



Government of the Republic of Trinidad and Tobago

Freedom of Information Act Chap 22:02

ANNUAL REPORT TO PARLIAMENT

2012



CONTENTS

Executive Summary	3
1.0 Introduction.....	4
2.0 Legal Framework	6
3.0 Administration of the Freedom of Information Act	9
3.1 The Freedom of Information Unit	9
3.2 Activities conducted by the Freedom of Information Unit	10
4.0 Monitoring of the Freedom of Information Act	11
4.1 Quarterly Returns	11
4.2 Publication of Annual Statements.....	12
5.0 Statistical Analysis	14
5.1 Number of Requests made for the year 2012.....	14
5.2 Categories of Requested Information	15
5.3 Action taken on Freedom of Information Requests.....	15
5.4 Judicial Review.....	16
5.5 Complaints made to the Office of the Ombudsman	17
5.6 Other Matters.....	17
5.7 Reading Room	17
6.0 The Way Forward: The Data Protection Act.....	18
APPENDICES.....	19
Appendix I: Non-Compliant Public Authorities – Submission of Quarterly Return Forms.....	20
Appendix II: Number of Freedom of Information Requests received by Public Authorities for the Year 2012.....	24
Appendix III: Complaints to the Ombudsman	26
Appendix IV: Public Authorities Reading Room	34

EXECUTIVE SUMMARY

The Freedom of Information Act Chapter 22:02 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	321
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.	19 <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.	12 <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.	21 <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)]	12 <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 (“FOIA”) arose out of the principles of the Harare Declaration¹ that was signed by the Commonwealth Heads of Government in 1995². One of the principles states “... *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 2012 is the Tenth 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 on public access to official government documents held by 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:

- the number of requests made to public authorities;

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 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

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

6. Taurus Services Limited⁹
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

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

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 (“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 2012, the Unit functioned under the Office of the Prime Minister which was located at Level 5, Nicholas Tower, 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 three (3) members of staff: 1 Senior FOI Officer- Monitoring and Evaluation, 1 FOI Officer- Client Relations and Training and 1 Business Operations Assistant.

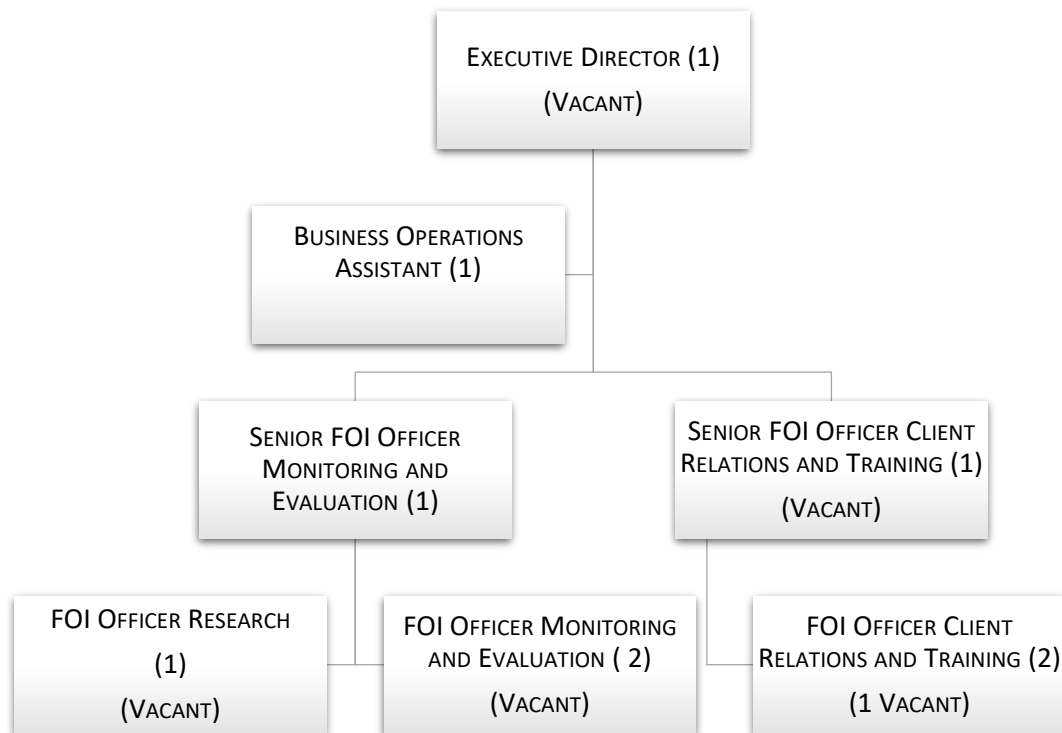


Figure 1: Organizational Structure of the Unit

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. Assisting members of the public in their requests for information;
2. Monitoring and Evaluation – the operations of the FOIA and making recommendations to ensure that the objectives of the Act are met; and
3. Research – to maintain an awareness of recent developments and trends in the area of Freedom of Information.

3.2 Activities conducted by the Freedom of Information Unit

While no training or 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 221 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 2012.

Of this, 34 or 15% of public authorities submitted quarterly returns, which were used to prepare this Annual Report. This represents a 10% increase in the number of quarterly submissions by public authorities when compared to 31 which made submissions in 2011.

