

<p>MINUTES 13th MEETING OF 2022 ANTI-CORRUPTION COMMISSION 16 AUGUST 2022 COMMISSIONS SECRETARIAT</p>

COMMISSION MEMBERS PRESENT:

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

SECRETARIAT MEMBERS PRESENT:

Marilyn Conolly	Manager
Richard Oliver	Senior Investigator
Sheila Watler	Administrator/Analyst

1. Meeting called to Order

The meeting was called to order at 9:33am.

2. Welcome of new members and brief overview of the ACC (Chairman/SIO/Manager)

The Chairman welcomed all and introductions were made. The Senior Investigator (SIO) echoed the Chairman's sentiments and gave a brief overview of the work of the Anti-Corruption Commission (ACC) since its 2010 inception. The Manager subsequently described the work of the Commissions Secretariat (CS) and its administrative/supportive role to the ACC.

3. Confirmation of Minutes

The minutes of 25 May 2022; 22 June 2022; 20 July 2022; and 5 August 2022 were confirmed as presented. The minutes of 18 May 2022 and 29 July 2022 were approved subject to some agreed minor revisions to be made by the Chairman.

4. Conflicts of Interest/Standards in Public Life Register of Interests

Members were informed 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.

Members were further informed that in accordance with the Standards in Public Life Act, they are required to file declarations of interest annually. Members Laurence Aiolfi and Charles Jennings disclosed historic conflicts of interest which were noted for the record.

5. Matters Arising from Previous Minutes

a. Amendments to the Anti-Corruption Act (“ACA”)

It was reported that correspondence was sent from the Chairman to the Office of the Director of Public Prosecutions (ODPP) on 15 August 2022 seeking his views on a possible further amendment to the draft Bill in light of issues identified with Section 28 of the ACA.

b. Assessment of ACC Re: Jakarta Principles

It was reported that letters were sent on 15 August 2022 to three lawyers seeking expressions of interest to undertake this exercise on behalf of the ACC. In the interim, the Manager will upload the Jakarta Principles to the ACC Sharefile.

c. Secure data/Information Transfer

The Manager and Members Romeo Frederick and Kendra Foster agreed to discuss various forums for safe communication between members and to revert with suggestions.

d. Data Protection

It was agreed that the Manager will follow up with the Information Rights Coordinator on the two areas relating to Data Protection matters where she had previously offered to provide further guidance and the Manager will follow up with the Secretariat’s Research Analyst on a review of the approach of other government agencies.

e. MOUs with WORC and Ombudsman’s Office

It was agreed that the Research Analyst would prepare a definitive list of MOUs for the ACC following her return from maternity leave in October. In the interim, the Manager will extend an invitation to the Ombudsman to the next ACC meeting.

f. Advice Re: Structure of the ACC

Following a discussion on the desirability/necessity of the ACC having in-house counsel it was agreed that the Chairman will write to the Governor outlining the Commission’s current thinking on this topic.

g. Complaints Spreadsheet

It was agreed that a spreadsheet is needed outlining every case number in 2021 and 2022 and its status. Member Simon Whicker agreed to assist the Secretariat to prepare a draft spreadsheet for the Secretariat to maintain going forward.

h. Confidential Phone line

Members were informed that the ACC confidential reporting phone line was removed from the ACC site as it is not monitored. The confidential phone line will also be deleted from the ACC Complaints Form.

i. ACC/COMP/2020/008

It was agreed that the Chairman and Manager will follow-up with the relevant public authority involved in this matter and revert on its status.

j. ACC/COMP/2021/002

Member Laurence Aiolfi disclosed a conflict of interest before any discussions took place and recused himself from this matter. It was agreed that the Chairman and Manager will follow-up with the ODPP to determine whether a response to a previous communication from the ACC was issued and revert.

k. ACC/COMP/2021/005

Although this matter was already closed, it was agreed that, for the record, the Manager will follow up with the ODPP to determine whether a response to a previous communication from the ACC was issued and revert.

6. New Business

a. Secretariat Matters

- a) The Manager provided an overview of the role of the Secretariat and its administrative/supportive functions to the ACC and its other Commissions. She additionally noted the Secretariat's current lack of human resources (HR) which continues to be an ongoing issue and that the internal HR issues are being examined.
- b) On 9 June 2022, the ACC Analyst facilitated a presentation to a cohort of the U.S. Embassy Sarajevo Training Deployment. The presentation focused on IBM I2 which is both a database application and a modelling and analysis tool that provides powerful solutions for configuring, capturing, controlling, analysing and displaying complex information and relationships in link and entity data. The presentation covered link, social network, geospatial analysis and histograms and heat matrix as methods to identify patterns and represent data as a solution to investigate fraud and financial crimes.
- c) Additionally on 10 June 2022, the Manager and SIO conducted a presentation on behalf of the Commission to the same cohort of the U.S. Embassy Sarajevo Training Deployment: International Financial Investigations in Corruption Cases. The Commission presentation focused on anti-corruption and crime prevention initiatives in the Cayman Islands. The 3 day training deployment series was coordinated by the Royal Cayman Islands Police Service and featured approximately 8 high level presentations.
- d) Members were further informed that the Secretariat is undergoing two recruitment exercises for two Investigator II posts. It is expected that this exercise will be finalised before the end of the year.

b. Annual Report

The Chairman discussed the 2021 – 2022 ACC Annual Report which is required to be submitted to the Governor by 30 September. The Secretariat will assist by finalising the draft report for Members' review and comments.

7. CFATF/AMLSG Related Updates

The Chairman advised that he has to attend a CFATF/AMLSG meeting this month.

