[2026] JMSC Civ 135

**IN THE SUPREME COURT OF JUDICATURE OF JAMAICA**

**CIVIL DIVISION**

**CLAIM NO. SU2026CV01275**

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| **BETWEEN** | **THE ATTORNEY GENERAL** | **FIRST APPLICANT** |
| **AND** | **ERROL C. GREENE** | **SECOND APPLICANT** |
| **AND** | **KEVON STEPHENSON** | **FIRST RESPONDENT** |
| **AND** | **INTEGRITY COMMISSION** | **SECOND RESPONDENT** |

**IN CHAMBERS**

**Ms Lisa White, KC, Mr Matthew Gabbadon and Mr Jeffrey Foreman instructed by the Director of State Proceedings for the Applicants**

**Ms Annaliesa Lindsay instructed by Lindsay Law Chambers for the Respondents**

**Heard**: **April 22, 23, May 15, June 11, July 7, 9, 23 and November 4, 2026**

**Judicial Review – Leave to apply– Test for leave– Integrity Commission demanding employment/personnel files of public officers for investigation – Whether Constitutional right to privacy – Protection of personal information – Arguable ground with realistic prospect of success– No discretionary bar or knockout blow – Notice and Summons to Witness demanding personnel/employment files – Duty of Candour– Contempt of Court– Civil contempt– Injunction**

**WINT- BLAIR, J**

**[1]** The first applicant is the Attorney General of Jamaica ("AG"), the chief legal adviser to the government. The second applicant is the Permanent Secretary in the Ministry of Health and Wellness ("the Ministry"). The first respondent is the Director

of Investigation (“DI”) at the Integrity Commission (“IC”), and the second respondent is the Integrity Commission itself.

**Background**

**[2]** The respondents are investigating allegations of irregularities in the Ministry's award and execution of contracts under the Jamaica/Cuba Eye Care Programme. The investigation is to determine, inter alia, whether the circumstances surrounding the award and execution of certain contracts breached any applicable policies and laws or gave rise to an act of corruption (“the investigation”).

**[3]** On 28 August 2025, the second respondent issued a Notice to the Ministry demanding a wide range of information and documents relating to this programme. The Notice sought the personnel/employment files of eight current and former Ministry employees.

**[4]** The Notice also seeks “other files” without stating what these are. The second applicant has partially complied with the Notice, but a dispute has arisen over the IC’s demand for the personnel/employment files. Mr Greene, concerned about his role under the Data Protection Act and the constitutionally protected privacy rights of public officers, did not hand over the files; instead, he sought advice from the Attorney General.

**[5]** The respondents' position is that they require these files in order to obtain writing samples, banking details, and contact information to further their investigation. The applicants characterise the demand for these personnel files as a fishing expedition that exceeds the respondents' statutory powers and purpose. The applicants’ main contention is that the IC’s powers are not absolute.

**[6]** In a bid to halt the production of these files, the applicants sought and obtained an ex parte injunction from the Supreme Court. On 23 March 2026, the applicants also filed an application without notice for leave to apply for judicial review, supported by affidavits seeking leave and an extension of time.

**[7]** From August 2025 to February 2026, the parties engaged in correspondence about privacy rights and potential breaches of the Data Protection Act if the files were handed over to the respondents.

**[8]** The first applicant was at that time also awaiting the outcome of a similar challenge in Claim No. SU2025 CV 02766, **Spectrum Management Authority and Dr Maria Myers-Hamilton v Kevon Stephenson and the Integrity Commission** ("the Spectrum case"), which raised identical legal issues. Barnaby, J, in giving her decision in that case, recognised that the demand for personnel files raised serious questions about the respondents' jurisdiction and public officers' privacy rights.

**[9]** While discussions were ongoing, the respondents served Mr Greene with a Summons to Witness dated 25 February 2026, warning that he could face criminal prosecution for non-compliance. This led to these proceedings.

**Chronology**

**[10]** On 16 July 2025, the Spectrum Management Authority made an oral application for injunctive relief, which was heard on 25 September and 13 November 2025, together with an application for judicial review. The applicant sought to challenge Notices dated 11 April 2025, 9 July 2025, and 15 July 2025, and a summons dated 14 July 2025.

**[11]** On 19 December 2025, Barnaby, J handed down her judgment in the **Spectrum** case, recognising that the demand for personnel files raised serious questions about the respondents' jurisdiction and the privacy rights of public officers. Leave was granted in respect of all Notices served on the applicant, save for the Notice dated 11 April 2025.

**[12]** On or about 31 December 2025, the applicant filed and served a Fixed Date Claim Form on the AG. The first hearing was fixed for 19 February 2026.

**[13]** On 28 January 2026, the AG applied to intervene in **Spectrum's** claim to file evidence, fully participate as a party, and appear at any hearings and appeals, and for injunctive relief. The Court was to hear these applications on 19 February 2026.

**[14]** On 19 February 2026, the respondents herein, who are the same as in **Spectrum**, did not oppose the AG's application to intervene. They opposed the application for injunctive relief and were granted time to respond to both applications. The hearing was adjourned to 11 May 2026.

**[15]** Between August 2025 and February 2026, following service of the Notice on 28 August 2025, the parties began corresponding about Mr Greene's concerns regarding the constitutional right to privacy and potential breaches of the Data Protection Act if he handed over the employee/personnel files.

**[16]** On 19 February 2026, the **Spectrum** case came on for hearing; the respondents opposed the application for injunctive relief, and the hearing was adjourned to 11 May 2026, to allow the respondents to respond to the applications.

**[17]** On 2 March 2026, the respondents served a Summons to Witness dated 25 February 2026 on Mr Greene.

**[18]** On a date unknown, the AG sought to have the Registrar fix a date to seek interim injunctive relief; this did not happen, and the matter remained fixed for 11 May 2026.

**[19]** On 13 and 16 March 2026, the respondents filed and served their affidavit in response to the applications in the **Spectrum** case.

**[20]** On 23 March 2026, the applicants filed a without-notice application for leave to apply for judicial review, supported by an urgent affidavit, and an application for an injunction and an extension of time in the case at bar. The application for leave challenges the service of the Notice dated 28 August 2025 on Errol C. Greene. The application for leave was made 6½ months after that Notice was issued.

**[21]** On 25 and 26 March 2026, without notice to the respondents, the AG's applications for leave to seek judicial review and an ex parte injunction were heard.

**[22]** On 26 March 2026, Wolfe-Reece, J granted an injunction until the Court determined the application for leave to apply for judicial review. The next court date was fixed for 22 April 2026.

**[23]** The respondents are aggrieved that the applicants sought an ex parte injunction and, in breach of their duty of candour, failed to inform the Court that they had brought a similar application for injunctive relief in the Spectrum case. Further, the applicants did not extend the courtesy of a telephone call to advise of the hearing date.

**[24]** On 27 March 2026, the respondents were served with the Formal Order.

**[25]** On 30 March 2026, the respondents were served with the Without Notice Application and Affidavit in Support.

**[26]** On 13 and 20 April 2026, the respondents filed their responses to the applications herein.

**[27]** On 22 and 23 April 2026, at the hearing of the application for leave before Wint-Blair J, the respondents complained that the orders of 26 March 2026 were made without notice and without an inter partes hearing date being fixed, to their distinct prejudice. Not only had they been denied a hearing, but the Court was also not informed that they had responded to the application in the **Spectrum** case; therefore, their position on an injunction was not before the Court at all.

