



Date: 26 April 2017
Contact: E. Patricia Ebanks
Tel: (345) 938-2209
Contact: patricia.ebanks@cicsda.org

Response to Inquiries from Compass Reporter

Following inquiries from your reporter, the Court Administrator has provided the following information relating to the story in today's (Wednesday, 26 April, 2017) edition of the Compass newspaper that alleges "An apparent change in policy is making it more difficult for people to access Cayman Islands court documents."

Here is the response from the Court Administrator:

"There has been no change in policy at the Court regarding access to documents, although there have been some unintentional departures in practice over time.

In keeping with long-standing rules of court, the public registers of judgments, orders, writs and other originating processes remain open to members of the public for inspection upon payment of a \$20 fee.

During inspection, notes of the names of parties, the causes of action and other details may be taken for any legitimate purpose, such as background for investigative journalism in the public's interest or for obtaining legal advice. Any interested person may also obtain a certified copy of any particular record on the public register upon application to the Clerk of Court.

The rules of court were never intended to allow the wholesale reproduction by photocopy of every record, thereby enabling the documents themselves to be available by paid subscription to another provider, all under the guise of transparency, as mentioned in your story in today's edition of the Compass. This amounts to the unauthorized sale of those documents for profit.

To allow this to continue unchecked would be tantamount to allowing an abuse of the process of the court and a breach of the copyright of the persons who paid for the creation of the documents that they file with the court for the purpose of access to justice. It would also allow the ongoing breach of the Crown's copyright in the judgments of the Courts.

The Chief Justice will soon be convening a meeting of the Grand Court Rules Committee to consider whether any revision of the relevant rules is warranted in light of prevailing circumstances here and in other jurisdictions around the world and especially in the Commonwealth of Nations.

In addition, as part of modernisation and the increased reliance on IT, the Courts Administration will soon be providing electronic versions of the public registers for access through the Court's Website. "

Ends