

THE ACCESS TO INFORMATION ACT 2002

FREQUENTLY ASKED QUESTIONS

WHAT ARE MY RIGHTS UNDER THE 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 You may also ask for personal information to be changed if it is incomplete, misleading, out of date, or incorrect.

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.

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 should 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.

WHAT TYPES OF DOCUMENTS 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 deliberating processes; (S. 19)
- Business affairs of others (trade secrets, etc.) (S. 20)
- Personal privacy; (S. 22)
- Heritage sites (S. 21)



HOW DO I MAKE AN ATI REQUEST ?

Identify the documents 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 documents 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 clarification 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.

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 (for example, large volume of documents requested) or where it would 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.
- Transfer your application within 14 days if the document(s) you require is/are in another government entity. You should be informed immediately of this and given the necessary contact information of the responsible officer in the other public entity.





HOW MUCH WILL IT COST ME ?

Fees are payable for the reproduction of documents only. You are not required to pay if you wish to view, inspect or listen to a record. The following costs apply pursuant to the Access to Information (Cost for the Reproduction of Official Documents) Regulation 2003:

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
Color:	
5" x 7"	\$300.00
8" x 10"	\$400.00
11" x 14"	\$2,000.00
6" x 20"	\$3,000.00
Audiocassette	\$300.00 each
Video cassette	\$500.00 each
Diskette	\$20.00 each
Compact disc	\$35.00 each
Paper to Braille	\$60.00 per page
Diskette to Braille	\$40.00 per page

Microfilm duplication (35mm)

\$1,500.00 per role of 100ft film; minimum order of 10ft at a cost of \$150.00

Microfilm duplication (16mm)

\$380.00 per role of 100ft film; minimum order of 10ft at a cost of \$38.00.

Microfilm print out

\$20.00 per page

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 it, if there is a need to preserve the documents or its physical state makes the form of access requested inappropriate.

CAN I HAVE DOCUMENTS ABOUT ME CORRECTED ?

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

HOW DO I ASK FOR THESE CORRECTIONS ABOUT ME TO BE MADE ?
You apply by letter or on a prescribed application form.

WHAT KINDS OF APPEAL DO I HAVE ?

- You have the right to appeal with respect to:
 - Refusal of grant of access.
 - The grant of access to only some of the documents requested.

- Refusal to amend or annotate a personal record.
- Deferral of the grant of access.
- Refusal to amend or annotate a personal record
- The charging of, or amount of a fee

- You must make your appeal in writing
- You may request either an internal review of a decision that you regard as unfavourable, or you may appeal to the Appeal Tribunal if a decision has already been made at Internal Review or where Internal Review is not applicable.
- You must utilize the Internal Review Process (where applicable) before an appeal may be made to the Appeal Tribunal.
- Internal Review will not be applicable if the original decision on the Application 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.

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 months imprisonment or both are applicable.

Printed by the Ministry of Labour & Social Security,
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the Access to Information Unit,
Jamaica Archives & Records Department,
Office of the Prime Minister.
August 2004