



# **THE ACCESS TO INFORMATION USER'S GUIDE 2004**

*A*

*Directional Guide to the use of the Access to  
Information Act, 2002  
(Jamaica)*

**Note:**

**The information contained in this User Guide shall be subject to such modifications as may be necessary from time to time.**

**As such, and for the purposes of the development of public educational materials in whatsoever regard, this document should therefore be regarded as an interim one.**



**CONTENTS**

***THE CHALLENGE***.....4

***A USER’S GUIDE TO THE ACCESS TO INFORMATION ACT***.....5-12

***ATI FAQs***.....13-15

***APPENDIX I - RELATED STATUTES***.....16

***APPENDIX II -RECOMMENDED READING AND WEBSITES***.....17-18

***APPENDIX III - THE ATI NETWORK*** .....19-22

***\*APPENDIX IV - THE ATI ROAD MAP TO JAMAICAN GOVERNMENT ENTITIES (Phase I)*** ..... 23-35

***APPENDIX V - THE ATI LEGISLATION***

The Access to Information Act, 2002 .....36-52

The Access to Information (Amendment) Act, 2003.....53

The Access to Information Regulations, 2003.....54-62

The Access to Information Act, 2002 (Appointed Day) Notice.....63

The Access to Information (Public Authorities) Order, 2004.....64

The Access to Information (Cost of Reproduction of Official Documents) Regulations, 2003.....65

***APPENDIX VI – OVERVIEW – “FREEDOM OF INFORMATION & ACCESS TO GOVERNMENT RECORDS AROUND THE WORLD***.....66-69

(\* Full text to be made available upon completion)

## ACCESS TO INFORMATION

### Civil Society Activism on Information

#### .....*TAKING UP THE GAUNTLETT FOR A BETTER JAMAICA*

##### *Embarking on the Journey*

Upon the commencement of the Act, the challenge for all of us as Jamaicans will be to use the Act and the system it creates for accessing information.

The Government's mandate will continue to be the sustained education of government employees (and more specifically ATI administrators), the continued development and execution of quality public education and customer service programmes, and the exercise of the type of leadership and clear political will signaling its commitment to the Initiative.

Even as we unhesitatingly invite you to use the Act and exercise the level of responsibility which our Nation has come to expect from us all, it is our simultaneous desire that in doing so, we come to understand the novelty of this new Initiative, appreciate that there will be stumbling blocks and a learning curve with consequential challenges and that through this appreciation, good will may prevail.

The experience in the United States, where they have had Freedom of Information Laws for the past 30 years, shows that the early years are crucial in determining habits – on both sides. Let us help each other to establish good habits and foster the partnering which will be conducive to the advancement of a change in the culture.

The Access to Information Initiative offers much from which to benefit and so in a sense, we are all stakeholders embarking on a quest for a more transparent and participatory democracy.

Let us do so believing it can be done.....

*As the Government, we wish to continue to play our role in establishing proper standards and enabling the effective use of the Act. To that end, information which is believed will be of assistance has been included, which you are now invited to explore:*

## **A USER'S GUIDE** **TO THE ACCESS TO INFORMATION ACT**

**The Access to Information Act was passed in June, 2002. It will give citizens and other persons a general legal right of access to official government documents which would otherwise be inaccessible.**

**By recognising and upholding this right, the Act aims to reinforce fundamental democratic principles vital to:**

- **improved , more transparent government;**
- **greater accountability of government to its people;**
- **increased public influence on and participation in national decision making; and**
- **informed knowledge of the functioning of government.**

### **Article 19 – Universal Declaration of Human Rights**

*“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”*

**The Act therefore signals the departure from an age-old culture of secrecy surrounding government and its day to day activities.**

### ***The History of ATI***

**Access to Information or Freedom of Information legislation, as it is called in some jurisdictions, has existed since 1766 and is in force in many countries. (eg the United States, Australia, Canada and most of Europe.)**

**The last ten years have seen a tremendous increase in the number of countries adopting this type of legislation, the chief reasons being:**

- **the rise of new democracies with constitutional guarantees of the right to information;**
- **an increased involvement of International Bodies/Funding Agencies in the promotion of this type of law in furtherance of government accountability and transparency;**

**In the Caribbean, Jamaica follows Trinidad and Belize as the third CARICOM**

country to enact such legislation.  
**ATI PROCEDURES FOR THE APPLICANT**

**A. How to Request Information**

**Step 1**

***Research***

Research the topic thoroughly before making a request. Fishing expeditions are usually an inefficient use of both your time and ATI Personnel's time and resources.

**Step 2**

***Where to Apply***

Determine which Government entity is most likely to have The documents containing the information desired and decide whether to make:

- i) an informal request for the documents (visit the websites, check the ATI Road Map or call the Access Centre in each Ministry to find out if the information desired is already routinely disclosed or made available)

*or*

- ii) a formal request under the Act for information which is not readily available or already published

**Use the Access to Information Road Map to discern what entity is most likely to have the information required and the names, addresses and location of Principal Officers and ATI Officers**

### Step 3

#### **A. Making Your Application for Information**

- i. To apply for access to official documents under the Act, **complete an Application form or write a letter** requesting the information desired.
- ii. Applications may also be made by email, telephone or fax.
- iii. If a personal visit is made to the Public Authority to request access, the Officer responsible for ATI applications will ask that the request be put in writing in order to conform with the provisions of the Act.
- iv. If for any reason, you are unable to do this, then the Officer should be so informed so that this may be done by him for you.
- v. Be as specific as possible in the Application i.e. describe the subject matter of the records and, if known, indicate the dates of the records, the places where they originated, and the names of the originating persons or offices.
- vi. State that the documents are requested under the ATI Act. It would be prudent to address the envelope in the following manner: "**Access to Information Act Request**" or words to similar effect. This will bring the letter to the attention of staff in the mailroom so that they may appreciate the need to forward it as quickly as possible to the Authority's ATI personnel.
- vii. The Officer responsible for ATI applications may be requested to assist in identifying the documents desired (**S. 7 (3) (a)**)
- viii. A daytime telephone number should be included and such other contact information as will make it easy for the Officer to remain in contact with you. This will aid the processing of your Application within the time specified.

**Application Forms will be available in hard copy from each Ministry, on-line at each Ministry's website or at the ATI Unit's webpage at [www.jis.gov.jm](http://www.jis.gov.jm)**

#### **SAMPLE BAD ATI APPLICATION LETTER**

Dear Sir<sup>1</sup>,

My name is Mr. Brown<sup>2</sup> and in the 1970's some official person was declared persona non grata. There was a newspaper article on it.<sup>3</sup>

Or

I would like information on the Furniture Scandal<sup>4</sup>

Sincerely

Hurdell Brown

1. Should be addressed to a specific government entity's office

2. Should indicate in letter his address, tel. Number etc for contact

3. Should indicate the name of the paper if known

4. Should specify the documents requested.

## B. Amendment & Annotation of Your Personal Records

- i. Where an official document containing personal information about you is incomplete, incorrect, out of date or misleading, and is used or is available for use by a government entity for administrative purposes, an Application may also be made to have the document amended or annotated.
- ii. This Application must be in writing and must specify the basis for making the claim and the nature of the amendment or annotation which you require.
- iii. Where an annotation is required, you must include, along with the Application, a statement specifying the correction which you feel needs to be made.
- iv. You will, in most cases, be required to provide verification of the truth of the matters contained in this type of Application. You may also be asked to provide relevant identification.

| <b>SAMPLE GOOD ATI APPLICATION LETTER</b>  |  |
|--|--|
| <p>Principal Officer or other relevant Officer<sup>1</sup></p> <p>Name of Ministry<br/>Address of Ministry</p> <p>Re: Access to Information Act Request</p> <p>Dear:</p> <p>This is a request under the Access to Information Act.<sup>2</sup></p> <ul style="list-style-type: none"> <li>• I request that a copy of the following documents [<i>or documents containing the following information</i>] be provided to me:<sup>3</sup> _____</li> </ul> <p>I am aware that I am entitled to make this request under the Access to Information Act and that if my request is denied I am entitled to know the grounds for this denial<sup>4</sup></p> <p>If possible, I would prefer to see the original documents in person rather than having copies made, in order to avoid copying fees.</p> <p>Sincerely,</p> <p>Name<br/>Address<br/>Telephone Number and email address</p> | <p>1. Addresses letter to ATI offices in the relevant Government Entity;</p> <p>2. Specifies law under which the request is being made;</p> <p>3. Specifies document requested;</p> <p>4. Establishes familiarity with the ATI Act</p> |

### **C. Responding to Your Application and Time Limits**

- i.** Receipt of your Application must be acknowledged in writing by the Public Authority to which it is addressed. A decision must be made and you must be so informed **within 30 days of receipt of the Application**. The Act also allows for the extension of this time period by another 30 days which may only be done where there is reasonable cause to do so.
- ii.** If access to the document is to be given, that also must be done within the 30 day time limit.
- iii.** If you desire copies to be made, a fee will be chargeable. You may, however, request a waiver, remission or reduction of those fees. You should note that the running of time will be suspended until a decision in whatever regard is made.

### **D. Granting You Access to Documents**

Under the Act, you are entitled to view, listen to, inspect or have a copy or transcript made of the document requested. Access to information may be granted in a form other than that which you requested, if to grant it in the form requested would prove detrimental to the preservation of the document or be inappropriate having regard to its physical state.

### **E. Transfer of Applications**

- i.** Your Application may be transferred to another government entity if the document requested is held by that other entity or the subject matter of what you requested is more closely connected to that other entity's functions.
- ii.** The transfer must be done not later than 14 days after receipt of your Application by the original government body
- iii.** You must be informed immediately of this transfer and told the details of the receiving government body and personnel.

## **F. Release/Denial of Request**

Official documents requested will be released provided they do not fall in any of the nine (9) categories of exempt documents under the Act. Exempt documents are those which:

- affect security, defense or international relations (S. 14 (a))
- relate to law enforcement (S. 16)
- are subject to legal privilege (S. 17)
- affect national economy (S. 18)
- reveal government's deliberative processes (S. 19)
- relate to business affairs (S. 20)
- relate to heritage sites (S. 21)
- affect personal privacy (S. 22)
- are Cabinet Documents (S. 15)

## G. Applicable Fees

- i. Fees under the Act are chargeable only for the reproduction of any official document (**S. 12**). You are not liable to pay fees for inspection, viewing, or listening to any official document to which access has been granted.
- ii. You will be required to pay such fees as are applicable before the actual reproduction of the document is done
- iii. A request for a waiver, reduction or remission of fees may be made under **S. 12 (2)** of the Act.