Figure 2 below illustrates the type of public authorities and the number of submitted returns. Total submissions from all public authorities increased from 31 in 2011 to 34 in 2012, representing an average of 33 over the two-year period.

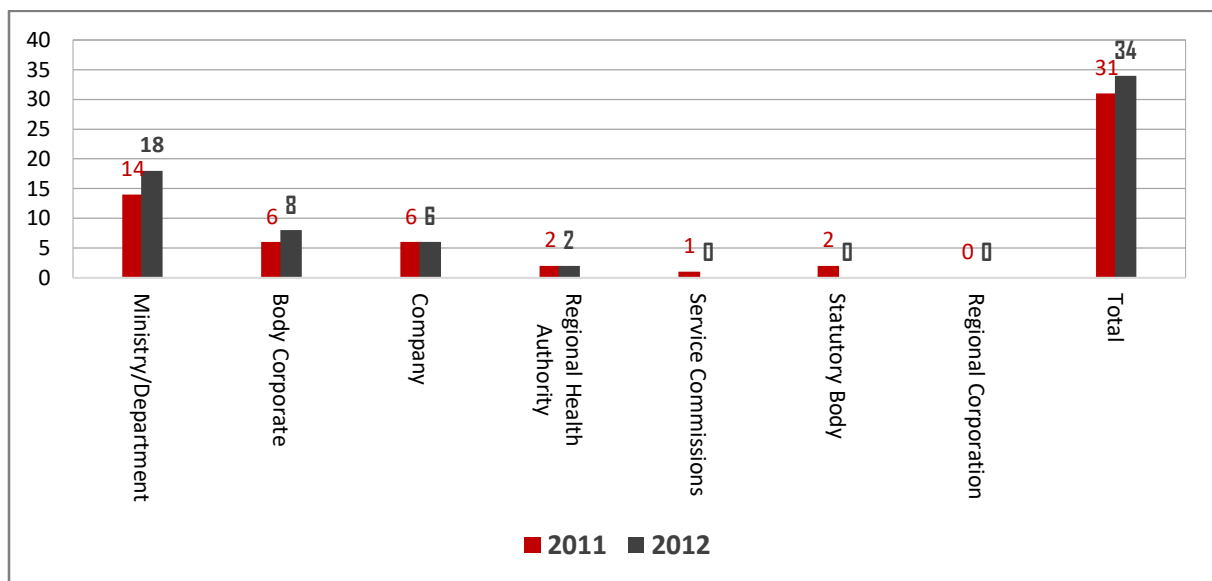


Figure 2: Quarterly Return submissions by Public Authorities for 2011-2012

Of the submissions in 2012, Ministries and Departments had the largest volume (18), followed by Body Corporates (8) and thereafter Companies (6). Ministries and Departments were consistent in recording the highest number of submissions in both years. Of note, there were no submissions recorded for Service Commissions, Statutory Bodies and Regional Corporations in 2012.

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.

19 public authorities published annual statements via the Gazette during the year. Table 2 highlights the public authorities which published their annual statements in 2012.

Table 2: Publication of Public Statements by Public Authorities in the Gazette – 2012

Public Authorities	Reference - Gazette
1. Electrical Inspectorate Division	Gazette No. 11, Vol. 51, pp, 71-79, 26 January, 2012
2. Equal Opportunity Commission	Gazette No. 33, Vol. 51, pp, 171-182, 5 March, 2012
3. Petroleum Company of Trinidad and Tobago Limited	Gazette No. 33, Vol. 51, pp, 183-194, 5 March, 2012
4. Trinidad and Tobago Police Service	Gazette No. 34, Vol. 51, pp, 196-211 5 March, 2012
5. Trinidad and Tobago Fire Service	Gazette No. 34, Vol. 51, pp, 212-226, 5 March, 2012
6. Office of the Prime Minister	Gazette No. 60, Vol. 51, pp, 363-378, 22 March, 2012
7. Ministry of Community Development	Gazette No. 62, Vol. 51, pp, 383-401, 23 March, 2012
8. National Energy Corporation	Gazette No. 91, Vol. 51, pp, 683-697, 17 May, 2012
9. La Brea Industrial Development Company Limited	Gazette No. 91, Vol. 51, pp, 698-711, 17 May, 2012
10. Service Commissions Department	Gazette No. 118, Vol. 51, pp, 847-849, 5 July, 2012
11. Trinidad and Tobago National Petroleum Marketing Company Limited	Gazette No. 132, Vol. 51, pp, 961-966, 2 August, 2012
12. The Caribbean Industrial Research Institute	Gazette No. 144, Vol. 51, pp, 1054-1060, 3 September, 2012

Public Authorities	Reference - Gazette
13. Palo Seco Agricultural Enterprise Limited	Gazette No. 147, Vol. 51, pp, 1078-1083; 1085-1087, 7 September , 2012
14. National Information and Communication Technology Company Limited (iGovTT)	Gazette No. 168, Vol. 51, pp, 1228-1231, 24 October, 2012
15. Ministry of Public Utilities	Gazette No. 183, Vol. 51, pp, 1305-1317, 21 November, 2012
16. Trinidad and Tobago Electricity Commission	Gazette No. 183, Vol. 51, pp, 1318-1328, 21 November, 2012
17. Electrical Inspectorate Division	Gazette No. 194, Vol. 51, pp, 1385-1395, 11 December, 2012
18. Land Settlement Agency	Gazette No.194, Vol. 51, pp, 1399-1408, 11 December, 2012
19. Trinidad and Tobago Postal Corporation	Gazette No.199, Vol. 51, pp, 1443-1454, 21 December, 2012