**[28]** On 23 April 2026, the Court granted an interim injunction, prohibiting both sides, inter alia, from taking any further steps that would disturb the status quo while the application is pending or until further order. The Court fixed 15 May 2026 to further consider the orders made and to continue the hearing of the application for leave. No further affidavits were to be filed without leave. More on this injunction will be discussed below.

**[29]** On 24 April 2026, the AG filed and served an Amended Notice of Application for Court Orders in the **Spectrum** case, seeking to intervene as an Interested Party and file submissions rather than participate in the hearing.

**[30]** On 10 June 2026, the respondents filed a Notice of Application for Declaratory Relief seeking (i) to discharge the injunction, (ii) to have Mr Greene found in contempt of court for breaching the injunction of 23 April 2026 ordered by Wint-Blair, J and (iii) to have the Court refuse leave to the applicants.

**The Applicants' submissions for the grant of leave**

**[31]** The applicants argue that section 13(3)(j) of the Charter of Fundamental Rights and Freedoms (Constitutional Amendment Act), 2011 ("the Charter") guarantees the right to privacy, and that the respondents' demand for the files disproportionately interferes with it. Citing **Julian Robinson v The AG**,[1] they contend that the right to privacy includes informational privacy, and the protection of personal details such as biographical and demographic information.

**[32]** The applicants argue that individuals control whether and when their information is shared. Compulsory collection may infringe this right, even if legally authorised, and must be justified under section 13(2) of the Charter. Access to third-party databases may also infringe the right, and this depends on safeguards and any justification. The right protects personal information, including medical records; the applicants question the relevance of a public officer's medical history or performance appraisal to alleged breaches of procurement guidelines or policy.

**[33]** The applicants argue that it is for the Court to interpret section 48 of the Integrity Commission Act ("the Act") consistently with section 13(3)(j) of the Constitution, which protects those under investigation from searches and safeguards their private life and home and family life. They further argue that requiring disclosure

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[1] [2019] JMFC Full 04

of the employee/personnel files contravenes section 13(3)(j) of the Charter and is unjustified, as it is disproportionate to the investigation of the award of contracts.

**[34]** The applicants argue that a constitutionally compliant interpretation accords with the principle of legality and that statutory language must be read narrowly when fundamental rights are implicated (See **R v Secretary of State for the Home Department, ex p Simms**).[2]

**[35]** Section 48(1), read literally and in light of the constitutionally protected right to informational privacy, does not authorise the respondents to compel production of private information irrelevant to the DI's investigation.

**[36]** The applicants also rely on the Data Protection Act, arguing that section 72 applies to the Crown. The Act is modelled on the UK Data Protection Act 1998, and its jurisprudence is persuasive (see **South Lanarkshire Council v The Scottish Information Commissioner**[3] and **R (Lord) v Secretary of State for the Home Department**).[4]

**[37]** The applicants submit that demanding an entire personnel file is Wednesbury unreasonable, as it has no nexus to the alleged irregularity, the investigation, or the contract. Disclosure would cause an immediate, permanent breach that could lead to harm for which damages are an inadequate remedy.

**[38]** Further, the second applicant faces irreparable harm from prosecution for failing to comply immediately with the respondents' demands, which infringes public officers' constitutional rights. The public interest requires that all statutory bodies act within the law. The applicants submit that an injunction or stay of proceedings should halt the investigation and suspend the seizure of personnel files until the

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[2] [2000] 2 AC 115, 131

[3] [2013] UKSC 55 at paragraphs [25]-[27]

[4] [2003] EWHC 2073 (Admin) at [99]-[100]

Court decides whether the Notice and Summons and the actions taken pursuant to them are lawful.

**The Respondents' response to the application for leave**

**[39]** It was argued that the applicants seek to restrain the Integrity Commission from performing its core function. The respondents rely on the narrow scope of the application: the Notice dated 28 August 2025 and the Summons to Witness dated 25 February 2026, both seeking personnel files for eight named current or former Ministry of Health and Wellness employees. They also rely on the affidavits of Sanjay Harrisingh and Kevon Stephenson.

**[40]** The respondents argue that the applicants' conduct in the **Spectrum** case has to be considered in the present application. In **Spectrum**, the applicants applied to intervene and participate in the hearing; they also sought an injunction. The applicants later amended their application to remove the injunctive relief. It was strenuously contended that they did so because, by obtaining the ex parte injunction in the present case, they had also obtained an injunction by a side-wind in the **Spectrum** case.

**[41]** After obtaining an injunction in this case on 26 March 2026, the applicants took no steps to amend their application. This demonstrates their persistence in seeking the same injunctive relief in separate matters before different judges. The applicants have filed similar applications for interim injunctions before two different judges and obtained injunctions in both cases. They could have sought leave to intervene in the **Spectrum** case but did not. As both cases are related, they should be consolidated into one claim.

**[42]** Based on the chronology of this case and **Spectrum**, the applicants breached their duty of candour by failing to disclose, in their without-notice injunction application, that they were also seeking relief in **Spectrum**, which involves the same respondents and identical legal issues, contrary to the established law in **National**

**Commercial Bank Jamaica Ltd. v Olint Corporation Ltd**.[5] They also failed to present their full case on 26 March 2026. This breached the rule in **Henderson v Henderson**[6] and constitutes an abuse of process. The Court granted the injunction without all of this information. Only after the Court refused to hear this matter before **Spectrum's** return date did the applicants file this application, without disclosing the chronology.

**[43]** Read together, the Integrity Commission Act ("the IC Act") and the Data Protection Act establish that the respondents' actions were not illegal in the circumstances. The legislation requires the IC to investigate and public bodies to cooperate.

**[44]** Section 23 of the Data Protection Act permits the second applicant to share personal information if its conditions are met. Read together with section 7(8) of the IC Act, it grants investigative power and a lawful basis for data processing. The Data Protection Act cannot defeat the legislative intent to protect the public interest from corruption, which outweighs private data concerns.

**[45]** Applying the Privy Council dicta from **Ramdass**[7], the respondents' investigation into potential fraud at the Ministry outweighs any data privacy concerns. The status quo is continuation, not suspension, of the investigation. Continuing the injunction would allow the applicants to use equity to obtain what the law bars them from achieving.

**[46]** Applying the principle of utility from **Paul Buchanan v The Constituted Authority**,[8] granting leave would serve no useful purpose, as the investigation is

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[5] [2009] UKPC 16

[6] [1843-60] All E.R. Rep 378

[7] [2009] UKPC 51

[8] [2025] JMSC Civ 147

at a critical, advanced stage. An injunction would allow the trail to go cold and could facilitate the destruction of evidence.

**[47]** It was submitted that any prejudice would be to the public interest, not to the public officers, as the respondents are tasked with protecting the public purse. Delay in the investigation sanctioned by the Court signals that public officers are beyond the reach of statutory oversight, thereby undermining the very integrity the ICA was enacted to preserve.

**[48]** Sections 45 and 48 of the IC Act empower the Director of Investigation to issue both the Notice and the Summons to the Witness to obtain evidence in furtherance of the investigation, a power analogous to the power to make production orders under the Cybercrimes Act.

