



Government of the Republic of Trinidad and Tobago

Freedom of Information Act Chap 22:02

ANNUAL REPORT TO PARLIAMENT

2011



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EXECUTIVE SUMMARY

The Freedom of Information Act Chapter 22:02 (“FOIA”) gives members of the public the legal right to request access to information in the possession of public authorities, subject to certain and limited exemptions.

Pursuant to **section 40 (1)** of the FOIA, the Minister with responsibility for information is required to present an annual report to Parliament giving an account of the operations of the FOIA. The summary of the operation of the FOIA in accordance with section 40(3) is included in Table 1 below.

Table 1: Summary of information required under section 40 of the Freedom of Information Act

Activity	Number/Remarks
1. Number of requests made to public authorities	1,112
2. Number of decisions that an applicant was not entitled to access to a document pursuant to a request, the provisions of this Act under which these decisions were made and the number of times each provision was invoked.	102 <i>Ref. 5.3</i>
3. Number of applications for judicial review of decisions under the Freedom of Information Act and the outcome of those applications.	10 <i>Ref. 5.4</i>
4. Number of complaints made to the Ombudsman with respect to the operation of the FOIA and the nature of those complaints.	24 <i>See Appendix III</i>
5. Number of notices served upon each public authority under section 10 (1) and the number of decisions by the public authority which were adverse to the person’s claim.	None
6. Particulars of any disciplinary action taken against any officer in respect of the administration of this Act.	None
7. The amount of charges collected by each public authority under this Act.	None
8. Particulars of any reading room or other facility provided by each public authority for use by applicants or members of the public, and the publications, documents, or other information regularly on display in that reading room or other facility [section 7(1)(viii)]	<i>See Appendix IV</i>
9. Any other facts which indicate an effort by public authorities to administer and implement the spirit and intention of this Act.	None

1.0 INTRODUCTION

The Freedom of Information Act Chap 22:02 arose out of the principles of the Harare Declaration¹ that was signed by the Commonwealth Heads of Government in 1995². One of the principles enunciates of “... *the individual’s inalienable right to participate by means of free democratic political processes in framing the society in which he or she lives*” and “*the protection of promotion ... just and honest government*”.

The FOIA affords members of the public:

- (i) the legal right to request access to information that is held by public authorities and other bodies which exercise public functions;
- (ii) the right to scrutinize the actions of Government, by which means there is a measure of accountability; and
- (iii) access to information, thus allowing the public to engage in social dialogue and participate in the Government’s decision making and policies.

This Freedom of Information Report for 2011 is the Ninth report prepared under **Section 40 (1)** of the FOIA.

Section 40 (1) of the FOIA mandates that “*The Minister shall as soon as practicable after the end of each year, prepare a report on the operation of this Act during the year and cause a copy of the report to be laid before each House of Parliament*”.

This report provides information public access to official government documents of public authorities with exceptions.

The Annual Report is sub-divided into the following sections:

- 2.0 Legal Framework
- 3.0 Administration of the Freedom of Information Act
- 4.0 Monitoring of the Freedom of Information Act
- 5.0 Statistical Analysis, inter alia:

¹ Commonwealth Heads of Government Meeting in Harare, Zimbabwe 1991

² The affirmation of the Harare Declaration was done in Millbrook, New Zealand (at the Commonwealth Heads of Government Meeting in Auckland) where a firm commitment was made to fulfill the Declaration and as such the Commonwealth Heads of Government agreed to the Millbrook Commonwealth Action Programme.

- the number of requests made to public authorities;
- the number of decisions that an applicant was not entitled to access a document;
- the number of judicial review applications and their outcomes; and
- the number of complaints to the Ombudsman and the nature of those complaints.

6.0 The Way Forward.

2.0 LEGAL FRAMEWORK

The Freedom of Information Act Chap 22:02 (FOIA) was passed by an Act of Parliament No 26 of 1999³. It gives members of the public a general right (with exceptions) to request access to official documents in public authorities. The FOIA is made up of five parts:

- Part I deals with the Preliminaries which became operational on November 20, 2000;
- Part II deals with Publication of Certain Documents and Information which was operationalized on April 30, 2001; and
- Parts (III-V) deals with Right of Access to Information, Exempt Documents and Miscellaneous and came into force on August 30, 2001.

Section 7 of the FOIA mandates annual publication (in the Gazette and in a daily newspaper) of information held by public authorities, namely, a statement setting out the particulars of the organization and functions; a statement of categories of documents maintained in its possession; statements of material prepared for inspection by members of the public; the procedure to be followed by a person when a request for access to a document is made; a statement listing all boards, councils, committees and other bodies established for the purpose of advising the public authority and details of whether the authority maintains a library or reading room and what materials are available.

Section 15 of the FOIA prescribes a thirty-calendar day period for an official response when an official request is made. While **Section 23** mandates that if a public authority refuses access to the information requested, they must provide reasons for such denial and must inform the Applicant of their right to approach the Ombudsman (**Section 38A**) or apply to the High Court for judicial review (**Section 39**).

The FOIA, carries a presumption of disclosure, as it crystallizes the public's right to access information. However, such right is not absolute and **Part IV** of the FOIA lists the following documents which are regarded as exempt documents:

- Cabinet documents
- International Relations documents
- Law enforcement
- Defence and security documents

³ Amended by Act 92 of 2000 and Act 14 of 2003

- Internal Working documents
- Documents affecting legal proceedings
- Trade Secret documents
- Materials obtained in confidence
- Documents where secrecy provisions apply
- Documents affecting personal privacy
- Documents affecting the economy and commercial affairs

Section 35 of the FOIA allows for the disclosure of an exempt document in the public interest as per Part IV of the FOIA. The grounds a public authority must consider are:

- where there is abuse of authority or neglect in performance of official duty;
- injustice to an individual;
- danger to the health or safety of an individual or of the public; and
- unauthorized use of public funds

The FOIA also provides for certain public authorities to be exempted from its provisions (**Section 5**). The following public authorities have received exemption orders:

1. First Citizens Bank Group⁴ which includes:
 - a. First Citizens Holdings Limited
 - b. First Citizens Bank
 - c. First Citizens Corporate Services Limited
 - d. First Citizens Bank Mortgage and Trust Company Limited
2. Trinidad and Tobago Unit Trust Corporation⁵
3. Export-Import Bank⁶
4. Agricultural Development Bank⁷
5. Trinidad and Tobago Mortgage Finance Company Limited⁸
6. Taurus Services Limited⁹

⁴ Legal Notice 21/2003 Freedom of Information (Exemption) Order

⁵ Legal Notice 21/2003 Freedom of Information (Exemption) Order

⁶ Legal Notice 21/2003 Freedom of Information (Exemption) Order

⁷ Legal Notice 21/2003 Freedom of Information (Exemption) Order

⁸ Legal Notice 21/2003 Freedom of Information (Exemption) Order

⁹ Legal Notice 21/2003 Freedom of Information (Exemption) Order

7. Business Development Company Limited¹⁰
8. National Entrepreneurship Development Company Limited¹¹
9. National Enterprises Limited¹²
10. Central Bank of Trinidad and Tobago¹³
11. Integrity Commission of Trinidad and Tobago¹⁴

¹⁰ Legal Notice 21/2003 Freedom of Information (Exemption) Order

¹¹ Legal Notice 21/2003 Freedom of Information (Exemption) Order

¹² Legal Notice 21/2003 Freedom of Information (Exemption) Order

¹³ Legal Notice 76/2004 Freedom of Information (Exemption)(No.2) Order

¹⁴ Legal Notice 131/2005 Freedom of Information (Exemption)(No.3) Order

3.0 ADMINISTRATION OF THE FREEDOM OF INFORMATION ACT

3.1 *The Freedom of Information Unit*

The Freedom of Information Unit (“the Unit”) was established in 2001 to monitor, advise, train and report on the statutory compliance of public authorities in accordance with the Freedom of Information Act Chapter 22:02.