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 2012

In 2012, a total of a total of 670 requests required determination as follows:

- Requests brought forward from previous year(s) - 354
- New requests received from 34 public authorities - 321
- Request withdrawn - 5

Of this total, 340 requests were finalized (see Section 5.3)

The South West Regional Health Authority (SWRHA) recorded the highest number of new requests with 115 requests, followed by the Inland Revenue Division which had 60 requests and Ministry of Food Production with 23 requests. The listing of the various organizations and the number of requests received are found in **Appendix II**.

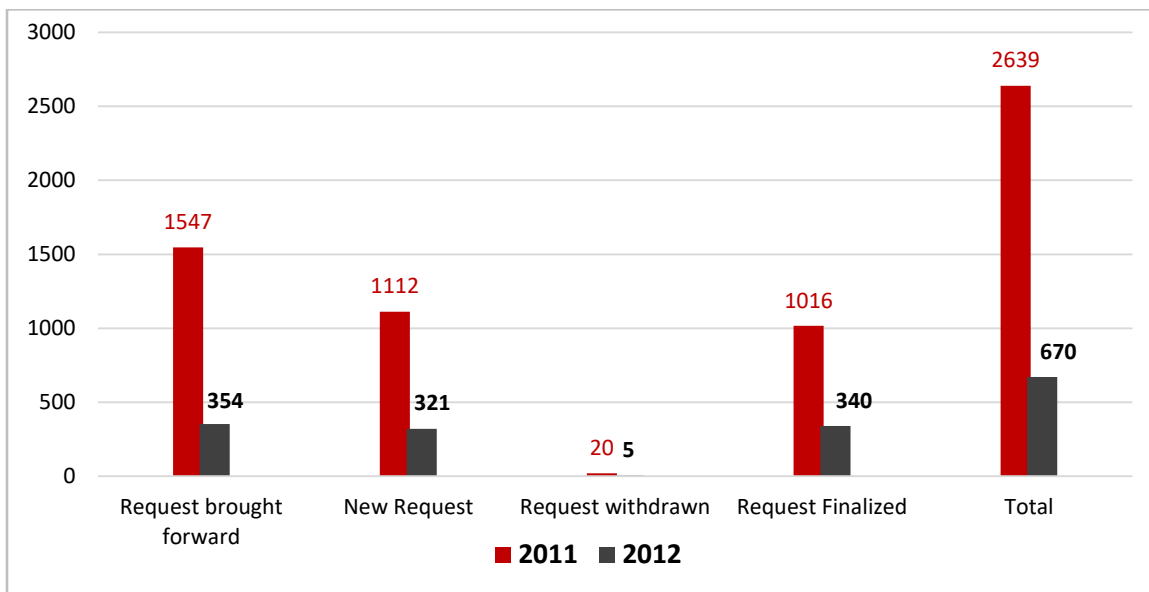


Figure 3: Number of Requests received by Public Authorities

5.2 Categories of Requested Information

Personal Records were the most requested documents by applicants over the two-year period.

In 2012, the most popular documents requested were Personal Records with 196 or 42.5%. This was followed by Internal Working Documents with 123 or 26.7% and Documents Relating to the Operations of a Public Authority with 64 or 13.9%. Requests for all the other categories were negligible. Figure 4 provides a complete breakdown of the categories of information requested for the period 2011- 2012.