**[49]** The respondents further rely on **Amoi Leon-Issa v Detective Constable Julian Frazer, the Commissioner of Police, Her Honour Mrs Sasha Marie Ashley & The Attorney General of Jamaica and others**,[9] where the Court found that statutory safeguards and the ancillary terms of the amended production order adequately protected the information sought. The IC Act's confidentiality provisions (ss. 53 and 56), criminal sanctions under s. 56(3), and privilege provisions under s. 55 are the statutory safeguards in the instant case.

**[50]** Relying on the Full Court's decision in **Leon-Issa**, the respondents submit that the Court considered the context of the investigation when reviewing the Cybercrimes and Data Protection Acts. Though less serious than the murder investigation in that case, detecting and prosecuting corruption is a legitimate aim.

**[51]** The respondents argue that the Notice sought personnel files and information about named current and former employees. Although the files are the best source, the Commission may pursue other inquiries at its discretion; the Act does not

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[9] [2023] JMFC Full 04

prescribe the IC's investigative methods. Given the potentially criminal nature of the investigations, the Court should not limit the Commission's statutory tools.

**[52]** The Commission need not disclose information before charging anyone, and those under investigation are not entitled to it. The Independent Commission of Investigations Act imposes no greater pre-charge disclosure duty than that owed by police (**Independent Commission of Investigations v Tabannah (Everton) and another**,[10] per Brooks, JA (as he then was)).

**[53]** The Notice and the unexplained, unreasonable delay decisively undermine the requested extension. All of the underlying facts are within the knowledge of the applicants who should have sought leave and an extension for this dispute when filing their incomplete **Spectrum** application. Their failure breaches the disclosure rules and the duty of candour. The application is an abuse of process, and, as such, the Court should discharge the injunction. The applicants' arguments suggest possible constitutional grounds but fail to meet the threshold for arguability to the requisite standard.

**DISCUSSION**

**[54]** Before the Court was the AG's application for leave and injunctive relief and the Integrity Commission's rolled-up application seeking a declaration of contempt, discharge of the injunction, and refusal of leave.

**[55]** These are all separate matters governed by distinct tests. Whether the applications meet the various threshold requirements is to be determined. To that end, I will explain the principles this Court has applied in deciding the issues below:

a) Whether the applicants have presented arguable grounds for judicial review

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[10] [2019] JMCA Civ 15 at [41]–[42]

b) Whether these grounds have a realistic prospect of success (i.e. more than fanciful);

c) Whether the application is subject to a discretionary bar or "knockout blow", such as delay, the availability of any suitable alternative remedy/ies, or a statutory bar that plainly disposes of the potential claim;

d) The effect of granting the orders sought.

**The Threshold test for Leave**

**[56]** The threshold test for leave was established in Sharma v Brown-Antoine[11] and recently reaffirmed in **Jaiwantie Ramdass v Minister of Finance & Anor**.[12]In **Attorney General of Trinidad and Tobago v Ayers-Caesar**[13], the Board stated in paragraph 2 that the test to be applied is the usual test for granting leave for judicial review and affirmed **Sharma v Brown-Antoine**[14] which is whether the applicant has an arguable ground for judicial review which has a realistic prospect of success.

**[57]** In the more recent decision of **Ramdass** the Privy Council re-stated that the threshold is low and added:

> *5. The threshold for the grant of leave to apply for judicial review is low. Leave will be granted where* there *is an arguable ground for judicial review with a realistic prospect of success that is not subject to a discretionary bar or other knockout blow.*

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[11] [2006] UKPC 57; [2007] 1 WLR 780, para 14(4)

[12] [2025] UKPC 4, paras 5 and 29–33

[13] [2019] UKPC 44 at paragraph 2

[14] [2006] UKPC 57; [2007] 1 WLR 780, para 14

> *30. This is a low threshold. The leave stage is, after all, designed to protect public bodies against weak and vexatious claims. It is not designed for lengthy inter partes hearings but to enable a judge to decide whether a case is arguable on a relatively quick* consideration *of the material available: see R v Inland Revenue Comrs, Ex p National Federation of Self-Employed and Small Businesses Ltd [1982] AC 617 at 644A, per Lord Diplock.*
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> *31. As the Board explained in Attorney General v Ayers-Caesar [2019] UKPC 44 at para 2, although wider questions of the public interest may have some bearing on whether leave should be granted, "if a court were confident at the leave stage that the legal position was entirely clear and to the effect that the claim could not succeed, it would usually be appropriate for the court to dispose of the matter at that stage".*

**[58]** Regarding appellate review of the grant of leave, the Board held at [32]-[33] that even an overwhelming case presented on behalf of an appellant ordinarily would not suffice unless it amounted to a "clean knockout blow".

**[59]** In **National Bank of Anguilla (Private Banking and Trust) Ltd (in Administration) and another v Chief Minister of Anguilla and others**,[15] the test was reaffirmed at paragraph 83 as laid down in both **Sharma** and **Ayers-Caesar**. Lord Reed and Lady Rose, writing on behalf of the Board, construed Lord Sales' statement: "*this is a low threshold*" to mean that it "operates as a filter *to exclude cases which are unarguable."*

**[60]** The Board then said in paragraph 84 that determining whether there is an arguable ground for judicial review is not a discretionary exercise. The judge must decide the issue of arguability as a matter of law on the evidence presented.

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[15] [2025] UKPC 14

**[61]** Delay, extension of time, alternative remedies and interim relief remain discretionary matters for the Court. The leave hearing is a filtering exercise, and not a trial on the merits. The Court should focus on arguability, not proof.

**[62]** In this Court's view, based on Privy Council decisions, the applicants' grounds and evidence must satisfy the court at the leave stage that there are arguable grounds with a realistic prospect of success as a matter of evidence and law. The arguable grounds must also be considered together with any discretionary bar or other matter such as alternative remedies. Neither side has advanced any alternative remedies in this case.

**Arguability**

**[63]** Arguable grounds must be assessed flexibly in each case. The court ordinarily refuses leave unless a ground has a realistic prospect of success and no discretionary bar, such as delay or an alternative remedy (**R v Legal Aid Board, ex parte Hughes**;[16] Fordham, Judicial Review Handbook.)[17] Arguability depends on the nature and gravity of the issue before the Court. In **R (on the application of N) v Mental Health Review Tribunal (Northern Region)**,[18] the English Court of Appeal stated that its discussion of the civil standard of proof applies mutatis mutandis to arguability:

> *"… the more serious the allegation or the more serious the consequences if the allegation is proved, the stronger must be the evidence before a court will find the allegation proved on the balance of probabilities. Thus the flexibility of the standard lies not in any adjustment to the degree of probability required for an allegation to be proved (such that a more serious allegation has to be proved to a higher degree of probability), but in the*

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[16] (1992) 5 Admin LR 623 at 628

[17] (4th Edn, 2004), p 426)

[18] [2005] EWCA Civ 1605, [2006] QB 468, para [62]

*strength or quality of the evidence that will in practice be required for an allegation to be proved on the balance of probabilities.'*

*It is not enough that a case is potentially arguable; an applicant cannot plead potential* arguability *to 'justify the grant of leave to issue proceedings upon a speculative basis which it is hoped the interlocutory processes of the court may strengthen'; Matalulu v Director of Public Prosecutions [2003] 4 LRC 712 at 733. As explained in Sharma at paragraph 14(4), arguability cannot be judged without reference to the nature and gravity of the issue to be argued, and the test is flexible in its application."*