In the year 2011, the Unit functioned under the Ministry of Foreign Affairs and Communication and was located at Level 5, Nicholas Towers, 63-65 Independence Square, Port of Spain.

The organizational structure of the Unit (Figure 1) allows for the employment of nine (9) members of staff. The positions of Executive Director and Senior FOI Officer- Client Relations and Training, were not filled since the establishment of the Unit. Consequently, the Unit continued to operate with two (2) members of staff: 1 Senior officer in Monitoring and Evaluation and 1 Officer in Client Relations and Training.

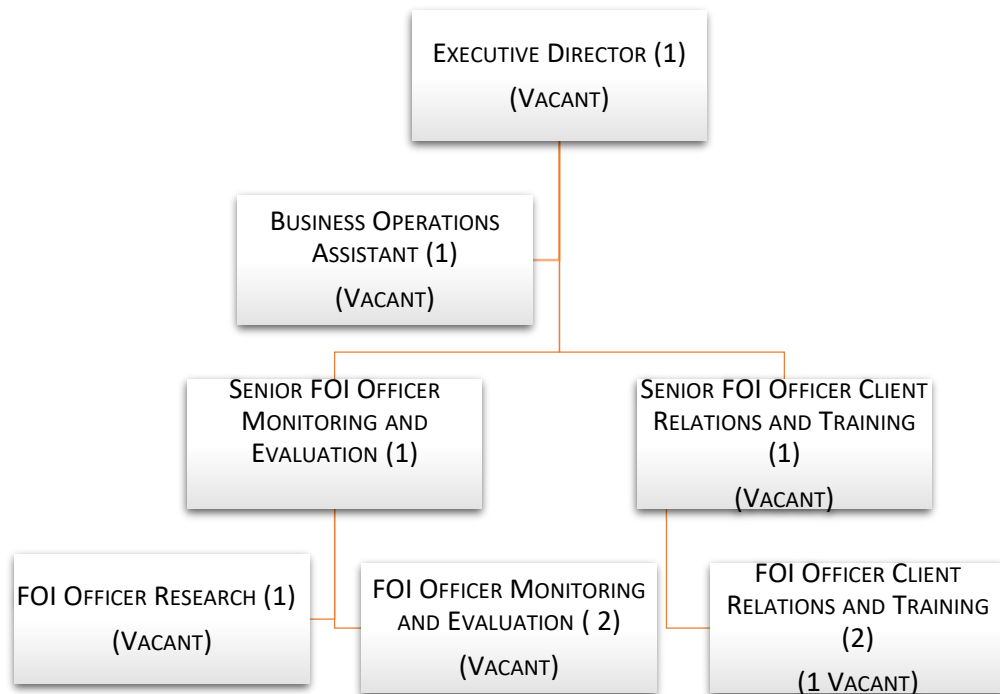


Figure 1: Organizational Structure of the Unit

The three core functional areas within the Unit are:

1. Client Relations and Training – ensuring that all public authorities are aware of their responsibilities under the FOIA through sensitization and training;
2. Monitoring and Evaluation – the operations of the FOIA and making recommendations to ensure compliance with the objectives of the FOIA; and
3. Research – To maintain an awareness of latest trends and developments in freedom of information.

3.2 Activities conducted by the Freedom of Information Unit

During the period January to December 2011, the Unit engaged in 9 training workshops regarding the Freedom of Information Act. A total of 209 public officers from 9 public authorities received training and/or sensitization regarding the Act. Table 2 provides a detailed listing of the public authorities that received training in 2011.

Table 2: Freedom of Information Training Sessions held in 2011

PUBLIC AUTHORITY/ ORGANISATIONS	ADDRESS/VENUE	DATE	# OF PERSONS TRAINED
1. The Securities and Exchange Commission	57-59 Dundonald Street, Port of Spain	January 11, 2011	18
2. Service Commissions Department	52-58 Woodford Street, Newtown	January 12, 2011	15
3. The Occupational Safety and Health Authority	9 Alexandra Street, Port of Spain	January 13, 2011	32
4. The Rural Development Company	Brechin Castle, Skid Row, Factory Road, Couva	January 14, 2011	32
5. Ministry of Education	18 Alexandra Street, St. Clair, Port of Spain	January 18, 2011	32
6. The Cocoa and Coffee Board	Frederick Street, Port of Spain	January 20, 2011	22
7. Trinidad and Tobago Prison Service	Phillip Street, Port of Spain	January 21, 2011	30
8. Ministry of Transport	Tower D, Level 23, Waterfront Complex	January 26, 2011	10
9. Ministry of Local Government	Level 20, Eric Williams Financial Complex	January 26, 2011	18
			209

While no outreach programmes were conducted for the year under review, the FOIU engaged in the following activities:

- answering client questions and providing information;
- obtaining contact details for designate and alternate Freedom of Information Officers;
- advising applicants on recourse;
- assisting applicants with crafting FOIA requests; and
- liaising with relevant public authorities and following-up on outstanding decisions.

4.0 MONITORING OF THE FREEDOM OF INFORMATION ACT

4.1 Quarterly Returns

Pursuant to **sections 40(2), 40(3) (a)–(i)** of the FOIA, public authorities must furnish the Minister with information as required for the preparation of the annual report to be laid before each House of the Parliament. The relevant information is submitted by the public authorities to the Unit by way of quarterly returns.

Approximately 225 public authorities had a legal obligation to submit FOI statements and returns. **Appendix I** highlights the public authorities which did not submit any quarterly returns in 2011.

Of this, 31 or 14% of public authorities submitted quarterly returns, which were used to prepare this Annual Report. This represents a 23% decrease in the number of quarterly submissions by public authorities when compared to 40 public authorities which made submissions in 2010.

Figure 2 below illustrates the type of public authorities and the number of submitted returns for 2010 and 2011. Of the submissions in 2011, Ministries and Departments had the largest volume (14), followed by Companies and Body Corporates (6). Ministries and Departments were consistent in recording the highest number of submissions in both years. There were no submissions recorded for Regional Corporations in 2011. Of note, the number of returns submitted for 2011 by public authorities, with the exception of Ministries and Departments, either declined or were the same as the number submitted in 2010.

