



GOVERNMENT OF JAMAICA

INTERNAL REVIEW & APPEALS TO THE
APPEAL TRIBUNAL

I. PROCEDURES FOR INTERNAL REVIEW

(a). An Applicant may request an Internal Review of a decision by a Public Authority to:

**S. 31- Procedure
re Internal Review**

- refuse the grant of access to an official document (including a deemed refusal where there is a failure by the Public Authority to respond to an Applicant in the prescribed time of 30 days);
- grant access only to some of the documents requested in the Application;
- defer the grant of access to an official document;
- refuse to make a requested amendment or annotation of a personal record (including a deemed refusal where there is a failure by the Public Authority to respond to an Applicant in the prescribed time of 30 days);

S. 30 (1) (a), S 30 (3)

S. 30 (2) & (3)

or

- charge a fee for action taken or as to the amount of the fee;

(b). The request for Internal Review may be made by way of letter;

(c). Upon its receipt, the Responsible Officer must consult with his immediate superior (s) in order to provide briefs on the matter and to set the date for the processing of the Application for Internal Review;

(d). If the original decision denying access was based on exemptions under **S. 17, 19, 20, 21, 22, 25 (2) or 26 (b) and was not made by the Principal Officer or the responsible Minister for the Public Authority in question**, the Application may then be reviewed in collaboration with the

S 31 (b)

Principal Officer of the Public Authority, Legal Officer(s) and such other ATI Personnel as may be relevant;

- (e) **If the original decision denying access was based on exemptions under S. 14,15,16 and/or 18, and was not made by the relevant Responsible Minister,** the review must be conducted by the Responsible Minister for the Public Authority in question;

S. 30 (4)
S. 31 (1) (a)

- (a) If the original decision denying access was based on exemptions under **S. 17, 19, 20, 21, 22, 25(2) or 26(b)**, and was made by the Principal Officer or the Responsible Minister of the Public Authority in question, the Applicant must be informed that the Appeal must be directed to the Appeal Tribunal;
- (b) If upon review, difficulty is experienced in arriving at a decision at **iv or v**, consultations must be had with the Attorney General for his ruling;
- (c) A final decision must be reached within 30 days of receipt of the Application for Internal Review;
- (d) The Responsible Officer must note and record the date on which the decision was taken, the nature of the decision taken and inform the Applicant within the 30 day prescribed period;
- (e) If the final decision on Review remains unsatisfactory to the Applicant, he must be informed of his rights of, and the procedures for, an Appeal to the Appeal Tribunal.

S. 32 (2) (a), (b)

II. PROCEDURES FOR APPEALS TO THE APPEAL TRIBUNAL

(a) An Applicant may appeal to the Appeal Tribunal against a decision taken by a Public Authority at Internal Review. The Appeal may be made in relation to:

- a refusal to grant of access to an official document (including a deemed refusal where there is a failure by the Public Authority to respond to an Applicant in the prescribed time of 30 days);
- a grant of access only to some of the documents requested in the application;
- a deferral of the grant of access to an official document;
- a refusal to make a requested amendment or annotation of a personal record (including a deemed refusal where there is a failure by the Public Authority to respond to an Applicant in the prescribed time of 30 days);
- the charging of a fee for action taken or as to the amount of the fee;
- The Appeal may be made by way of letter and may be subject to the rules of procedure of the Tribunal;

S. 30 (1) (a),
S 30 (3)

S. 30 (2) & (3)

(b). If no original decision on an Application for access to an official document was given within the prescribed time , the Applicant will also have a right of appeal to the Tribunal;

S.32 (2) (ii)

(c). If the original decision denying access was based on exemptions under **S. 14, 15, 16, 17, 18, 19, 20, 21, 22, 25 (2) or 26 (b) and was made by the Principal Officer or the responsible Minister for the Public Authority in question**, a right of Appeal directly to the Tribunal is now available;

(d). If the original decision denying access was based on exemptions

under **S. 14, 15, 16 and/or 18**, a right of appeal to the Tribunal will lie only where no Certificate of Exemption was issued;

- (e). If a Certificate of Exemption was issued, then the Applicant will have the right to judicial review (that is, a right of appeal to the Supreme Court);
- (f). The Responsible Officer must note and record the date on which notice of the Appeal was received by his Office;
- (g). **The Access to Information Unit must be notified of any appeals to the Appeal Tribunal.**

NOTE: Further to the foregoing, the Appeal Tribunal will establish its own Rules of Procedure pursuant to S. 12 of the First Schedule of the Act.

These Guidelines will be updated in this regard immediately this is done.