



GOVERNMENT OF JAMAICA

PROCEDURES FOR PUBLIC AUTHORITIES
NOT CURRENTLY UNDER THE ACCESS TO
INFORMATION ACT

I. TREATMENT OF APPLICATIONS MADE TO ENTITIES TO WHICH THE ACT IS NOT CURRENTLY APPLICABLE

The Access to Information Act commenced on Monday, January 5, 2004 and will be implemented on a phased basis. Public Authorities, to which the Act is not applicable at any point in time, must, however, be mindful that applications may still be directed to them in the belief that the Act similarly applies.

Under those circumstances, it is recommended that such applications should not be dismissed as a matter of course, but that, **in the spirit of the Act**, they should be dealt with by that Entity along the following lines:

Step 1

Attempts should be made to determine whether the information requested is a readily available publication in your Entity and/or in the public domain. In that event, a response to that effect should be sent to the Applicant, pointing out as well the fact of the implementation of the Act by your Ministry at a later time in order to avoid repeat premature applications.

Step 2

- (a) If **Step 1** is not applicable, checks should be made to determine whether the subject matter of the Application could be more adequately handled by any of the Entities currently administering the Act;
- (b) If it is so determined, then the Application should be transferred thereto and a response to said effect be sent to the Applicant.
- (c) The Responsible Officer of the forwarding entity should ensure that the Responsible Officer of the receiving Entity is informed of the transfer.

(Please see Response Form Letter H)

Example

An Application was made to the Ministry of Tourism on January 7, 2004, requesting a report from an investigation ordered by the Prime Minister into the clash between police and cruise

officials over the search of passengers' luggage at the inaugural voyage of the Europa into Port Antonio in 2000.

The Ministry of Tourism, while having information on the matter, does not have such a report in its possession. After necessary checks with the Responsible Officer at the Office of the Prime Minister, the Application is transferred there as it is believed that that Ministry would have that report or such other like information that could be of value to the Applicant.

Step 3

- (a) If the application is one to which neither **Steps 1 nor 2** applies, but which would require being dealt with as a formal ATI Application by your Entity, then the Applicant must be made aware of the non-application of the Act, at the current time, to your Entity.
- (b) This is in order to remain true to the objective of the phased implementation of the Act, being the adequate preparedness of public authorities to efficiently handle applications under the Act.

Step 4

- (a) If the application is one the subject matter of which properly falls within the portfolio of another Entity to which the Act similarly does not apply, it is recommended that the application be sent on to that Entity which will then be guided by **Steps (1) – (3)**
- (b) The Responsible Officer of the forwarding Entity should ensure that the Responsible Officer of the receiving Entity is informed of the transfer.

(Please see Response Form Letter G at Appendix I)

NOTE:

For the purposes of the re-direction of applications sent to Entities that are not currently administering the Act, please see relevant information on the Public Authorities to which the Act currently applies

(Appendix III Access to Information Road Map - A Directional Guide).