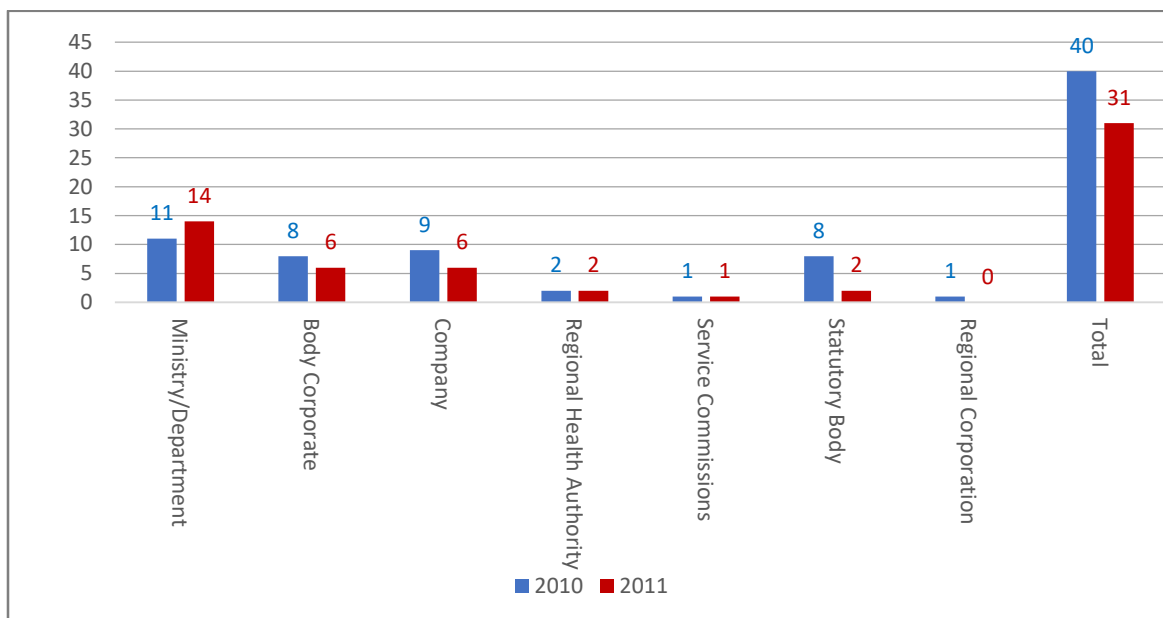


Figure 2: Quarterly Return submissions by Public Authorities for 2011

4.2 Publication of Annual Statements

Pursuant to **sections 7 to 9** of the FOIA, public authorities are required to publish an annual public statement in the Gazette and a daily newspaper. The annual statement contains the organisational structure of the public authority; the operations of the organization; listing of the reading room and the name of the designated and alternate freedom of information officer.

10 public authorities published annual statements via the Gazette during the year. Table 3 highlights the public authorities which published their annual statements in 2011.

Table 3: Publication of Public Statements by Public Authorities in the Gazette - 2011

Public Authorities	Reference - Gazette
1. The CEPEP Company Limited	Gazette No.18, Vol. 50, pp. 84-90, 25 February, 2011
2. Youth Training and Employment Partnership Programme (YTEPP) Limited	Gazette No. 26, Vol. 50, pp. 123-124, 16 March, 2011
3. Service Commissions Department (SCD)	Gazette No.28, Vol. 50, pp. 138-140, 18 March, 2011
4. Equal Opportunity Commission (EOC)	Gazette No.31, Vol. 50, pp. 159-169, 25 March, 2011
5. Lake Asphalt of Trinidad and Tobago (1978) Limited	Gazette No.33, Vol. 50, pp. 180-182, 25 March, 2011
6. National Energy Corporation of Trinidad and Tobago Limited (NEC)	Gazette No.34, Vol. 50, pp. 189-197, 25 March, 2011
7. National Gas Company of Trinidad and Tobago Limited (NGC)	Gazette No.46, Vol. 50, pp. 275-279, 31 March, 2011
8. National Quarries Company Limited	Gazette No.73, Vol. 50, pp. 561-562, 2 June, 2011
9. Trinidad and Tobago National Petroleum Marketing Company Limited (NP)	Gazette No.88, Vol. 50, pp. 654-658, 8 July, 2011
10. Palo Seco Agricultural Enterprise Limited (PSAEL)	Gazette No. 120, Vol. 50, pp. 884-892, 8 September, 2011

5.0 STATISTICAL ANALYSIS

This section provides an analysis of the information required by the FOIA under **section 40(3)**.

5.1 Number of Requests made for the year 2011

In 2011, a total of 2,639 requests required determination as follows:

- Requests brought forward from previous year(s) - 1,547
- New requests received from 32 public authorities – 1,112
- Requests withdrawn -20

Of this total, 1,016 requests were finalized (see Section 5.3).

The listing of the various organizations and the number of requests received are found in **Appendix II**. Service Commissions Department recorded the highest number of new requests with 381 requests, followed by the South West Regional Health Authority which had 361 requests. The most requested documents from the Service Commissions Department were documents classified as “Other”¹⁵ and personal records.

Figure 3 provides a breakdown of the requests received by public authorities for the year 2011.

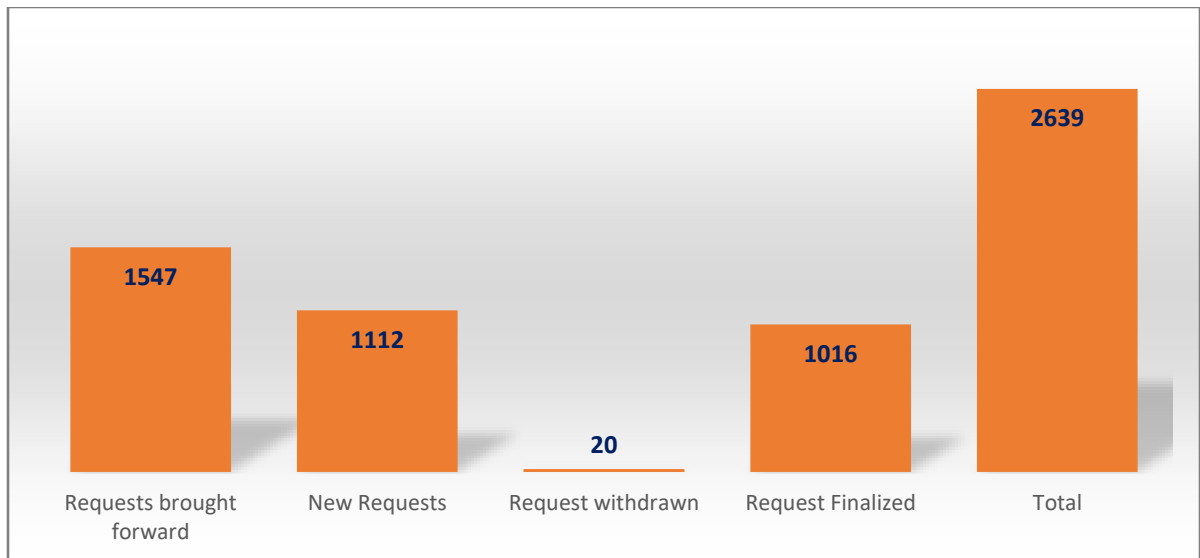


Figure 3: Number of Requests received by Public Authorities

¹⁵ Other documents include *inter alia* the following: documents concerning opportunities for promotion, employment, Order of Merit lists, Environmental Impact Assessment (EIA), exam booklets and scripts.

5.2 Categories of Requested Information

Personal Records totalling 704 were the most requested documents and accounted for 49% of the total documents requested. This was followed by Other Documents with 326 or 22.8%, Internal Working documents with 186 or 13% and documents relating to the Operations of a Public Authority with 124 or 8.7%.

Figure 4 provides a complete breakdown of the categories of information requested for the period 2010-2011

