



ACCESS TO INFORMATION GUIDE



IN 2002 THE JAMAICAN GOVERNMENT PASSED THE ACCESS TO INFORMATION (ATI) ACT. THIS LAW GIVES EVERYONE THE RIGHT TO ACCESS OFFICIAL DOCUMENTS HELD BY PUBLIC AUTHORITIES (GOVERNMENTAL INSTITUTIONS) SUBJECT TO QUALIFIED EXEMPTIONS.

YOU CAN:

- ✓ INSPECT, COPY OR HEAR OFFICIAL DOCUMENTS HELD BY PUBLIC AUTHORITIES
- ✓ TAKE ACTION WHEN THE AUTHORITY DOES NOT GIVE YOU ACCESS TO A DOCUMENT

WHY IS THIS LAW IMPORTANT?

The objective of this law is to promote democracy, promote a culture of openness and accountability in public authorities. Without freedom of information, citizens cannot understand, obtain or analyse the decisions made by the Government on their behalf.

With information, you can:

- Hold the government accountable for decisions and policies made about health, housing, education or the environment
- Prevent or act against corruption
- Give your opinion on government decisions

OFFENCES AND PENALTIES

The Act makes it an offence for anyone to:

- Alter or deface;
- Block or erase;
- Destroy; or
- Conceal

any document with the intention of preventing its disclosure. The maximum fine is \$500,000.00 or imprisonment for up to 6 months or both fine and imprisonment.

WHAT KIND OF INFORMATION AM I ENTITLED TO RECEIVE?

All documents 'held' by the Public Authority including any:

- Map
- Plan
- Graph or drawing
- Photograph
- Disc
- Tape
- Sound track or other device
- Any film (including microfilm), or negative
- Tape or other similar device

There are some 'exempt' documents that you are not entitled to receive. This is to protect essential public interests or the private/business affairs of others.

These exempt documents contain:

- Information that would prejudice security, defence, or international relations
- Information from a foreign government communicated in confidence
- Cabinet submission or a Cabinet Decision or record of any deliberation of the Cabinet (except for factual information)
- Information that would endanger or could reasonably be expected to endanger lives, prejudice investigations, or reveal methods or sources
- Information that is subject to legal privilege or would be a breach of confidence, contempt of court or infringe the privileges of Parliament
- Opinions, advice or recommendations or a record of consultations or deliberations for Cabinet if the release is not in the public interest
- Information that could harm the national economy
- Information that would reveal trade secrets or other confidential commercial information
- Information that 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
- Information relating to the personal affairs of any person alive or dead

BUT if the document was created twenty years ago then it is no longer exempt.

Also, parts of the document which contain exempt information can be deleted and the rest of the document given to you.

WHICH PUBLIC AUTHORITIES CAN I GET INFORMATION FROM?

You **can** get information from almost all Public Authorities in the public sector including:

- ✓ Government Ministries
- ✓ Executive Agencies and Departments
- ✓ Statutory Bodies
- ✓ Parish Councils
- ✓ Companies owned entirely by the Government
- ✓ Companies in which the Government has more than 50% shares

You **cannot** get information from:

- × The Governor General where he is exercising his powers and duties under our constitution
- × Judges
- × The Jamaica Constabulary Force (JCF) and Jamaica Defence Force (JDF) in relation to their intelligence gathering activities

The Minister of Information can pass an Order that this Act applies to ANY BODY OR ORGANIZATION that provides public services essential to the welfare of Jamaican society.

HOW DO I MAKE A REQUEST?

Making a request for an official document is simple! It can be made in writing, by telephone, fax or email. You can make a written request using an Application Form (see back page of this guide).

Your request must be addressed or directed to the Responsible Officer for Access to Information for the Public Authority that has the information. (See insert for a list of Responsible Officers for the Ministries and other Public Authorities).

