

MINUTES
6th MEETING OF 2023
ANTI-CORRUPTION COMMISSION
16 OCTOBER 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”)
Sheila Watler	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 9 August 2023 had been previously approved and posted on the ACC website.

4. Matters Arising from Previous Minutes

a. Policies and Procedures Update

It was reported that Member Charles Jennings had prepared and submitted a draft Policies and Procedures Manual for the ACC, which is being reviewed by the Chairman. The Chairman advised that the draft manual will be circulated to Members by 27 October 2023 for feedback before the next Commission meeting.

b. Secretariat HR Update

The Interim Manager for the Commissions Secretariat, who was appointed effective 10 October 2023, was introduced. The Interim Manager advised that the Portfolio of the Civil Service is giving priority to having the Manager post filled by January 2024. Until the new Manager is recruited, the Interim Manager will be focused on ensuring business continuity and helping to build capacity within the Commissions Secretariat to better support the ACC and other commissions.

The Chairman advised that he will be attending a meeting on 17 October 2023, which is being facilitated by the Acting Chief Officer of the Portfolio of the Civil Service, with the Interim Manager and the Chairpersons from all the Commissions. The purpose of the meeting is to discuss the required support from the Commissions Secretariat and obtain clarity on the way forward. The Chairman expressed that he will subsequently revert to Members regarding the deliberations.

In response to queries raised by Members regarding the management consultancy review that was undertaken in Q2 2022, the Interim Manager advised that support was provided to help identify the main factors impacting service delivery for the Commissions Secretariat, and recommendations were made for the Manager's operational implementation, the details of which were set out in a Consulting Report delivered in December 2022. A brief overview of some recommendations was highlighted. The Interim Manager advised that she is currently reviewing the budget to determine what is possible since the intention is to commence the implementation of some of the changes, including expanding the Administrator Unit to include an additional Administrator/Analyst, providing the existing staff with the opportunity to act in the Deputy Manager post, converting an Investigator II post to Investigator I which is more senior and would add greater value, as well as advancing the recruitment for the Analyst post which has been vacant.

The SIO added that the changes would result in four (4) Investigator posts in total, supported by two (2) Investigator I posts which are at the supervisory-level.

The Chairman noted that the ACC envisions hiring a Financial Investigator and a Financial Analyst to bolster efforts to address more complex investigations involving money laundering. He then referred to the ACC's letter of 3 October 2023, to the Hon. Minister of Financial Services and Commerce, wherein the ACC presented a business case for the provision of additional investigative staff.

c. Secure Data/Information Transfer Update

Reference was made to prior discussions regarding the need to ensure effective channels to facilitate the secure exchange of information. In addition, it was discussed that while Sharefile is being used, it is not reliable since there are times when errors are encountered.

Members were advised of the latest update received from the Computer Services Department (CSD) regarding this matter (see below):-

- 1) the Mobile Device Management Vendor currently does not support Citrix ShareFile;
and
- 2) CSD can test with network shares or try using Citrix Files as an alternative.

Member Romeo Frederick advised that Sharefile has been used successfully by other organizations and discussed some of the safest communication methods, noting that the ACC can ask CSD to look into using email on Sharefile. The Interim Manager will re-engage CSD regarding the email and Sharefile issues and arrange a meeting with CSD and Member Romeo Frederick to further discuss.

d. Data Protection Act

Members were updated on the status of the procurement of legal advice regarding the ACC's obligations under the Data Protection Act (DPA). One of three law firms that were invited to tender has been selected to undertake the legal review and the Secretariat will make the necessary arrangements to engage the preferred service provider to commence the review.

The SIO provided an update on his role as the DPA Leader to the ACC and noted that he drafted a framework to assist with processing requests as it can be a lengthy process.

e. Annual Report

The Chairman advised that the Annual Report has been finalised and uploaded to the ACC website. Further, a draft Executive Summary has been prepared and submitted to the Deputy Governor and Attorney General for tabling in Parliament.

f. Membership of GlobE Network

Members were updated that the ACC sought the approval of the Attorney General for application for membership of The Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE). The Attorney General had no issues with the proposed application and on 20 September 2023, the ACC wrote to Her Excellency the Governor requesting assistance in submitting the ACC's application to GlobE via the United Kingdom as the relevant United Nations member. The ACC is currently awaiting a response from the Governor's Office.

5. New Business

a. MOU with HM Prisons

Members were reminded of the ACC's Memorandum of Understanding (MOU) with the Royal Cayman Islands Police Service (RCIPS) and advised that the SIO has recently been approached by the Prison Service for a similar MOU with the ACC. Accordingly, a draft MOU is currently

with the Prison Service for review. The ACC will then review and finalise the MOU once the Prison Service reverts.

The Chairman further noted the ACC's letter of 14 August 2023 to the Commission for Standards in Public Life (CSPL) wherein it suggested the two commissions enter into a MOU. The ACC currently awaits the CSPL's response.

6. C-FATF Related Updates

The Chairman updated Members on the FATF International Co-operation Review Group's on-site inspection of the Cayman Islands held in August 2023. He noted the Cayman Islands is currently waiting on the results of the FATF meeting to be held in Paris later in the month. Although full AMLSG meetings have not been held for a couple of months while various working groups focused on preparations for the on-site inspection, the Chairman hoped to attend the AMLSG meeting scheduled for this week. The SIO confirmed the Inter-Agency Coordination Committee (IACC) meetings were also resuming.

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/2023/03

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 the SIO will revert to the complainant and communicate as appropriate.

iv. 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.

b. New Corruption Reports/Complaints

i. ACC/COMP/2023/09

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 indicating that they can revert to the Commission in the event that any new evidence arises.

ii. ACC/COMP/2023/10

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.

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

No other business was discussed.

9. Action Items

- a. Review the draft Policies and Procedures Manual and circulate to Members for feedback (Chairman) as detailed in item 4.a. above;
- b. Re-engage CSD regarding the secure transfer of information to address the email and Sharefile concerns as detailed in item 4.c. above (Interim Manager);
- c. Engage the preferred law firm to procure independent legal advice on the DPA as detailed in item 4.d. above (Interim Manager);
- d. Inform the complainant that the matter in relation to ACC/COMP/2023/03 is now closed and update the complaints spreadsheet accordingly as detailed in item 7.a.iii. above (SIO & Administrator/Analyst);
- e. Prepare and issue a closure letter in relation to ACC/COMP/2023/09 as detailed in item 7.b.i. above (Chairman & Administrator/Analyst); and
- f. Prepare and issue a closure letter in relation to ACC/COMP/2023/10 as detailed in item 7.b.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 Update
- e. Membership of GlobE Network Update

- f. MOUs Update
- g. C-FATF Related Updates
- h. ACC/COMP/2023/01
- i. ACC/COMP/2023/02
- j. ACC/COMP/2023/05

11. Date of the Next Meeting

The date of the next meeting was agreed for Monday, 4th December, 2023 at 10:00am.

12. Adjournment

The meeting was adjourned at 12:30pm.



Adrian (Gus) Pope
CHAIRMAN
ANTI-CORRUPTION COMMISSION