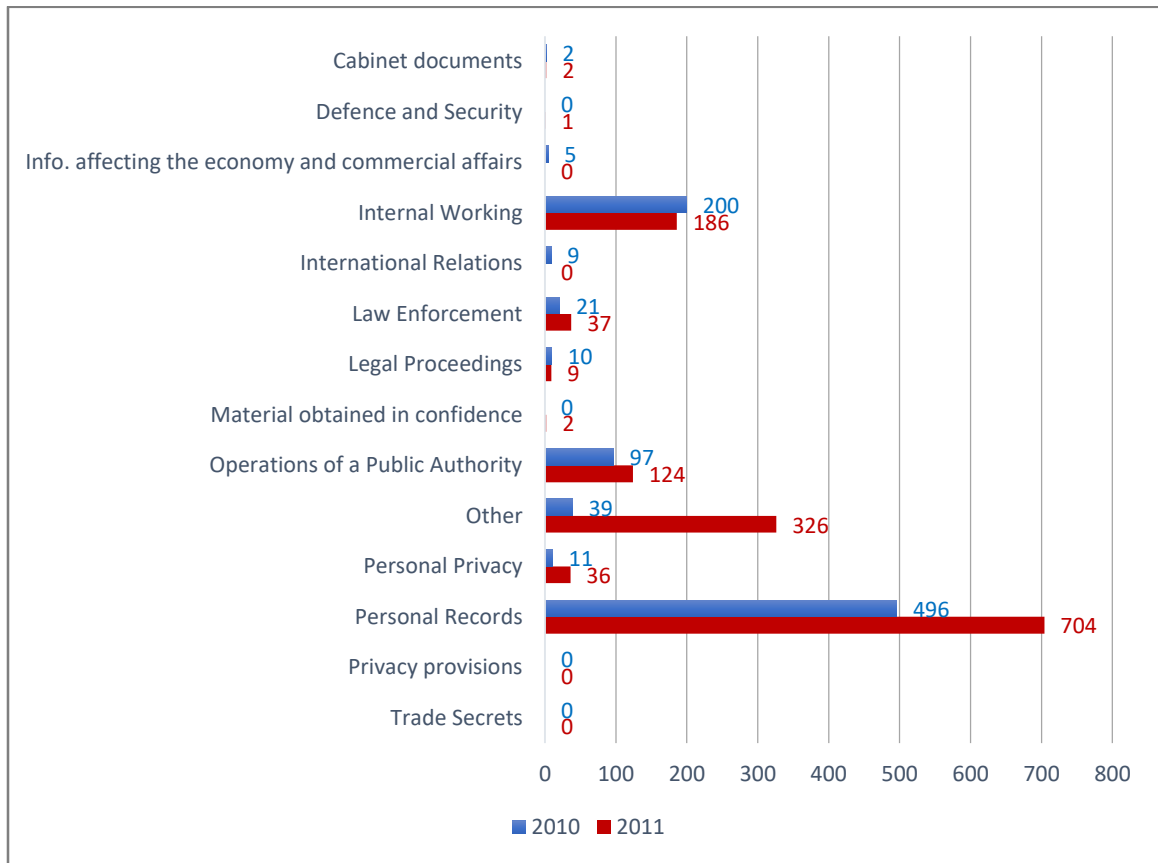


Figure 4: Information requested under the FOIA by Category (documents) 2010-2011

5.3 Action taken on Freedom of Information Requests

Request to access for information or documents may be:

- (i) Granted in Full - 873 (86%) of all the information requested was given to the applicant.
- (ii) Granted in Part - applicant received access to 18 (2%) of some of the information requested.

- (iii) Deferred - 23 (2%) of the request was deferred as it satisfies Section 19 (1) where the information requested is currently being prepared-
 - a. for presentation to Parliament
 - b. for release to the media
- (iv) Refused - 102 (10%) of the request was refused as the document requested fell under Part IV of the Act, with exemptions.

In 2011, 1,016 requests were finalized. Figure 5 shows the action taken on the requests in 2010 and 2011.

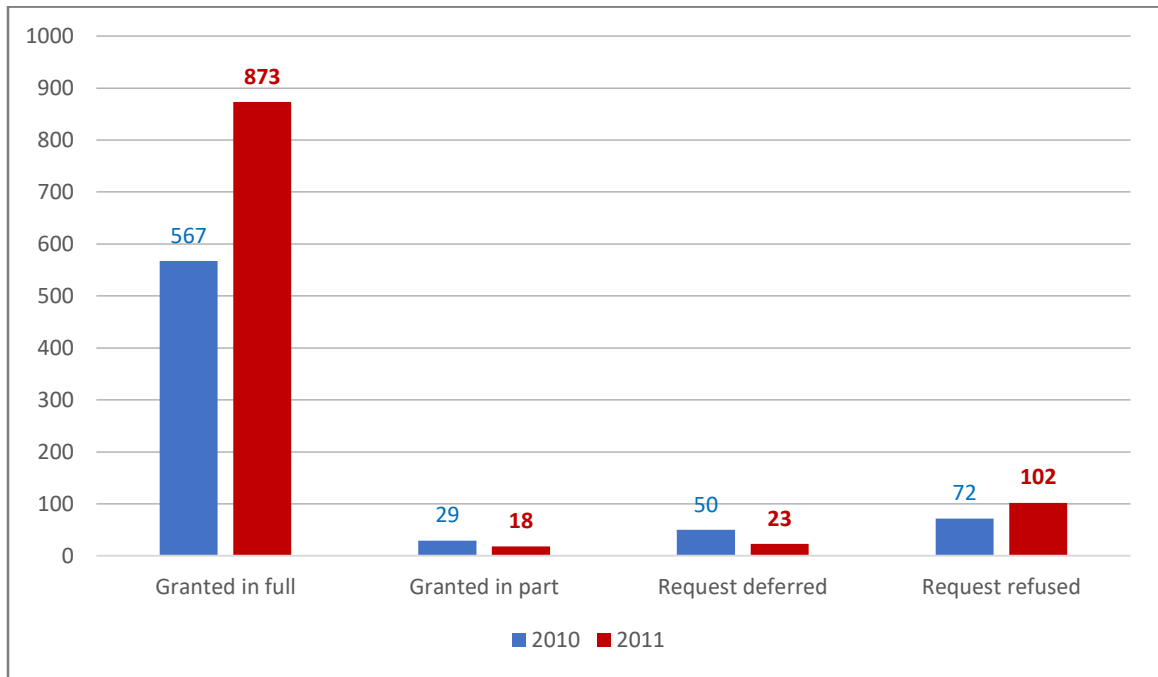


Figure 5: Action taken on FOI Requests in 2010 and 2011

Between 2010 and 2011, there was a 54% increase in the number of requests granted in full by public authorities from 567 to 873.

5.4 Judicial Review

Pursuant to **section 39** of the FOIA, a person aggrieved by a decision of a public authority under the FOIA may apply to the High Court for judicial review of the decision. It should be noted that an applicant whose request for information has been denied, must be informed of his/her right to apply to the High Court for judicial review of the decision and the time within which the application for review is required to be made.

For the year 2011, 10 matters were filed to the High Court for judicial review compared to 7 in 2010 or an increase of 43% in the number of matters filed.

5.5 Complaints made to the Office of the Ombudsman

Any applicant who is aggrieved by the refusal of a public authority to grant access to an official document is entitled to approach the Ombudsman for redress. It is noteworthy that the Ombudsman's role is merely advisory and as such a public authority is not compelled to change its decision in relation to an application under the FOIA.

During the period under review, the Office of the Ombudsman received 24 complaints from aggrieved applicants. This compares to 64 in 2010, representing a decrease of 63%. The Ombudsman liaised successfully with public authorities to ensure that the matters raised by the aggrieved applicants were treated with in keeping with the statutory obligations under the FOIA. (See **Appendix III**).

5.6 Other Matters

For the year 2011, the examination of the submitted quarterly returns by the Public Authorities revealed the following:

- No notices were served upon any public authority under section 10 (1) and no decisions rendered by the public authority which were averse to a person's claim;
- No Disciplinary action was taken against an officer in the administration of the FOIA;
- No Charges were collected under the FOIA; and
- No acts were submitted by any authority to demonstrate an intention to administer and implement the spirit and intention of the FOIA.

5.7 Reading Room

Section 7(1)(viii) of the FOIA mandates that a Public Authority in its published annual statement indicate whether it maintains a reading room for the public and list what is available for public consumption and times of operation.

Appendix IV lists the particulars of any reading room or other facility provided by *19 public authorities* for use by applicants or members of the public and lists their publications that are regularly on display.

6.0 THE WAY FORWARD: DATA PROTECTION ACT CHAP 22:04

Privacy has been generally recognized as a human right and has been found in international conventions such as the Universal Declaration of Human Rights. The right to privacy is enshrined within the Constitution of Trinidad and Tobago and it protects each citizen's private life against any unlawful interference. This right also extends to the protection of an individual's personal information and the conservation of the conveyance of such information.

The **Data Protection Act Chap 22:04** which was assented to on June 22, 2011, primary intention is to ensure that personal information which an organization may hold (whether it be public or private) shall not be disclosed, processed or used other than for the purpose it was collected except with the consent of the individual.

