

## **FACT SHEET APRIL 2023**

### **Establishment and Mandate**

Formation: 1 January 2010

Legal basis: Anti-Corruption Act (2019 Revision) (as amended) (the “Act”)

The Act gives effect to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and to the United Nations Convention Against Corruption (which was extended to the Cayman Islands in 2020). The Act covers a broad range of local corruption offences by public officials, private individuals and entities. It extends to bribery of foreign public officials outside the Cayman Islands. Offences under the Act are extraditable.

### **Mission Statement**

The mission of the Anti-Corruption Commission is “To enhance the stability, prosperity and reputation of the Cayman Islands by sustaining the confidence and trust of the community in the integrity and good governance of its government and public institutions through fighting corruption with just, fair and effective investigations.”

### **Principal powers, duties and functions under the Act**

The Commission is responsible for the administration of the Act and shall:

- receive, consider and investigate reports to the Commission of corruption offences as set out in the Act;
- receive and (including from overseas anti-corruption agencies) request, analyse and disseminate disclosures of information concerning corruption offences, or suspected offences; or required by any Act in order to counter corruption; and
- detect and investigate suspected corruption offences, attempts to commit an offence, or conspiracies to commit an offence.

### **Additional powers, duties and functions under the Act**

- Arrest any person who has committed or is suspected of having committed a corruption offence;
- Obtain evidence by search warrants with court approval;
- Freeze assets and confiscate proceeds of corruption offences with court approval;
- Refer the results of its investigations to the Director of Public Prosecutions (“DPP”) for disposition where it appears an offence has been committed;

- Assist with overseas investigations;
- Enter into assistance arrangements with overseas anti-corruption agencies with the consent of the Attorney General;
- Enter into assistance arrangements with any local Act enforcement authority, or local body, for the discharge or performance of its powers, duties and functions;
- Advise the Governor on the Commission's work; and
- Submit an annual report to the Governor (available on our website).

To date, the Commission has entered into separate Memoranda of Understanding with the Royal Cayman Islands Police Service, the Financial Reporting Authority, the Office of the Auditor General, the Office of the Commissioner of Police, the Workforce Opportunities and Residency Cayman Agency and the Ombudsman. In addition, the Commission is a signatory to a Multilateral Memorandum of Understanding by and between the Cayman Islands Monetary Authority, the Royal Cayman Islands Police Service, the Office of the DPP, Customs and Border Control, the Cayman Islands Department of Commerce and Investment, the Registrar of Companies, the Financial Reporting Authority, the Cayman Islands Legal Practitioners Association and the Cayman Islands Institute of Professional Accountants. There is also a Memorandum of Understanding in relation to Inter-Agency Intelligence Sharing (Financial Crime) among the Commission, the Royal Cayman Islands Police Service, the Financial Reporting Authority and Customs and Border Control.

## **Control, Oversight, and Policy Directions**

The Governor has broad powers of oversight over the work of the Commission and may give to the Commission directions as to the policy to be followed in the exercise and performance of its functions. To date, the Governor has not issued any such directions.

The Commission may issue guidelines setting out:

- (a) the forms and procedures for making a report of a corruption offence; and
- (b) the operational procedures in connection with disclosures made to the Commission.

To date, the Commission has issued the report/complaint form and policies relating to media disclosure. It is developing additional formal written policies and procedures.

## **Governance and Structure**

In accordance with the Act, the Commission consists of not less than five members appointed by the Governor, one of whom is appointed the Chairman by the Governor.



The Commission is supported by the Commissions Secretariat comprising a Manager, a Senior Investigator, Investigators and administrative support staff. Appropriate safeguards are in place to ensure the security and confidentiality of the Commission's work and records.

#### **Website Link**

The Commission's website ([www.anticorruptioncommission.ky](http://www.anticorruptioncommission.ky)) provides a source of information including minutes and reports. The site will be expanded to include policies and procedures as well as education and resources for preventing and reporting corruption in due course.