

**COMPARATIVE CHART:
AND THE JAMAICA A**

**COMPARATIVE CHART: SELECT ACCESS TO INFORMATION LAWS
AND THE JAMAICA ACCESS TO INFORMATION ACT OF 2002**

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In what format
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A D M I N I S T R A T I V E R E S P O N S E S In what format should the requested information be provided?	<p>Access may be granted in one or more of the following forms: inspection; document copy; arrangements to hear the sounds or view visual images; transcript of the data, words, sounds, and images, when possible.</p> <p>The document shall be given in the form requested, except when doing so would be detrimental to the preservation of document or infringe on copyright laws.</p>	<p>Access will be granted only in the form permitted by the document in question, but it will be provided in whole or in part at the request of the person seeking access</p>	<p>Access shall be given in the form requested, including inspection, printed copies, tape, disk, film, printed transcript etc. unless it would interfere unreasonably with the operations of the public authority; would be detrimental to the preservation of the document or having regard to the physical nature of the document would not be appropriate; or would involve an infringement if copyright subsisting in person other than the State.</p>	<p>The document must be given in the manner requested unless to do so interferes unreasonably with the effective administration of the public body concerned, is detrimental to the preservation of the record, or amounts to infringement of copyright.</p> <p>If the document exists in the language that the requester prefers, access must be given in that language. If it does not exist in the preferred language or if no preference was indicated, access must be given in any language in which the record exists.</p>	<p>Record means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution etc. A person who is given access to a record or a part thereof under this Act shall be given a copy unless it would not be reasonably practicable to reproduce the record or part thereof by reason of its length or nature, in which case the person shall be given an opportunity to examine the record or part thereof in accordance with the regulations.</p>
What are the processes for transferring a request to another agency?	<p>When the document is held by another entity or the subject matter is more closely connected with functions of another public authority, the entity shall transfer the application and immediately inform the applicant. Transfer should occur as soon as possible but no later</p>				

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What costs must the requester pay?	The costs of reproducing any documents shall be borne by the applicant.	The costs of obtaining information may not be greater than the sum of: the cost of the materials used in reproducing the information, and the cost of sending it. The subjects compelled by the law must make an effort to reduce the costs of delivering the information.	No fee shall be charged for the making of a request for access to an official document but where access is to be given in the form of printed copies, or copies in some other form, such as on tape, disk, film or other material, the applicant shall pay the prescribed fee. The fees payable by the applicant shall be commensurate with the cost incurred in making documents available.	The requester must pay a prescribed fee for making a copy of the record or transcription; postal fee, if applicable; and the time reasonably required to search for the record and prepare the record. If search and preparation would require more hours than prescribed for this purpose, the information officer must, by notice, require a deposit. When a deposit is required, it must be repaid if access is denied. The information officer or head of the	

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<p>How often should reports be made and what should they contain?</p> <p>R</p> <p>E</p> <p>P</p> <p>O</p> <p>R</p> <p>T</p> <p>S</p>	<p>The minister shall prepare an annual report on the operation of the act during the year to be laid on table of Parliament, containing: the number of applications for access received, granted, deferred, refused, or granted subject to deletions; the categories of exemptions claimed and the numbers of each category; the number of applications received for amendment or annotation of personal records; the number of applications for internal review of relevant decisions and appeals against relevant decisions and the rate of success or failure thereof; other matters as are considered relevant. Each public authority shall submit to the minister quarterly reports containing the above information.</p>	<p>The Federal Access to Information Agency must submit a report to Congress on an annual basis based on data received from the entities described in Article 29 Section VII, including, at least, the number and types of information requests submitted to each entity and their resolution, including</p>			

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Is there an exemption in the law with respect to legal privilege?	Documents privileged from production in legal proceedings or those whose disclosure would constitute an actionable breach of confidence, be in contempt of court, or infringe the p tgsidj-5.4(2 TF.ua92nA0 121311.8 TD010022 Tc020011 TwNot)6(meabl)4nempabl6(meabl)4dionged				