**[64]** In the case of the **Hon. Shirley Tyndall, O.J. et al v Hon. Justice Boyd Carey (Ret'd) et al**[19], Mangatal J (as she then was) stated:

*"It is to be noted that an arguable case with a realistic prospect of success is not the same thing as an arguable ground with a good prospect of success. The ground must not be fanciful nor frivolous. A ground with a real prospect of success is not the same thing as a ground with a real likelihood of success. The Court is not required to go into the matter in great depth, though it must ensure that there are grounds and evidence that exhibit this real prospect of success."*

**[65]** I will restate my view on arguability: a Court evaluating the grounds must ensure that the case can stand on its own merits, as fishing expeditions are not permitted under the guise of judicial review. This filters out cases with only potential arguability, which the Court does not permit to proceed. Such an order would be founded on what is possible or prospective rather than what is arguable and would

[19] Claim No. 2010HCV00474, unreported, judgment delivered on February 12, 2010, as quoted in Axia Jamaica Insurance Agency Limited v Financial Services Commission [2024] JMSC Civ 148 at [28].

effectively use the court's processes to strengthen a weak case for a future trial. (See **Paul Buchanan v The Constituted Authority**).[20]

**[66]** This Court has reviewed and carefully considered all evidence and submissions filed in this application, all of which have not been reproduced in this decision. The AG's participation relates to the Government's legal obligations to respond to the demand. The respondents' Notice and Summons satisfy the sufficient interest requirement for the AG to mount the challenge as framed.

**[67]** The respondents submitted that there is a similar challenge in **Spectrum** where the AG intervened; however, it was not the AG who applied for leave in the **Spectrum** case. The AG's amended application sought to limit their participation to submissions, as they did not wish to participate directly. The respondents did not oppose that application. In this matter, the AG commenced these proceedings by way of seeking injunctive relief and leave contending that it is for the Court to determine the issues of privacy, data protection, and the rights of public officers.

**[68]** The respondents aver that their investigation is in the public interest and that their mandate is to prosecute corruption. The files they demand will provide writing samples, banking details, and contact information, which are relevant to the investigation.

**[69]** It is beyond question that the Court's supervisory jurisdiction extends to all public bodies. The Court—not the public body—will determine whether the demand for the files is lawful, reasonable, and fair, based on the material before it.

**[70]** While the information being sought may serve a legitimate investigative purpose, the explanation given to the Court for demanding it does not conclusively establish an entitlement to each and every item in the personnel file or to any of the "other

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[20] [2025] JMSC Civ 147

files" covered by the terms of the demand. The "other files" have not been disclosed to the Court; it is unknown what is covered by that descriptor.

**[71]** The central issue is whether the comprehensive demand made by way of the Notice and Summons is lawful and bears a nexus to the investigation under section 48(1)(a), taking into account the constitutional protections for privacy and personal information. This issue cannot be resolved at the leave stage.

**[72]** Subject to the Act, section 48(4) of the Integrity Commission Act takes precedence over any secrecy obligations or restrictions imposed by other laws when information is disclosed or provided to the Director for an investigation. It also protects from prosecution anyone who complies with a requirement under the Act.

**[73]** Section 48(1)(a) requires a nexus between the documents sought and the matter under investigation. The fact that disclosure restrictions do not apply to the IC does not determine the lawfulness of or the scope of their demand. The relationship between these provisions of the IC Act, the requirements for collection and processing, and the constitutional and data protection provisions set out in the law merit careful consideration by the Court. I express no final view on the interplay between these matters; however, they are plainly arguable.

**[74]** The respondents also point to statutory safeguards that protect confidentiality. However, safeguards for information after it has been acquired do not show that the information was lawfully acquired in the first place. The applicants argue that both investigating corruption and protecting personal information serve the public interest and should be considered, but the demand is broad and comprehensive. This again raises the meaning of "other files", which has neither been given to the applicants nor to the Court, in breach of the duty of candour of a public body in a judicial review proceeding.

**[75]** This raises the issue of how the powers granted to the IC by Parliament have been and are being exercised. These are all arguable matters. Having assessed the

material presented, the relief sought in the applicants' application for leave does not depend on adopting the findings of fact in the **Spectrum** case.

**[76]** The Data Protection Act also includes relevant qualifications. Sections 23(1)(c) and (e), and 24(1)(g), set out the conditions for processing in specified legal and statutory circumstances. Section 34 provides qualified exemptions for law-enforcement purposes. Section 39(1), read alongside the definition of non-disclosure provisions in section 2, exempts disclosures required by law from certain non-disclosure provisions—not from the Act as a whole. The conditions in sections 23 and 24 still apply. The court should consider whether these conditions and exemptions address the applicants' challenge to the Notice and Summons, and the extent and manner in which the power under section 48 of the IC Act is being exercised.

**[77]** The issue is arguable and stems from the requirement, in the context of this investigation, to provide complete personnel files and "other files." The applicants argue that the stated purposes do not justify the demand's full scope under section 48(1)(a), read with the applicable protections for personal information. They rely on the demand and the respondents' explanation, both already before the Court. Whether this argument succeeds, and which documents may lawfully be obtained, are questions for a substantive hearing.

**[78]** The proposed challenge for which leave is sought concerns a defined category of documents. The applicants do not dispute that the Commission may investigate suspected corruption or obtain information within its statutory powers. Their main contention is that requiring the complete personnel files of the eight identified officers or former officers exceeds the lawful scope of those powers or fails to comply with the constitutional protections governing their information. As the recipient of the demand and summons, Mr Greene is directly affected.

**[79]** I have several difficulties with Ms Lindsay's submissions on behalf of the respondents: First, the second applicant in this matter is Errol Greene, the Permanent Secretary in the Ministry. His affidavit attaches a copy of the Fixed Date

Claim and Dr Maria Hamilton's affidavit. She is the second claimant in the **Spectrum** case.

**[80]** Errol Greene's affidavit of urgency supports the without-notice application for leave in the instant matter. He deposed that the lawyers for the Spectrum Management Authority served the Director of State Proceedings with the Fixed Date Claim Form and supporting affidavits on 2 January 2026. This evidence is unchallenged.

**[81]** The submission that the Court was not apprised of the **Spectrum** case has to be viewed in context. While the Court was not apprised of the timelines in that matter, it was apprised of its substance on the date the injunction in this matter was granted (26 March 2026).

**[82]** The **Spectrum** matter was clearly identified in Errol Greene's affidavit of urgency for leave to apply for judicial review, at paragraph 3. In paragraph 6, he states that the respondents issued him with a demand similar to the one in the **Spectrum** case. In the **Spectrum** matter, Dr Maria Hamilton is the second claimant and Managing Director of the Spectrum Management Authority. In the Fixed Date Claim Form filed by **Spectrum**, ground 2 says that Dr Hamilton is not the subject of an investigation. However, the respondents seized her personnel/employee file. The respondents did not disclose that evidence in this matter.

**[83]** The respondents also argue that the applicants seek broad relief beyond what was sought in **Spectrum**. The AG did not commence the **Spectrum** case. Before me in this Court, the respondents decry the applicants' breach of the duty of candour; however, that same duty applies to the respondents. In judicial review proceedings, all public bodies must come to the table with their "cards face up."