8. Operational Update

a. New/TBC Corruption Reports/Complaints

There were four new reports/complaints to be considered as follows (three of which were considered to be formal complaints and assigned a matter number):

a) ACC/COMP/2022/007

Members agreed that the matter did not meet the threshold for investigation by the Commission and the matter should be closed. Members further agreed that the matter could be submitted to the Commission for Standards in Public Life (CSPL) for consideration. The Secretariat was asked to inform the complainant that the matter has not been accepted by the ACC and invite the complainant to consider forwarding it to the CSPL.

b) Other items

The Chairman summarised the facts of a new matter (assigned ACC/COMP/2022/008). Member Laurence Aiolfi recused himself from the matter. Members agreed that the matter did not meet the threshold for investigation by the Commission and the matter should be closed and the complainant advised accordingly.

c) Members were informed of a new matter received in the form of a brief email communication. The Manager was asked to respond to the complainant and request that the complaint be submitted in a more detailed form using the prescribed ACC Report/Complaint Form, whereupon it could be considered by the Commission at a future date. The opportunity was taken to reiterate that, wherever possible, complaints to be considered by the ACC should follow the standardised procedures regarding submission, including completion/review by the Secretariat/SIO in the manner contemplated in Appendix 2 of the ACC Report/Complaint Form.

d) It was agreed that the papers received in relation to a further matter (designated as ACC/COMP/2022/011 subsequent to the meeting) should first be reviewed by the SIO who was asked to prepare a summary report for the next ACC meeting, whereupon the matter could be considered.

b. Existing Corruption Reports/Complaints

The Commission was informed that since inception (1st Jan. 2010) there have been 158 investigations registered by the Commission, of which:

- i. 3 are 'pending' awaiting further or sufficient information which may make it appropriate to make further investigations;

- ii. 133 have been concluded;
- iii. 10 have been transferred to other investigative units for action;
- iv. 12 are now under current active investigation; and
- v. 0 is being assessed/considered.

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

9. Any Other Business

The meeting discussed the status of ACC/COMP/2021/014. It was noted that the Auditor General had released a report in April 2022 which had previously been reviewed by Members. It was agreed that the matter did not meet the threshold for investigation by the Commission and the matter should be closed. The Chairman would prepare a file note for the relevant Sharefile folder. The complainant would be notified in an appropriate manner by or on behalf of the SIO.

10. Action Items

The Commission and Secretariat agreed to:-

- a) Upload the Jakarta Principles to the ACC Sharefile as detailed in item 5.b. above (Manager);
- b) Discuss various forums for safe communication between members and to revert with suggestions as detailed in item 5.c. above (Manager and Members Romeo Frederick and Kendra Foster);
- c) Discuss seeking additional support from the Information Rights Unit (IRU) on Data Protection matters as detailed in item 5.d. above (Manager & Research Analyst);
- d) Prepare a definitive list of MOUs for the ACC (Research Analyst) and extend an invitation to the Ombudsman to the next ACC meeting (Manager) as detailed in 5.e. above;
- e) Prepare a letter to the Governor on the topic of in-house counsel (Chairman) as detailed in 5.f. above;
- f) Prepare a draft spreadsheet for the Secretariat to maintain going forward as detailed in item 5.g. above (Member Simon Whicker & Secretariat);
- g) Delete the confidential phone line from the ACC Complaints Form as detailed in item 5.h. above (PR & Education Coordinator);
- h) Follow-up with the relevant public authority involved in ACC/COMP/2020/008 and revert on its status as detailed in item 5.i. above (Chairman & Manager);
- i) Follow-up with the ODPP to determine whether a response was issued, in ACC/COMP/2021/002, and revert as detailed in item 5.j. above (Chairman & Manager);
- j) Follow-up with the ODPP to determine whether a response was issued, in ACC/COMP/2021/005 and revert as detailed in item 5.k. above (Manager);
- k) Finalise the draft report for Members' review and comments as detailed in item 6.b. (PR & Education Coordinator);

- l) Prepare a letter to the complainant in ACC/COMP/2022/007 as detailed in item 8.a. above (Administrator/Analyst) ;
- m) Prepare a letter to the complainant in ACC/COMP/2022/008 as detailed in item 8.b. above (Administrator/Analyst);
- n) Respond to the complainant and attach the ACC Complaint Form (Manager) and, if a completed ACC Complaint Form is submitted, review the matter and revert with a summary for the next ACC meeting (SIO) as detailed in item 8.c. above;
- o) Review the materials in relation to ACC/COMP/2022/011 and provide a summary for the next ACC meeting (SIO) as detailed in item 8.d. above; and
- p) Prepare a file note for the ACC Sharefile and notify complainant in ACC/COMP/2021/014 as detailed in item 9. above (Chairman & SIO).

11. Items to be Discussed at the Next Meeting

- a. Amendments to the Anti-Corruption Act
- b. Assessment of ACC Re: Jakarta Principles
- c. Secure data/Information Transfer
- d. Data Protection
- e. MOUs with WORC and Ombudsman's Office
- f. In-house Counsel
- g. Complaints Spreadsheet
- h. Annual Report
- i. ACC/COMP/2020/008
- j. ACC/COMP/2021/002
- k. ACC/COMP/2022/011

12. Date of the Next Meeting

The date of the next meeting was agreed for Friday, 11th November, 2022 at 9:30am.

13. Adjournment

The meeting was adjourned at 1:28pm.



Adrian (Gus) Pope

CHAIRMAN

ANTI-CORRUPTION COMMISSION