commissions Secretariat has drafted a statement, which was reviewed by the Members and approved for release.

6. C-FATF Related Updates

The Chairman updated Members that the ACC had been commended for its valuable work for the jurisdiction following the FATF on-site inspection of the Cayman Islands held in September 2023. The ACC's efforts contributed to the Cayman Islands being removed from the "grey list", which is a noteworthy accomplishment.

As a member ex-officio of the Anti-Money Laundering Steering Group (AMLSG) monthly meetings will continue to be attended by the Chairman of the ACC.

7. Operational Update

a. Outstanding Matters

i. ACC/COMP/2023/01

Members were updated that the ACC is still awaiting preliminary legal advice from the Office of the Director of Public Prosecutions (ODPP) and therefore a decision on this matter was deferred and it remains pending. The SIO is to follow-up with the ODPP.

ii. ACC/COMP/2023/02

Members were updated that the ACC is still awaiting preliminary legal advice from the ODPP and therefore a decision on this matter was deferred and it remains pending. The SIO is to follow-up with the ODPP.

iii. ACC/COMP/2023/05

Members were updated by the SIO that RCIPS continues to investigate and the matter therefore remains pending.

b. New Corruption Reports/Complaints

i. ACC/COMP/2023/11

It was agreed that the matter was best dealt with in accordance with Section 28(6) of the ACC on the grounds that an investigation by the ACC would be unnecessary. The matter can remain with RCIPS. The SIO will consult with the DPP as required by Section 28 (6), following which it is expected the matter will be formally disposed of on that basis at the next meeting.

c. SIO Report

The SIO provided an update on the ongoing investigations.

d. Existing Corruption Reports/Complaints Statistics

The ACC was informed that since inception (1st Jan. 2010) there have been 159 investigations registered by the ACC, of which:

- i. 3 are 'pending' awaiting further or sufficient information which may make it appropriate to make further investigations;
- ii. 135 have been concluded;
- iii. 10 have been transferred to other investigative units for action; and
- iv. 11 are now under current active investigation.

The internal spreadsheet which provides details of the investigations will continue to be updated on a monthly basis.

8. Any Other Business

- a. The ACC has been invited to lunch with Her Excellency, the Governor. This is scheduled for February 2024.
 - b. The Chairman noted that his tenure comes to an end in mid-2024 and succession planning will need to be considered
- Member Foster excused herself at 12.01pm and the meeting continued with a quorum.
- c. The question of the independence of the ACC from Government under the Jakarta principles was also discussed in light of the consultant report received on the matter. It was discussed that a broad overview of the report could be sent to key stakeholders, at the appropriate time, with a high level executive summary in bullet points and that the report could be discussed with decision makers. Members intend to consider the question prior to the next meeting and decide if they are to endorse this matter and decide their position on the appropriate next steps.
 - d. The Interim Manager advised that the Secretariat will be closed on 8th December 2023 at 12:00pm to facilitate a staff function. In addition, it was noted that the Secretariat will be closed from 22nd December 2023 and normal operations will resume on 2nd January 2024.
 - e. Finally, the scheduling of ACC meetings was discussed and a preliminary set schedule of meetings every 6 weeks was proposed on Mondays, starting January 8th, 2024.

9. Action Items

- a. Commissions Secretariat to review and provide comments on the draft Policies and Procedures Manual as detailed in item 4.a. above (Interim Manager);
- b. Advance the work to resolve the Sharefile Issues and ensure Secure Data/Information Transfer as detailed in item 4.c. above (Interim Manager);
- c. Re-organize Sharefile to be more user-friendly item 4.c above (Administrator/Analyst);
- d. Follow-up on proposed MOUs with HMCIPs and CSPL as detailed in item 4.f. above (Administrator/Analyst);
- e. To release statement for Anti-Corruption Day via the ACC website as detailed in item 5.b (Public Relations & Education Coordinator);

10. Items to be Discussed at the Next Meeting

- a. Policies and Procedures Update

- b. Secretariat HR Update
- c. Secure Data/Information Transfer Update
- d. Membership of GlobE Network Update
- e. MOUs Update
- f. Educational Outreach
- g. C-FATF Related Updates
- h. ACC/COMP/2023/01
- i. ACC/COMP/2023/02
- j. ACC/COMP/2023/05
- k. ACC/COMP/2023/11

11. Date of the Next Meeting

The date of the next meeting was agreed for Monday, 8th January, 2024 at 10:00am.

12. Adjournment

The meeting was adjourned at 12:22pm.



Adrian (Gus) Pope
CHAIRMAN
ANTI-CORRUPTION COMMISSION