**[84]** Mr Stephenson's affidavit makes no mention of Dr Hamilton's averment that the respondents seized her personnel file, even though she is not under investigation. The Integrity Commission had a duty to place that evidence before this Court. This Court did not hear the Spectrum matter. Therefore, given the respondents' heavy

reliance on that case, their failure to advert the attention of this Court to that evidence means that, as a public body, their duty of candour has been breached.

**[85]** Second, in his affidavit Mr Stephenson avers that he read both the without notice application for leave and Mr Greene's affidavit of urgency and filed his affidavit in response. He also admits that the respondents issued a request in this case which is similar to the one in the **Spectrum** case and that there are aspects of the July Notices in the **Spectrum** case and the Notice of 28 August 2025.

**[86]** In paragraph 11 of his affidavit,[21] Mr Stephenson admits to this statement in Mr Greene's affidavit:[22]

> "*I am advised and do verily believe that this application for leave to apply for judicial review is necessary as all public officers in Ministries and Departments of Government, including the Ministry, will be directly affected by the Court's determination concerning how the Respondents should interact with public officers; Ministries and Departments; and how they treat with or access past and current public officers' personal information."*

**[87]** This admission raises the question of why the application for leave has been so strenuously opposed. The respondents contend that, in the **Spectrum** case, the leave granted is narrower than the leave sought in this application, though the legal issues are identical. I think it is plain that the facts are not and the evidence raises arguable issues.

**[88]** Third, concerning the first **Leon-Issa** case, it was a criminal investigation into the murder of a child. The police led the investigation; the Director of Public Prosecutions prosecuted; and both have statutory powers which are distinct from the Commission's. The case is distinguishable by the applicable statutory powers,

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[21] filed on 13 April 2026

[22] paragraph 6

the statutory safeguards, and the fact of judicial oversight, as the Parish Judge had jurisdiction to grant the order made on application by the police.

**[89]** In the second **Leon-Issa** case, the Full Court determined a constitutional claim and considered whether a production order breached the claimant's right to privacy, finding that it did, but that the breach was demonstrably justified. This Court is at the permission stage in a judicial review proceeding. The Full Court case is distinguishable on the applicable legal test under its constitutional jurisdiction, the facts of the case (which involved a murder), the fact of judicial oversight of an application brought by the police, and the Cybercrimes Act. Both **Leon-Issa** decisions are distinguishable.

**[90]** Ms Lindsay argues that the Integrity Commission Act protects privacy and confidentiality and submits that this Court should not "restrict" the Commission's statutory investigative tools. These safeguards inform the proportionality analysis, but they do not displace this Court's supervisory jurisdiction to determine whether the IC's demand falls within its statutory powers. I adopt and restate the following passage from Mangatal J (as she then was):

> *"Judicial Review is the Court's way of ensuring that the functions of public authorities are carried out in accordance with the law and also that these bodies are held accountable for any abuse of power or unlawful or ultra vires acts."*[23]

**[91]** I have considered the objections concerning **Spectrum**, and they do not provide a sufficient basis for refusing this application. The respondents' objections, considered individually and cumulatively, do not defeat the grounds which satisfy the leave threshold.

**[92]** The applicants are entitled to challenge the legality of the IC's decision to issue the Notice and Witness Summons by way of judicial review. I am satisfied that they

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[23] Digicel (Jamaica) Ltd. v The Office of Utilities Regulation [2012] JMSC Civ. 91 at paragraph [20].

have shown arguable grounds with a realistic prospect of success in relation to the demand for the complete personnel files and "other files", and to how those files relate to the personal information protections they rely on. The applicants have met the threshold for leave by raising arguable grounds for judicial review with a realistic prospect of success.

**Delay and the other objections to leave**

**[93]** The question of delay requires a separate decision. Rule 56.6 calls for prompt action and ordinarily requires an application within three months of the grounds first arising. It allows an extension for good reason and requires consideration of substantial hardship, prejudice, and good administration. Although the extension was unopposed subject to costs, I have also considered the respondents' submissions that the delay should defeat the application. I have decided the question on its merits, even if I treat that objection as maintained.

**[94]** The application for an extension of time, which the respondents addressed extensively in their written submissions filed on 22 April 2026, was not opposed at the hearing on 15 May 2026. However, Ms Lindsay submitted that, although she did not resist the application, this position was conditional on costs being reserved.

**[95]** The challenge to the Notice of 28 August 2025 was brought on 23 March 2026, well outside the three-month period if time is measured from the Notice. The parties' correspondence did not stop the clock. Awaiting the outcome of **Spectrum** did not, by itself, entitle the applicants to postpone their own application. Nor did the later summons restart the time for challenging the earlier Notice. (See **Constable Pedro Burton v Commissioner of Police**).[24]

**[96]** Nevertheless, the chronology set out above reflects ongoing efforts to resolve the disclosure dispute, including an application to participate in **Spectrum**, its adjournment, and the subsequent witness summons. Taken together, these

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[24] [2014] JMSC Civ 187

circumstances demonstrate a sustained effort to resolve the legal issue, although an earlier application would have been considered prompt. I have considered them alongside the nature of the challenge being mounted by the applicants, the consequences of production of the files before the legal issues are determined, and the opportunity to keep the substantive proceedings focused by way of case management orders. There is also a significant public interest in the challenge being raised, and this is a basis for extending time, as the overriding objective is to do justice. On that basis, I find good reason to extend time to 23 March 2026 for the application for leave.

**The Injunction**

**[97]** An ex parte injunction was granted by Wolfe-Reece, J on 26 March 2026, in the following terms:

> *"An interim injunction is granted, until the determination of the application for leave for judicial review as against the Respondents, in respect of pursung* [sic] *the Notice, pursuant to section 48(1)(a) of the Integrity Commission Act, dated the 28th of August 2025, and addressed to Mr Errol C. Greene, OD, JP, Permanent Secretary in the Ministry of Health and Wellness, under the signature of Kevon A. Stephenson, JP, Director of Investigations, specifically concerning the employment files/personnel files of past and current public officers, in the care and control of the Ministry.*
>
> *An interim injunction is granted, until the determination of the application for leave for judicial review, as against the Respondents, in respect of pursuing the Summons to Witness, addressed to Mr Errol C. Greene, OD, JP, Permanent Secretary of the Ministry of Health, dated the 25th of February 2026."*

**[98]** Another relevant order made at that hearing is order number 4, which reads:

> *"The hearing of the application for leave to apply for judicial review is now scheduled for the 22nd of April, 2026, at 2:00 pm for 1 1/2 hours."*

**[99]** There was considerable debate about the meaning and effect of the ex parte orders made on 26 March 2026. This Court holds that those orders were sought on an interim basis. Although they referred to the determination of the application for leave to apply for judicial review, rule 17.4(4) limits a without-notice interim order to 28 days unless another rule permits a longer period.

**[100]** The Court fixed 22 April 2026 as the next hearing date; this was one day before the 28-day period expired. That did not dispense with the separate requirement under rule 17.4(5)(b) to specify a date on which the order would terminate unless a further order was made. However, the orders were interim in nature and effect and operated accordingly.