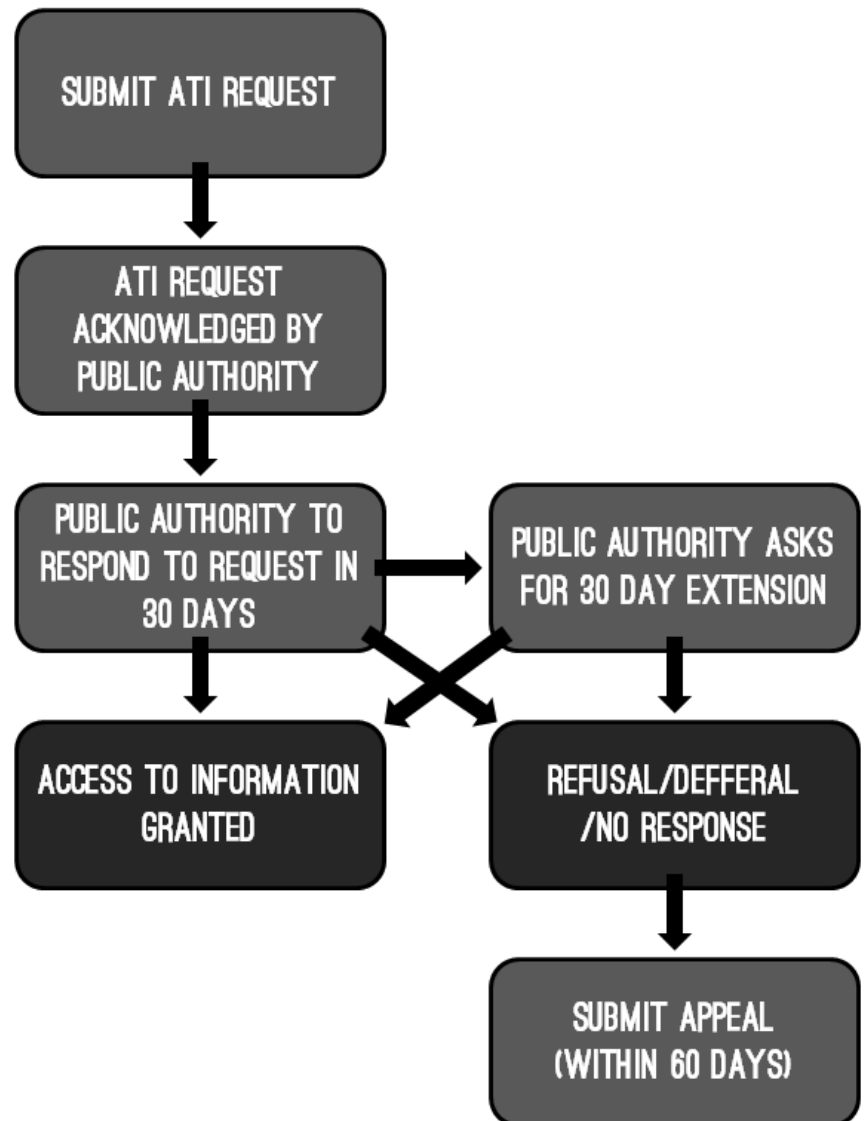
When making your request you must:

- ✓ Include your name and address. This will make it easy for the Public Authority to contact you and keep you updated on the progress of your request.
- ✓ Describe the document you want. You must give some information about the document that will allow the Authority to be able to identify it. You do not have to know the name of the document or the author.

REMEMBER YOU DO NOT HAVE TO GIVE A REASON FOR YOUR REQUEST!



MAKING AN ATI REQUEST



IS THERE A COST FOR OBTAINING INFORMATION?

It costs **J\$10.00 PER PAGE** to obtain a photocopy. You can apply to the Minister, responsible for the Public Authority receiving your request, to have the fees waived, reduced or remitted. (See box at the bottom of this page for other costs).

APPLICATIONS AND TIMELINES

Try to remember the date you requested the information because this is very important!