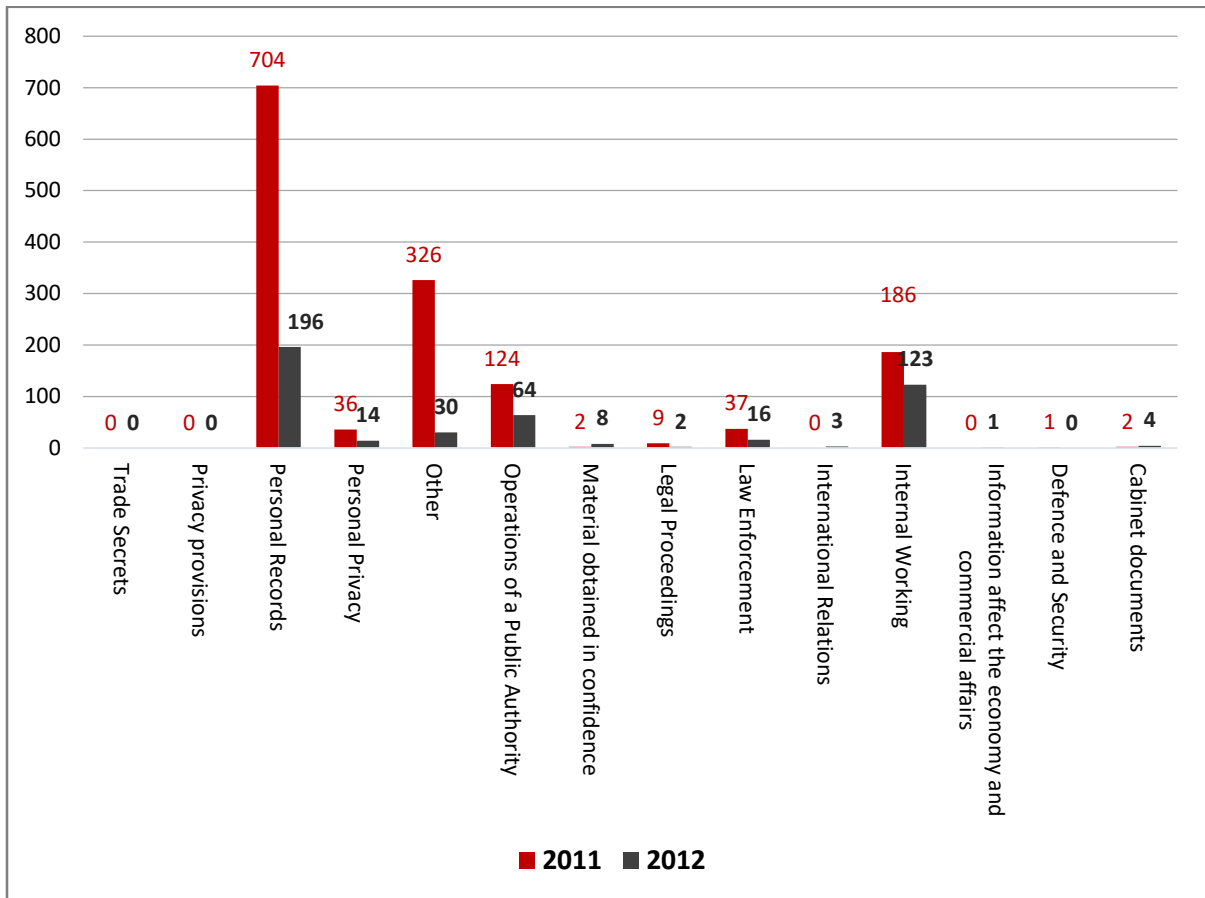


Figure 4: Information requested under the FOIA by Category (documents)

5.3 Action taken on Freedom of Information Requests

In 2012:

- (i) Granted in Full – 250 (74%) of all the information requested was given to the applicant.
- (ii) Granted in Part – applicant received access to 49 (14%) of some of the information requested.

- (iii) Deferred – 22 (6%) 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 – 19 (6%) of the request was refused as the document requested fell under Part IV of the Act, with exemptions.

In 2012, approximately 340 requests were finalised.

Figure 5 shows the action taken on the requests.

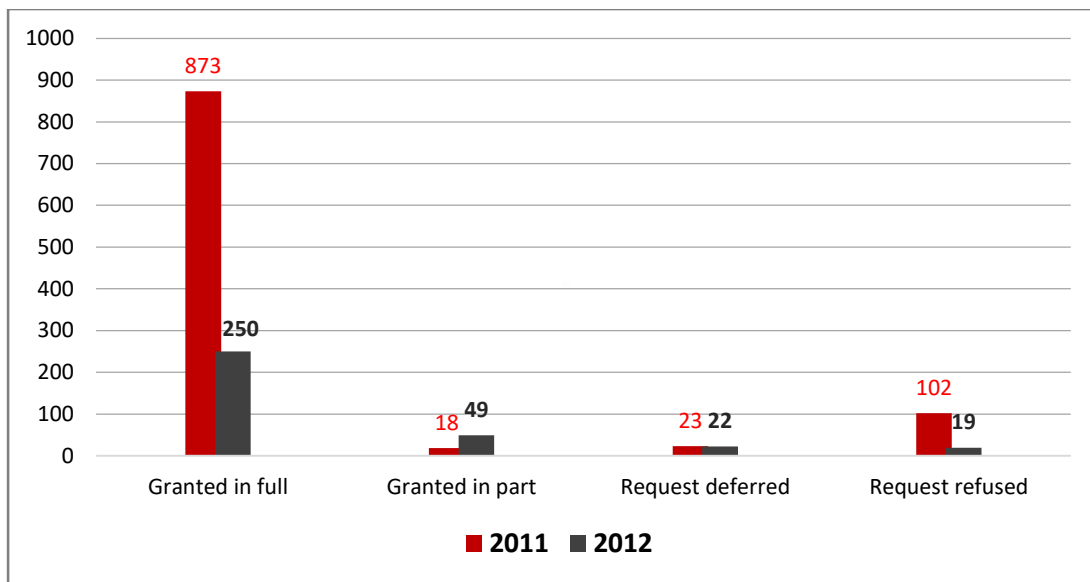


Figure 5: Action taken on FOI Requests

Over the period, public authorities have been responding fully to requests for information under the FOIA with 873 and 250 requests being granted in full in 2011 and 2012, respectively.

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 2012, 12 matters were filed to the High Court for judicial review compared to 10 in 2011, or an increase of 20%.

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 21 complaints from aggrieved applicants. This compares to 24 in 2011, representing a decline of 12.5%. 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 2012, an 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;
- 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 indicates whether they maintain a reading room for the public and lists what is available for public consumption and times of operation.