## H. Your Rights of Appeal

- i. You have a right of Appeal with respect to:
  - refusal of a grant of access
  - the grant of access to only some of the documents requested
  - deferral of the grant of access
  - refusal to amend or annotate a personal record
  - the charging of, or amount of a fee
- ii. You must make your Appeal in writing [Internal Review or Appeal to the Appeals Tribunal if a decision has already been made at Internal Review or where Internal Review is not applicable]
- iii. You must utilise the Internal Review Process (where applicable) before an appeal may be made to the Appeals Tribunal
- iv. Internal Review will not be applicable if the original decision on the Application

## SAMPLE LETTER APPEALING FEES

Permanent Secretary or Principal Officer  
Name of Public Authority  
Address of Public Authority

### Re: Access to Information Act Application for Internal Review

Dear:

This is an application for Internal Review under the Access to Information Act. On *[date]* I requested documents under the Act. My request was assigned the following Reference Number: *[000 000-000]*.

On *[date]*, I received a response to my request in a letter signed by *[official's name]* stating that access to the document requested would be granted upon payment of *[\$ amount of fees]* I am appealing the amount of the fee charged.

Or *[Name of responsible Minister, official address etc.]*

On *[date]*, I received a response to my request in a letter signed by *[official's name]* stating that access to the document requested would be granted upon payment of *[\$ amount of fees]*

I believe that I am entitled to a waiver/ reduction of fees. Disclosure of the documents I requested is in the public interest as the information is likely to contribute significantly to public understanding of the operations or activities of the government.

*[or]* I cannot afford any of the amounts charged as I am a student engaged in research at the University of the West Indies.

Thank you for consideration of this appeal.

for access to information was made by the Permanent Secretary or Principal Officer,  
or the Responsible Minister **or** where no decision on the original application was made.

***SAMPLE LETTER  
APPEALING EXEMPTION***

Principal Officer or other relevant Officer  
Name of Public Authority  
Address of Public Authority

Re: Access to Information Act Appeal

Dear \_\_\_\_\_:

This is an appeal under the Access to Information Act.

On *[date]* I requested documents under the Access to Information Act. My request was assigned the following Reference Number: *[000 000-000]*.

On *[date]*, I received a response to my request in a letter signed by *[official's name.]* denying my request. I now wish to obtain a review of the denial of my request.

I believe the documents that were withheld must be disclosed under the ATI Act because

---

Thank you for consideration of this appeal.

Sincerely,

Name  
Address  
Telephone Number

## **A FEW ATI FAQs (Frequently Asked Questions)**

### **1. What are my rights under the ATI ACT?**

The ATI Act gives you the legal right to see official documents held by Government Bodies. You may also ask for personal information to be changed if it is incomplete, misleading, out of date, or incorrect.

### **2. What are Official Documents?**

Official Documents are documents in the possession, custody or control of a government body and which are connected to its functions.

### **3. Can I see all Official Documents?**

No. There are documents which are exempt from disclosure under the Act. These are documents which it is believed not be disclosed in order to protect essential public interests or the private/business affairs of others. Similar statutes internationally recognize these concerns as well and make similar provisions.

Some exempt documents are however subject to public interest tests. Release of exempt documents may also be achieved through an Order of the Minister responsible for Information or after the expiration of 20 years after their creation, or such shorter or longer period as the Minister may specify by Order.

### **4. What are the types of documents which are exempt from disclosure?**

Documents pertaining to:

- Security, defense, international relations; (S. 14 (a))
- The Cabinet; (S. 15)
- Law enforcement; (S. 16)
- Legal privilege (S. 17)
- The national economy (S. 18)
- Government's deliberative processes; (S. 19)
- Business affairs of others (trade secrets, etc.) (S. 20)
- Personal privacy (S. 22)
- Heritage sites (S. 21)

## **5. How do I make an ATI request?**

Identify the document you wish to have access to and the government body most likely to have it.

Write/phone in/email or fax your request giving as much information as possible about the document in order to help the Officer assigned for those purposes to quickly retrieve it.

Include contact information which will allow the Officer responsible for ATI applications to remain in contact with you. This will assist the Officer in obtaining clarifications from you and enable the observance of the timeline (30 days from receipt of Application) prescribed for finding and granting access as the case may be.

## **6. What must a government entity do when it gets my request?**

- Inform you in writing that it has so received it.
- Deal with the Application as quickly as possible and inform you of any difficulties being experienced. This will help both parties in possibly coming to a mutual workable understanding, particularly if the request is a complex one (eg. large volume of documents requested) or where it will take longer than the prescribed time allowed within which to find the document.
- Inform you within 30 days of receipt of the Application whether or not the information will be disclosed and grant access or inform you of your rights of appeal as the case may be.

## **7. How much will it cost me?**

Fees are payable for the reproduction of documents. You are not required to pay if you wish to view, inspect or listen to the document. Cost for reproduction may be obtained from the relevant government entity.

## **8. How will the documents be given to me?**

Generally, in the form in which you request it – you may be allowed to view, listen to, inspect or be given a copy of the document. However, access may be given in a form other than that which you have requested if there is a need to preserve the document or its physical state makes the form of access requested inappropriate.

### **9. Can I have documents about me corrected?**

Yes, provided they have been or are being used by the government body for an administrative purpose.

### **10. How do I ask for these corrections about me to be done?**

You apply by letter or on the prescribed application form, phone in, email or fax your request.

### **12. What kinds of appeal do I have?**

The grounds on which you have the right to Appeal include:

- refusal of a grant of access
- the grant of access to only some of the documents requested
- deferral of the grant of access
- refusal to amend or annotate a personal record
- the charging of, or amount of a fee

### **13. What are the Offences and Penalties under the Act?**

Under the Act, a Government employee commits an offence if:

- he alters or defaces, blocks or erases, destroys or conceals an official document to which the public has a right of access, with the intention of preventing its disclosure.
- A fine of a maximum of five hundred thousand dollars (\$500,000.00) or six (6) months imprisonment or both are applicable.

## APPENDIX I

### RELATED STATUTES

The Archives Act

The Copyright Act

The Copyright (Amendment Act) 1999

The Copyright (Librarians and Archivists) (Copying  
of Copyright Material) Regulations 1993

The Copyright (Recording for Archives) Designated  
Bodies Order, 1993

The Copyright (Educational Establishments) Order,  
1993

The Corruption Prevention Act

The Interpretation Act

The Official Secrets Act

## **APPENDIX II**

### **Recommended Reading and Websites**

#### **Publications and Reports**

***Access to Information: Making it Work for Canadians***

**Report of the Access to Information Review Task Force 2002 ([www.tbs-sct.gc.ca](http://www.tbs-sct.gc.ca))**

***The Right to Know, the Right to Live; Access to Information and Socio-Economic Justice***

**Richard Calland & Allison Tilley ([www.opendemocracy.org.za](http://www.opendemocracy.org.za))**

***How Journalists use the Federal Access to Information Act***

**Access to Information: Making it Work for Canadians 2002 ([www.tbs-sct.gc.ca](http://www.tbs-sct.gc.ca))**

***“A Whistleblower’s Survival Guide – Courage without Martyrdom”***

**A Government Accountability Project ([www.whistleblower.org/gap](http://www.whistleblower.org/gap))**

***Report of the Joint Select Committee on the Bill shortly entitled “The Access to Information Act 2002”. (Jamaica)***

***COPYRIGHT – Interpreting the Law for Libraries, Archives and Information Services – Graham P. Cornish (Available at bookshops island wide)***

## Websites

[www.jis.gov.jm](http://www.jis.gov.jm)

[www.accessreports.com](http://www.accessreports.com)

[www.opendemocracy.org.za](http://www.opendemocracy.org.za)

[www.pro.gov.uk](http://www.pro.gov.uk)

[www.foia.tt.gov](http://www.foia.tt.gov) (Trinidad)

[www.atiunit.gov.org](http://www.atiunit.gov.org) \*

[www.arma.org](http://www.arma.org)  
(Association of Records  
Managers and  
Administrators)

[www.freedominfo.org](http://www.freedominfo.org)

[www.foilaw.net](http://www.foilaw.net)

[www.aclu.org](http://www.aclu.org) (The American Civil Liberties Union)

The websites of Phase I Entities may be found in the **Access to Information Road Map**. Those of remaining Ministries and some Agencies etc. will be made available in the full Road Map text in due course.

\* **Website under construction**

**APPENDIX III**

***THE ATI NETWORK - KNOWING EACH OTHER***

***MINISTRY INFORMATION & DOCUMENTATION MANAGERS  
AT A GLANCE***

**Claudette Milford-Allen**                      **Ministry of Agriculture**  
**Director, Information &**                      **927-1731/977-9169**  
**Documentation**                              **[www.moa.gov.jm](http://www.moa.gov.jm)**  
    **[cmilford-allen@moa.gov.jm](mailto:cmilford-allen@moa.gov.jm)**

**Reta Whittaker**                              **Ministry of Commerce, Science**  
**Director, Information &**                      **& Technology**  
**Documentation**                              **929-8990-9/960-6056**  
    **[www.mct.gov.jm](http://www.mct.gov.jm)**  
    **[csdlibrary@hotmail](mailto:csdlibrary@hotmail.com)**

**Marlene Hines**                              **Ministry of Education, Youth**  
**Information Manager**                      **& Culture**  
    **922-1400-1/922-2243**  
    **[www.moec.gov.jm](http://www.moec.gov.jm)**

**Helen Rumbolt**                              **Ministry of Finance & Planning**  
**Director, Documentation &**                      **922-8600/932-5033**  
**Information Services**                      **[www.mof.gov.jm](http://www.mof.gov.jm)**  
    **[helen@mof.gov.jm](mailto:helen@mof.gov.jm)**

**Renee Brown**  
**Head, Information Systems**  
**& Records**

**Ministry of Foreign Affairs &  
Foreign Trade**  
**926-4220/968-8161**  
**[www.mfaft.gov.jm](http://www.mfaft.gov.jm)**  
**[librarymfaja@cwjamaica.com](mailto:librarymfaja@cwjamaica.com)**

**Vinnese Dias**  
**Manager, Information**  
**Documentation Services**

**Ministry of Health**  
**967-1100/967-2390**  
**[www.moh.gov.jm](http://www.moh.gov.jm)**  
**[diasv@moh.gov.jm](mailto:diasv@moh.gov.jm)**

**Cassey Daley**  
**Director, Human Resource**

**Ministry of Industry & Tourism**  
**920-4924/926-0649**  
**[www.tpdco.org/mit](http://www.tpdco.org/mit)**  
**[cdaley@tpdco.org](mailto:cdaley@tpdco.org)**

**Brenda Smith**  
**Information Manager**

**Ministry of Justice**  
**906-4908/906-0674**  
**[www.moj.gov.jm](http://www.moj.gov.jm)**  
**[bsmith@moj.gov.jm](mailto:bsmith@moj.gov.jm)**

**Portia Magnus**  
**Director, Records**  
**Management**  
**& Information**

**Ministry of Labour & Social**  
**Security**  
**922-9500-9**  
**www.minlab.gov.jm**  
**[portiamagnus@yahoo.com](mailto:portiamagnus@yahoo.com)**

