

MINUTES
1st MEETING OF 2024
ANTI-CORRUPTION COMMISSION
8 January 2024
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”)
Evette Burnell	Administrator/Analyst

1. Meeting called to Order

The meeting was called to order at 10:00am.

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 held on 4 December 2023 were previously approved and posted on the ACC website.

4. Matters Arising from Previous Meetings

a. Policies and Procedures Update

Member Jennings reported that the feedback provided by the Commissions Secretariat in December 2023 on the draft Policies and Procedures Manual (P&PM) for the ACC is being reviewed, following which an updated version of the P&PM will be circulated for review and approval by Members.

b. Secretariat HR Update

The Interim Manager advised that the open recruitment for the posts of Manager and Deputy Manager are at an advanced stage, with arrangements being finalized for the Deputy Manager to commence in January 2024. In regards to the Manager post, interviews were completed in December 2023 and the preferred candidate is undergoing the final stages of vetting following which a decision will be made by the Portfolio of the Civil Service. The

Interim Manager advised that once these posts are filled, arrangements will be made to ensure a smooth handover to support continuity of operations.

Within the Investigative Team, there are three (3) posts in the process of being filled. The Interim Manager advised that the preferred candidate for the post of Analyst, who accepted the offer of employment to start February 1st, is still in the process of submitting mandatory supporting documents before the Employment Agreement can be issued. However, arrangements are still underway for the process to be completed so that the Analyst can start in early February 2024. The Interim Manager further advised that a high volume of applications was received for the Investigator I post and the Investigator II post and efforts are being made for the shortlisting to be completed as soon as possible to progress the recruitment process.

c. Secure Data/Information Transfer Update

Reference was made to the prior request for the Commissions Secretariat to engage the Computer Services Department (CSD) to ensure effective channels to facilitate the secure exchange of information (e.g. emails and documents) between the Commissions Secretariat and the ACC. The Interim Manager advised that, at this time, CSD has created profiles and email addresses for each Member, which will need to be accessed from specified devices. The Interim Manager further advised that based on her checks, two (2) tablets were previously procured by the Commissions Secretariat which CSD has confirmed can be set-up to facilitate a trial of the secure approach to accessing emails and files. The Interim Manager explained that the approach proposed by CSD is that a mobile management software (VMware Workspace One) would need to be installed on the tablets, and at the time of using the devices each Member would log-in to the App by entering their user credentials, and upon successful authentication the App would provide access to a secure digital workspace containing the email account and documents. The Interim Manager explained that CSD would need to know where the ACC documents should be stored so that it can be accessible from the App, for instance CSD has proposed a restricted location on the Commissions Secretariat's internal drive since a direct link to (or integration) with Sharefile is not supported at this time. Members discussed the pros and cons of the various options, following which the decision was taken that CSD should proceed with setting up the tablets to support secure access to emails while the documents should remain on Sharefile at this time, as Sharefile can be accessed from the tablets as normal. It was agreed that once the tablets are set-up by CSD, the Chairman and Member Frederick will trial the approach. The Secretariat will make the necessary arrangements with CSD.

Members discussed what should be accessible on ShareFile and it was decided that any document containing sensitive and confidential information should not be placed on Sharefile. To support this, the decision was taken that the current practice of sharing the SIO reports and details of complaints, which form a part of the meeting packet (which had been necessitated by Covid), will be stopped and the existing files will be removed from Sharefile. Going forward, the SIO report and complaints will be made available in hard copy for Members to review at their convenience at the Secretariat's office the week prior to the commission meeting. It was agreed that a 'resources' folder (containing reference material e.g. legal advice) should continue to be available to Members via Sharefile as this information is important to the ACC's decision-making process.

It was agreed that the Commissions Secretariat will maintain a binder for each ACC Member so that during meetings, Members will have access to information used in prior meeting packets as of January 2024 going forward. The Commissions Secretariat will ensure that the binders are secured after meetings.

Members discussed the meeting protocol for cases in which Members are off island and will need to connect to meetings virtually. The decision was taken that sensitive information should not be discussed over Zoom to maintain security. In these cases, Members that are connected virtually will be excused from participating in the discussion of sensitive information, following which the meeting will proceed with Members that are attending in-person, provided that a quorum exists.

d. Membership of GlobE Network

The SIO updated Members that further to the Office of the Governor requesting the UK's assistance with facilitating the ACC becoming a member of the GlobE Network as an Overseas Territory, the National Crime Agency in the UK has written to advise that the ACC's application for GlobE Membership had been received and is being directed to the appropriate channels for review, following which an update will be provided in due course.

e. MOU with CSPL and HM Prisons

An update was provided on the two (2) draft Memoranda of Understanding (MOUs), which were sent to the Prison Service and CSPL. This is similar in nature to the MOU currently in place with the Royal Cayman Islands Police Service (RCIPS).

Members were informed that CSPL has set this item on their agenda for their meeting scheduled for 16 January 2024. With regard to the Prison Service, the Commissions Secretariat re-sent the document at the Director's request on 12 December, 2023 and is currently awaiting a response. The Commissions Secretariat will continue to follow-up with the CSPL and the Prison Service.

f. Educational Outreach

The Chairman advised that the press release for International Anti-Corruption Day on 09 December 2023 was sent out to the media outlets. However, there was not much traction in the media due to other major events (e.g. State Opening of Parliament and the Governor's first Throne Speech) which occurred around the same time.