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C O M P L I A N N	Does the law provide for an internal appeal/review of decision?	Yes. An application for internal review must be presented within thirty (30) days of the date of notification of the decision or expiration of the request. The entity receiving the internal review may take any decision that could have been taken on an original application.	Yes. The head of the agency that classified the documents as restricted shall immediately refer the application, with the elements necessary to establish and motivate said classification, to the committee of the organization in order to confirm or revoke the classification. In the case of a negative decision the reasons for classification must be given and appeal mechanism before IFAI should be indicated	No. But a person aggrieved by the refusal of a public authority to grant access to an official document, may, within twenty-one days of receiving notice complain in writing to the Ombudsman and the Ombudsman shall, after examining the document if it exists, make such recommendations with respect to the granting of access to the document as he thinks fit. A public authority is required to consider the recommendations of the Ombudsman and, to such extent as it thinks fit, exercise its discretion in giving effect to the recommendations.	Yes. An internal appeal must be lodged in the prescribed form within sixty (60) days and notice to third party within thirty (30) days. Request for appeal must be delivered or sent to the information officer of the corresponding public agency, identifying the subject matter and the reason for the appeal. The internal review shall be accompanied by payment of the prescribed appeal fee.	Not mentioned in the law.
C E	Does the law establish a process of appeal, following the internal appeal/review, to another enforcement body that is not a court of law?	Yes. An appeal against the internal review decision may be lodged in the Appeal Tribunal within sixty (60) days after notification of the decision.	Yes. The applicant or his representative may lodge an appeal before the institute which dealt with the request or the liaison section for a review of the classification within fifteen (15) working days of the date of notice.	A person aggrieved by a decision of a public authority under this Act may apply to the High Court for judicial review of the decision. The application shall be heard and determined by a Judge in Chambers, unless the Court, with the consent of the parties, directs otherwise	No. Once the internal review process has been exhausted, the applT*n 004(ainst tsi)4.Appnal within 1(o)-6-4. thla	

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<p>C O M P L I A N C E</p> <p>What authority does the enforcement body have?</p>	<p>On the hearing of an appeal, the onus of justifying the decision of the internal review lies on the public authority. The Appeal Tribunal may make any decision that could have been made on the original application but shall not nullify a decision made by a minister.</p>	<p>The Federal Institute of Access to Information is an organ of the federal public administration with operative autonomy. For the purposes of its determinations, the institute shall not be subordinated to any authority and shall adopt its decisions with full independence.</p>	<p>Not mentioned in the law.</p>	<p>The court hearing an application may grant any order that is just and equitable, including orders confirming, amending, or setting aside the decision which is the subject of the application concerned; requiring action or to refrain from action; granting specific relief, etc. The burden of proof that the decision complies with the act rests with the party that claims it so complies.</p>	<p>The Commissioner may authorize a mediator to investigate the circumstances of any appeal and to try to effect a settlement of the matter under appeal; may conduct an inquiry to review the head's decision if the Commissioner has not authorized a mediator to conduct an investigation or has authorized a mediator to conduct an investigation but no settlement has been effected. In an inquiry, the Commissioner may require to be produced to the Commissioner and may examine any record that is in the custody or under the control of an institution. The Commissioner may summon and examine on oath any person who, in the Commissioner's opinion, may have information relating to the inquiry, and for that purpose the Commissioner may administer an oath. After all of the evidence for an inquiry has been received, the Commissioner shall make an order disposing of the issues raised by the appeal.</p>

OTHER PROVISIONS

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<p>O T H E R P R O V I S I O N S</p> <p>When does the law come into force?</p>	<p>Comes into operation on the day indicated by the minister by notice in the . This was originally one year but was later extended, and the law has gone into effect in a phased-in basis.</p>	<p>The law will take effect the day after its publication in the Official Diary of the Federation. The making public of information referred to in the law must be complete one year after the law takes effect. The heads of the agencies shall designate the liaison section and appoint the members of the committees to begin functioning no later than six months after the law has come into effect.</p>	<p>This Act comes into force on such date as fixed by the President by Proclamation. The Act was passed in 1999, and certain parts went into effect April 30 2001 and the rest on June 30th.</p>	<p>Minister must introduce a bill within 12 months after commencement of transitional agreements. For the first twelve (12) months from the date that the law takes effect, the maximum period of thirty (30) days to provide information shall be extended to ninety (90) days; and for the second twelve (12) months, the period of thirty (30) days shall be extended to sixty (60) days, except in cases where the period was already extended, in which case the 30-day provision shall remain in effect.</p>	<p>Not mentioned in the law.</p>

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FOR MORE INFORMATION PLEASE CONTACT LAURA NEUMAN, ASSISTANT DIRECTOR OF THE AMERICAS PROGRAM AND ACCESS TO
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