**Althea Scott**  
**Director -**  
**Information &**  
**Documentation**

**Ministry of Local Government,**  
**Community Development**  
**& Sport**  
**754-0994**  
**www.mlgcd.gov.jm**  
**[ascot@mlgcd.com](mailto:ascot@mlgcd.com)**  
**[psoffice@mlgcd.gov.jm](mailto:psoffice@mlgcd.gov.jm)**

**Claudette McPherson**  
**Director, Information &**  
**Documentation**

**Ministry of National Security**  
**906-4908-9/968-7410**  
**www.mnsj.gov.jm**  
**[claudettemcpherson@yahoo.com](mailto:claudettemcpherson@yahoo.com)**

**Jacqueline McGibbon**  
**Information Resources**  
**Officer**

**Office of the Cabinet**  
**927-4101-2**  
**www.cabinet.gov.jm**  
**[cablib@cwjamaica.com](mailto:cablib@cwjamaica.com)**

**Rohan McCalla**  
**Information Resources**  
**Manager**

**Office of the Prime Minister**  
**927-4101-2**  
[rsmccalla@opm.gov.jm](mailto:rsmccalla@opm.gov.jm)

**Myrtle Williams**  
**Documentation Officer**

**Ministry of Transport & Works**  
**754-1900-1**  
[www.mtw.gov.jm](http://www.mtw.gov.jm)  
[miguelann@yahoo.com](mailto:miguelann@yahoo.com)

**Claudette Thomas**  
**Director, Documentation**  
**Centre**

**Ministry of Water & Housing**  
**920-9738**  
[www.mwh.gov.jm](http://www.mwh.gov.jm)  
[cthomas@n5.com](mailto:cthomas@n5.com)  
[cztee@yahoo.com](mailto:cztee@yahoo.com)

**APPENDIX IV**

**THE ACCESS TO INFORMATION ROAD MAP**  
**(A Directional Guide to Public Authorities & Responsible Officers under Phase I)**

**COMMENCEMENT OF THE ACCESS TO INFORMATION ACT**  
**PHASE 1**

**Monday, January 5, 2004**

**PUBLIC AUTHORITIES UNDER PHASE I:**

Office of the Prime Minister

Office of the Cabinet

Ministry of Finance & Planning

Ministry of Local Government, Community Development and Sport

Jamaica Information Service (JIS)

National Works Agency (NWA)

Planning Institute of Jamaica (PIOJ)

**MINISTRY:**

**OFFICE OF THE PRIME MINISTER**

**RESPONSIBLE MINISTER:**

**The Most Hon. P.J. Patterson, O.N.,  
P.C., Q.C., MP**

**PERMANENT SECRETARY:** Mrs. Charmaine Constantine, C.D.,  
J.P.

**Location:** 1a Devon Road, Kingston 10

**Tel.:** 927-4101-2/927- 9941-3

**Fax:** 929-6676/978-3073

**Website:** (Under construction)

**E-mail:** [rsmccalla@opm.gov.jm](mailto:rsmccalla@opm.gov.jm)

**Business Hours:** 8:30 a.m. – 5:00 p.m. (Mon-Thurs.)  
8:30 a.m. – 4:00 p.m. (Fri.)

**Responsible Officer for ATI:** Mr. Rohan McCalla  
Information Resources Manager

### **MISSION STATEMENT:**

**To build a participatory frame work for the creation of a quality society which galvanizes the entire nation to achieve its potential. The Office of the Prime Minister will provide leadership and governance while developing, coordinating and implementing policies in keeping with national goals. In keeping with these goals we will foster economic and social development through excellent service and timely information, which promote public awareness and understanding of Government’s programmes.**

**Office of the Prime Minister (cont’d)**

### **SUBJECTS:**

**Access to Information**  
**Archives**  
**Broadcasting**  
**Defence**  
**Economic Development**  
**Energy Policy**  
**Information**  
**National Honours and Awards**  
**National Symbols**  
**Policy Coordination**  
**Urban Development**  
**Values and Attitudes**

**MINISTRY:** OFFICE OF THE CABINET

**RESPONSIBLE OFFICER:** Dr. the Hon. Carlton Davis O.J., C.D.  
Cabinet Secretary  
Permanent Secretary

**Location:** 2a Devon Road, Kingston 10

**Tel.:** 927-4101-2

**Fax:** 929-8459

**Website:** [www.cabinet.gov.jm](http://www.cabinet.gov.jm)

**E-mail:** [info@cabinet.gov.jm](mailto:info@cabinet.gov.jm)

**Business Hours:** 8:30 a.m. – 5:00 p.m. (Mon-Thurs.)  
8:30 a.m. – 4:00 p.m. (Fri.)

**Responsible Officer for ATI:** Ms. Jacqueline McGibbon  
Information Resources Officer

**Assistant Coordinator:** Ms. Shelly-Ann Porter

## **MISSION STATEMENT:**

The mission of the Cabinet Office is to provide the Prime Minister and his Cabinet with high quality information and policy advisory services leading to sound and timely Cabinet Decisions, which are effectively implemented by line Ministries.

To lead the reform of the Public Service to make it one that is more efficient, effective and accountable; meets the need of its clients, and treats the public as valuable customers.

## **Office of the Cabinet (cont'd)**

### **SUBJECTS:**

**Business of Cabinet**  
**Corporate Planning for Government**  
**Human Resource Management Information System**  
**Management Services/Organisation and Methods**  
**Office of Utilities Regulation (OUR)**  
**Public Sector Reform Unit**  
**Policy Formulation and Coordination for Government**  
**Public Sector Modernisation Programme**  
**Scholarships and Assistance**  
**Standards and Efficiency**  
**Training**

### **DEVELOPMENT :**

**Bauxite and Alumina**  
**Bauxite Community Development Projects**  
**Development Projects**  
**Gender Affairs**  
**Investment Promotion**  
**Productivity**  
**Social, Economic and Support Programmes (S.E.S.P.)**

**MINISTRY: LOCAL GOVERNMENT, COMMUNITY  
DEVELOPMENT & SPORT**

**RESPONSIBLE MINISTER: Hon. Portia Simpson-Miller, M.P.**

**PERMANENT SECRETARY: Ms. Loraine Robinson**

**Location: 85 Hagley Park Road, Kingston 10**

**Tel.: 754-0994**

**Fax: 754-1007**

**Website: [www.mlgcd.gov.jm](http://www.mlgcd.gov.jm)**

**E-mail: [webmaster@mlgcd.jm](mailto:webmaster@mlgcd.jm)**

**Business Hours: 8:30 a.m. – 5:00 p.m. (Mon-Thurs.)  
8:30 a.m. – 4:00 p.m. (Fri.)**

**Responsible Officer for ATI: Ms. Althea Scott, Director  
Information & Documentation**

**MISSION STATEMENT:**

**The mission of the Ministry of Local Government, Community, Development and Sport is to broaden and deepen the process of local governance and integrated community development, empowering citizens to take the initiative in determining the needs of their communities, as well as the strategies for fulfilling these needs within the framework of national development, and to build the institutional capacity within the Ministry and its agencies to deliver services of a higher quality to all citizens.**

**Ministry of Local Gov't (cont'd)**

**To encourage, promote, develop, undertake and assist organisationally and wherever possible, financially, all forms of sports in Jamaica with emphasis on participation at the community group or individual level.**

**SUBJECTS:**

**Community Development  
Fire Services  
Inner City Renewal  
Markets  
Minor Water Supplies  
Parochial Roads Acts  
Poor Relief  
Solid Waste Management  
Sports**

**MINISTRY:**

**FINANCE & PLANNING**

**RESPONSIBLE MINISTER:** Dr. the Hon. Omar Davis, M.P.

**MINISTERS OF STATE:** 1. *The Hon. Fitz Jackson, M.P.*

**Areas of primary responsibility:**

- i. Establishment Division**
  - a. Public Sector Wage Negotiations;**
  - b. Conditions of Service;**
- ii. Pension Reform**
- iii. SLB – Financing Tertiary Education**
- iv. Gaming Industry**
  - a. Jamaica Racing Commission**
  - b. Caymanas Track Limited**
  - c. Betting Gaming and Lotteries Commission**

2. *Sen. the Hon. Deika Morrison*

**Areas of primary responsibility:**

- i. Public Sector Project Management System;**
- ii. Improving MOF/business interface;**
- iii. Increasing access of new**

**Ministry of Finance & Planning (cont'd)**

**entrepreneurs/formalizing**

**informal sector operators;**

**iv. Coordinating economic aspects – CARICOM Single Market.**

**FINANCIAL SECRETARY: The Hon. Shirley Tyndall, O.J., C.D.**

**Location: 30 National Heroes Circle, Kingston 4**

**Tel.: 922-8600 (ext 5077 -78)**

**Fax: 922-7097**

**Website: [www.mof.gov.jm](http://www.mof.gov.jm)**

**E-mail: [ati@mof.gov.jm](mailto:ati@mof.gov.jm)**

**Business Hours: 8:30 a.m. –5:00 p.m. (Mon-Thurs.)  
8:30 a.m. – 4:00 p.m. (Fri.)**

**Responsible Officer for ATI: Ms. Helen Rumbolt, Director  
Documentation & Information**

**Access Officer: Ms. Arlene Reid**

**MISSION STATEMENT: The mission of the Ministry of Finance and Planning is to ensure that Government pursues fiscal and economic policies that foster sustainable growth in the national economy, sound management of the county's financial institutions, and cost-effective delivery of public services".**

## **Ministry of Finance & Planning (cont'd)**

### **SUBJECTS**

**Air Jamaica**

**Bank Inspection**

**Banking and Currency**

**Betting, Gaming and Lotteries Act 1965 (except sections 51 (1) (a) and (43))**

**Budget**

**Capital Development Fund**

**Civil Service Establishment**

**Debt/Equity Conversion**

**Debt Management**

**Economic Planning and Monitoring**

**Equity Investments**

**Employees' Share Ownership Programme (ESOP)**

**Finance**

**Financial Administration, Management & Fiscal Policy**

**Govt. Investment in Companies & Statutory Corporations**

**Industrial and Provident Societies Act**

**Insurance**

**Loan Negotiations**

**Monetary Policy**

**Pay Planning**

**Pensions for Public Officers**

**Privatisation**

**Public Sector Industrial Relationships**

**Public Sector Union Negotiations**

**Regulation of the Financial Sector**

**Taxation**

**Technical Assistance**

## **JAMAICA INFORMATION SERVICE**

**PRINCIPAL OFFICER:** Mrs. Carmen Tipling, Chief Executive Officer

**Location:** 58 ½ Halfway Tree Road, Kingston 10

**Tel.:** 926-3590/3740

**Fax:** 929-6727

**Website:** [www.jis.gov.jm](http://www.jis.gov.jm)

**E-mail:** [research@jis.gov.jm](mailto:research@jis.gov.jm)

**Business Hours:** 8:30 a.m. – 5:00 p.m. (Mon-Thurs.)  
8:30 a.m. – 4:00 p.m. (Fri.)

### **Responsible Officers for ATI:**

**Andrea Bryan** 926-3590/3740  
Manager  
Computer Services Department

**Enthrose Campbell** 926-3590/3740  
Manager, JIS Radio

**Althea Buchanan** 922-8680  
Manager, JIS TV

**Sandra Braimbridge** 926-3590/3740  
Supervisor – Research Department

### **SUBJECTS:**

**This Agency deals with the information of the Government of Jamaica by gathering and disseminating information on Government Policies and Programmes, both locally and abroad.**