The Data Protection Act has six parts:

- Part I which deals with Preliminaries;
- Part II discusses the Office of the Information Commissioner;
- Part III deals with the Protection of Personal Data by Public Bodies;
- Part IV deals with the Protection of Personal Data by the Private Sector;
- Part V is Contravention and Enforcement; and
- Part VI deals with Miscellaneous Provisions.

The Act defines personal information as information about an identifiable individual that is recorded in any form including:

- the name, address and telephone number of the individual;
- information relating to an individual's race, religion, age, ethnicity or marital status;
- an individual medical, criminal, employment history, financial history; and
- fingerprints, DNA and biometric characteristics of an individual.

Section 6 of the Act outlines the General Privacy Principles which is applicable to all institutions that handle, store or process personal information that belongs to another person.

Part II of the Act establishes the Office of the Information Commissioner. **Section 8** sets out the qualifications of the Information Commissioner. **Section 9** sets out the Commissioner's powers under the Act and **section 11** provides the appointment of Deputy Information Commissioners.

Part III of the Data Protection Act provides that a public body may collect and process personal data provided that the following conditions are met: the collection of information is expressly authorized by law and:

- i. the information is collected for the purpose of law enforcement;
- ii. the information relates directly to and is necessary for an operating program or activity of the public body; and
- iii. the individual is informed of the purpose for collecting his/her personal information.

Section 36 of the Act provides that personal information may be transferred outside of Trinidad and Tobago only if the laws in the recipient country provide safeguards for the personal information comparable to those provided by the laws of Trinidad and Tobago.

Part IV of the Act provides that the collection and processing of personal information by private organizations must be in accordance with certain Codes of Conduct, and the General Privacy Principles. The Codes of Conduct under the legislation will be determined by the Office of the Information Commissioner in consultation with the private sector.

APPENDICES

Appendix I: Non-Compliant Public Authorities – Submission of Quarterly Return Forms¹⁶

- | | | |
|--|--|---|
| 1. Adoption Board | 19. Caribbean Leasing Company Ltd | 38. Defence Force Commission Board |
| 2. Advisory Town Planning Panel | 20. Caribbean Microfinance Ltd | 39. Dental council of Trinidad and Tobago |
| 3. Agricultural Society of Trinidad and Tobago | 21. Carnival Institute | 40. Development Company Limited |
| 4. Air Transport Licensing Authority | 22. Caroni 1975 Ltd | 41. Diego Martin Regional Corporation |
| 5. Alutech Limited | 23. Central Authority | 42. Div. Education, Research & Technology |
| 6. Alutrint Limited | 24. Children’s Authority | 43. Div. Settlements, Public Utilities, Rural Development |
| 7. Anti-Corruption Investigation Bureau | 25. Cipriani College of Labour and Cooperative Studies | 44. Drug Advisory Committee |
| 8. Archaeological Committee | 26. Citizen Security Programme | 45. East Port of Spain Development Company Ltd |
| 9. Arima Borough Corporation | 27. Civilian Conservation Corps | 46. East Side Plaza |
| 10. Betting Levy Board | 28. Cocoa Development Company of Trinidad and Tobago | 47. Eastern Caribbean Institute of Agriculture and Forestry (ECIAF) |
| 11. Board of Film Censors | 29. Colonial Life Insurance Company Ltd | 48. Economic Development Board |
| 12. Board of Industrial Training | 30. Community Improvement Services Ltd | 49. Emergency Medical Personnel Council of Trinidad and Tobago |
| 13. Boards Regulating and the Practice of Medicine and Related Professionals | 31. Council for Innovation and Competitiveness | 50. Equal Opportunities Tribunal |
| 14. Boilers Examiners Board | 32. Council of Legal Education | 51. Evolving TecKnologies and Enterprise Dev Co Ltd |
| 15. Caribbean Agricultural Research and Development Institute | 33. Couva/Tabaquite/Talparo Regional Corporation | 52. Export Centres Company Ltd |
| 16. Caribbean Development Network Ltd | 34. Creative TT | 53. Export TT |
| 17. Caribbean Food Corporation | 35. Criminal Injuries Compensation Board | |
| 18. Caribbean Investment Corporation | 36. Criminal Justice System | |
| | 37. Defence Council | |

¹⁶ This list of non-compliant public authorities may include entities that are defunct.

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| 54. Fair Trading Commission | 75. Military-led Academic Training Programme | 92. National Emergency Ambulance Service Authority |
| 55. Food Advisory Committee | 76. Minimum Wages Board | 93. National Energy Corporation of Trinidad and Tobago |
| 56. Friendly Societies | 77. Ministry of Foreign and CARICOM Affairs | 94. National Energy Skills Centre (NESC) |
| 57. Green Fund Advisory Committee | 78. Ministry of Housing and Urban Development | 95. National Flour Mills |
| 58. Housing Development Corporation Corporation (HDC) | 79. Ministry of Public Administration and Communications | 96. National Infrastructure Development Company Limited |
| 59. Hugh Wooding Law School | 80. Ministry of Rural Development and Local Government | 97. National Information and Communication Technology Company Limited |
| 60. Industrial Court | 81. Ministry of Social Development and Family Services | 98. National Insurance Appeals Tribunal |
| 61. Infrastructure, Quarries & Urban Development | 82. Ministry of Sport and Youth Affairs | 99. National Insurance Board |
| 62. Intellectual Property | 83. NAPA Hotel | 100. National Insurance Property Development Company Ltd |
| 63. Interdisciplinary Child Development Centre | 84. Naparima Bowl | 101. National Maintenance Training and Security Company Limited (MTS) |
| 64. INVESTT | 85. National Academy for the Performing Arts | 102. National Mentorship Programme |
| 65. La Brea Industrial Development Corporation | 86. National Agro Chemical Ltd | 103. National Museum and art Gallery |
| 66. Lake Asphalt of Trinidad and Tobago (1978) Limited | 87. National Gas Company of Trinidad and Tobago | 104. National Operations Centre |
| 67. Land Survey Board of Trinidad and Tobago | 88. National Association of Village and Community Councils | 105. National Population Council |
| 68. Law Reform Commission | 89. National Broadcasting Network | 106. National Quarries Company Limited |
| 69. Law Revision Commission | 90. National Carnival Commission | 107. National Reforestation and Watershed Rehabilitation Programme |
| 70. Legal Aid and Advisory Authority | 91. National Commission for Self Help | 108. National Schools Dietary Services Limited |
| 71. LIAT Limited | | |
| 72. Livestock and Livestock Products Board | | |
| 73. Medical Council of Trinidad and Tobago | | |
| 74. MIC Institute of Technology (MIC-IT) | | |

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|---|---|---|
| 109. National Steel Symphony Orchestra | 129. Nurses and Midwives Council of Trinidad and Tobago | 147. Seafoods Industry Development Company Ltd |
| 110. National Theatre Arts Company | 130. Occupational Safety and Health Authority | 148. Sentencing Commission |
| 111. National Training Agency | 131. Office of the Chief State Solicitor | 149. Siparia Regional Corporation |
| 112. National Cultural Commission | 132. Office of Chief Parliamentary Counsel | 150. Sport and Culture Board of Management |
| 113. NATPET Investment Company | 133. Office of Disaster Preparedness and Management | 151. Sport Company of Trinidad and Tobago |
| 114. NATSTAR Manufacturing Company Ltd | 134. Office of Solicitor General | 152. Statutory Authority Service Commission Department |
| 115. Point Lisas Port Development Corporation Ltd | 135. Office of the Director of Public Prosecutions | 153. St Jude`s School for Girls |
| 116. Port-of-Spain City Corporation | 136. Opticians Council of Trinidad and Tobago | 154. St Michael`s School for Boys |
| 117. Powergen | 137. Penal/Debe Regional Corporation | 155. St. Dominic`s Home |
| 118. Premier Services Ltd | 138. Pesticides and Toxic Chemicals Board | 156. St. Mary`s Home |
| 119. Prices Council | 139. Pharmacy Council of Trinidad and Tobago | 157. Sugar Industry Labour Welfare Committee |
| 120. Princes Town Regional Corporation | 140. Phoenix Park Gas Processors Limited | 158. Sugar Manufacturing Company Ltd |
| 121. Princess Elizabeth Home for the Handicapped Children | 141. Registrar General | 159. Tax Appeal Board |
| 122. Public Transport Service Corporation | 142. Registration, Recognition, and Certification Board | 160. Telecommunications Authority of Trinidad and Tobago (TSTT) |
| 123. Queens Hall | 143. Rent Assessment Board | 161. Telecommunications Services of Trinidad and Tobago Ltd |
| 124. New City Mall | 144. Rum Distillers Ltd | 162. Tourism and Industrial Development Company |
| 125. NGC NGLM Company Ltd | 145. San Fernando City Corporation | 163. Tourism Development Company of Trinidad and Tobago |
| 126. NGC TT NGL Ltd | 146. San Juan/Laventille Regional Corporation | 164. Transport Board |
| 127. NIHERST | | 165. Trinidad and Tobago Anti-Doping Organization |