**[101]** On 23 April 2026, after a two-day inter partes hearing, in accordance with section 49(h) of the Judicature Supreme Court Act and applying the settled principles for interlocutory injunctions, Wint-Blair, J. expanded the injunction pending further consideration of the applications for leave and injunction, as follows:

> *"Each party to the application, whether by himself, themselves, their servants and/or agents are hereby prohibited from taking any further step, action or proceeding in this matter whatsoever, which would interfere with or disturb the status quo while the application for leave is yet to be heard or until further order of this Court."*

**The Respondents' Application for Declaratory Relief**

**[102]** In their application for declaratory relief, the respondents allege that on 26 May 2026 Mr Greene gave a radio interview and, in doing so, breached the injunction of 23 April 2026. They seek to discharge that injunction, contending that Mr Greene's interview is relevant to the pending application for leave and that leave should therefore be refused, he should be held in contempt and the injunction should be discharged.

**[103]** This court adopts the dictum of McDonald-Bishop, J (as she then was) in the case of the **Legal Officers' Staff Association and Tasha Manley and Mellisa Simms et al v Attorney General and another**[25] as this application seeks declarations:

> *"It has always been said to be an established rule of practice of very long standing that a declaration is a judicial act and ought not to be made on default of pleading, or on admissions of counsel, or by consent, but only if the court is satisfied by evidence. This rule of practice has been justified on various grounds, including the ground that declarations of legal rights may affect third parties who are not bound by the declaration".*

**[104]** Ms White (as she then was) raised a preliminary objection, arguing that the respondents had combined three applications, each subject to a different test, in seeking declaratory relief from the Court. Their application conflated two distinct applications—(a) contempt and (b) discharge of the injunction—joined to their response to the Attorney General's application for leave. Declaratory relief could not be used to secure the refusal of leave as the test is **Sharma v Brown-Antoine**. **American Cyanamid v Ethicon Ltd**[26] governs the test for interim injunctions, and civil contempt concerns punishment for failing to comply with the Court's order. It was also submitted that certain passages in Mr Kevon Stephenson's affidavit should be struck out.

**[105]** Ms Lindsay argued that the relief arose from the ex parte injunction supporting the applicants' leave application. She urged the Court to consider all respondents' evidence, assess whether the injunction was breached or remained justified, and determine what justice required. She said the circumstances, chronology, Mr Greene's interview, and his failure to disclose it were relevant to the Court's discretion.

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[25] [2015] JMFC FC 3 at [52]

[26] [1975] A.C 396

**[106]** The respondents' application raises the following issues:

a) Whether there has been a breach of the injunction.

b) Whether Errol C. Greene is in contempt of Court.

c) Whether the Court should discharge the injunction.

d) Whether the Court should refuse leave.

**[107]** While the applications before the Court share a common background, I accept Ms White's submissions on the preliminary objection to the extent that a finding of breach of the injunction, by itself, is insufficient to establish contempt, discharge the injunction, or refuse leave.

**[108]** This matter has been vigorously contested. The injunction of 23 April 2026 remains in force, binding all parties and prohibiting conduct that disturbs the status quo until the Court decides the application for leave or orders otherwise. The expanded injunction was intended to preserve the Court's ability to determine the application for leave before the production of the disputed files or the enforcement of the demand could pre-empt that determination.

**IN OPEN COURT**

**Contempt**

**[109]** In **Stewart v Sloley and others**,[27] Morrison JA (as he then was), after reviewing the relevant authorities, considered the court's jurisdiction to punish for contempt.

**[110]** For there to be a finding of contempt of court, the principles distilled from the authorities are:

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[27] [2011] JMCA Civ 28

a) The order must be clear, unambiguous and unequivocally specify the behaviour that must or must not be done.

b) Where the order is clear and unequivocal, there is a strict obligation to adhere to its terms.

c) The respondent must have had notice of the order.

**Whether the interview breached the injunction**

**[111]** The evidence came from Mr Stephenson and Mr Greene. In cross-examination, Mr Stephenson admitted that the injunction did not expressly prohibit either party from speaking to the media. He said that, "*to his mind*," the injunction prohibited the interview Mr Greene gave. He disagreed that the status quo applied to the investigation in this case. He said the investigation concerned two matters: this case and **Spectrum**. He also admitted that Spectrum involved a separate claim and a different investigation.

**[112]** Mr Stephenson explained that both cases raised the same legal issues and that he understood the injunction to apply the judicial review application and to all other matters yet to be decided. He went on to testify that the injunction ordered on 23 April 2026, also applied to the **Spectrum** matter.

**[113]** He admitted that, having listened to Mr Greene's interview, the latter did not refer to any court documents, did not mention the interview in any court documents filed afterwards, did not place any material from the interview before the Court, and did not take any position based on what was discussed in the interview. The witness said the interview did not make the eight personnel files unavailable.

**[114]** Mr Stephenson cites prejudice to the Integrity Commission arising from the interview. However, he admits that Mr Greene said during the interview that he would comply with a Court order to hand over the files and was otherwise co-operating with the IC.

**[115]** Mr Greene did not deny giving the interview, nor did he deny that it was based on an article featuring his picture and name, in which he had not been contacted but

was quoted extensively. He admitted that the injunction was in place when he gave the interview. The witness said, "he did not honestly see where the interview would have breached the injunction." During the interview, Mr Greene told the journalist that the matter was *sub judice,* so he "has to be careful what he says." When asked what *sub judice* means, the witness said that the intimate details of the court matter should not be discussed.

**[116]** Mr Greene agreed that the injunction does not specifically refer to the investigation. He argued that the article, not the interview, disturbed the status quo. He admitted that he had said he believed the IC would personally target him, even though the 28 August 2025 Notice did not name him or his file. He agreed that he was not the investigation's target and, in hindsight, he should not have given the interview.

**[117]** Mr Greene admits to saying that the IC was "digging up dirt", "hounding him", and "using Gestapo-type tactics." He also believes he must comply with court orders. He denies that he considered the impact of his interview on the case only after giving it, rather than beforehand.

**[118]** The starting point is the language of the order, read as a whole and in its proper context. In **Sans Souci Ltd v VRL Services Ltd**,[28] Lord Sumption provided guidance on interpreting court orders. He said at paragraph 13:

> *"…the construction of a judicial order, like that of any other legal instrument, is a single coherent process. It depends on what the language of the order would convey, in the circumstances in which the Court made it, so far as these circumstances were before the Court and patent to the parties. The reasons for making the order which are given by the Court in its judgment are an overt and authoritative statement of the circumstances which it regarded as relevant. They are therefore always admissible to construe the order. In particular, the interpretation of an order may be critically affected by knowing what the Court considered to be the issue which its order was supposed to resolve."*

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[28] [2012] UKPC 6

**[119]** That approach was applied in **National Export Import Bank of Jamaica Ltd v Stewart Brown Investments Ltd**,[29] which held that to find contempt of court, the order must clearly specify the behaviour that must or must not be done. Any ambiguity in the order must be resolved in favour of the person charged with contempt. At common law, contempt of court requires not only an act or omission but also a mental element.

**[120]** In the case at bar, the second applicant is both a party to the cause and subject to the injunction. The respondents seek a declaration that he breached that order. It is the nature and quality of the second applicants' conduct which is in issue. The respondents do not seek criminal sanctions; they describe the relief sought as civil contempt.