**NATIONAL WORKS AGENCY:**

**PRINCIPAL OFFICER: Mr. Ivan Anderson, Chief Executive Officer**

**Location: 140 Maxfield Avenue, Kingston 10**

**Tel.: 926-3210-9**

**Fax: 926-2572**

**Website: [www.nwa.gov.jm](http://www.nwa.gov.jm)**

**E-mail: [ivananderson@nwa.gov.jm](mailto:ivananderson@nwa.gov.jm)**

**Business Hours: 8:30 a.m. – 5:00 p.m. (Mon-Thurs.)  
8:30 a.m. – 4:00 p.m. (Fri.)**

**Responsible Officer for ATI:**

**Ms. Marion Edwards 926-3210-9 (ext.4002), 511-4002  
Manager, Information Resource  
Management Unit**

**MISSION STATEMENT: To plan, build and maintain a reliable, safe and efficient main road network and flood control system which:**

- **Protects life and property**
- **Supports the movement of people, goods and services**
- **Reduces the cost of transport**
- **Promotes economic growth and quality of life**
- **Protects the environment**

**PLANNING INSTITUTE OF JAMAICA**

**PRINCIPAL OFFICER: Dr. Wesley Hughes, Director General**

**Location: 10-16 Grenada Way, Kingston 5**

**Tel.: 906-4386/4463-4/4468-9**

**Fax: 906-5011**

**Website: [www.pioj.gov.jm](http://www.pioj.gov.jm)**

**E-mail: [doccen@mail.colis.com](mailto:doccen@mail.colis.com)**

**Business Hours: 8:30 a.m. – 5:00 p.m. (Mon-Thurs.)  
8:30 a.m. – 4:00 p.m. (Fri.)**

**Responsible Officer for ATI:**

**Mrs. Arlene Ononaiwu 906-4386/4468  
Technical Information Manager**

**Librarians: Mrs. Thelma White  
Ms. Claudia Sutherland**

**SUBJECTS:**

**Prepares and monitors implementation of Government of Jamaica's  
medium term socio-economic plan.**

**APPENDIX V**

**THE ACCESS TO INFORMATION ACT**

**JAMAICA**

**No. 21–2002**

I assent,

(L.S.)

H. F. COOKE,

*Governor-General.*

22nd day of July, 2002.

AN ACT to Provide members of the public with a general right of access to official documents and for connected matters.

[ **The date notified by the Minister bringing the Act into operation** ]

BE IT ENACTED by The Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

Short title and commencement.

1. This Act may be cited as the Access to Information Act, 2002, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

*PART I. Preliminary*

2. The objects of this Act are to reinforce and give further effect to certain fundamental principles underlying the system of constitutional democracy, namely—

Objects of Act.

- (a) governmental accountability;
- (b) transparency; and
- (c) public participation in national decision-making,

by granting to the public a general right of access to official documents held by public authorities, subject to exemptions which balance that right against the public interest in exempting from disclosure governmental, commercial or personal information of a sensitive nature.

3. In this Act, unless the context otherwise requires—

Interpretation.

"appointed day" means the day appointed pursuant to section 1;

"document" includes, in addition to a document in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) 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;
- (d) 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;

"exempt document" means a document which by virtue of any provision of Part III is exempt from disclosure;

"exempt matter" means any matter the inclusion of which in a document causes that part of the document to be exempt from disclosure;

"government company" means a company registered under the Companies Act, being a company in which the Government or an agency of the Government, whether by the holding of shares or by other financial input, is in a position to influence the policy of the company;

"official document" means a document held by a public authority in connection with its functions as such, whether or not it was created—

- (a) by that authority; or
- (b) before the commencement of this Act,

and for the purposes of this Act, a document is held by a public authority if it is in its possession, custody or control;

"public authority" means—

- (a) a Ministry, department, Executive Agency or other agency of Government;
- (b) a statutory body or authority;
- (c) a Parish Council;
- (d) the Council of the Kingston and St. Andrew Corporation;
- (e) any government company which—
  - (i) is wholly owned by the Government or an agency of the Government, or in which the Government holds more than 50% shares; or

- (ii) is specified in an order under section 5 (3);
- (f) any other body or organization specified in an order under section 5 (3);

"responsible Minister" means the Minister responsible for the public authority which holds an official document.

4.—(1) A public authority shall cause to be published within twelve months of—

Publication of information by public authority.

- (a) the appointed day;
- (b) its establishment; or
- (c) the coming into operation of an order under section 5 (3) which specified that authority,

whichever is later, an initial statement of its organization and functions containing the information specified in the First Schedule.

(2) The provisions of the First Schedule shall apply for the purposes of making available to the public the documents described in that Schedule.

First Schedule.

(3) The information required under subsection (1) shall be published in such manner and shall be updated with such frequency as may be prescribed.

(4) The Minister may amend the First Schedule by order subject to affirmative resolution.

5.—(1) Subject to subsection (2), this Act applies to—

Application of Act.

- (a) all public authorities;
- (b) official documents created by or held by a public authority not earlier than thirty years immediately preceding the appointed day.

(2) The Minister may, by order subject to negative resolution, declare that this Act shall apply to official documents created by or held by a public authority at such date, being earlier than the thirty years referred to in subsection (1) (b), as may be specified in that order.

(3) The Minister may, by order subject to affirmative resolution, declare that this Act shall apply to—

- (a) such government companies, other than those specified in paragraph (e) (i) of the definition of "public authority", as may be specified in the order;
- (b) any other body or organization which provides services of a public nature which are essential to the welfare of the Jamaican society,

or to such aspects of their operations as may be specified in the order.

(4) An order under subsection (3) may be made subject to such exceptions, adaptations or modifications, as the Minister may consider appropriate.

(5) The Minister may, by order subject to affirmative resolution, declare that the application of this Act in

relation to any government company specified in paragraph (e) (i) of the definition of "public authority" shall be subject to such exceptions, adaptations or modifications as the Minister may consider appropriate.

(6) This Act shall not apply to—

- (a) the Governor-General, in relation to the exercise of the powers and duties conferred or imposed on him by or under the Constitution of Jamaica or under any other law;
- (b) the judicial functions of—
  - (i) a court;
  - (ii) the holder of a judicial office or other office connected with a court;
- (c) the security or intelligence services in relation to their strategic or operational intelligence gathering activities;
- (d) any statutory body or authority as the Minister may specify by order subject to affirmative resolution.

(7) This Act applies to official documents held in a registry or other office of a court, being documents that relate only to matters of an administrative nature.

(8) In subsection (6) "security or intelligence services" means—

- (a) the Jamaica Constabulary Force;
- (b) the Island Special Constabulary Force;
- (c) the Rural Police;
- (d) the Jamaica Defence Force.

## PART II. *Right of Access*

**6.—**(1) Subject to the provisions of this Act, every person shall have a right to obtain access to an official document, other than an exempt document.

Right  
of access.

(2) The exemption of an official document or part thereof from disclosure shall not apply after the document has been in existence for twenty years, or such shorter or longer period as the Minister may specify by order, subject to affirmative resolution.

(3) An applicant for access to an official document shall not be required to give any reason for requesting access to that document.

(4) Where an official document is—

- (a) open to access by the public pursuant to any other enactment, as part of a public register or otherwise; or
- (b) available for purchase by the public in accordance with administrative procedures established for

that purpose,

access to that document shall be obtained in accordance with the provisions of that enactment or those procedures, as the case may be.

**7.—**(1) A person who wishes to obtain access to an official document shall make an application to the public authority which holds that document. Application for access.

(2) An application under subsection (1)—

- (a) may be made in writing or transmitted by telephone or other electronic means;
- (b) shall provide such information concerning the document as is reasonably necessary to enable the public authority to identify it.

(3) A public authority to which an application is made shall—

- (a) upon request, assist the applicant in identifying the documents to which the application relates;
- (b) acknowledge receipt of every application in the prescribed manner;
- (c) grant to the applicant, access to the document specified in the application if it is not an exempt document.

(4) A public authority shall respond to an application as soon as practicable but not later than—

- (a) thirty days after the date of receipt of the application; or
- (b) in the case of an application transferred to it by another authority pursuant to section 8, thirty days after the date of the receipt by that authority,

so, however, that an authority may extend the period of thirty days for a further period, not exceeding thirty days, in any case where there is reasonable cause for such extension.

(5) The response of the public authority shall state its decision on the application, and where the authority or body decides to refuse or defer access or to extend the period of thirty days, it shall state the reasons therefor, and the options available to an aggrieved applicant.

**8.—**(1) Where an application is made to a public authority for an official document—

- (a) which is held by another public authority; or
- (b) the subject matter of which is more closely connected with the functions of another public authority,

Transfer of requests.

the first mentioned public authority shall transfer the application or such part of it as may be appropriate to that other public authority and shall inform the applicant immediately of the transfer.

(2) A transfer of an application pursuant to subsection (1) shall be made as soon as practicable but not later

than fourteen days after the date of receipt of the application.

**9.—(1)** Access to an official document may be granted to an applicant in one or more of the following forms—

- (a) the applicant may be afforded a reasonable opportunity to inspect the document;
- (b) the authority concerned may furnish the applicant with a copy of the document;
- (c) in the case of a document from which sounds or visual images are capable of being reproduced, arrangements may be made for the applicant to hear the sounds or view the visual images;
- (d) in the case of a document by which or in which words are—
  - (i) recorded in a manner in which they are capable of being reproduced in the form of sound and images; or
  - (ii) contained in the form of shorthand writing or in codified form,

the applicant may be furnished with a transcript of the data or the words, sounds and images recorded or contained in that document.

(2) Subject to subsection (3), where an applicant requests that access be given in a particular form, access shall be given in that form.

(3) A public authority may grant access in a form other than that requested by an applicant where the grant of access in the form requested would—

- (a) be detrimental to the preservation of the document, or be inappropriate, having regard to its physical state;
- (b) constitute an infringement of copyright subsisting in any matter contained in the document.

(4) Copies of documents to which access is granted shall be authenticated in the prescribed manner.

**10.—(1)** Where the information provided by the applicant in relation to the document is not such as is reasonably necessary to enable the public authority to identify it, the authority shall afford the applicant a reasonable opportunity to consult with the authority with a view to reformulating the application so that the document can be identified.

Assistance and  
deferment  
of access

(2) A public authority may defer the grant of access to an official document—

- (a) if publication of the document within a particular period is required under the provisions of any enactment, until the expiration of that period;
- (b) if the document was prepared for presentation to Parliament or for the purpose of being made available to a particular person or body, until the expiration of a reasonable period after its preparation for it to be so presented or made available to the person or body;
- (c) if the premature release of the document would be contrary to the public interest, until the occurrence of any event after which or the expiration of any period beyond which, the

release of the document would not be contrary to the public interest.

