

FOIA FAQs

What is the FOIA?

The full name of the legislation is the Freedom of Information Act Chap. 22:02 of the Laws of Trinidad and Tobago.

What is the purpose of the FOIA?

The Act gives the right to members of the public or organizations to access information in the possession of Public Authorities.

What is the meaning of Public Authority?

- Parliament, a Joint Select Committee of Parliament or a committee of either House of Parliament;
- the Court of Appeal, the High Court, the Industrial Court, the Tax Appeal Board or a Court of summary jurisdiction;
- the Cabinet as constituted under the Constitution;
- a Ministry or a department or division of a Ministry;
- the Tobago House of Assembly, the Executive Council of the Tobago House of Assembly or a division of the Tobago House of Assembly;
- a Municipal Corporation established under the Municipal Corporations Act;
- a Regional Health Authority established under the Regional Health Authorities Act;
- a statutory body, responsibility for which is assigned to a Minister of Government;
- a company incorporated under the laws of the Republic of Trinidad and Tobago which is owned or controlled by the State;
- a Service Commission established under the Constitution or other written law; or

- a body corporate or unincorporated entity— (i) in relation to any function which it exercises on behalf of the State; (ii) which is established by virtue of the President’s prerogative, by a Minister of Government in his capacity as such or by another public authority; or (iii) which is supported, directly or indirectly, by Government funds and over which Government is in a position to exercise control.

How much does it cost to make a request under the FOIA?

Currently, there are no charges to access information from Public Authorities.

Is there a special Form I have to use to make a request under the FOIA?

Yes, the Form is a Schedule to the Act. Please see a representation of the Form below.

To whom can I address my request at PPGPL?

At PPGPL you can direct your request to the Designated Officers:

- Florence Mulchansingh; or
- Indira Rampersad

How long should it take a Public Authority to process my request?

A Public Authority has 30 calendar days by which to notify the applicant if the request will be granted, refused or deferred.

Do all Public Authorities have to release information?

In the following circumstances a Public Authority can refuse your request:

- When the information you have asked for is already publicly available;
- When your request supersedes the available resources of the public authority. The Public Authority however, must show that it took all steps as far as reasonably possible to gather the information;
- When there is an overriding public interest against disclosure.

What is the Public Interest Test?

The Public Authority must show that the public interest in withholding the information is greater than the public interest in disclosing the information. Some factors that favour disclosure in the public interest are:

- The information requested relates to an issue that affects a large number of people; It sheds light on how public funds are being spent;
- It deals with a matter that is a subject of public controversy;
- It would help individuals to make more informed choices on important matters.

What information and documents are exempt under this Act?

A Public Authority may refuse access to any official documents containing exempt information. Under the FOIA, there are certain categories of documents that are exempt from the general rule of access and include the following:

- Cabinet documents
- Defence and security documents
- International relations documents
- Internal working documents
- Law enforcement
- Documents affecting legal proceeding
- Trade secret documents
- Material obtained in confidence
- Where secrecy provisions provide
- Documents affecting personal privacy
- Documents affecting the economy and commercial affairs

Before deciding to refuse access however, the Public Authority must try to delete any information that makes the document exempt. Removing all exempt information would make the requested document suitable for disclosure and access may be approved. The applicant must agree to accept the document in its amended form before the Public Authority makes the deletions.

How do I lodge a complaint against a Public Authority with regards to my FOIA request?

- You can complain to the Office of the Ombudsman who may undertake formal or informal investigations and actions to assist in resolving the complaint; or
- If your first avenue of recourse fails or is unsatisfactory, you have the right to apply to the High Court for Judicial Review.

SCHEDULE

(Section 13)

THE FREEDOM OF INFORMATION ACT, 1999

Request for Access to Official Document(s)

(Pursuant to section 13)

- 1. Name of Public Authority
- 2. Name of Applicant
- 3. Address of Applicant
- 4. Telephone Number of Applicant

5.	Doc. No.	Description of Document Requested	Form of Access
	1.		
	2.		
	3.		

[Note: Applicants shall identify the document(s), or provide sufficient information to enable an officer/employee of the public authority who is familiar with the relevant documents, to identify the documents, to identify the document(s) with reasonable effort.
Continue on a Separate Page if necessary.

Subject to the provisions of the Act access to a document may be granted by supplying a printed copy of it or by making it available for inspection or, if appropriate, by supplying a copy of a tape, disk, film or other material containing the information, by supplying a transcript of such tape, disk, film or other material or by making arrangements for the hearing or viewing of such tape, disk, film or other material].

- 6. Assuming that all documents requested are exempt documents, give the Document Number of the documents described above of which you would like to have access to an edited version, if possible.

The making of this request is free of charge, but where access to a document is to be given in the form of a copy (printed or otherwise), the applicant shall be required to pay the prescribed fee.

Date of Application

Signature of Applicant