**[121]** In Halsbury's Laws of England,[30] the common law position is as follows:

> *"At common law superior courts of record assert an inherent power to make orders dealing summarily with contempt affecting their own proceedings, and even proceedings of inferior courts. There are two broad categories of contempt at common law: criminal contempt, consisting of words or acts which interfere with the administration of justice or are likely to do so, and* ***civil contempt, consisting of disobedience to judgments, orders or other process of the court*** *and involving private injury."(Emphasis added.)*

**[122]** The order of 23 April 2026 extended the restraint to both sides and says:

> *"**Each party to the application**, whether by himself, themselves, their servants and/or agents are hereby prohibited from taking any further step, action or proceeding in **this matter** whatsoever, which would **interfere with or disturb the status quo** while the application for leave is yet to be heard or until further order of this Court."(Emphasis added.)*

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[29] [2021] JMCA Civ 40 at [35]

[30] (4th ed., Reissue), volume 9(1), paragraphs 454 and 402

**[123]** The language concerning any further step, action or proceeding is expressly qualified by the requirement that no conduct interfere with or disturb the status quo in **this** matter. The words "**this matter**" cannot and do not include the **Spectrum** case and expressly exclude that interpretation. The word "*whatsoever*" does not remove the qualification describing the prohibited conduct. The order must be read in the context of that which it was intended to preserve against what was alleged to have been done

**[124]** The context and background to the injunction are important, for that is how one can appreciate the purpose of the order in this matter and all the circumstances. On its wording, the action complained of must fall within the prohibition of a step, action or proceeding which would interfere with or disturb the status quo preserved by the injunction. The evidence is that, before the injunction on 26 March 2026, the applicants were providing and pursuing legal advice respectively regarding the personnel files. The respondents were actively pursuing the investigation. After 23 April 2026, it was Mr Greene who gave the interview, and it was the respondents who disclosed this.

**[125]** The status quo concerned the disputed production of personnel files and the use of compulsion to enforce a demand while the Court considered leave. The injunction preserved the Court's ability to decide whether the proposed challenge to the personnel files should proceed before their production, or any enforcement overtook or altered the application being heard by the Court.

**[126]** The injunction did not address interviews, public statements, or discussion of the case; it did not generally prohibit speaking to the media. The meaning of the order depends on its proper construction.

**[127]** The respondents had to show that the interview fell within the prohibition against interfering with or disturbing the status quo preserved by the injunction. The fact that the interview took place is not in dispute. Nor is it disputed that the interview is objectionable to the respondents.

**[128]** The respondents have not shown that the interview fell within the prohibition on interfering with the status quo the injunction was designed to protect. Connecting the interview to this case, and objecting to it, does not establish that the interview interfered with or disturbed the position the injunction was designed to protect.

**[129]** Interpreting the order as prohibiting the interview simply because it concerned this case would be to disregard the requirement that the conduct had to **interfere with** or **disturb** the protected status quo.

**[130]** Applying this construction, the interview did not interfere with the position protected by the injunction. Mr Stephenson accepted that the interview did not make the files unavailable, and Mr Greene admitted in the interview that he would comply with a court order to produce them. These admissions support the conclusion that the interview did not disturb the status quo.

**[131]** Also, Mr Stephenson did not say that the terms of the order were unclear, vague or ambiguous. He did not say that there was an appeal from the injunction, nor that the order was irregular.

**[132]** What Mr Stephenson did say was that his understanding of the injunction was that the interview breached it. He also interpreted the injunction as binding only on the Integrity Commission in relation to the **Spectrum** case.

**[133]** I find Mr Stephenson's understanding difficult to understand. The claimants in the **Spectrum** case are not before this Court, even though the same respondents are. It is even harder to see how this Court could, by granting the injunction in this application, bind only the Integrity Commission in the **Spectrum** case without this Court being seized with that case or any application by a party in this case seeking such an order. It is settled law that an injunction cannot be granted by a sidewind even though that has been the submission of the respondents.

**[134]** In addition, the learned judge in the **Spectrum** case has already granted an injunction against the respondents. The injunction granted in the case at bar, having expressly referred to "this application", means that, despite the overlap in

legal issues, it cannot possibly extend its scope to the separate **Spectrum** proceedings. I reject Mr Stephenson's interpretation of the order on that basis.

**[135]** Where the order is clear, there is no need for proof of mens rea in the classic sense of a specific intent to breach the order (see **Victoria Mutual Wealth Management Ltd v Hutchinson (Colando)**).[31] The required mental element is intentional conduct prohibited by the order, coupled with knowledge of the facts that make it a breach.

**[136]** In cross-examination, Mr Errol Greene admitted the injunction was in place when he gave the interview and that "he did not honestly see where the interview would have breached the injunction." At all material times, Mr Greene was fully aware of the terms of the injunction, which he admits. He did not say the terms of the injunction are unclear. Mr Greene does not say that the interview was unintentional or that he was caught off guard. He admits to giving the interview and says that he had an acceptable excuse for doing so and that he did not intend to wilfully disobey the orders of this Court.

**[137]** The evidence does not show that Mr Greene's actions constituted disobedience of an unambiguous existing court order. Neither Mr Stephenson's interpretation of the order nor Mr Greene's belief that he was acting permissibly determines whether it was breached. The respondents have not shown that giving the interview constitutes conduct prohibited by the injunction.

**[138]** I have carefully weighed the public interest and considered the interests of the affected officers, the risk of substantial hardship or prejudice to anyone, and the importance of good administration. The prejudice relevant to extending time is distinct from any additional prejudice arising from continuing the injunction.

**[139]** I have also considered the non-disclosure allegations separately. Since the interview took place after both the March and April orders, its non-disclosure could

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[31] [2023] JMCA Civ 47 at [96] and [99]

not have influenced either order when it was made. Any later duty of candour would depend on whether the interview was material to the relief being sought. There is no such evidence.

**[140]** I therefore hold that the interview of 26 May 2026 did not breach the injunction of 23 April 2026. The declaration sought by the respondents that Mr Greene breached the injunction of 23 April 2026 is refused. The order for contempt sought against Mr Greene is refused. The application to discharge the injunction is addressed below.

**Interim protection following the grant of leave**

**[141]** Having now granted leave, I expressly direct that the existing injunction remains in place pending determination of the judicial review claim or further order. I set out the reasons for continuing it below.

**[142]** Under rules 56.4(9) and (10), the Court must consider how leave affects the challenged process and may grant interim relief. Applying **National Commercial Bank Jamaica Ltd v Olint Corp Ltd** it asks which course risks less injustice if the final decision differs from the provisional assessment. In public law disputes, that assessment must include competing public interests.

**[143]** There is a serious issue to be tried concerning the personnel files. If production is compelled before that issue is resolved, a later success may not undo the disclosure, and damages may not adequately remedy the resulting harm to confidentiality. The applicants have an arguable case with a realistic prospect of success. The balance of convenience is in the applicants' favour,

**[144]** Delaying access may impede the investigation. I have assessed the balance in light of those competing risks and the practical effect of the proposed order and weighed it against the public interest. The Charter also requires consideration of whether a protected right is likely to be breached. I conclude that the lesser risk of injustice lies in maintaining the injunction until the judicial review claim is determined or a further order is made.

**[145]** The injunction binds both sides; the applicants must preserve and securely store all files related to the Notice and Summons and produce them forthwith if the Court so orders.

**Stay of Proceedings**

**[146]** The Court's inherent jurisdiction to stay proceedings is preserved by sections 27, 48(e), and 48(g) of the Judicature Supreme Court Act.