(3) Where a public authority decides to defer access in accordance with subsection (2), it shall, within fourteen days of its decision, inform the applicant of that decision and shall, where possible, indicate to him the period during which the deferment will operate.

**11.—**(1) Where an application is made to a public authority for access to an official document which contains exempt matter, the authority shall grant access to a copy of the document with the exempt matter deleted therefrom. Deletion of exempt matter

(2) A public authority which grants access to a copy of an official document in accordance with this section shall inform the applicant—

- (a) that it is such a copy; and
- (b) of the statutory provision by virtue of which such deleted matter is exempt matter.

**12.—**(1) The cost of reproducing any documents containing information in relation to which an application is made under this Act shall be borne by the applicant. Fees, etc

(2) The responsible Minister may waive, reduce or remit, the cost specified in subsection (1) for access to an official document where he is satisfied that such waiver, reduction or remission is justifiable.

**13.** Subject to this Act, where—

Grant of access.

- (a) an application is made in accordance with section 7 for access to an official document; and
  - (b) the cost incurred by the public authority in granting access has been paid,
- access to the document shall be granted in accordance with this Act.

### PART III. *Exempt Documents*

**14.** Official documents are exempt from disclosure if—

- (a) the disclosure thereof would prejudice the security, defence or international relations of Jamaica;
- (b) those documents contain information communicated in confidence to the Government by or on behalf of a foreign government or by an international organization.

Documents affecting security, defence or international relations

**15.—**(1) An official document is exempt from disclosure if it is a Cabinet document, that is to say—

Cabinet documents

- (a) it is a Cabinet Submission, Cabinet Note or other document created for the purpose of submission to the Cabinet for its consideration and it has been or is intended to be submitted;
- (b) it is a Cabinet Decision, or other official record of any deliberation of the Cabinet.

(2) Subsection (1) does not apply, to—

- (a) any document appended to a Cabinet document that contains material of a purely factual

nature or reports, studies, tests or surveys of a scientific or technical nature; or

- (b) a document by which a decision of the Cabinet has been officially published.

**16.** Official documents relating to law enforcement are exempt from disclosure if their disclosure would, or could reasonably be expected to—

Documents relating to law enforcement

- (a) endanger any person's life or safety;
- (b) prejudice—
  - (i) the conduct of an investigation of a breach or possible breach of the law; or
  - (ii) the fair trial of any person or the impartial adjudication of a particular case;
- (c) disclose, or enable a person to ascertain, the existence or identity of a confidential source of information, in relation to law enforcement;
- (d) reveal lawful methods or procedures for preventing, detecting, investigating or dealing with matters arising out of breaches or evasions of the law, where such revelation would, or could be reasonably likely to, prejudice the effectiveness of those methods or procedures;
- (e) facilitate the escape of a person from lawful detention; or
- (f) jeopardize the security of any correctional facilities.

**17.** An official document is exempt from disclosure if—

Documents subject to legal privilege, etc.

- a) it would be privileged from production in legal proceedings on the ground of legal (professional privilege; or
- (b) the disclosure thereof would—
  - (i) constitute an actionable breach of confidence;
  - (ii) be in contempt of court; or
  - (iii) infringe the privileges of Parliament.

**18.—**(1) An official document of a type specified in subsection (2) is exempt from disclosure if its disclosure or, as the case may be, its premature disclosure would, or could reasonably be expected to, have a substantial adverse effect on the Jamaican economy, or the Government's ability to manage the Jamaican economy.

Documents affecting national economy.

(2) The types of documents referred to in subsection (1) include but are not limited to, documents relating to taxes, duties or rates, interest rates, monetary policy and exchange rate policy or currency or exchange rates.

**19.—**(1) Subject to subsection (3), an official document is exempt from disclosure if it contains—

- (a) opinions, advice or recommendations prepared for;
- (b) a record of consultations or deliberations arising in the course of, proceedings of the

Documents revealing Government's deliberative processes.

Cabinet or of a committee thereof.

(2) Subsection (1) shall not apply to documents which contain material of a purely factual nature or reports, studies, tests or surveys of a scientific or technical nature.

(3) A public authority shall grant access to a document referred to in subsection (1) if it is satisfied, having regard to all the circumstances, that the disclosure thereof would, on balance, be in the public interest.

**20.**—(1) Subject to subsection (2), an official document is exempt from disclosure if—

Documents relating to business affairs, etc.

- (a) its disclosure would reveal—
  - (i) trade secrets;
  - (ii) any other information of a commercial value, which value would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed;
- (b) it contains information (other than that referred to in paragraph (a)) concerning the commercial interests of any person or organization (including a public authority) and the disclosure of that information would prejudice those interests.

(2) Subsection (1) shall not apply where the applicant for access is the person or organization referred to in that subsection or a person acting on behalf of that person or organization.

**21.**—(1) Subject to subsection (2), an official document is exempt from disclosure if its disclosure would, or could reasonably be expected to result in the destruction of, damage to, or interference with, the conservation of—

Documents relating to heritage sites etc.

- (a) any historical, archaeological or anthropological resources;
- (b) anything declared to be a national monument, designated as protected national heritage or protected by a preservation notice under the Jamaica National Heritage Trust Act;
- (c) any species of plant or animal life so designated or which is endangered, threatened or otherwise vulnerable;
- (d) any other rare or endangered living resource.

(2) A public authority shall grant access to a document referred to in subsection (1) if it is satisfied, having regard to all the circumstances, that the disclosure thereof would, on balance, be in the public interest.

**22.**—(1) Subject to the provisions of this section, a public authority shall not grant access to an official document if it would involve the unreasonable disclosure of information relating to the personal affairs of any person, whether living or dead.

Documents affecting personal privacy.

(2) Subsection (1) shall not apply in any case where the application for access is made by the person to whose affairs the document relates.

**23.**—(1) Where—

Issue of certificate re exempt document.

- (a) the Prime Minister is satisfied that an application for access relates to a document specified in section 15 (1);
- (b) a responsible Minister is satisfied that an application for access relates to an official document to which section 14, 16 or 18, as the case may be, applies,

the Prime Minister or the responsible Minister, as the case may require, may issue a certificate to the effect that the document is an exempt document and shall specify the basis of the exemption.

(2) Where the Prime Minister or a responsible Minister, as the case may be, is satisfied as mentioned in subsection (1) by virtue of anything contained in any particular part or parts of an official document, a certificate issued under that subsection in respect of that document shall identify that part or those parts of the document by reason of which the certificate is issued.

(3) A certificate issued under subsection (1) shall be conclusive that the document is exempt.

#### PART IV. Amendment and Annotation of Personal Records

**24.—**(1) Where a person claims that an official document contains personal information about the person that—

- (a) is incomplete, incorrect, out of date or misleading; and
- (b) has been used, is being used or is available for use by a public authority for administrative purposes,

Application for amendment or annotation of personal records.

the person may apply to the public authority for an amendment or an annotation, as the case may be, of that document.

(2) An application under this section shall be in writing and shall specify as far as practicable, the document claimed to be the personal record requiring amendment or annotation, as the case may be, and shall—

- (a) in the case of an application for amendment, specify—
  - (i) whether information in the record is claimed to be incomplete, incorrect, out of date or misleading and the information in respect of which that claim is made;
  - (ii) the applicant's basis for making that claim; and
  - (iii) the nature of the amendment required by the applicant;
- (b) in the case of an application for annotation, be accompanied by a statement specifying—
  - (i) the matters referred to in paragraph (a) (i) and (ii); and
  - (ii) the information that would make the record complete, correct, up to date and not misleading.

**25.—**(1) Where, in relation to any application under section 24, a public authority is satisfied as to the truth of the matters stated in the application, it shall amend the document concerned in the prescribed manner.

Amendment of records

(2) Where a public authority decides not to amend an official document it shall—

- (a) take such steps as are reasonable to enable the applicant to provide a statement of the kind referred to in section 24 (2) (b); and
- (b) annotate the document by adding thereto the statement referred to in paragraph (a).

**26.** Where, in relation to an application for annotation of an official document containing personal information, the public authority—

Annotation  
of  
personal  
records

- (a) is satisfied as to the truth of the matters specified in that application, the authority shall annotate the document in the prescribed manner;
- (b) is not so satisfied, it may refuse to annotate the document.

**27.** A public authority which amends or annotates an official document pursuant to section 25 or 26, or, as the case may be, decides not to do so, shall take reasonable steps to inform—

Notice of  
amendments or  
annotations.

- (a) the applicant; and
- (b) any other public authority which it is satisfied has made prior use of the document,

of the nature of the amendment or annotation or, as the case may require, of the decision and the reasons for that decision.

**28.** The provisions of section 8 shall apply, with such modifications as may be necessary, to applications for amendments or annotations of personal records.

Transfer of  
Applications  
for  
amendment or  
annotation.

#### PART V. *Review and Appeal*

**29.** In this Part and Part VI “relevant decision” means a decision referred to in section 30 (1) or (2), as the case may require.

Interpretation.

**30.—**(1) An applicant for access to an official document may, in accordance with subsection (4), apply for an internal review of a decision by a public authority to—

Internal  
review.

- (a) refuse to grant access to the document;
- (b) grant access only to some of the documents specified in an application;
- (c) defer the grant of access to the document;
- (d) charge a fee for action taken or as to the amount of the fee.

(2) An applicant for amendment or annotation of a personal record may, in accordance with subsection (4), apply for a review of a decision by a public authority to refuse to make that amendment or annotation.

(3) For the purposes of subsections (1) and (2), a failure to give a decision on any of the matters referred to in subsection (1) (a) to (c) or to amend or annotate a personal record within the time required by this Act shall be regarded as a refusal to do so.

(4) An application under subsection (1) or (2) may only be made where the decision to which the application relates was taken by a person other than the responsible Minister, a Permanent Secretary or the principal officer of the public authority concerned.

**31.**—(1) An internal review shall be conducted—

Procedure *re*  
internal  
review.

- (a) by the responsible Minister in relation to documents referred to in sections 14, 15, 16 and 18;
- (b) in any other case, by the Permanent Secretary in the relevant Ministry or the principal officer of the public authority whose decision is subject to review.

(2) An application for internal review shall be made—

- (a) within thirty days after the date of a notification (in this subsection referred to as the initial period) to the applicant of the relevant decision, or within such further period, not exceeding thirty days, as the public authority may permit; or
- (b) where no such notification has been given, within thirty days after the expiration of the period allowed for the giving of the decision or of any other period permitted by the authority.

(3) A person who conducts an internal review—

- (a) may take any decision in relation to the application which could have been taken on an original application;
- (b) shall take that decision within a period of thirty days after the date of receipt of the application.

**32.**—(1) An appeal shall lie pursuant to subsections (2) and (3), to the tribunal established for that purpose, constituted in accordance with the Second Schedule.

