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"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

"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

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- (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—

- (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.

(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—

- (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

(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.

(2) An application under subsection (1)—

(a) may be made in writing or transmitted by telephone or other electronic3(i)1(n)6()f8t52(r2(t)1(i)11 0)-6()-3(b)-5

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- (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—

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- (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—

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- 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.

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(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—

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23.—(1) Where—

- (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,

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 th((-4(i)1(b12)-14(h-3(t)n511 g(t)1(i)1(o)-18(n)6(-)3()-3(a)-2(s)3()-1Tm [(

25.—(1) Where, in relation to any application under section 24, a public authority is satisfied as to the truth

(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 auer"26(e)-14(n)6(t)1()-15(S)2(1)-15(w)11(a)-2(s)3()-3(t)1(a)-14(k)7(a6(f)8()-3(t)-11(h)6(e)-2()-

- (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—

- (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

- (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—

- (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.

(2) Subject to subsection (3), nothing in this Act shall affect the provisions of any other Act other than the

- (i) amendment of personal records;
 - (ii) annotation of personal records;
- (d) the number of—

- (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 ord-3(e)-2(x)6(i)-n6acc g 732(g 732(8951 0 0 045)t1sbT(d)-6()e her sbT(d)

(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—

- (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.

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*.

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.

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.

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

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.”.

- (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 necessary.
Duties.

Publication 6. The Permanent Secretary of a Ministry or a principal officer of a public authority, shall cause to be of Initial 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 under section 7 Applications and section 24 of the Act.

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

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

hours. 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
- (ity.

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)

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.....
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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

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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

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

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7. State the basis of your claim:

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

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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.



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THE ACCESS TO INFORMATION ACT

(Act 21 of 2002)

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

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No. 2

THE ACCESS TO INFORMATION ACT, 2002

THE ACCESS TO INFORMATION (PUBLIC AUTHORITIES) ORDER, 2004

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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.

Format	1 @	(Regulation 2)
—————		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; minimum order of 10ft at a cost of \$150.00
Microfilm duplication (16mm)		\$380.00 per roll of 100ft microfilm; minimum order of 10ft at a cost of \$38.00
Microfilm print out		\$20.00 per page

Dated the 5th day of December,2003.

BURCHELL WHITEMAN
Minister of Information.



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