**[147]** Section 48(e) provides that:

> *"No proceeding at any time when pending in the Supreme Court shall be restrained by prohibition or injunction, but every matter of equity on which an injunction against the prosecution of such proceeding might have been obtained if this Act had not passed, either unconditionally or on any terms or conditions, may be relied on by way of defence thereto; but nothing in this Act contained shall disable the Court from directing a stay of proceedings in any cause or matter pending before it if it thinks fit, and any person, whether a party or not to any such cause or matter, who would have been entitled if this Act had not been passed, to apply to any Court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any judgment, decree, rule or order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, shall be at liberty to apply to the said Court, by motion in a summary way, for a stay of proceedings, either generally or so far as may be necessary for the purposes of justice, and the Court shall thereupon make such order as is just."*

**[148]** Section 48 (g) provides that:

> *"The Supreme Court in the exercise of the jurisdiction vested in it by this Act in every cause or matter pending before it shall grant either absolutely or on such reasonable terms and conditions as to it seems just, all such remedies as any of the parties thereto appear to be entitled to in respect of any legal or equitable claim properly brought forward by them respectively in such cause or matter; so that as far as possible, all matters so in controversy between the said parties respectively may be completely and finally determined, and multiplicity of proceedings avoided."*

**[149]** Section 27 stipulates that the Supreme Court may exercise all such jurisdiction (i.e. jurisdiction not conferred on it by that Act or any other Act) as was exercisable by

it immediately before the commencement of the Act, which includes the inherent jurisdiction to grant a stay. Section 48(e) confirms a judge's inherent jurisdiction to grant a stay of proceedings in any matter before it, and section 48(g) empowers the court to grant any remedy it deems just which would include a stay.

**[150]** Rule 56.4(10) of the Civil Procedure Rules states:

> *"The judge may grant such interim relief as appears just."*

**[151]** The learned authors of Halsbury's Laws of England, (2009) Volume 11 at paragraph 529 stated that:

> *"...The court's power to stay proceedings may be exercised under particular statutory provisions, or under the Civil Procedure Rules or under the court's inherent jurisdiction, or under one or all of these powers, since they are cumulative, not exclusive, in their operation."*

**[152]** I find that the second respondent will suffer no irreparable harm if a stay is granted. The stay applies to the Notice and Summons and to all judicial proceedings commenced or undertaken pursuant to them. It also applies to the respondents' investigation as described herein; however, it does not prevent the continuation of the investigation into other aspects of the programme that do not concern issues of privacy and information protection. Without this restraint, proceedings that constitute a judicial process may continue in this case, thereby rendering judicial review nugatory.

**[153]** Granting a stay of the proceedings means that the Integrity Commission shall not make any further demand in relation to the files by issuing separate Notices or summonses addressed to any other personnel in respect of these files, as those Notices and summonses would not be before this Court for review. Such a demand could encompass files concerning personnel who are not under investigation, as in **Spectrum**, as well as personnel or information related to the undisclosed "other files" demanded in the Notice in this case, which concern the very issues before the Court. The second respondent is also restrained from conducting any enquiry into, or otherwise dealing with the aspect of the

investigation related to these files until the court proceedings are determined, as this Court does not act in vain.

**[154]** The first hearing will allow the Court to give directions to expedite the matter and consider any application for interim protection. I direct that leave shall operate as a stay under rule 56.4(9). The existing injunction is expressly continued under rule 56.4(10), with its duration extended until the substantive determination or further order. Its substantive terms remain unchanged. All subsisting terms and undertakings attached to the existing injunction continue unless varied by the Court. Either side may apply on notice to vary or discharge the injunction, and the respondents may seek an earlier hearing if a specific investigative need warrants it.

**Orders**

**[155]** The Court makes the following orders:

1. The deadline to apply for leave to seek judicial review of the Notice dated 28 August 2025 is extended to 23 March 2026.
2. The applicants are granted leave to apply for judicial review to seek the following orders:
    i. An order of prohibition to prevent the respondents from acting on or continuing to act on the Notice dated 28 August 2025 addressed to Mr Errol C. Greene, Permanent Secretary of the Ministry of Health and Wellness, insofar as it requires production of a copy of the employment/personnel files and other files, if any, of the eight identified past or current public officers in the care and control of the Ministry.
    ii. An order of prohibition to prevent the respondents from acting on or continuing to act on the summons to witness dated 25 February 2026, issued to Mr Errol C. Greene, Permanent Secretary of the Ministry of Health and Wellness, insofar as it requires production of a copy of the employment/personnel files and other files, if any, of the eight identified past or current public officers in the care and control of the Ministry.

**iii.** An order of certiorari to quash the Notice dated 28 August 2025 addressed to Mr Errol C. Greene, Permanent Secretary of the Ministry of Health and Wellness, insofar as it requires production of a copy of the employment/personnel files and other files, if any, of the eight identified past or current public officers in the care and control of the Ministry.

**iv.** An order of certiorari to quash the summons to witness dated 25 February 2026, issued to Mr Errol C. Greene, Permanent Secretary of the Ministry of Health and Wellness, insofar as it requires production of a copy of the employment/personnel files and other files, if any, of the eight identified past or current public officers in the care and control of the Ministry.

**3.** The respondents' application for a declaration that Errol C. Greene breached the injunction ordered on 23 April 2026 by giving the interview on 26 May 2026 is refused.

**4.** The respondent's application to hold Errol C. Greene in contempt of the injunction ordered on 23 April 2026 is refused.

**5.** The respondents' application for discharge of the injunction ordered on 23 April 2026 is refused.

**6.** The injunction ordered on 23 April 2026 remains in force and is binding on both parties. The applicants must preserve and securely retain all files relating to the Notice and Summons and produce them forthwith if so ordered by the Court.

**7.** From the date hereof, until the determination of the Fixed Date Claim Form or until further orders, there shall be a stay of all demands by the second respondent for all matters relating to and incidental to any personnel/employment files and any other files which form part of the investigation into the award of contracts for the Jamaica/Cuba Eye Care programme as set out in the Notice dated 28 August 2025 and the Summons to Witness dated 25 February 2026 by the second respondent, through its servants and/or agents.

**8.** Leave is conditional upon the applicants filing and serving a Fixed Date Claim Form, with the required affidavit evidence, within fourteen days of receipt of the order granting leave. Service shall also comply with rule 56.11.

**9.** The first hearing shall take place no later than four weeks after the Registrar of the Supreme Court issues the Fixed Date Claim Form.

**10.** The applicants shall file an affidavit of service no later than seven days before the first hearing.

**11.** The respondents shall file and serve their affidavits in response to the Fixed Date Claim Form no later than 28 days after service.

**12.** Any reply by the applicants shall be filed and served no later than 14 days after the date of service of the respondents' affidavits in response.

**13.** No further affidavits shall be filed after the date of any reply filed by the applicants without leave of the Court. Should there be no reply, then there shall be no further affidavits after the date the respondents file their affidavits in response.

**14.** Costs of the applications for leave, extension of time, declaratory relief and interim relief are reserved for determination on paper after submissions by both sides, which they shall file no later than 14 days after the date of this judgment.

**15.** Liberty to apply.

**16.** The applicants' attorneys-at-law shall prepare, file and serve the orders made herein.

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Wint-Blair, J