Members were updated on the plans that are underway to schedule a presentation for private sector compliance officers, to assist them in spotting red flags regarding potential corruption. In addition, it was discussed that the Secretariat will be making arrangements to roll out a presentation for prioritized groups of Government employees, and the Deputy Governor has given his approval to proceed with this initiative. The next step in this process would be for the Secretariat to review and finalize the draft presentation materials to make them more user friendly.

5. New Business

a. Jakarta Principles / Independence

The Chairman advised that the ACC has been considering for some time now whether the Cayman Islands has the right structure to support anti-corruption efforts within its jurisdiction and has previously sought legal advice on the ACC's compliance with the Jakarta principles, which are internationally recognized standards for anti-corruption agencies. The Chairman further advised that he conducted research into publicly available information on other jurisdictions (including other Caribbean countries and Overseas Territories) and identified that the approaches being used broadly falls into two categories: centralized approach vs committee/ stakeholder meetings.

It was discussed and agreed by Members that they would start raising awareness with key stakeholders, starting with Her Excellency the Governor, about the issues surrounding combating corruption and other anti-corruption approaches that are available. To advance this matter, the Chairman will prepare a letter to the Governor setting out the ACC's views on the matter.

6. C-FATF Related Updates

A C-FATF meeting has not been held since the last ACC meeting on 4 December 2023. Therefore, there was no update on this matter.

7. Operational Update

a. Outstanding Matters

i. ACC/COMP/2023/01

Members were updated that the ACC has been in consultation with the DPP in this regard and the matter is ongoing.

ii. ACC/COMP/2023/02

Members were updated that the ACC has been in consultation with the DPP in this regard and the matter is ongoing.

iii. ACC/COMP/2023/05

This matter awaits further developments.

i. ACC/COMP/2023/11

The SIO has consulted with the DPP under the provisions of section 28(6) Anti-Corruption Act (2019 revision) (as amended) (the "ACA") and it was agreed that this matter should be closed pursuant to section 28 (7) of the ACA. The SIO will formally submit confirmation report to the ACC at the next meeting.

b. New Corruption Reports/Complaints

i. ACC/COMP/2023/12

The SIO discussed the new complaint with Members and outlined the documentation received. Following the discussion, it was agreed that the matter did not meet the threshold for investigation by the ACC and the matter should be closed and a closure letter sent to the Complainant. The Secretariat will prepare the closure letter for approval by the Chairman.

- Member Whicker excused himself from the meeting at 12.23pm and the meeting continued with a quorum.

c. SIO Report

The SIO provided an update on the ongoing investigations.

The SIO additionally reported that he had consulted with the DPP under the provisions of section 28(6) of the ACA in respect of four existing investigations, one (1) of which had been current and three (3) of which had been 'pending' awaiting further information. Following consultation with the DPP it was agreed that the four (4) investigations should be closed. The SIO will provide an update to the ACC with the recommendation that the investigations be closed pursuant to section 28 (7) of the ACA for the reasons discussed previously and the ACC will conduct a round robin to sign-off on the closure.

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. 0 investigations are pending
- ii. 139 have been concluded;
- iii. 10 have been transferred to other investigative units for action; and
- iv. 10 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

None

9. Action Items

- a. Update the draft Policies and Procedures Manual and circulate to Members for approval as detailed in item 4.a. above (Member Jennings);
- b. Arrange for CSD to set-up the tablets to support the trial of the approach to ensure secure data/information transfer as detailed in item 4.c. above (Interim Manager);
- c. Remove sensitive materials (SIO report and complaint details) from Sharefile as detailed in item 4.c. above (Administrator/Analyst);
- d. Follow-up on the MOUs proposed to HMCIPS and CSPL as detailed in item 4.e. above (Administrator/Analyst);
- e. Prepare a letter to HE the Governor regarding the anti-corruption approach for the Cayman Islands as detailed in item 5.a. above (Chairman).
- f. Submit a confirmation report to the ACC at the next meeting for ACC/COMP/2023/11 as detailed in item 7.a.i above (SIO);
- g. Prepare a closure letter for ACC/COMP/2023/12, obtain approval from the Chairman and dispatch the letter as detailed in item 7.b.i above (Administrator/Analyst);
- h. Provide an update to the ACC with the closure recommendation for round-robin sign-off as detailed in item 7.c. above (SIO).

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. Membership of GlobE Network Update
- e. MOUs Update
- f. Educational Outreach
- g. C-FATF Related Updates
- h. Jakarta Principles / Independence
- i. ACC/COMP/2023/01
- j. ACC/COMP/2023/02
- k. ACC/COMP/2023/05
- l. ACC/COMP/2023/11

11. Date of the Next Meeting

The date of the next meeting was agreed for Monday, 19 February, 2024 at 10:00am.

12. Adjournment

The meeting was adjourned at 12:40pm.



Adrian (Gus) Pope
CHAIRMAN
ANTI-CORRUPTION COMMISSION