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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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(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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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( )-





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





(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.”.





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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)*

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

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 .....

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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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**THE ACCESS TO INFORMATION ACT, 2002**

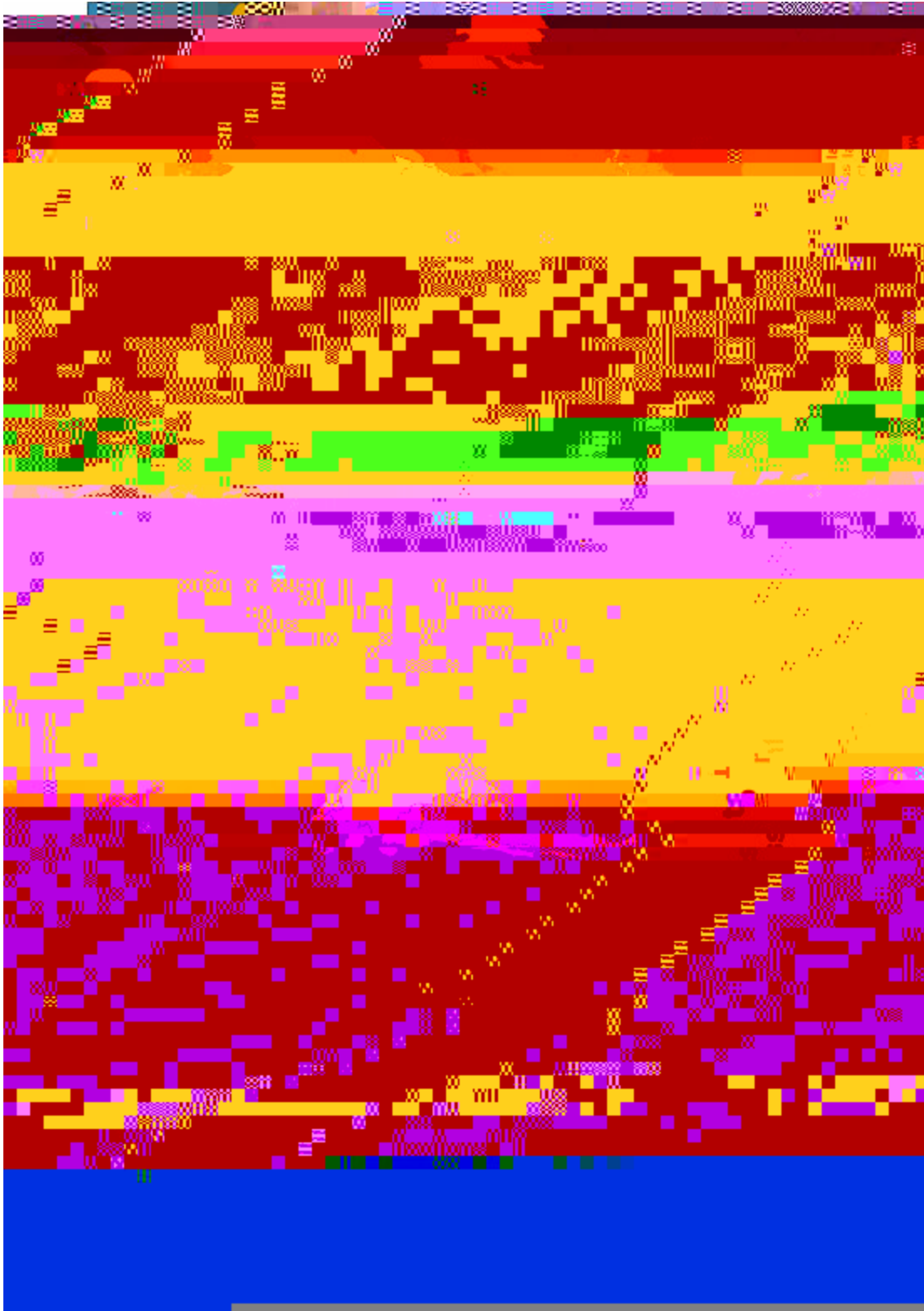
THE ACCESS TO INFORMATION (PUBLIC AUTHORITIES) ORDER, 2004

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