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| 166. Trinidad and Tobago
Association for Retarded
Children | 175. Trinidad and Tobago
Hospitality and Tourism
Institute | 186. TT Marine Petroleum
Company Ltd |
| 167. Trinidad and Tobago
Association in Aid of Deaf | 176. Trinidad and Tobago
National Petroleum
Marketing Company Limited | 187. Tunapuna/Piarco Regional
Corporation |
| 168. Trinidad and Tobago Blind
Welfare Association | 177. Trinidad and Tobago Postal
Corporation | 188. Union Estate Electricity
Generation Company
Limited |
| 169. Trinidad and Tobago Bureau
of Standards | 178. Trinidad and Tobago Racing
Authority | 189. University of the West Indies
(UWI) –Open Campus |
| 170. Trinidad and Tobago Cadet
Force | 179. Trinidad and Tobago Prison
Service | 190. UTT |
| 171. Trinidad and Tobago Civil
Aviation Authority | 180. Trinidad Nitrogen Company
Ltd | 191. Youth training Centre Board
of Management |
| 172. Trinidad and Tobago
Development Finance Ltd | 181. Trinidad Northern Areas Ltd | 192. Youth Training Education
Partnership Programme |
| 173. Trinidad and Tobago
Forensic Science Centre | 182. TRINMAR Ltd | 193. Water and Sewerage
Authority of Trinidad and
Tobago |
| 174. Trinidad and Tobago Forest
Products Company | 183. TRINTOC Services Ltd | 194. Zoological Society of
Trinidad and Tobago |
| | 184. TT Connect Service Centres | |
| | 185. TT LNG | |

Appendix II: Number of Freedom of Information Requests received by Public Authorities for the Year 2011

Name of Public Authority	No. of Requests
1.College of Science, Technology and Applied Arts of Trinidad and Tobago	0*
2.Education Facilities Company Ltd.	2
3.Electrical Inspectorate Division	0*
4.Environmental Management Authority	83
5.Inland Revenue Division	72
6.Meteorological Services Division	0*
7.Ministry of Education	44
8.Ministry of Finance	9
9.Ministry of Labour and Small and Micro Enterprise Development	6
10.Ministry of National Security	57
11.Ministry of Planning and Development	12
12.Ministry of Public Utilities	3
13.Ministry of Tobago Development	0*
14.Ministry of Tourism	2
15.Ministry of Trade and Industry	5
16.National Agricultural Marketing and Development Corporation	6
17.National Library and Information System Authority (NALIS)	1
18.National Lotteries Control Board	0*
19.Office of the Prime Minister	7
20.Personnel Department (Office of the Chief Personnel Officer)	8
21.Petroleum Company of Trinidad and Tobago Ltd.	17
22.Regulated Industries Commission	0*
23.Rural Development Company of Trinidad and Tobago Limited	0*
24.Service Commissions Department	381
25.Telecommunications Authority of Trinidad and Tobago	0*
26.The Accreditation Council of Trinidad and Tobago	0*
27.The North West Regional Health Authority	36
28.The South West Regional Health Authority	361
29.The Vehicle Management Corporation of Trinidad and Tobago	0*
30.Trinidad and Tobago Film Company Ltd.	0*
31.Trinidad and Tobago Free Zones Company Limited	0*
Total	1,112

*This denotes that quarterly returns were submitted by the Public Authorities and no FOI requests were received for the year.

Appendix III: Complaints to the Ombudsman

Public Authority	Reasons for the Complaint	Outcome
<p>1. ALUTRINT</p> <p>10 Jan 2011</p>	<p>The Applicant's request for information relating to the Alutrint Aluminum Complex Supplementary EIA Appendix was denied by the public authority.</p> <p>The Applicant sought a review of this decision.</p>	<p>The Ombudsman reviewed the matter and made recommendations which were conveyed to the public authority. The public authority later informed the Ombudsman that it has considered the recommendations but was unable to give effect to the said recommendations.</p> <p>The applicant was informed by the Ombudsman to apply for judicial review in accordance with section 39 of the Freedom of Information Act.</p>
<p>2. North West Regional Health Authority (NWRHA)</p> <p>South West Regional Health Authority (SWRHA)</p> <p>12 Jan 2011</p>	<p>The Applicant sought a review by the Ombudsman for the following reasons:</p> <ul style="list-style-type: none"> i. No response was received from the NWRHA with respect to his request for access to his mother's medical records; and ii. A similar request, which was made to the SWHRA, was denied. 	<p>The Ombudsman reviewed the matter and the applicant received the information requested from the NWRHA. The Ombudsman accepted the response of the SWRHA. The applicant was informed accordingly.</p>
<p>3. North West Regional Health Authority (NWRHA)</p> <p>8 Feb 2011</p>	<p>The Applicant requested the Ombudsman's assistance regarding the non-compliance by the public authority with respect to a request made.</p>	<p>The Ombudsman wrote to the public authority and was informed that it was treating with the request and will</p>

Public Authority	Reasons for the Complaint	Outcome
		revert to the applicant upon completion of the request.
<p>4. Office of the Commissioner of State Lands</p> <p>17 Feb 2011</p>	<p>The Applicant requested information relating to the purchase of part of the Reserve Road at #50 Jerningham Junction, Cunupia and received no response from the public authority.</p>	<p>The Ombudsman’s enquiries revealed that the applicant’s application was addressed to the wrong public authority. The application should have been addressed to the Ministry of Food Production, Land and Marine Resources.</p> <p>The Applicant was informed accordingly.</p>
<p>5. Ministry of National Security</p> <p>23 Feb 2011</p>	<p>The Applicant requested a review by the Ombudsman after the public authority refused the applicant access to the information requested.</p>	<p>The Ombudsman reviewed the matter and agreed with response given to the applicant by the public authority.</p>
<p>6. Trinidad and Tobago Electricity Commission</p> <p>18 April 2011</p>	<p>The Applicant requested the following:</p> <ul style="list-style-type: none"> i. Documentation/Authorization by which electricity bills for premises at Mount St. George Tobago was changed. ii. In whose name is the current billing for the said premises. 	<p>The Ombudsman reviewed the matter and agreed with the response given to the applicant by the public authority.</p> <p>The Applicant was informed accordingly.</p>
<p>7. National Lotteries Control Board</p> <p>28 April 2011</p>	<p>The Applicant requested information relating to the settlement of a matter made in 10/20/2010.</p>	<p>The Ombudsman wrote the public authority and was informed that the applicant did not make his request for information under the prescribed form as specified by the Freedom of Information Act.</p> <p>The Ombudsman informed the applicant accordingly.</p>

