



The Right to Know and Records and Information Management (RIM)

September 2025

Freedom of Information Act (FOIA)

The object of the *Freedom of Information Act (2020 Revision)* ('FOIA') as stated under section 4 is to grant the public a general right of access to records held by public authorities, thereby promoting certain fundamental principles, namely —

- a. governmental accountability;
- b. transparency; and
- c. public participation in national decision-making.

Ultimately, the success of legislation to access public information rests firmly on the ability of the government to create and maintain – and persons to seek out and obtain – reliable, trustworthy and accurate government records. Without effective management of the records, it is not possible to provide quality access to reliable and useful information.

FOIA and RIM

RIM, as mandated by the National Archive and Public Records Act (2015 Revision) [NAPRA], and the FOIA are intrinsically linked, as a robust RIM system is essential for public bodies to comply with the legislative obligations to capture and provide access to the information.

Section 52(3) of the FOIA requires the Deputy Governor to issue a code of practice to help authorities establish a framework for the management of their records. The ***Code of Practice on Records Management (the Code)*** identifies requirements of the NAPRA that are particularly relevant to the implementation and functioning of the FOIA.

The Code of Practice on Records Management recommends that “the person, or persons, responsible for records management in a public authority should have direct responsibility for Freedom of Information activities – or a clearly defined working relationship with the Information Manager or person(s) appointed under section 49 of the FOI Act. It is recommended that these working relationships are properly documented, especially where the Information Manager and records management staff are assigned to different units or sections within a public authority.”

National Archive and Public Records Act (2015 Revision) NAPRA

The National Archive and Public Records Act (NAPRA) provides the regulatory framework for managing the government's information assets, including the disposal of records once they are no longer required for business purposes. Under Section 8, disposal of public records encompasses destruction, acquisition by the National Archive, or transfer of custody and ownership to another agency.



Importantly, if records are subject to access inquiries or appeals under the Freedom of Information (FOI) Act, they cannot be destroyed—even if an approved disposal schedule exists. In such cases, records must be segregated and preserved under legal hold, as outlined in FOI Hearing Decision 98 issued by the Ombudsman.

Furthermore, approval for the destruction of public records is specifically governed by Section 6(2)(b) of the NAPRA, ensuring that disposal is carried out in accordance with established legal and procedural standards.

Access to information is of little use if records are not properly created, located when needed, or disposed of correctly (e.g. transfer to the archival holdings of the Cayman Islands National Archive (CINA), or destruction).

All public authorities covered by the FOIA have a legal duty to maintain a publication scheme, to make information readily available to the public without the need for specific written requests. The publication scheme encourages public authorities to proactively publish information, developing a culture of transparency and participation.

FOIA Success Starts with Records Management

The National Archive is the agency responsible for authorising the disposal of public records, issuing RM standards for the public sector, and monitoring and reporting on the management of public records. CINA's guidelines and standards supports the following.

CINA's RIM Standards in Action

Enabling Information Access: FOIA establishes the public's right to access information. Effective records management ensures that this information can be located and shared efficiently.

Establishing Transparency: Robust recordkeeping protocols build transparency and directly supports FOIA's goal of government openness.

Meeting Legal Obligations: Section 52 of the FOIA requires public authorities to maintain strong RIM systems for all information assets.



Additional RIM Tools

As per section 6 of the NAPRA, senior managers are responsible for managing records from creation to disposal for their respective agencies. This includes keeping records as long as they have value and destroying them appropriately in keeping with their Cabinet approved operational disposal schedule. Some RIM tools to support public authorities with maintaining compliance with NAPRA, include the following.

- ▶ **Records Surveys:** A records survey is a comprehensive gathering of information about records created, received and managed by your agency, regardless of age or format. The survey aims to identify and describe groups of similar records (not individual files) called records series. Examining the records provides information about why the records are created and how they are used. In the RIM world, records surveys are used as the first step towards the creation (and/or update) of file plans, which are then incorporated into disposal schedules. The National Archive has a [factsheet](#) and [template](#) to assist public authorities in conducting their records surveys.
- ▶ **File Plans:** A file plan is the best method of classifying information into records, thus enabling more efficient access and retrieval. It is a hierarchical tool that captures, titles, maintains and assists with the disposal of records (paper and electronic) and other information. File plans can help FOIA and RIM teams identify where and how the information for a specific office or project is stored.
- ▶ **Disposal Schedules:** A disposal schedule covers the process from creation to retention through to destruction or archiving of public records, whilst providing the mandatory requirements for agencies to manage, retain and disposal all of their public records, regardless of format (i.e. paper and electronic). All public authorities should meet the requirements of both the NAPRA and FOIA, by establishing and maintaining a Cabinet approved operational disposal schedule for all its operational records (records which reflect the core business of the authority). Review the National Archive's [Guideline 13: Developing An Operational Disposal Schedule](#), and the seven (7) Cabinet approved [disposal schedules](#) for administrative records.

Public authorities seeking training, support, or expert advice on disposal can connect directly with the National Archive's RIM team. Simply email cina_rim@gov.ky for assistance in maintaining compliance and best practices.