

MINUTES
1st MEETING OF 2023
ANTI-CORRUPTION COMMISSION
17 JANUARY 2023
COMMISSIONS SECRETARIAT

COMMISSION MEMBERS PRESENT:

Adrian (Gus) Pope	Chairman
Simon Whicker	Member
Romeo Frederick	Member
Charles Jennings	Member

APOLOGIES:

Kendra Foster	Member
Laurence Aiolfi	Member

SECRETARIAT MEMBERS PRESENT:

Marilyn Conolly	Manager
Richard Oliver	Senior Investigator

1. Meeting called to Order

The meeting was called to order at 10:05am. Apologies were tendered for Members Kendra Foster and Laurence Aiolfi who, due to unforeseen circumstances, were unable to attend.

2. Conflicts of Interest

It was noted that there were no conflicts of interest to date (save as previously disclosed) and each Member was 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

The draft minutes of the meeting of 11 November 2022 were previously approved by round robin and are available on the ACC website.

4. Matters Arising from Previous Minutes**a. Amendments to the Anti-Corruption Act (“ACA”)**

Members were informed that although the amendments to the ACA were recently enacted, by their terms they do not come into effect until a commencement order is passed by Cabinet. Accordingly, Members will continue to refer to the existing legislation until the amendments to the ACA take effect. *Subsequent to the meeting the necessary commencement order was passed with the amendments coming into effect from 30th January 2023.*

b. Assessment of ACC Re: Jakarta Principles

Members preliminarily discussed the 'Review of the Cayman Islands Anti-Corruption Commission against the Jakarta Principles' consultation report (the Report). It was acknowledged that this was a broad and complex matter and it was agreed it was appropriate to defer consideration until all Members are present. An extraordinary meeting will be scheduled next month to consider the Report.

c. Secure data/Information Transfer

Members were informed that iPads have been purchased for pilot testing and that the Secretariat is confirming data plans. The Members reiterated their desire to move forward with pilot testing as soon as possible. Members also reiterated their concerns with difficulties experienced when using the secure data transfer tool. Member Romeo Frederick indicated this could be as a result of configuration issues. Accordingly, the Manager (assisted by Member Frederick as necessary) will follow-up with the Computer Services Department (CSD) to expedite the roll-out of the pilot testing of the iPads and email addresses and address any configuration issues with the secure data transfer tool.

d. Data Protection

Members were informed that the Research Analyst continues to work in conjunction with the Information Manager from the Portfolio of the Civil Service (PoCS) to develop appropriate policies and procedures, including privacy notices for websites, for data protection for all Commissions supported by the Secretariat, including the ACC.

e. ACC Website

Members were informed that the Manager is undertaking a procurement process.

f. Code of Conduct Forms

The ACC Code of Conduct form was signed by all Members in attendance. Members Kendra Foster and Laurence Aiolfi will be asked to sign and return the form via email.

5. New Business

- a. The Secretariat is liaising with PoCS on recommendations regarding the Secretariat's organisational structure to improve service delivery.

6. C-FATF Related Updates

As previously agreed, the ACC, as a member of the AMLSG, contributed to the costs of the C-FATF Plenary. The Chairman and the Senior Investigator attended C-FATF Plenary meetings held on 27 November – 2 December 2022 which were informative and well received.

Members were informed that the Chairman continues to attend AMLSG meetings. The Chairman and Senior Investigator will be attending the National Intelligence Committees meeting on 26 – 27 January 2023. It was noted that this jurisdiction is heavily reliant on the work of the ACC in the context of demonstrating to the FATF effective prosecution of money laundering offences. In this context, from 11 – 13 January 2023, the Senior Investigator was representing the ACC in Miami,

Florida at a meeting of the Americas Joint Group, a sub-working group of the FATF's International Co-operation Review Group (ICRG).