Appendix IV lists the particulars of any reading room or other facility provided by twelve (12) 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: THE DATA PROTECTION ACT

The Data Protection Act Chap 22:04 was passed by an Act of Parliament 13 of 2011. The Data Protection Act partially proclaimed as Part I (the object, the application of the Act and the General Privacy Principles) and Part II (Sections 7-18, 22,23,25(1), 26 and 28 which deals with the operationalization of the Office of the Information Commissioner) was brought into force on January 6, 2012. Part III (Protection of Personal Data by Public Bodies), Part IV (Protection of Personal Data by the Private Sector), Part V (Contravention and Enforcement), Part VI (Miscellaneous) have not yet been brought into effect.

The intent of the Data Protection Act Chap 22:04 is to ensure that personal information which an organization may hold shall not be disclosed, processed or used other than for the purpose it was collected except with the consent of the individual.

Data Protection and Freedom of Information are basically opposite sides of the same coin. Freedom of Information encourages the release and access to information held by public authorities while data protection ensures that an individual's personal information held by either a public or private entity is protected. Under the Freedom of Information Act, any document which may unreasonably disclose the personal information of any individual would be an exempt document (section 30). Personal information under both the Freedom of Information and Data Protection Acts include inter alia: information about a person's race; ethnicity; sex; religion; address; fingerprints; blood type; education and medical history.

These competing interests require a delicate balance. Whilst there is the need for openness and transparency in the operation of public authorities, it must be construed against the obligation to protect an individual's personal information from being disclosed.

APPENDICES

Appendix I: Non-Compliant Public Authorities – Submission of Quarterly Return Forms¹⁵

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

¹⁵ This list of non-compliant public authorities may include entities that are non-operational at the time of this Report.

- | | | |
|--|--|--|
| 51. Economic Development Board | 72. Law Revision Commission | 91. National Flour Mills |
| 52. Emergency Medical Personnel Council of Trinidad and Tobago | 73. Legal Aid and Advisory Authority | 92. National Helicopter Company Limited |
| 53. Equal Opportunities Tribunal | 74. LIAT Limited | 93. National Infrastructure Development Company Limited |
| 54. Export Centres Company Ltd | 75. Livestock and Livestock Products Board | 94. National Insurance Appeals Tribunal |
| 55. Export TT | 76. Medical Council of Trinidad and Tobago | 95. National Insurance Board |
| 56. Fair Trading commission | 77. MIC Institute of Technology (MIC-IT) | 96. National Insurance Property Development Company Ltd |
| 57. Food Advisory Committee | 78. Military-led Academic Training Programme | 97. National Mentorship Programme |
| 58. Friendly Societies | 79. Minimum Wages Board | 98. National Museum and art Gallery |
| 59. Green Fund Advisory Committee | 80. NAPA Hotel | 99. National Operations Centre |
| 60. Housing Development Corporation Corporation (HDC) | 81. Naparima Bowl | 100. National Population Council |
| 61. Hugh Wooding Law School | 82. National Academy for the Performing Arts | 101. National Quarries Company Limited |
| 62. Industrial Court | 83. National Agro Chemical Ltd | 102. National Reforestation and Watershed Rehabilitation Programme |
| 63. Institute of Marine Affairs (IMA) | 84. National Association of Village and Community Councils | 103. National Schools Dietary Services Limited |
| 64. Infrastructure, Quarries & Urban Development | 85. National Broadcasting Network | 104. National Steel Symphony Orchestra |
| 65. Intellectual Property | 86. National Carnival Commission | 105. National Theatre Arts Company |
| 66. Interdisciplinary Child Development Centre | 87. National Commission for Self Help | 106. National Training Agency |
| 67. INVESTT | 88. National Emergency Ambulance Service Authority | 107. National Cultural Commission |
| 68. La Brea Industrial Development Corporation | 89. National Energy Corporation of Trinidad and Tobago | 108. NATPET Investment Company |
| 69. Lake Asphalt of Trinidad and Tobago (1978) Limited | 90. National Energy Skills Centre (NESC) | |
| 70. Land Survey Board of Trinidad and Tobago | | |
| 71. Law Reform Commission | | |

