

MINUTES
5th MEETING OF 2023
ANTI-CORRUPTION COMMISSION
9 AUGUST 2023
COMMISSIONS SECRETARIAT

COMMISSION MEMBERS PRESENT:

Adrian (Gus) Pope	Chairman
Simon Whicker	Member
Laurence Aiolfi	Member
Kendra Foster	Member (via Zoom)
Charles Jennings	Member (via Zoom)

APOLOGIES:

Romeo Frederick	Member
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SECRETARIAT MEMBERS PRESENT:

Marilyn Conolly	Manager
Richard Oliver	Senior Investigator (“SIO”)
Sheila Watler (for part)	Administrator/Analyst

1. Meeting called to Order

The meeting was called to order at 10:01am.

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 19 May 2023 had been previously approved and posted on the ACC website.

4. Matters Arising from Previous Minutes

a. Policies and Procedures Update

It was noted that the legal advice concerning policy issues raised by correspondence with the Governor had now been received, reviewed and noted.

Member Charles Jennings advised that he continued to work on the preparation of a draft Policies and Procedures Manual for review by the Members in due course.

b. Secretariat HR Update

The Chairman reported that the previously mooted meeting of the Chairpersons of all the Commissions supported by the Secretariat had not yet taken place owing to scheduling difficulties. The Manager would continue to seek to arrange such a meeting.

The Manager reported on an approach having been made from CBC to give a presentation to them. The Manager and SIO would consider this further, particularly in light of the fact that at least one investigator had expressed an interest in delivering presentations.

The Manager further advised that a person had been appointed to the role of Education and Public Relations Coordinator for the Secretariat and that advertising continued for the Analyst post.

It was also noted that training for investigators in relation to the use of certain specialist equipment had been scheduled in coordination with other interested agencies.

The Manager confirmed that the Portfolio of the Civil Service (PoCS) review of the Secretariat had concluded. However, matters related to the review were ongoing.

c. Secure Data/Information Transfer Update

The Manager advised that there continued to be no update from the Computer Services Department (CSD) on this matter. The Manager will again follow-up with CSD and the Members again agreed it had been unresolved for an unacceptable length of time.

d. Succession

The Chairman reported that, following on from the last meeting, Member Whicker had been appointed to a further three-year term and that the current Chairman had agreed to continue to serve as Chairman until 30 June 2024.

5. New Business

a. Data Protection Act

The Members considered issues which had arisen in relation to the scope of the application of the Data Protection Act to the activities of the ACC. It was agreed that the proposed short-term assistance from the Royal Cayman Islands Police Service (RCIPS) in this area was approved and that external legal advice be sought on the general issues.

b. Annual Report

It was noted that the Chairman had prepared a draft report which Members were requested to review with a view to the finalisation and submission of the report well in advance of the statutory deadline.

c. Membership of GlobE Network

The SIO reported to the Members on the invitation which had been extended to the ACC to apply for membership of The Global Operational Network of Anti-Corruption Law Enforcement Authorities. It was agreed that the ACC should seek to join and the SIO was instructed to take the matter forward.

6. C-FATF Related Updates

The Chairman reported that the ACC continued to participate in the Anti-Money Laundering Steering Group and that the SIO and a second investigator would be a part of the Cayman Islands representatives due to meet with the FATF International Co-operation Review Group during their on-site inspection of the Cayman Islands scheduled for the end of the month.

7. Operational Update

a. Outstanding Matters

i. ACC/COMP/2020/08

Having considered additional materials from further preliminary inquiries it was agreed that the matter did not meet the threshold for investigation by the ACC and the matter should be closed. It was agreed that a closure letter will be sent to the complainant.

- ii. **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.
- iii. **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.
- iv. **ACC/COMP/2023/03**
Members were updated by the SIO that preliminary enquiries continue and therefore a decision on this matter was deferred and it remains pending.
- v. **ACC/COMP/2023/05**
Members were updated by the SIO that preliminary enquiries continue and therefore a decision on this matter was deferred and it remains pending.
- vi. **ACC/COMP/2023/06**
Member Laurence Aiolfi disclosed a potential conflict in relation to this matter and recused himself. The remaining Members agreed that the matter did not meet the threshold for investigation by the ACC and the matter should be closed. It was agreed that a closure letter will be sent to the complainant.
- vii. **ACC/COMP/2023/07**
It was noted that, given its possible urgency at the time, this matter had been considered by the Members by round robin in advance of the proposed zoom meeting which had tentatively been scheduled for 29 June 2023 but which had ultimately proved unnecessary. It was further noted that the result of the round robin had been agreement that the matter did not meet the threshold for investigation by the ACC and that the matter should be closed and that a closure letter had been sent to the complainant. This disposition of the matter was formally ratified.

b. New Corruption Reports/Complaints

- i. **ACC/COMP/2023/08**
After review of the various materials it was agreed that the matter did not meet the threshold for investigation by the ACC and the matter should be closed. It was agreed that a closure letter will be sent to the complainant.

c. SIO Report

The SIO provided an update on the ongoing investigations, having also previously provided an update at the end of June.

d. Existing Corruption Reports/Complaints Statistics

The ACC was informed that since inception (1st Jan. 2010) there have been 158 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

No other business was discussed.

9. Action Items

- a. Continue to work on a draft Policies and Procedures Manual for review (Member Charles Jennings & Chairman) as detailed in item 4.a. above;
- b. Arrange a meeting of Chairpersons as detailed in item 4.b. above (Manager);
- c. Consider facilitating a presentation to CBC staff as detailed in item 4.b. above (Manager & SIO);
- d. Follow-up again with CSD for an update/response as detailed in item 4.c. above (Manager);
- e. Seek RCIPS assistance and external legal advice as detailed in item 5.a. above (Manager);
- f. Review the draft ACC Annual report as detailed in item 5.b. above;
- g. Seek to join the GlobE Network as detailed in item 5.c. above (SIO);
- h. Prepare and issue a closure letter in relation to ACC/COMP/2020/08 as detailed in item 7.a.i. above (Chairman & Administrator/Analyst);
- i. Prepare and issue a closure letter in relation to ACC/COMP/2023/06 as detailed in item 7.a.vi. above (Chairman & Administrator/Analyst);
- j. Prepare and issue a closure letter in relation to ACC/COMP/2023/07 as detailed in item 7.a.vii. above (Chairman & Administrator/Analyst); and
- k. Prepare and issue a closure letter in relation to ACC/COMP/2023/08 as detailed in item 7.a.vii. above (Chairman & Administrator/Analyst).

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. Data Protection Act
- e. Annual Report
- f. Membership of GlobE Network
- g. C-FATF Related Updates
- h. ACC/COMP/2023/01
- i. ACC/COMP/2023/02
- j. ACC/COMP/2023/03
- k. ACC/COMP/2023/05

11. Date of the Next Meeting

The date of the next meeting was agreed for Monday, 16th October, 2023 at 10:00am.

12. Adjournment

The meeting was adjourned at 12:16pm.



Adrian (Gus) Pope
CHAIRMAN
ANTI-CORRUPTION COMMISSION