Appeal.

(2) A person may lodge an appeal—

Second  
Schedule.

- (a) where internal review under section 30 is applicable—
  - (i) against a decision taken on such review;
  - (ii) if the time specified in section 31 (2) (b) has expired without the applicant being notified of a decision;
- (b) in any other case, against a relevant decision in relation to any of the matters referred to in paragraphs (a) to (c) of section 30 (1) or section 30 (2), and accordingly section 30 (3) shall apply with necessary modifications to an appeal under this paragraph.

(3) An appeal shall be made—

- (a) by the lodgement of a document within sixty days after the date of the notification to the appellant of the relevant decision or of the decision taken on an internal review; or
- (b) where no notification has been given within the period required by this Act, within sixty days

after the expiration of that period.

(4) Where an appeal is not made within the period specified in subsection (2), the Appeal Tribunal may extend that period if it is satisfied that the appellant's delay in so doing is not unreasonable.

(5) On the hearing of an appeal, the onus of proving that the relevant decision was justified or that a decision adverse to the appellant should be made by the Appeal Tribunal, shall lie on the public authority which made the relevant decision.

(6) On hearing an appeal, the Appeal Tribunal—

- (a) may subject to paragraph (b), make any decision which could have been made on the original application;
- (b) shall not nullify a certificate issued under section 23.

(7) The Appeal Tribunal may call for and inspect an exempt document, so however that, where it does so, it shall take such steps as are necessary to ensure that the document is inspected only by members of staff of the Appeal Tribunal acting in that capacity.

#### PART VI. *Miscellaneous*

**33.**—(1) Nothing in this Act shall be construed as authorizing the disclosure of any official document—

Protection  
from liability  
*re* defamation  
breach of  
confidence or  
copyright.

- (a) containing any defamatory matter; or
- (b) the disclosure of which would be in breach of confidence or of copyright.

(2) Where access to a document referred to in subsection (1) is granted in the *bona fide* belief that the grant of such access is required by this Act, no action for defamation, breach of confidence or breach of copyright shall lie against—

- (a) the Government or any public authority, any Minister or any public officer involved in the grant of such access, by reason of the grant of access or of any republication of that document; or
- (b) the author of the document or any other person who supplied the document to the Government or the public authority, in respect of the publication involved in or resulting from the grant of access, by reason of having so supplied the document.

(3) The grant of access to an official document in accordance with this Act shall not be construed as authorization or approval—

- (a) for the purpose of the law relating to defamation or breach of confidence, of the publication of the document or its contents by the person to whom access is granted;
- (b) for the purposes of the Copyright Act, of the doing by that person of any act comprised within the copyright in any work contained in the document, as follows—
  - (i) any literary, dramatic, musical or artistic work;

- (ii) any sound recording, cinematograph film, television broadcast or sound broadcast; or
- (iii) a published edition of a literary, dramatic, musical or artistic work.

**34.—**(1) A person commits an offence, if in relation to an official document to which a right of access is conferred under this Act he—

Offence.

- (a) alters or defaces;
- (b) blocks or erases;
- (c) destroys; or
- (d) conceals,

the document with the intention of preventing its disclosure.

(2) A person who commits an offence under subsection (1) is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

**35.—**(1) Where access to an official document is granted in accordance with this Act, the person who authorizes such access and any other person concerned in the granting thereof shall not, by reason only of so doing, be guilty of a criminal offence.

Provisions re other Acts.

(2) Subject to subsection (3), nothing in this Act shall affect the provisions of any other Act other than the Official Secrets Act, relating to the non-disclosure of information.

(3) For the avoidance of any doubt, it is hereby declared that the Official Secrets Act shall apply in relation to the grant of access to an official document in contravention of this Act.

**36.—**(1) The Minister shall, as soon as practicable after the end of each year (but not later than the 30th of June in the following year) prepare a report of the operation of this Act during the year, containing the matters specified in subsection (4).

Reports.

(2) The report referred to in subsection (1) shall be laid on the table of the House of Representatives and of the Senate.

(3) Each public authority shall submit to the Minister, quarterly reports on the matters specified in subsection (4).

(4) The matters referred to in subsections (1) and (3) are—

- (a) the number of applications for access received, granted, deferred, refused or granted subject to deletions;
- (b) the categories of exemptions claimed and the numbers of each category;
- (c) the number of applications received for—

- (i) amendment of personal records;
- (ii) annotation of personal records;
- (d) the number of—
  - (i) applications for internal review of relevant decisions;
  - (ii) appeals against relevant decisions, and the rate of success or failure thereof;
- (e) such other matters as are considered relevant.

**37.** The Minister may make regulations generally for giving effect to the provisions and purposes of this Act and such regulations shall be subject to affirmative resolution. Regulations.

**38.—(1)** This Act shall be reviewed from time to time by a committee of both Houses of Parliament appointed for that purpose. Review of Act  
by  
Parliamentary  
committee

(2) The first such review shall be conducted not later than two years after the appointed day.

FIRST SCHEDULE (Section 4)

*Information to be Published by Public Authorities*

1. The information referred to in section 4 of this Act is—

- (a) a description of the subject area of the public authority;
- (b) a list of the departments and agencies of the public authority and—
  - (i) subjects handled by each department and agency;
  - (ii) the locations of departments and agencies;
  - (iii) opening hours of the offices of the authority and its departments and agencies;
- (c) the title and business address of the principal officer;
- (d) a statement of the documents specified in sub-paragraph (e) being documents that are provided by the public authority for the use of, or which are used by the authority or its officers in making decisions or recommendations, under or for the purposes of an enactment or scheme administered by the authority, with respect to rights, privileges or benefits, or to obligations, penalties or other detriments, to or for which persons are or may be entitled or subject;
- (e) the documents referred to in sub-paragraph (d) are—
  - (i) manuals or other documents containing interpretations, rules, guidelines, practices or precedents;

- (ii) documents containing particulars of a scheme referred to in paragraph (d), not being particulars contained in an enactment or published under this Act.

2. The principal officer of the authority shall—

- (a) cause copies of such of the documents specified in paragraph 1 (e) as are in use from time to time to be made available for inspection and for purchase by members of the public;
- (b) within 12 months after the publication of the statement under paragraph 1(d) and thereafter at intervals of not more than 12 months, cause to be published in the *Gazette*, statements bringing up to date information contained in the previous statement or statements.

3. The principal officer is not required to comply fully with paragraph 2 (a) before the expiration of 12 months after the appointed day, but shall, before that time, comply with that paragraph so far as is practicable.

4. This Schedule does not require a document of the kind specified in paragraph 1 (e) containing exempt matter, to be made available in accordance with paragraph 2, but, if such a document is not so made available, the principal officer shall, unless impracticable or unreasonable to do so, cause to be prepared a corresponding document, altered only to the extent necessary to exclude the exempt matter, and cause the document so prepared to be dealt with in accordance with paragraph 2.

5. Paragraphs 2 and 3 apply in relation to a public authority that either comes into existence after the commencement of this Act, or has been specified by order under section 5 of the Act as if the references in paragraph 3 to the appointed day were references to the day on which the authority comes into existence or has been so specified, as the case may be.

SECOND SCHEDULE (Section 32)

*Constitution of Appeal Tribunal*

- 1. The Tribunal shall, subject to paragraph 2, consist of five members appointed by the Governor-General after consultation with the Prime Minister and the Leader of the Opposition. Constitution of tribunal.
- 2. For the hearing of any appeal under this Act the Tribunal may consist of one member sitting alone if the parties to the appeal agree. Power of one member to sit alone.
- 3. The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for a period of five years and shall be eligible for re-appointment. Tenure of office.
- 4. The Governor-General shall appoint one of the members of the Tribunal appointed under paragraph 1 to be chairman thereof. Chairman.
- 5. The Governor-General, after consultation with the Prime Minister and the Leader of the Opposition may appoint any person to act in the place of the chairman or any other member of the Tribunal in the case of the absence or inability to act of the chairman or other member. Acting appointments.
- 6.—(1) Any member of the Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the Governor-General and transmitted through the chairman, and from the date of the receipt by the Governor-General of such instrument that member shall cease to be a member of the Tribunal. Resignation.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Governor-General and such resignation shall take effect as from the date of receipt by the Governor-General of that

instrument.

7. The Governor-General, after consultation with the Prime Minister and Leader of the Opposition may terminate the appointment of any member of the Tribunal who— Revocation of appointment.

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) becomes bankrupt or compounds with or suspends payment to his creditors;
- (c) is convicted and sentenced to a term of imprisonment or to death;
- (d) is convicted of any offence involving dishonesty;
- (e) fails to carry out the functions conferred or imposed on him by this Act.

8. If any vacancy occurs in the membership of the Tribunal such vacancy shall be filled by the appointment of another member. Filling of vacancies.

9. The names of all members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.

10. There shall be paid to the chairman and other members of the Tribunal, in respect of each appeal, such remuneration, whether by way of honorarium, salary or fees, and such allowances as may be determined by the Minister responsible for the public service. Remuneration of members

11. Subject to paragraph 2, the decision of the Tribunal shall be by a majority of votes of the members, and in addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal. Voting.

12. Subject to the provisions of the Act, the Tribunal shall regulate its own proceedings.

13. The office of chairman or member of the Tribunal shall not be a public office for the purposes of Chapter IV of the Constitution of Jamaica. Power to regulate own proceedings.

Office of chairman or member of Tribunal not public office.

**Passed in the House of Representatives this 28<sup>th</sup> day of May, 2002 with four (4) amendments.**

O.T. Williams,  
*Deputy Speaker.*

**Passed in the Senate this 28<sup>th</sup> day of June, 2002.**

Syringa Marshall-Burnett, C.D.  
*President.*

AN ACT to Amend the Access to Information Act.

[12th day of December, 2003]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Access to Information (Amendment) Act, 2003, and shall be read and construed as one with the Access to Information Act, 2002, hereinafter referred to as the principal Act.

2. Subsection (1) of section 4 of the principal Act is amended—

- (a) in paragraph (b) by deleting the word “or”;
- (b) in paragraph (c)—
  - (i) by inserting immediately after the numeral “5” the words “(1) (a) or”;
  - (ii) by deleting the comma appearing at the end thereof and substituting therefor a semi-colon and the word “or”;
- (c) by inserting next after paragraph (c) the following as paragraph (d)—
  - “(d) the application of the provisions of this Act to that public authority pursuant to section 5 (1)(b).”.

3. Section 5 of the principal Act is amended in subsection (1)—

- (a) by deleting paragraph (a) and renumbering paragraph (b) as paragraph (c); and
- (b) by inserting the following as paragraphs (a) and (b)—
  - “(a) public authorities which are specified by the Minister by order within eighteen months after the appointed day; and
  - (b) all other public authorities immediately after the expiration of the period of eighteen months referred to in paragraph (a);”.