- | | | |
|---|---|---|
| 109. NATSTAR Manufacturing Company Ltd | 128. Office of Disaster Preparedness and Management | 147. Sport Company of Trinidad and Tobago |
| 110. Point Lisas Port Development Corporation Ltd | 129. Office of Solicitor General | 148. St Jude`s School for Girls |
| 111. Port-of-Spain City Corporation | 130. Office of the Director of Public Prosecutions | 149. St Michael`s School for Boys |
| 112. Powergen | 131. Opticians Council of Trinidad and Tobago | 150. St. Dominic`s Home |
| 113. Premier Services Ltd | 132. Penal/Debe Regional Corporation | 151. St. Mary`s Home |
| 114. Prices Council | 133. Pesticides and Toxic Chemicals Board | 152. Sugar Industry Labour Welfare Committee |
| 115. Princes Town Regional Corporation | 134. Pharmacy Council of Trinidad and Tobago | 153. Sugar Manufacturing Company Ltd |
| 116. Princess Elizabeth Home for the Handicapped Children | 135. Police Complaints Authority | 154. Tax Appeal Board |
| 117. Public Transport Service Corporation | 136. Registrar General | 155. Telecommunications Services of Trinidad and Tobago Ltd |
| 118. Queens Hall | 137. Registration, Recognition, and Certification Board | 156. Tourism and Industrial Development Company |
| 119. New City Mall | 138. Rent Assessment Board | 157. Tourism Development Company of Trinidad and Tobago |
| 120. NGC NGLM Company Ltd | 139. Rum Distillers Ltd | 158. Transport Board |
| 121. NGC TT NGL Ltd | 140. San Fernando City Corporation | 159. Trinidad and Tobago Anti-Doping Organization |
| 122. NIHERST | 141. San Juan/Laventille Regional Corporation | 160. Trinidad and Tobago Association for Retarded Children |
| 123. North Central Regional Health Authority | 142. Seafoods Industry Development Company Ltd | 161. Trinidad and Tobago Association in Aid of Deaf |
| 124. Nurses and Midwives Council of Trinidad and Tobago | 143. Sentencing Commission | 162. Trinidad and Tobago Blind Welfare Association |
| 125. Occupational Safety and Health Authority | 144. Siparia Regional Corporation | 163. Trinidad and Tobago Bureau of Standards |
| 126. Office of the Chief State Solicitor | 145. South West Regional Health Authority | 164. Trinidad and Tobago Cadet Force |
| 127. Office of Chief Parliamentary Counsel | 146. Sport and Culture Board of Management | |

- | | | |
|--|---|---|
| 165. Trinidad and Tobago Civil Aviation Authority | 172. Trinidad and Tobago National Petroleum Marketing Company Limited | 181. Urban Development Corporation of Trinidad and Tobago (UDECOTT) |
| 166. Trinidad and Tobago Defence Force | 173. Trinidad and Tobago Racing Authority | 182. Union Estate Electricity Generation Company Limited |
| 167. Trinidad and Tobago Development Finance Ltd | 174. Trinidad Nitrogen Company Ltd | 183. University of the West Indies (UWI) –Open Campus |
| 168. Trinidad and Tobago Fire Service | 175. Trinidad Northern Areas Ltd | 184. UTT |
| 169. Trinidad and Tobago Forensic Science Centre | 176. TRINMAR Ltd | 185. Youth training Centre Board of Management |
| 170. Trinidad and Tobago Forest Products Company | 177. TRINTOC Services Ltd | 186. Youth Training Education Partnership Programme |
| 171. Trinidad and Tobago Hospitality and Tourism Institute | 178. TT LNG | 187. Zoological Society of Trinidad and Tobago |
| | 179. TT Marine Petroleum Company Ltd | |
| | 180. Tunapuna/Piarco Regional Corporation | |

Appendix II: Number of Freedom of Information Requests received by Public Authorities for the Year 2012

Name of Public Authority	No. of Requests
1.Department of Motor Vehicle Registration and Control	0*
2.Education Facilities Company Limited	0*
3.Environmental Management Authority (EMA)	1
4.Evolving Tecknologies and Enterprise Development Company Limited	0*
5.Government Human Resource Services Limited	0*
6.Inland Revenue Division	60
7.Ministry of Arts and Multiculturalism	2
8.Ministry of Education	0*
9.Ministry of Food Production	23
10.Ministry of Gender, Youth and Child Development	2
11.Ministry of Health	1
12.Ministry of Housing Land and Marine Affairs	3
13.Ministry of Labour and Small and Micro Enterprise	7
14.Ministry of National Security	17
15.Ministry of Planning and Sustainable Development	14
16.Ministry of Public Utilities	1
17.Ministry of Tobago Development	0*
18.Ministry of Works and Infrastructure	16
19.National Agricultural Marketing and Development Corporation (NAMDEVCO)	1
20.National Information and Communication Technology Company Ltd.	1
21.National Lotteries Control Board (NLCB)	4
22.North West Regional Health Authority	38
23.Office of the Prime Minister	2
24.Palo Seco Agricultural Enterprises Ltd	0*
25.Personnel Department	3
26.Petroleum Company of Trinidad and Tobago Limited	2
27.Regulated Industries Commission	0*
28.Rural Development Company of Trinidad and Tobago Limited	0*
29.South West Regional Health Authority	115

Name of Public Authority	No. of Requests
30. Telecommunications Authority of Trinidad and Tobago	3
31. The Vehicle Maintenance Corporation of Trinidad & Tobago Ltd (VMCOTT)	0*
32. Trinidad & Tobago Electricity Commission	5
33. Trinidad & Tobago Free Zones Company Limited	0*
34. Trinidad and Tobago Film Company Limited	0*
	321