Public Authority	Reasons for the Complaint	Outcome
<p>8. Ministry of Local Government</p> <p>2 May 2011</p>	<p>The Applicant requested the following information:</p> <ul style="list-style-type: none"> i. The names of the Chief Executive Officers who will be returning in the 2010, 2011, and 2012 and the Corporations they are attached to; and ii. The Chief Executive Officers who will be proceeding on vacation leave during 2010, 2011, and 2012. 	<p>The Ombudsman sought clarification from the Applicant with respect to the information requested. The response from Applicant is still outstanding. The matter is pending.</p>
<p>9. Commissioner of Police</p> <p>13 June 2011</p>	<p>The Applicant requested copies of investigative reports and witness statements arising out of an incident relating to the death of the Applicant's son.</p>	<p>The Ombudsman noted that the matter is currently before the Court since the applicant commenced judicial review proceedings before utilizing the review procedure of the Ombudsman. Accordingly, the Ombudsman has no jurisdiction to treat with the Applicant's request.</p>
<p>10. Ministry of Education</p> <p>16 June 2011</p>	<p>The Applicant requested the following:</p> <ul style="list-style-type: none"> i. Date and document of Cabinet Note signed for Citizenship Awards 2006; ii. Date of Cancellation of 2007 Citizenship Awards; and iii. Reasons for cancellation after circular was sent out to schools. 	<p>The Ombudsman reviewed the matter and agreed in part with the response of the public authority. However, the Ombudsman made some recommendations which were conveyed to the Designated Officer of the public authority. The Applicant was informed to liaise with said Designated Officer with</p>

Public Authority	Reasons for the Complaint	Outcome
		respect to the recommendations.
<p>11. Statutory Authorities Service Commission</p> <p>17 June 2011</p>	<p>According to the public authority, the applicant requested the following:</p> <ul style="list-style-type: none"> i. Copy of application to the Foreign Affairs Ministry of the Administrative Officer on contract; and ii. First document of letter sent to former public servant letter of appointment. 	<p>The matter is pending. The Ombudsman has requested the applicant to provide a copy of the initial request to the public authority. The Ombudsman is awaiting the information from the applicant.</p>
<p>12. Chaguanas Police Station</p> <p>27 June 2011</p>	<p>The Applicant requested information arising out of an incident which occurred on September 21, 2007.</p>	<p>The Ombudsman received the request for review. The Ombudsman noted that the request was made to the Senior Superintendent at the Chaguanas Police Station. The Ombudsman was informed by the Office of the Police Commissioner that the proper authority to receive the request is the Commissioner of Police. The Applicant was informed to lodge a new request with the Commissioner of Police.</p>
<p>13. Agricultural Development Bank (ADB)</p> <p>24 June 2011</p>	<p>The Applicant requested the following information:</p> <ul style="list-style-type: none"> i. Copy of loan contract ii. Receipt of payments iii. Amount of money given by the ADB. 	<p>The Ombudsman received the request. The applicant was informed by the Ombudsman that the ADB is exempt from the provisions of the Freedom of Information Act.</p>

Public Authority	Reasons for the Complaint	Outcome
<p>14. CARONI</p> <p>8 August 2011</p>	<p>The Applicant made a request for information to the public authority but there was no response to the Applicant.</p> <p>The Applicant sought the Ombudsman's intervention.</p>	<p>The Applicant was informed that the Ombudsman has no jurisdiction to review the matter since the public authority has not given a notice of refusal to access an official document.</p> <p>Accordingly, the Ombudsman has no jurisdiction to proceed with a review as contemplated under the provisions of the Freedom of Information Act (FOIA).</p>
<p>15. Office of the Commissioner of Police</p> <p>19 August 2011</p>	<p>The Applicant made a request for information to the public authority but there was no response from the authority to the applicant.</p> <p>As such, the applicant sought the Ombudsman's intervention.</p>	<p>The Applicant was informed that the Ombudsman has no jurisdiction to review the matter since the public authority has not given notice of refusal to access an official document.</p> <p>Accordingly, the Ombudsman has no jurisdiction to proceed with a review as contemplated under the provisions of the FOIA.</p> <p>The Applicant was advised to commence judicial review proceedings as outlined under section 39 of the FOIA.</p>
<p>16. Trinidad and Tobago Postal Corporation</p>	<p>The Applicant requested a review by the Ombudsman upon being informed</p>	<p>The Ombudsman reviewed the matter and agreed with</p>

Public Authority	Reasons for the Complaint	Outcome
<p align="center">7 September 2011</p>	<p>that the information requested is not in the possession of the public authority.</p>	<p>the response given to the applicant by the public authority. The Applicant was informed accordingly.</p>
<p>17. Ministry of Education</p> <p align="center">12 September 2011</p>	<p>The Applicant requested a review by the Ombudsman after being denied access to the following information:</p> <ul style="list-style-type: none"> i. The amount paid by the Ministry of Education to the National Maintenance, Training and Security Company Limited for the periods 2004-2007 and 2008-2010 for security services. ii. The charge out rate per category of officers for January 1, 2004 to December 31, 2010. iii. Supervisors charge out rate paid by the Ministry of Education to security companies contracted to provide security services 	<p>The Ombudsman reviewed the matter and agreed with the response given to the Applicant by the public authority. The Applicant was informed accordingly.</p>
<p>18. Ministry of Sports</p> <p align="center">12 October 2011</p>	<p>The Applicant requested the following information from the Ministry:</p> <ul style="list-style-type: none"> i. The total amount of funds approved by the Ministry for the “Night of Champions” boxing event held on July 29, 2011. ii. A list of boxers who received assistance from the Ministry with training expenses for the 	<p>The Ombudsman was informed by the applicant the decision of the Ministry is outstanding. Consequently, the Ombudsman has no jurisdiction to proceed with a review as contemplated under the FOIA. The Applicant was informed to commence judicial review</p>

Public Authority	Reasons for the Complaint	Outcome
	"night of Champions" boxing event.	proceedings in accordance with section 39 of the FOIA.
<p>19. Government Information Services Limited</p> <p>6 October 2011</p>	<p>The Applicant requested information relating to the salaries, remuneration packages and job descriptions for the positions of <i>Video Editor, Cameraman, Photographers, Audio Man, Communications Assistant</i> and <i>Graphic Designer</i>.</p>	<p>The Ombudsman noted that the Applicant's request to the public authority was made on May 11, 2011. The public authority's response to the Applicant was dated June 2011.</p> <p>The Ombudsman received the Applicant's complaint for review in October 2011. The Ombudsman was unable to review the Applicant's matter since the request for review was outside the stipulated time period as prescribed under section 38 of the FOIA.</p> <p>The Applicant was informed to commence judicial review proceedings in accordance with section 39 of the FOIA.</p>
<p>20. Port-of-Spain City Corporation</p> <p>18 October 2011</p>	<p>The Applicant requested copies of the payments made from his salary to the court relating to a maintenance order during the period 1987 to November 1993.</p>	<p>The Applicant received some of the requested information.</p> <p>The Ombudsman wrote to the public authority to ascertain what steps are being taken to retrieve the outstanding information.</p> <p>The matter is pending.</p>
<p>21. Occupational Safety and Health Agency</p>	<p>The Applicant requested a copy of an accident investigation report in</p>	<p>The Ombudsman reviewed the matter and agreed with</p>