4. The First Schedule to the principal Act is amended by deleting paragraph 5 and substituting therefor the following—

- “5. Paragraphs 2 and 3 apply in relation to a public authority—
- (a) that comes into existence after the appointed day;
  - (b) which is specified in an order under section 5(1)(a) or (3) of the Act; or
  - (c) to which section 5(1)(b) of the Act applies,

as if the references in paragraph 3 to the appointed day were references to the day on which the authority comes into existence or the date on which the order referred to in subparagraph (b) takes effect or the date on which the provisions of section 5(1)(b) of the Act take effect in relation to the authority, as the case may be.”.

## THE ACCESS TO INFORMATION ACT

### THE ACCESS TO INFORMATION REGULATIONS, 2003

In exercise of the power conferred upon the Minister by section 37 of the Access to Information Act, the following Regulations are hereby made:—

- Citation 1. These Regulations may be cited as the Access to Information Regulations, 2003.
- Interpretation 2. In these Regulations—  
“applicant” means a person who applies for access to an official document;  
“responsible officer” means a person, whether employed on contract or otherwise, who is attached to a public authority, is responsible for administering the process of access to information and whose duties are specified in regulation 4;
- Appointment of responsible officer. 3. Every public authority shall cause to be appointed a responsible officer.
- Duties of responsible officer. 4. The functions and duties of the responsible officer, for the purposes of these Regulations, shall include—
- (a) the acknowledgement of the receipt of applications for access to official documents;
  - (b) electronically recording or putting in writing, oral requests received;
  - (c) conducting interviews with applicants, where necessary, in order to ensure proper identification of the official documents being requested;
  - (d) conducting an initial review of each requested document under the Act in order to determine whether any such document is to be released;
  - (e) examining a requested document to determine whether—
    - (i) that document is an exempt document;
    - (ii) that document contains exempt matter;
    - (iii) that grant of access to that document should be deferred; or
    - (iv) the form of access requested would be in breach of the Copyright Act;
  - (f) keeping applicants for access to official documents fully informed of the status of their requests;
  - (g) providing access to non-exempt official documents to applicants as provided under the Act;
  - (h) providing advice to the Permanent Secretary in a ministry or a principal officer in other public authorities for the purpose of identifying exempt matter or an

- exempt document in accordance with the provisions of the Act;
- (i) informing an applicant, in writing, that a requested official document is exempt or contains exempt matter, or that access to the document will be deferred and indicating to the applicant the basis for the exemption or deferral;
  - (j) assisting with the implementation of all decisions in accordance with the Act and any other relevant enactment;
  - (k) maintaining knowledge of the Act, laws relevant to the administration of the Act and laws affecting records and information management;
  - (l) informing applicants when it is known that an official document requested is already published, and if requested, providing access to such a publication in accordance with existing relevant administrative procedures or statutes;
  - (m) coordinating throughout the public authority information required to be published under section 4 of the Act;
  - (n) publishing in a newspaper circulated in the Island a notice indicating the gazetted date of the initial and subsequent statements of a public authority's organization and functions pursuant to section 4 of and the First Schedule to the Act;
  - (o) the transferring of applications and keeping the applicant informed as to the status thereof;
  - (p) anything required by the Act or these regulations to be done.
- Delegation of 5. The responsible officer may from, time to time, delegate such of his duties as may be Duties. necessary.
- Publication of 6. The Permanent Secretary of a Ministry or a principal officer of a public authority, Initial shall cause to be published in the *Gazette*— Statement
- (a) an initial and subsequent statements on the organization and functions of the public authority pursuant to section 4 of and the First Schedule to the Act.
  - (b) whenever a change occurs in the subjects handled by the public authority, or in its functions, a statement as to such change.
- Record of 7. The responsible officer shall cause a record to be made of all applications made Applications under section 7 and section 24 of the Act.
- Applications by 8.—(1) Where an application is made by telephone or other electronic means to a telephone, public authority for access to an official document, the responsible officer shall other immediately take the necessary measures to record and store the receipt of such electronic application on the application form set out as Form 1 in the Schedule. means and in writing
- Form I. (2) An application in writing for access to an official document may be made to the Schedule relevant public authority in the form set out as Form 1 in the Schedule.
- Assistance to 9. A responsible officer shall provide such assistance as may be necessary for a person

to

make written applications prepare a written application for access to an official document where that person informs a public authority of his desire to apply for access to such a document but is unable to do so on his own as a result of his—

- (a) inability or limited ability to read or write English; or
- (b) mental or physical disability, or other condition that impairs his ability to make a request by other means.

When time 10. Where —

Ceases to run

- (a) access to an official document has been granted and the cost of reproducing that document is not paid within the specified time as was mutually agreed; or
- (b) the public authority receives an application for the waiver, remission or reduction of such cost, time shall cease to run until the cost is paid or the waiver, remission or reduction is granted, as the case may be.

Responsible officer to 11. Upon receipt of an application for access to an official document, the responsible officer shall—

- determine whether official document
- (a) examine the application to determine whether the information requested is already published;
  - (b) if the information is already published, inform the applicant accordingly;
  - (c) process the application for an official document in accordance with the provisions of regulation 4(L).

is already published

Acknowledge receipt of Application. 12. Upon receipt of an application for access to an official document the responsible officer shall acknowledge receipt of the application or cause it to be acknowledged in writing addressed to the applicant.

Limit on Transfers of application . 13. An application—

- (a) for access to official documents; or
- (b) for amendment or annotation of personal records,

shall not be transferred from one public authority to another more than three times unless the responsible officer is satisfied that such additional transfers are necessary in the circumstances and this is communicated to and agreed by the applicant.

Access to documents during working hours. 14.—(1) The preparation of official documents by a public authority for the purpose of granting access, and the inspection of, viewing of, listening to or collection of copies of official documents, shall normally be done during the regular working hours of the public authority.

(2) Where access is to be granted to an official document the applicant shall be notified in

writing as to—

- (a) the manner in which access to such document will be granted;
- (b) the cost of any reproduction as may have been requested; or
- (c) the location where originals of official documents or copies or transcripts thereof may be inspected, viewed, listened to or collected, as the case may be.

Authentication 15.—(1) The responsible officer or his designate shall authenticate copies of all official documents to be released to an applicant.

of official documents.

- (2) Such authentication shall be effected by means of the official stamp of the public authority or such other official means as would be appropriate and practicable, having regard to the nature of the official document.

Quality of copied documents. 16. Where an applicant requires access to an official document in the form of a copy and the condition of the official document is such that it would yield a copy of poor quality, the applicant shall be informed accordingly and an alternative form of access suggested.

Factors preventing access, and Certificate of Exemption 17.—(1) An applicant may be denied access—

- (a) to an official document in any case where—
  - (i) the document is an exempt document; or
  - (ii) public disclosure of such a document is otherwise prohibited under the Act or under any other enactment; or

- (b) to any part of an official document which contains exempt matter.

Form 2. Schedule (2) Every certificate required to be issued under section 23 of the Act shall be in the form set out as Form 2 in the Schedule.

- (3) The responsible officer shall, not later than fourteen days after the issuance of a certificate under section 23 of the Act, publish in the *Gazette* a notice indicating the issuance of such certificate.

Notification of person who may be affected by grant of access 18.—(1) In any case where the personal privacy of a person may be affected by the grant of access to an official document, the responsible officer shall consult, if possible, with that person or his representative to determine whether access would involve unreasonable disclosure of information relating to that person.

- (2) Where it is determined that access is to be granted to an official document, in circumstances where the personal privacy of a person may be affected by the grant of access, such person, or his representative, is to be entitled to a copy of the document to which access has been granted.

Application for amendment, etc., of personal 19.—(1) An application pursuant to section 24 of the Act for amendment or annotation of an official document containing personal information about the applicant shall be accompanied by evidence that the official document is incomplete, incorrect, out of date or misleading.

record

(2) The responsible officer shall, if he considers it necessary, require the applicant to provide such additional evidence and documents as the responsible officer considers necessary in support of the application for amendment or annotation.

(3) Where a public authority amends an official document under section 25 of the Act the amendment shall be done in such a manner as not to obliterate the text of the document or any part thereof.

(4) An amendment under paragraph (3) shall appear at the side of the document being amended or such other distinct place on the document, with a notation attesting to the amendment.

Form 3 Schedule (5) An application to a public authority for an amendment or annotation of an official document may be made in the form set out as Form 3 in the Schedule.

Cost of reproduction 20.—(1) The cost of reproduction of official documents shall be the cost prescribed by order pursuant to section 37 of the Act.

(2) A public authority shall display, in such a manner as to bring to public notice, the costs prescribed for the reproduction of official documents.

(3) The cost of reproduction shall be paid by such method as the public authority shall specify and shall include payment by cash, cheque or electronic bank cards.

Request for waiver, 21.—(1) An applicant may make a written application to the responsible Minister requesting a reduction, remission or waiver of the cost of reproduction of official documents.

Reduction, Etc. (2) The application under paragraph (1) shall specify the reasons for such a request.

(3) Where the responsible Minister considers it necessary he may request such further information to more effectively make a decision.

SCHEDULE

(Regulations 8, 17 and 19)  
(Regulation 8(1) and (2))

FORM 1

Reference No.  
(For Internal Use Only)

THE ACCESS TO INFORMATION ACT, 2002  
APPLICATION FORM FOR ACCESS TO OFFICIAL DOCUMENT  
(Please use a separate application form for each document requested)

1. Title of Public Authority:.....  
(Please state the title of the public authority from which you are requesting the document).

2. Name of Applicant:  
(Print).

Last ..... First ..... Middle .....

3. Address:

*(Please indicate the address to which correspondence related to your application should be sent).*

Mailing ..... Business .....

.....

.....

Tel.: ..... Fax ..... Tel.: ..... Fax .....

Email ..... Other .....

.....

.....

4. Description of Document:

*(Please state all information available to you which will assist us in filling your request quickly).*

Name/Type of Document (if known) .....

Reference/File No. (if known) .....

Other .....

.....

.....

.....

5. I would like to:

*(Please check the relevant box(es))*

inspect the document

listen to the document

view the document

have a copy(ies) of the document made available to me in the following format:

photocopy

compact disc

diskette

transcript

other *(please specify)* .....

Number of copies required:.....

*Please note that:*

— *payment will be required before copies are made;*

— *information on available formats and prices per copy may be obtained from the relevant public authority;*

— *where the provision of copies in the requested format is not possible, an alternative format, as may be agreed between the parties, will be made available.*

..... Date.....

*Signature of Applicant*

*Note: Responsible Officers should complete a Memorandum of Attestation and Verification if an Application is completed by him/her on behalf of the Applicant*

FORM 2

**(Regulation 17(2))**

THE ACCESS TO INFORMATION ACT, 2002

*Certificate of Exemption*

In accordance with S. 23 of the Access to Information Act, this is to certify that the  
official document

part (s) of the official document

requested under Application for Access to Official Document Reference Number ....., dated  
..... and being the document described hereunder:

*(describe exempt document or exempt part(s) of document)*

.....  
.....  
.....

is/are exempt pursuant to s..... *(state relevant section)* of the Act for the following  
reasons:

.....  
.....  
.....