*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. Service Commissions Department</p> <p>3 Jan 2012</p>	<p>The Complainant requested copies of documents which were addressed to the Director of Personnel Administration from the Office of the Auditor General.</p>	<p>The Ombudsman reviewed the matter and agreed with the response given to the Complainant by the public authority. Complainant advised accordingly.</p>
<p>2. Ministry of Planning Service Commissions Department</p> <p>4 Jan 2012</p>	<p>The Complainant requested access to information from the Ministry of Planning with respect to her terms of employment while employed on contract at the Ministry.</p> <p>With respect to the request made to the Service Commissions Department, the Complainant requested the status of the applications made for the positions of Clerk I, Receptionist, Town Planning Assistant and Clerk Typist I.</p>	<p>The Ombudsman reviewed the matter and agreed with the response given to the Complainant by the Service Commissions Department. However, the Ombudsman made recommendations with respect to the response given to the Complainant from the Ministry. The Designated Officer from the Ministry and the Complainant were informed accordingly.</p>
<p>3. Housing Development Corporation</p> <p>24 Jan 2012</p>	<p>The Complainant requested information with respect to the allocation of housing in emergency situations; via random selection; via senior citizens and challenged persons. Additionally, information was requested regarding the availability of houses in Carib Gardens, Cleaver Heights, Victory</p>	<p>The Ombudsman reviewed the matter and agreed with the response given to the Complainant by the authority. The Complainant was informed accordingly.</p>

Public Authority	Reasons for the Complaint	Outcome
	Gardens and Arouca Housing Development Phases I and II.	
<p>4. Power Generation Company of Trinidad and Tobago (PowerGen)</p> <p>24 Feb 2012</p>	<p>The Complainant’s request for information was denied. He was informed that PowerGen does not have to comply with the request since it (the company) does not fall within the definition of “public authority” as set out under the Freedom of Information Act. Complainant has sought a review having regard to the response received.</p>	<p>The Ombudsman is reviewing the matter in light of the response received from the company.</p>
<p>5. Occupational Safety and Health Authority</p> <p>12 March 2012</p>	<p>The Complainant requested a copy of an Accident Report which arose from a workplace incident on January 27, 2011. The Complainant was refused access to the information requested.</p>	<p>The Ombudsman scheduled a meeting with the Designated Officer from the authority in order to review the matter.</p>
<p>6. Ministry of Finance</p> <p>3 April 2012</p>	<p>The Complainant requested the following information:</p> <ul style="list-style-type: none"> i. Sale agreement of ISCOTT between Caribbean ISPAT and the Government of Trinidad and Tobago ii. Any or all clauses relating to the divestment of ISPAT shares on the local Stock Market /Trinidad and Tobago Stock Exchange <p>The applicant did not receive a response from the authority.</p>	<p>The Ombudsman has no jurisdiction to proceed with a review under the Freedom of Information Act Chapter 22:02 as requested by the Complainant. The Complainant was advised accordingly.</p>

Public Authority	Reasons for the Complaint	Outcome
<p>7. Ministry of National Security</p> <p>17 April 2012</p>	<p>The Complainant requested information with respect to a raid by Immigration Officers at GrandBay Paper Products Limited which occurred on 17/12/2009.</p> <p>The Complainant did not receive a response from the public authority.</p>	<p>The Ombudsman has no jurisdiction to proceed with a review under the Freedom of Information Act Chapter 22:02 as requested by the Complainant. The Complainant was advised accordingly.</p>
<p>8. Trinidad and Tobago Electricity Commission</p> <p>22 May 2012</p>	<p>The Complainant requested the following information:</p> <ul style="list-style-type: none"> i. Position Description, Questionnaire and evaluation results for the position of <i>Senior Manager Regulatory Compliance and Consumer Statistics</i> 	<p>The Ombudsman reviewed the matter and agreed with the decision made by the public authority. The Complainant was informed accordingly.</p>
<p>9. Water and Sewerage Authority (WASA)</p> <p>12 June 2012</p>	<p>The Complainant requested copies of the following:</p> <ul style="list-style-type: none"> i. Approved water reticulation plan and amendments relating to a development at Morne Rene Road, Maraval; and ii. Approval letter(s) relating to the said development. 	<p>Public authority requested that the meeting originally scheduled by the Ombudsman to examine the relevant documents be rescheduled. The Ombudsman acceded to request. A new date for examination of documents is to be confirmed by the public authority. Matter is pending.</p>
<p>10. Occupational Safety and Health Authority and Agency (OSHA)</p> <p>26 June 2012</p>	<p>The Complainant requested a copy of the report from the investigating officer of an accident at the International Waterfront Project.</p>	<p>The Ombudsman reviewed the matter and agreed with the response given to the Complainant by the public authority. The Complainant was informed accordingly.</p>

Public Authority	Reasons for the Complaint	Outcome
<p>11. Supreme Court (San Fernando)</p> <p>28 June 2012</p>	<p>The Complainant requested copies of the following:</p> <ul style="list-style-type: none"> i. Court Order relating to case no. CV2010-01936 ii. Closing submissions pertaining to the said case. iii. Transcript of the court proceedings 	<p>The request for review was premature since the stipulated time period for the public authority to treat with the Complainant's request has not expired. The Ombudsman advised the Complainant accordingly.</p>
<p>12. Caribbean Industrial Research Institute (CARIRI)</p> <p>28 June 2012</p>	<p>The Complainant requested copies of the following:</p> <ul style="list-style-type: none"> i. CARIRI Report on the Inspection conducted at #3 Melbourne Street Building when occupied by the Ministry of Labour; and ii. CARIRI Report on Inspection conducted at Duncan Street Complex when occupied by the Ministry of Health. 	<p>The Ombudsman reviewed the matter and agreed with the response given to the Complainant by the public authority. The Complainant was informed accordingly.</p>
<p>13. Trinidad and Tobago Electricity Commission (T&TEC)</p> <p>30 July 2012</p>	<p>The Complainant requested the following information:</p> <ul style="list-style-type: none"> i. Copy of contract for automatic meter reader between a company and T&TEC; ii. Completion date of contract; and iii. Copies of receipts for monies paid. 	<p>The Ombudsman reviewed the matter and agreed with the decision made by the public authority. The Complainant was informed accordingly.</p>
<p>14. Trinidad and Tobago Electricity Commission</p> <p>18 Sept 2012</p>	<p>The Complainant requested the following:</p> <ul style="list-style-type: none"> i. The findings/recommendations of the Tenders Committee that led to the cancellation of Tender No. 9183. 	<p>The Ombudsman requested the public authority provide the documents requested by the Complainant for the purpose of conducting the review.</p>

