

ATI PROCEDURES FOR THE APPLICANT

A. How to request information

Step 1

Research

Research the topic thoroughly before making a request. Fishing expeditions are usually an inefficient use of both your time and ATI Personnel's time and resources

Step 2

Where to apply

Determine which Government entity is most likely to have the documents containing the information desired and decide whether to make:

- i) an informal request for the documents (visit the websites check the ATI Road Map or call the Access Center in each Ministry to find if the information desired is already routinely disclosed or made available)
- ii) a formal request under the Act for information which is not readily available or already published

Step 3

A. Making Your Application for Information

i. To apply for access to official documents under the Act, **complete an Application form or write a letter** requesting the information desired.

ii. Applications may also be made by email, telephone or fax.

iii. If a personal visit is made to the Public Authority to request access, the Officer responsible for ATI applications will ask that the request be put in writing in order to conform with the provisions of the Act.

iv. If for any reason, you are unable to do this, then the Officer should be so informed so that this may be done by him for you.

v. Be as specific as possible in the Application i.e. describe the subject matter of the records and, if known, indicate the dates of the records, the places where they originated, and the names of the originating persons or offices.

vi. State that the documents are requested under the ATI Act. It would be prudent to address the envelope in the following manner: "**Access to Information Act Request**" or words to similar effect. This will bring the letter to the attention of staff in the mailroom so that they may appreciate the need to forward it as quickly as possible to the Authority's ATI personnel.

vii. The Officer responsible for ATI applications may be requested to assist in identifying the documents desired (**S. 7 (3) (a)**)

viii. A daytime telephone number should be included and such other contact information as will make it easy for the Officer to remain in contact with you. This will aid the processing of your Application within the time specified.

B. Amendment & Annotation of Your Personal Records

i. Where an official document containing personal information about you is incomplete, incorrect, out of date or misleading, and is used or is available for use by a government entity for administrative purposes, an Application may also be made to have the document amended or annotated.

ii. This Application must be in writing and must specify the basis for making the claim and the nature of the amendment or annotation, which you require.

iii. Where an annotation is required, you must include, along with the Application, a statement specifying the correction which you feel needs to be made.

iv. You will, in most cases, be required to provide verification of the truth of the matters contained in this type of Application. You may also be asked to provide relevant identification.

Principal Officer or other relevant Officer:

Name of Ministry
Address of Ministry

Re: Access to Information Act Request

Dear:

This is a request under the Access to Information Act.²

- I request that a copy of the following documents [*or documents containing the following information*] be provided to me:³ _____

I am aware that I am entitled to make this request under the Access to Information Act and that if my request is denied I am entitled to know the grounds for this denial.⁴

If possible, I would prefer to see the original documents in person rather than having copies made, in order to avoid copying fees.

Sincerely,

Name
Address
Telephone Number and email address

1. Addresses letter to ATI offices in the relevant Government Entity;
2. Specifies law under which the request is being made;
3. Specifies documents requested;
4. Establishes familiarity with the ATI Act

C. Responding to Your Application and Time Limits

i. Receipt of your Application must be acknowledged in writing by the Public Authority to which it is addressed. A decision must be made and you must be so informed **within 30 days of receipt of the Application**. The Act also allows for the extension of this time period by another 30 days which may only be done where there is reasonable cause to do so.

ii. If access to the document is to be given, that also must be done within the 30 day time limit.

iii. If you desire copies to be made, a fee will be chargeable. You may, however, request a waiver, remission or reduction of those fees. You should note that the running of time will be suspended until a decision in whatever regard is made.

D. Granting You Access to Documents

Under the Act, you are entitled to view, listen to, inspect or have a copy or transcript made of the document requested. Access to information may be granted in a form other than that which you requested, if to grant it in the form requested would prove detrimental to the preservation of the document or be inappropriate having regard to its physical state.

E. Transfer of Applications

- i.** Your Application may be transferred to another government entity if the document requested is held by that other entity or the subject matter of what you requested is more closely connected to that other entity's functions.
- ii.** The transfer must be done not later than 14 days after receipt of your Application by the original government body
- iii.** You must be informed immediately of this transfer and told the details of the receiving government body and personnel.

F. Release/Denial of Request

Official documents requested will be released provided they do not fall in any of the nine 9) categories of exempt documents under the Act. Exempt documents are those which:

- affect security, defense or international relations (S. 14 (a))
- relate to law enforcement (S. 16)
- are subject to legal privilege (S. 17)
- affect national economy (S. 18)
- reveal government's deliberative processes (S. 19)
- relate to business affairs (S. 20)
- relate to heritage sites (S. 21)
- affect personal privacy (S. 22)
- are Cabinet Documents (S. 15)

G. Applicable Fees

- i. Fees under the Act are chargeable only for the reproduction of any official document (**S. 12**). You are not liable to pay fees for inspection, viewing, or listening to any official document to which access has been granted.
- ii. You will be required to pay such fees as are applicable before the actual reproduction of the document is done
- iii. A request for a waiver, reduction or remission of fees may be made under **S. 12 (2)** of the Act.

SAMPLE LETTER APPEALING FEES

Permanent Secretary or Principal Officer
Name of Public Authority
Address of Public Authority

Re: Access to Information Act Application for Internal Review

Dear:

This is an application for Internal Review under the Access to Information Act. On *[date]* I requested documents under the Act. My request was assigned the following Reference Number: *[000 000-000]*.

On *[date]*, I received a response to my request in a letter signed by *[official's name]* stating that access to the document requested would be granted upon payment of *[\$ amount of fees]* I am appealing the amount of the fee charged.

Or *[Name of responsible Minister, official address etc.]*

On *[date]*, I received a response to my request in a letter signed by *[official's name]* stating that access to the document requested would be granted upon payment of *[\$ amount of fees]*

I believe that I am entitled to a waiver/ reduction of fees. Disclosure of the documents I requested is in the public interest as the information is likely to contribute significantly to public understanding of the operations or activities of the government. *[or]* I cannot afford any of the amounts charged, as I am a student engaged in research at the University of the West Indies. Thank you for consideration of this appeal.

H. Your Rights of Appeal

- i. You have a right of Appeal with respect to:

- refusal of a grant of access
- the grant of access to only some of
- the documents requested
- deferral of the grant of access
- refusal to amend or annotate a
- personal record
- the charging of, or amount of a fee

ii. You must make your Appeal in writing [Internal Review or Appeal to the Appeals Tribunal if a decision has already been made at Internal Review or where Internal Review is not applicable]

iii. You must utilize the Internal Review Process (where applicable) before an appeal may be made to the Appeals Tribunal

iv. 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.

Principal Officer or other relevant Officer
Name of Public Authority
Address of Public Authority

Re: Access to Information Act Appeal

Dear _____:

This is an appeal under the Access to Information Act.

On *[date]* I requested documents under the Access to Information Act. My request was assigned the following Reference Number: *[000 000-000]*.

On *[date]*, I received a response to my request in a letter signed by *[official's name.]* denying my request. I now wish to obtain a review of the denial of my request. I believe the documents that were withheld must be disclosed under the ATI Act because

Thank you for consideration of this appeal.

Sincerely,

Name
Address
Telephone Number