A Public Authority must:

- ✓ Inform you within 14 days in writing that it has received your request and
- ✓ Inform you within 30 days whether the information will be:
 - Granted
 - Transferred
 - Refused; or
 - Deferred (given to you at a later date)

The Public Authority can also extend the time period for giving you the requested information. The initial 30-day period may be extended for an additional 30 days where there is reasonable cause for an extension.

If the Public Authority refuses or defers the request, they must inform you of their reasons for this and your rights of appeal.

WHAT HAPPENS IF THE PUBLIC AUTHORITY DOES NOT HAVE THE INFORMATION?

A Public Authority can transfer a request if it believes the document is held by another Public Authority or is more closely connected to another authority's function. A transfer must be made within 14 days of receipt of the request.

The Public Authority receiving the transferred request has 30 days after the receipt of the request to decide whether to give you the information. No more than 3 transfers are allowed unless you agree.

WHAT DO I DO IF THE PUBLIC AUTHORITY DOES NOT GIVE ME THE INFORMATION?

You have the right to apply for an **Internal Review** or **Appeal** where:

- Access to a document is refused
- Only some of the documents requested are provided
- Access to a document is deferred

You can also take action for:

- Refusal to amend or annotate a personal record
- The charging of, excessive fee (no right of appeal only review)

HOW DO I APPLY FOR AN INTERNAL REVIEW OF A DECISION?

You can apply for an internal review by making a written request to the responsible Minister, Permanent Secretary or the principal officer of the Authority (e.g. Chief Executive Officer). This application for internal review must be made within 30 days after the date the Authority notified you of their decision or if you do not receive a decision within 30 days

HOW DO I APPEAL A DECISION?

You can appeal a decision after you have made an application for an internal review and if you have received no response after 30 days or if there is a refusal. An appeal must be made no more than 60 days after the date you were notified or should have received a response.

The Appeal is heard by a five member independent Tribunal called the Access to Information Appeal Tribunal. You must fill out a Notice of Appeal Form and submit it to the Chairman of the Access to Information Appeal Tribunal c/o the Access to Information (ATI) Unit., 5—9 South Odean Avenue, Kingston 10

The burden of proving that the decision was justified is on the Public Authority. If the Appeal before the Tribunal is unsuccessful then you may have the right to challenge the Tribunal's decision by filing an action for judicial review in the Supreme Court. You will need the assistance of a lawyer to do this.

COST OF REPRODUCTION OF OFFICIAL DOCUMENTS (ATI REGULATIONS 2003)

FORMAT	COST (JMD)	FORMAT	COST
Photocopy	\$10/page	Audiocassette	\$300/cassette
Transcript	\$60/page	Video Cassette	\$500/cassette
Computer printout	\$10/page	Diskette	\$20/diskette
Photographs		Compact Disc	\$35/disc
Black & White		Paper to Braille	\$60/braille page
5" x 7"	\$400	Diskette to Braille	\$40/braille page
8" x 10"	\$500	Microfilm duplication (35mm)	\$1,500 per roll of 100ft microfilm; minimum order of 10ft at \$150
11"x14"	\$1,200	Microfilm duplication (16mm)	\$380 per roll of 100ft microfilm; minimum order of 10ft at \$38
16"x20"	\$2,000	Microfilm printout	\$20/page
Colour			
5" x 7"	\$300		
8" x 10"	\$400		
11"x14"	\$2,000		
16"x20"	\$3,000		

ACCESS TO INFORMATION APPLICATION FORM

SCHEDULE
(Regulations 8, 17 and 19)

Form 1 (Regulation 8 (1) and (2))

Reference No.

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:
2. Name of Applicant:
3. Address:
4. Description of Document:
5. I would like to:

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.

Signature of Applicant Date

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

FOR MORE INFORMATION CONTACT:
JAMAICA ENVIRONMENT TRUST
11 WATERLOO ROAD,
KINGSTON 10
JAMAICA
T: 876.960.3693
F: 876.926.0212
E: JAMENTRUST@CWJAMAICA.COM
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