7. Operational Update

a. Outstanding Matters

i. Op San Juan

Members were updated on this matter. After discussion, and, inter alia, the content of the consultation with the DPP having been duly considered, the Commission was satisfied that the investigation into any alleged offence under the ACA should be discontinued in accordance with section 28(6)(b) of the ACA. The SIO indicated his decision to proceed on that basis and the investigation would be discontinued. However, it was agreed that the Chairman would send one or more letters on behalf of the ACC to relevant persons/agencies in light of the manner in which the matter had come to the attention of the ACC.

ii. ACC/COMP/2020/008

Members were updated on this matter. It was agreed that the SIO will follow-up on this matter, particularly on the question of the availability of minutes of relevant meetings, and revert with an update.

iii. ACC/COMP/2021/002

Members were advised that the Commission still awaited advice from the ODPP. The ACC would continue to follow-up with the ODPP.

iv. ACC/COMP/2022/009

Members were updated on this matter by the SIO. After discussion it was agreed that the matter did not meet the threshold for investigation by the Commission and the matter should be closed. It was agreed that a closure letter will be issued to the complainant.

v. ACC/COMP/2022/010

Members were advised that the Commission still awaited advice from the ODPP. The ACC would continue to follow-up with the ODPP.

b. New/TBC Corruption Reports/Complaints

There were no new reports/complaints to be considered.

c. SIO Report

The SIO provided updates to ongoing investigations.

d. Existing Corruption Reports/Complaints Statistics

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. 134 have been concluded;
- iii. 10 have been transferred to other investigative units for action;
- iv. 11 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.

8. Any Other Business

- a. At the request of a Member, the Members discussed the issue of whether or not the Members fell within the definition of a Politically Exposed Person (PEP). After discussion it was agreed that although the matter was not beyond doubt, the conservative view was that ACC Members would fall under the definition of a PEP for the purposes of Cayman Islands law.
- b. The Chairman advised that an invitation has been extended to attend the Customs and Border Control (CBC) graduation ceremony on 27 January 2023 in recognition of the support given by the former Chairman and the Manager during the recent CBC Officer Basic Training Course. The Manager has agreed to attend on behalf of the Chairman who has a conflicted schedule. Members noted that the former ACC Chairman will be in attendance.
- c. Members were informed that the Chairman, along with the Secretariat Manager and the Chairman of the Constitutional Commission, met with Dr. Matthew Bishop and Professor Jack Corbett on 13 January 2023. Dr. Bishop and Professor Corbett are from the University of Sheffield, and University of Southampton (UK) respectively. They are currently undertaking a study of the Commonwealth Parliamentary Association's (CPA) election observation processes in the British Overseas Territories and Crown Dependencies. The purpose of the meeting was to gain understanding of the ACC's perspective on the election observation process.

9. Action Items

The Commission and Secretariat agreed to:

- a) Continue to monitor the status of amendments to the ACA and liaise as necessary with the ODPP on any other legislative amendments that may be relevant to the ACC as detailed in item 4.a. above (Chairman);
- b) Defer consideration of the Jakarta Principles Report to an extraordinary meeting as detailed in item 4.b. above (Members);
- c) Follow-up with CSD on the secure data transfer tools as detailed in item 4.c. above (Manager & Member Romeo Frederick);
- d) Finalise work on data protection issues and a privacy notice for the ACC as detailed in item 4.d. above (Research Analyst);
- e) Finalise a bidding process to review and update the ACC website as detailed in item 4.e. above (Manager);
- f) Follow-up with Members Kendra Foster and Laurence Aiolfi regarding the ACC Code of Conduct form as detailed in item 4.f. above (Secretariat);
- g) Follow-up regarding Op San Juan as detailed in item 7.a.i. above (Chairman);

- h) Follow-up in relation to ACC/COMP/2020/08 as detailed in item 7.a.ii. above (SIO);
- i) Continue to follow-up with the relevant agency in relation to ACC/COMP/2021/002 as detailed in item 7.a.iii. above (Chairman);
- j) Prepare a closure letter in relation to ACC/COMP/2022/009 as detailed in item 7.a.iv. above (Secretariat); and
- k) Continue to follow-up with the relevant agency in relation to ACC/COMP/2022/010 as detailed in item 7.a.v. above (Chairman/SIO).

10. Items to be Discussed at the Next Meeting

- a. Amendments to the Anti-Corruption Act
- b. Secure data/Information Transfer
- c. Data Protection
- d. Op San Juan
- e. ACC/COMP/2020/008
- f. ACC/COMP/2021/002
- g. ACC/COMP/2022/010

11. Date of the Next Meeting

The next meeting will be an extraordinary meeting principally to discuss the Jakarta Principles Report. It was agreed to schedule this for Friday, 17th February, 2023 at 10:00am.

12. Adjournment

The meeting was adjourned at 2:00pm.



Adrian (Gus) Pope
CHAIRMAN
ANTI-CORRUPTION COMMISSION