



GOVERNMENT OF JAMAICA

ACCESS TO INFORMATION

&

THE LAW OF COPYRIGHT

I. COPYRIGHT CONSIDERATIONS

- (a). The thrust of the Access to Information Act is the disclosure of information on Government's operations and the provision by Public Authorities, of information requested by the Public.
- (b). The Act provides that the obligation to provide access is not to be construed as authorising any act that would be an infringement of copyright.

It is therefore clearly striking a balance between the public's rights of access with the individual rights of privacy, intellectual property and other interests.

- (c). The same is true where Copyright Laws are concerned, the keyword for which has always been balance, that is, balancing the rights of the copyright owner to control the dissemination of his/her works with the interests of the public to have access to those works.
- (d). Works subject to copyright protection under the Copyright Act include:
 - Literary works (including computer software and databases);
 - Dramatic Works;
 - Artistic Works;
 - Musical works;
 - Films;
 - Broadcasts, Cable Programmes;
 - Sound Recordings;
 - Typographical arrangements of published editions.
- (e). Official documents subject to the ATI Act include, in addition to a document in writing:
 - any map, plan, graph or drawing;
 - any photograph;
 - any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied, whether electronically or otherwise, so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
 - any film (including microfilm), negative, tape or other device in which one or more visual images are embodied whether electronically or otherwise, so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom.

- (f). It is therefore clear that some Official Documents as defined under the Access to Information Act therefore fall under Copyright protection created or owned by government and non-government parties.
- (g). **A Declaration Copy of Official Document or Part of a Published Work (Form I)** should be used as relevant.

II. Recommendations on the Treatment of Copyright Protected Material in the Context of the ATI Act

- a. Obtain waivers of moral rights when acquiring rights in documents belonging to third parties;
- b. Obtain copyright releases from third parties upon acquiring materials;
- c. Obtain waiver of copyright residing in other government agencies;
- d. Develop rights clearance guidelines with non-government entities and individuals;
- e. Develop rights clearance guidelines for cross-departmental clearance of copyright materials;
- f. Where documents contain mixed copyright material (that is, material belonging both to government and a third party), obtain third party authorisation for release prior to inclusion in official document proposed to be disclosed;
- g. Attempt a classification of documents qualifying for waiver of copyright from third parties;
- h. Maintain uniform points of access (eg. Websites/libraries). Public Authorities which do not have the provision of records to the public as their core function should consider using their in-house library as the principal access point.
- i. Where websites will be used as access points, these sites should carry sufficient notice to the public as to the terms of access, and must also carry proper disclaimers.

III. COPYRIGHT & WEBSITE PUBLICATIONS



- (a) The Government of Jamaica is currently in the process of developing a centralised, official policy in respect of Crown Copyright;
- (b) Since the use of Ministry websites is being advocated as access points for the disclosure of routinely available material, appropriate terms of access and proper disclaimers should be clearly stipulated and placed on these websites;
- (c) Below is an example of a website notice which may be used to warn of, and protect the government's copyright in the information published, while at the same time providing guided and informed public access:

Example

Copyright & Permission to Reproduce

Materials on this website were produced and/or compiled by (insert name of public authority) for the purpose of providing users with direct Access to information about the programmes and services offered by (insert name of public authority).

The material on this site is covered by the provisions of the Copyright Act, Jamaican Laws, policies regulations and international agreements. Such provisions serve to identify the information source and, in specific instances, to prohibit reproduction of materials without permission.

Non-commercial Reproduction

Information on this site has been posted with the intent that it be readily available for personal and public non-commercial use and may be reproduced, in part or in whole

and by any means without charge or further permission from (insert name of public authority),

We ask only that:

- Users exercise due diligence in ensuring the accuracy of materials reproduced;***
- (Insert name of public authority) be identified as the source entity; and***
- the reproduction is not represented as an official version of the materials reproduced, nor as having been made in affiliation with or with the endorsement of (insert name of public authority)***

Commercial Reproduction

- Reproduction of multiple copies of materials on this site, in whole or in part, for the purposes of commercial, redistribution will be prohibited except with written permission from the (insert name of public authority).***
- Through the permission granting process the (insert name of public authority) helps to ensure that individuals/organisations wishing to reproduce Government of Jamaica materials for commercial purposes have access to the most accurate, up-to -date versions***

Third-Party Materials

Some of the materials and graphical elements found on the (insert name of public authority) website are subject to copyrights held by other organisations

In such cases some restrictions on the reproduction of materials or graphical elements may apply and it may be the (insert name of public authority) necessary to seek permission from the rights holder, prior to reproducing the material. The content originator would ensure that third parties have given their written permission to allow users to reproduce their information as it appears on the (insert name of public authority) website.

Information that is not covered under this copyright claim may appear on this website for convenience. However, it will be clearly identified as such.

Inclusion of third party information, products or tools on this website does not imply advertisement of endorsement by the (insert name of public authority).

To obtain information concerning copyright ownership and restrictions on reproduction on this site, please contact (insert name and contact (insert name of public authority)).

Disclaimer

- The (insert name of public authority) does not assume any liability deemed to have been caused directly or indirectly by any content on its website.***

- The documents provided on this site have been prepared for convenience of reference only. In the case of a discrepancy between the electronic information and the printed version, the printed version will be taken as correct.***

(Optional) Some of the information contained on this website has been provided by external sources. The (insert name of public authority) is not responsible for the quality, merchantability and fitness for a particular purpose of products or services available on external sites and listed or described on our website; nor is the (insert name of public authority) responsible for the accuracy, reliability or currency of the information contained on this website and supplied by external sources.