Public Authority	Reasons for the Complaint	Outcome
<p>1 December 2011</p>	<p>relation to an accident which occurred on October 26, 2010.</p>	<p>the response given by the public authority. The Applicant was informed accordingly.</p>
<p>22. Government Information Services Limited</p> <p>14 December 2011</p>	<p>The Applicant requested information relating to the salaries, remuneration packages and job descriptions for the positions of <i>Video Editor, Cameraman, Photographers, Audio Man, Communications Assistant</i> and <i>Graphic Designer</i>.</p>	<p>The Ombudsman reviewed the matter and agreed with the response given to the Applicant by the public authority. The Applicant was informed accordingly.</p>
<p>23. Ministry of Local Government</p> <p>15 December 2011</p>	<p>The Applicant requested the following:</p> <ul style="list-style-type: none"> i. Copies of all requests for overseas travel and training received by the Ministry from Municipal Corporations ii. Copies of all correspondence conveying approval/non-approval to the applicants mentioned above. iii. Reference numbers and dates of all Cabinet Notes and Minutes relative to (i) and (ii) above. 	<p>The Ombudsman was informed by the Applicant that the decision of the Ministry is outstanding. Consequently, the Ombudsman has no jurisdiction to proceed with a review as contemplated under the FOIA. The Applicant was informed to commence judicial review proceedings in accordance with section 39 of the FOIA.</p>
<p>24. Service Commissions Department</p> <p>10 December 2011</p>	<p>The Applicant requested information from the Police Service Examination Board as it relates to the results of an examination and a copy of the examination script.</p>	<p>The Ombudsman was informed by the Applicant that the decision of the Ministry is outstanding. Consequently, the Ombudsman has no jurisdiction to proceed with a review as contemplated under the FOIA. The Applicant was informed to commence judicial review</p>

Public Authority	Reasons for the Complaint	Outcome
		proceedings in accordance with section 39 of the FOIA.

Appendix IV: Public Authorities Reading Room

Public Authority	Documents normally on Display in the Reading Room
<p>1. Ministry of Planning and Development</p> <p>Level 6, Eric Williams Finance Building Port of Spain.</p> <p>Opening Hours</p> <p>Monday – Friday 8:30am – 3:30pm</p>	<ul style="list-style-type: none"> • Copies of Legislation • Public Sector Investment Documents • Policies of Agencies under the Min. of Planning and Development • Reports from Government Agencies • Administrative Reports of the Ministry • Financial Reports
<p>2. Ministry of Trade, Industry, Investment and Communications</p> <p>Located Level 15 Nicholas Tower 63-65 Independence Square Port of Spain</p> <p>Monday – Friday 8:00am – 4:00pm</p>	<ul style="list-style-type: none"> • Books, Journals • Articles, periodicals • Magazines, Catalogues, Brochures
<p>3. Ministry of Labour and Small and Micro Enterprise Development</p> <p>Located in Library 5th Floor Duke Place 50-54 Duke Street Port of Spain</p>	<p>Journals on:</p> <ul style="list-style-type: none"> • Industrial Relations • Human Resource • Occupational Health and Safety • Law Reports • Employment • Co-operatives
<p>4. Ministry of Tourism</p> <p>Level 8, Tower C International Waterfront Complex 1A Wrightson Road Port of Spain</p>	<ul style="list-style-type: none"> • No information was supplied

Public Authority	Documents normally on Display in the Reading Room
<p>Tuesday – Thursday 9:00am – 3:00pm</p>	
<p>5. Ministry of National Security – General Administration</p> <p>Temple Court 1, 31-33 Abercromby Street Port of Spain.</p> <p>Monday – Friday 8:00am – 4:00pm</p>	<ul style="list-style-type: none"> • No information was supplied
<p>6. Telecommunications Authority of Trinidad and Tobago</p> <p>Library (adjacent to Registry) #5, Eight Avenue Extension, off Twelfth Street Barataria.</p>	<ul style="list-style-type: none"> • Books • Journals • Newsletters
<p>7. Electrical Inspectorate Division</p> <p>Information may be readily accessed at the following addresses:</p> <ul style="list-style-type: none"> • #48 Eastern Main Road, Arouca • #2 Elizabeth Street, St Clair • Maska Building, South Trunk Road, La Romaine, San Fernando • Carrington Street, Scarborough, Tobago <p>Monday-Friday 9:00am – 3:00pm</p>	<ul style="list-style-type: none"> • No information was supplied
<p>7. Ministry of Public Utilities</p> <p>Ground Floor – Library #2 Elizabeth Street</p>	<ul style="list-style-type: none"> • Copies of Legislation • Copies of Trinidad and Tobago Gazette • Public Sector Investment Programme documents

Public Authority	Documents normally on Display in the Reading Room
<p>St. Clair</p> <p>Monday – Friday 8:30am – 3:30pm</p>	<ul style="list-style-type: none"> • Policies of Agencies under the Ministry • Administrative Reports of the Ministry • Legal Notices • Bills-House of Representatives and Senate • Hansard Reports relating to Debates in the Senate and House of Representative
<p>8. National Agricultural Marketing and Development Corporation</p> <p>Head Office S.S Erin Road, Debe</p>	<ul style="list-style-type: none"> • No information was supplied
<p>9. College of Science, Technology & Applied Arts of Trinidad and Tobago</p> <p>City Campus 9 – 11 Melville Lane Port of Spain</p>	<ul style="list-style-type: none"> • Books • Brochures • Pamphlets
<p>10. Service Commissions Department</p> <p>59 – 61 Cipriani Boulevard Port of Spain</p>	<ul style="list-style-type: none"> • No information was supplied
<p>11. Petroleum Company of Trinidad and Tobago Limited</p> <p>Information Resource Centre Petrotrin Learning Centre Point a Pierre Room 112</p>	<ul style="list-style-type: none"> • No information was supplied
<p>12. South West Regional Health Authority</p> <p>Regional Administration Centre</p>	<ul style="list-style-type: none"> • No information was supplied

Public Authority	Documents normally on Display in the Reading Room
<p>Paradise Pasture Independence Avenue San Fernando</p> <p>Monday – Friday 10:00am – 2:00pm</p>	
<p>13. Trinidad and Tobago Film Company</p> <p>47 Long Circular Road St. James</p> <p>Library – Ground Floor</p>	<ul style="list-style-type: none"> • Journals • Newspaper clippings • Books • Magazines • DVD`s • Catalogues
<p>14. Meteorological Services Division</p> <p>Rawinsonde Building South Terminal Piarco Airport Piarco</p> <p>Monday – Friday 8:00am – 4:00pm</p>	<ul style="list-style-type: none"> • Technical Meteorological and Civil Aviation Regulations • Scientific (Meteorological) journals, magazines, books and other publications • Law books of the Republic of Trinidad and Tobago
<p>15. Regulated Industries Commission</p> <p>Furness Building Corner Wrightson Road and Independence Square Port of Spain</p>	<ul style="list-style-type: none"> • Books • Journals and Newsletters • Government Documents • Regulated Industries Commission Research Papers • Legislation – Regulated Industries Commission, Water and Sewerage Authority, Trinidad and Tobago Electricity Commission • Annual Reports • Resources on various aspects of utility regulation
<p>16. Education Facilities Company Limited</p>	<ul style="list-style-type: none"> • Tenders for viewing in respect of Invitations to Tender

Public Authority	Documents normally on Display in the Reading Room
<p>Long Circular Place – 2nd Floor No. 74 Long Circular Road Maraval Port of Spain</p>	
<p>17. Personnel Department Valpark Building 76-78 St Vincent Street Port of Spain</p> <p>Conference Room – Level 3 ABMA Building 55-57 St Vincent Street Port of Spain</p>	<ul style="list-style-type: none"> • No information was supplied
<p>18. Regulated Industries Commission</p> <p>1st Two Floors Furness Building Cor. Wrightson Road Independence Square Port of Spain</p> <p>Opening Hours 8:00am – 4:00pm</p>	<ul style="list-style-type: none"> • Books • Journals and Newsletters • Government Documents • Regulated Industries Commission research papers • Legislation – Regulated Industries Commission • Water and Sewerage Authority • Trinidad and Tobago Electricity Commission annual reports <p>Resources on various aspects of utility regulation</p>
<p>19. Service Commissions Department</p>	<ul style="list-style-type: none"> • No information was supplied.