

## **Frequently Asked Questions about the Jamaican Access to Information Act**

### **1. What is the Access to Information Act?**

The Access to Information Act 2002 was enacted by the Jamaican Government to give the public access to information held by Government and to promote accountability and transparency in Government decision-making. The Act gives a right for persons to request information from Government in the form of official documents.

### **2. What can I ask for?**

You can ask for documents held by Government Authorities. It includes all type of information including copies of documents, computerized records, emails, maps, audio-visual etc. You may also ask to view or listen to the document.

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

The ATI Act gives persons the legal right to obtain Government information. In the past persons could request information from Government and either be

- Given the information as it was readily available
- Given no response
- Told it would take some time to fulfill the request
- Denied information with no right of appeal,
- Denied it in the form requested,
- Sent to search a register or
- Given written answers to requests for information.

The Act gives the citizen the legally enforceable right to request information in the form they desire as long as it will not destroy the document or infringe copyright in the document.

### **4. Do I have to give a reason for my request?**

No you do not. The Public Authority does require that you give a name and a correspondence address, post or email, to reply to.

### **5. Who do I make a request to?**

All Ministries, Executive Agencies or ot

custody or control. You may also make the same request to a number of public authorities that may all have documents relating to one issue.

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

You can make a request by

Letter,

E-mail,

Telephone,

Fax or

Fill out a government form available on-line or from the public authority to which you want to make a request.

You have to give information on the document that you would wish to have access to and identify the Government agency that is likely to have that information. You don't have to know the name of the document as long as you can give a description of its contents or the type of information you need. Don't worry if the public authority is not the correct one as the Act has a built in procedure for transfers to the appropriate authority with the document in its possession. A request must be transferred within 14 days of its receipt. You must be notified to which authority the application is transferred.

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possession, custody or control it must transfer the application to the appropriate public authority.

**10. What am I to expect after submitting a request?**

The Public Authority is not required to create a document that does not already exist to fulfill your request. Thereafter the public authority may grant you access to the document, grant you access to some of the documents or parts of a document, refuse access or defer your application. If your application is granted the Authority must tell

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

There are no charges for you to view, inspect or listen to the document or for the time it takes for the access officer to conduct searches. Fees are only payable for the reproduction of documents. The cost for reproduction may be obtained from the relevant government entity but these are fees that are prescribed in law and are the same across the entire Government. You may request a waiver of fees, this will be granted at the discretion of the Minister.

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## **13. What rights do I have if my request is refused?**

You have the right to internal review of the decision of the Access Officer. The Minister (for certain) is the P at the government

Association and the Independent Jamaica Council for Human Rights. They can provide the service of a lawyer if you are indigent and unable to pay for an attorney or a civil society organization that has been denied information. If you have failed in your appeal there is also the option to go to the Supreme Court and seek judicial review.

**16. What are the Offences and Penalties under the Act?**

The Access to Information Act provides offences and penalties for Government employees to alter or deface, block or erase, destroy or conceal 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.

**17. Can I share the information once it is given to me, or is it just for personal use?**

Yes you can share this information, however you cannot use the information to defame any person or publish this information to obtain a commercial benefit that would infringe the author's right to the information.

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