Dated this..... day of....., 20..... (year)

Signed: .....

Prime Minister

Signed: .....

Minister of .....

*(insert name and title of relevant Minister)*

Reference No.

(For Internal Use Only)

THE ACCESS TO INFORMATION ACT, 2002
Application Form for Amendment/Annotation of Personal Record

1. Title of Public Authority:.....

(Please state the title of the public authority to which the request for amendment/annotation is being directed).

2. Name of Applicant:

(Print)

Last ..... First ..... Middle .....

Alias(es) (if any) .....

3. Address:

(Please indicate the address to which correspondence related to your application should be sent).

Mailing ..... Business .....

.....

Tel.: ..... Fax ..... Tel.: ..... Fax .....

Email ..... Other .....

.....

.....

4.

I require an amendment/annotation of the official document stated below as the information which it contains about me is:

(identification may be required)

Incomplete

Incorrect

Out of date

Misleading

5. Description of Document:

(Please state all information available to you which will assist us in filling your request quickly).

Name/Type of Document (if known) .....

Reference/File No. (if known) .....

Other .....

.....

.....

.....

6. The information in respect of which the above claim is being made indicates that:

.....  
.....

7. State the basis of your claim:

.....  
.....  
.....

8. The amendment(s) required is/are:

.....  
.....  
.....

9. The annotation(s) required is/are: *(state the information which would render the document, described at 5 above, complete, correct, up to date or not misleading and attach the statement, signed by you, to this application).*

*Note: Please submit any documents/evidence in support of the amendment/ annotation requested).*

..... Date.....  
*Signature of Applicant*

*Note: Responsible Officers should complete a Memorandum of Attestation & Verification if an Application is completed by him/her on behalf of the Applicant.*



THE

# JAMAICA GAZETTE

## SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

1

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Vol. CXXVII

MONDAY, JANUARY 5, 2004

No.1

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No.1

### THE ACCESS TO INFORMATION ACT

(Act 21 of 2002)

THE ACCESS TO INFORMATION ACT, 2002 (APPOINTED DAY) NOTICE

In exercise of the power conferred upon the Minister by section 1 of the Access to Information Act, 2002, the following Notice is hereby given: --

1. This Notice may be cited as the Access to Information Act, 2002 (Appointed Day) Notice.

2. The 5th day of January, 2004 is hereby appointed as the day on which the Access to Information Act shall come into operation.

Dated this 2nd day of January. 2004.

BURCHELL WHITEMAN,  
Minister of Information.

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No. 2

### THE ACCESS TO INFORMATION ACT, 2002

THE ACCESS TO INFORMATION (PUBLIC AUTHORITIES) ORDER, 2004

In exercise of the power conferred upon the Minister by section 5(1)(a) of the Access to Information Act, 2002, the following Order is hereby made:—

1. This Order may be cited as the Access to Information (Public Authorities) Order, 2004.
2. The Access to Information Act, 2002 shall apply to the public authorities specified in the Schedule.

SCHEDULE

(Paragraph 2)

The Office of the Prime Minister

The Cabinet Office

The Ministry of Finance and Planning

The Ministry of Local Government, Community Development and Sport

SCHEDULE, *contd.*

The Jamaica Information Service

The Planning Institute of Jamaica

The National Works Agency

Dated this 6th day of January, 2004.

BURCHELL WHITEMAN,  
Minister of Information.

**THE ACCESS TO INFORMATION ACT**

**THE ACCESS TO INFORMATION (COST OF REPRODUCTION OF OFFICIAL DOCUMENTS)  
REGULATIONS, 2003**

In exercise of the power conferred upon the Minister by section 37 of the Access to Information Act, 2002, the following Regulations are hereby made:—

1. These Regulations may be cited as the Access to Information (Cost of Reproduction of Official Documents) Regulations, 2003.
2. The cost of reproduction of an official document specified in the Schedule shall be payable by an applicant.

| SCHEDULE                     | (Regulation 2)  |
|------------------------------|---|
| Format                       | Cost  |
| —                            | —   |
| Photocopy                    | \$10.00 per page  |
| Transcript                   | \$60.00 per page  |
| Computer print out           | \$10.00 per page  |
| Photographs                  |   |
| Black and White              |   |
| 5" x 7"                      | \$400.00  |
| 8" x 10"                     | \$500.00  |
| 11" x 14"                    | \$1,200.00  |
| 16" x 20"                    | \$2,000.00  |
| Colour                       |   |
| 5" x 7"                      | \$300.00  |
| 8" x 10"                     | \$400.00  |
| 11" x 14"                    | \$2,000.00  |
| 16" x 20"                    | \$3,000.00  |
| Audiocassette                | \$300.00 per cassette   |
| Video cassette               | \$500.00 per cassette   |
| Diskette                     | \$20.00 per diskette  |
| Compact disc                 | \$35.00 per disc  |
| Paper to Braille             | \$60.00 per Braille page  |
| Diskette to Braille          | \$40.00 per Braille page  |
| Microfilm duplication (35mm) | \$1,500.00 per roll of 100ft microfilm;<br>minimum order of 10ft at a cost of<br>\$150.00 |
| Microfilm duplication (16mm) | \$380.00 per roll of 100ft microfilm;<br>minimum order of 10ft at a cost of<br>\$38.00    |
| Microfilm print out          | \$20.00 per page  |

Dated the 5th day of December, 2003.

BURCHELL WHITEMAN,

Minister of Information.

## APPENDIX VI

# **Freedom of Information and Access to Government Records Around the World (Extract)**

*By David Banisar, Privacy International*

## **JAMAICA**

The Access to Information Act was adopted in July 2002. The law creates a general right of access by any person to official documents held by public authorities. Authorities must respond in 30 days but can delay access if required by law, to allow the person who received the document a reasonable time to present it to the body or person it was prepared for or if the premature release prior to an occurrence of an event would be contrary to the public interest.

The Governor-General, security and intelligence services, the judicial function of courts, and bodies as decreed by the Minister of Information are excluded from the scope of the act.

Documents are exempt from disclosure if they would prejudice security, defense, or international relations; contain information from a foreign government communicated in confidence; is a submission to the Cabinet or a Cabinet Decision or record of any deliberation of the Cabinet (except for factual information); are law enforcement documents that would endanger or could reasonably be expected to endanger lives, prejudice investigations, or reveal methods or sources; the document is privileged or would be a breach of confidence, contempt of court or infringe the privileges of Parliament, contains opinions, advice or recommendations or a record of consultations or deliberations for Cabinet decisions that are not factual, scientific or technical in nature or if the release is not in the public interest; would harm the national economy; would reveal trade secrets or other confidential commercial information; could be expected to result in damage, destruction, or interference with historical sites, national monuments or endangered species if the release is not in the public interest; or relating to the personal affairs of any person alive or dead. The Prime Minister can issue a conclusive certificate that the document is a Cabinet record. Other responsible Ministers can issue a certificate exempting documents relating to national security, law

enforcement or national economy. Exemptions are 20 years or less as the minister decrees.

Individuals can also apply to correct documents that contain personal information that is incorrect if the documents are used for administrative purposes.

Appeals are heard internally by the Permanent Secretary or principle officer of the Ministry or the Minister for documents subject to a certificate and then to an Appeal Tribunal.

Acts done to illegally prevent the disclosure of information can be punished by fine and imprisonment.

The Act will be phased into effect in four phases, starting on October 1, 2003, initially applying to seven bodies. The Access to Information Unit of the Jamaica Archives and Records Department in the Office of the Prime Minister was formed in July 2002 to oversee the implementation of the Act. It is providing training and guidance to both agencies and the public on the Act and is working with NGOs such as the Carter Center. Beginning in January 2003, the Unit began training over 400 employees on the Act at the Management Institute of National Development (MIND)

The Archives Act (1982) provides for access to documents over 30 years old. Minister of Information Colin Campbell announced in June 2002 that the first set of Cabinet Documents from the ten years following independence would be made available at the archives.

The Official Secrets Act 1911 remains in force and applies to the unauthorized disclosure of documents. Minister of Justice AJ Nicholson said in April 2003 that the Government would move to abolish the Act following implementation of the AIA in October 2003.

# Freedom of Information and Access to Government Records Around the World

*By David Banisar, Privacy International*

## Overview

In the last decade, governments around the world have become increasingly more transparent. Over 40 countries now have comprehensive laws to facilitate access to state records; over 30 more are in the process of enacting such legislation.

Although freedom of information laws have existed since 1776, when Sweden passed its Freedom of the Press Act, the last 10 years saw an unprecedented number of states adopting access to information legislation.

There are a number of reasons for this. Since the 1980s, the collapse of authoritarianism and the emergence of new democracies have given rise to new constitutions that include specific guarantees of the right to information. These constitutional guarantees often require the adoption of new laws on information access. At the same time, older democracies such as the United Kingdom are seeing the wisdom of enacting legislation. International bodies such as the Commonwealth, Council of Europe and the Organization of American States have drafted guidelines or model legislation to promote freedom of information. The World Bank, the International Monetary Fund and other donors are also pressing countries to adopt access to information laws as part of an effort to increase government transparency and reduce corruption. Finally, there is agitation from media and civil society groups, both domestic and international, for greater access to government-held information and for more participation in governance.

In addition to comprehensive freedom of information laws, many countries have legislated access to specific types of information. In some countries, new "data protection" laws now enable individuals to obtain their own records held by government agencies and private organizations. In others, specific statutes give rights of access to information in such areas as health and the environment. There are also codes of practice that spell out the procedures for access.

The trend toward greater information access is bound to continue. Many countries in Eastern and Central Europe, Africa and Asia are currently reviewing proposals to adopt comprehensive acts. In Western Europe, only Germany and Switzerland lack legislation. Nearly all Central and Eastern European countries have adopted laws as part of their democratic transitions. Nearly a dozen Asian countries have either enacted laws or are on the brink of doing so. Similarly, in South and Central America, nearly a dozen countries are considering laws. Africa is also catching up. Many countries in southern and central

Africa are following South Africa's lead, with varying proposals for formulating freedom of information laws.

The mere existence of an information act, however, does not always mean that access is possible. In many countries, the access and enforcement mechanisms are weak or unenforceable. Governments resist releasing information. They also delay the processing of information requests or impose unreasonable fees to discourage access. Sometimes, courts undermine the intent of the law, so citizens give up. In addition, independent bodies that process information requests can succumb to political pressure or are made ineffective by lack of funds. In countries such as Zimbabwe, the access laws that have been enacted actually legislate censorship rather than freedom of information.

In Europe, new restrictions, such as those imposed by laws protecting classified information, are also being put in place. Many countries in Central and Eastern Europe are adopting these acts in order to qualify for North Atlantic Treaty Organization (NATO) membership. NATO, however, has so far refused to provide a copy of the draft legislation it is requiring the countries to enact. In addition, the European Union has also adopted new restrictive regulations to bar disclosure of classified information, but these restrictions are currently being challenged in court by the European Parliament.