Public Authority	Reasons for the Complaint	Outcome
	<ul style="list-style-type: none"> ii. The findings/ recommendations of the Tenders Committee that led to the refusal of the quotations made by the three (3) brokers selected on the March 22, 2012. 	
<p>15. Water and Sewerage Authority</p> <p>8 Oct 2012</p>	<p>The Complainant was denied access to the following information requested namely:</p> <ul style="list-style-type: none"> i. Minutes or extract of Board of Commissioners meeting(s) relating to discussions and or resolutions made concerning the Engineering Procurement and Construction Agreement made between the Applicant and WASA on or about 12th April, 2010; ii. Minutes or extract of the Funding Committee meeting(s) relating to discussions and or resolutions made concerning the Engineering Procurement and Construction Agreement made between the Applicant and WASA on or about 12th April, 2010. 	<p>The Ombudsman reviewed the documents requested and found that the documents were exempt pursuant to section 33 (1) (e) of the FOIA. Applicant advised accordingly.</p>
<p>16. South West Regional Health Authority (SWRHA)</p>	<p>The Complainant was advised by the SWRHA to complain to the Ombudsman since the SWRHA</p>	<p>The Ombudsman wrote to the SWRHA requesting what steps were taken by the Authority to</p>

Public Authority	Reasons for the Complaint	Outcome
<p>26 Oct 2012</p>	<p>informed the Applicant that the medical notes requested could not be located.</p>	<p>retrieve the Applicant’s medical notes. Additionally, the Ombudsman enquired whether any alternative action could be taken in order to collate the information and a time-frame within which this could be accomplished.</p> <p>SWRHA indicated that despite exhaustive searches for the documents, the information requested could not be found. SWRHA indicated that it decided to discontinue the search for the information requested. Complainant was advised accordingly.</p>
<p>17. Power Generation Company of Trinidad and Tobago (PowerGen)</p> <p>30 Oct 2012</p>	<p>The Complainant was denied access to documents relating to the recruitment and selection process for the position of <i>General Manager</i> of PowerGen.</p>	<p>PowerGen contended that it was not a public authority under section 4 of the FOIA. The Ombudsman disagreed and recommended that PowerGen treat with the Complainant’s request.</p> <p>Certain documents were supplied; however, a number of documents were not disclosed on the grounds that they were exempt documents under sections 27 and 30 of the FOIA. The Ombudsman agreed with this decision. The Complainant was advised accordingly.</p>

Public Authority	Reasons for the Complaint	Outcome
<p>18. Urban Development Corporation of Trinidad and Tobago (UDECOTT)</p> <p>31 Oct 2012</p>	<p>The Complainant was denied access to requested information relating to construction work being done on the Customs and Excise building on Richmond Street, Port- of -Spain.</p>	<p>The Applicant made his complaint to the Ombudsman outside of the stipulated time period as set out in section 38A of the FOIA. The Ombudsman was therefore unable to review the matter. The Complainant was informed accordingly.</p>
<p>19. Urban Development Corporation of Trinidad and Tobago (UDECOTT)</p> <p>7 Dec 2012</p>	<p>The Complainant was denied access to requested information relating to construction work being done on the Customs and Excise building on Richmond Street, Port- of -Spain.</p>	<p>Certain information was given to the Complainant, whilst others were refused pursuant to sections 12, 31(1) and 33(1) (d) of the Freedom of Information Act.</p>
<p>20. Estate Management and Business Development Limited (EMBD)</p> <p>5 Dec 2012</p>	<p>The Complainant requested access to information with respect to works carried out on St. Louis Trace, Cumuto instead of Derry Trace.</p> <p>The Complainant was not in receipt of any response from the EMBD with respect to the lodged request.</p>	<p>The Complainant sought the Ombudsman’s assistance prior to the 30-day deadline given to public bodies to respond under section 15 of the FOIA.</p> <p>The Complainant was informed of the following:</p> <ul style="list-style-type: none"> i. Thirty days had not yet expired since his application to EMBD and as such the Ombudsman could not intervene in the matter. ii. The Ombudsman could only intervene upon the receipt of a notice of refusal under section 23(1) of the FOIA. If no notice of its decision was given, the Ombudsman

Public Authority	Reasons for the Complaint	Outcome
		could not review the matter.
<p>21. Water and Sewerage Authority (WASA)</p> <p>12 Dec 2012</p>	<p>The Complainant requested access to documents from WASA and received no response from the Authority as it relates to the following, namely:</p> <ul style="list-style-type: none"> i. A copy of the listing of employees already appointed to the company and the position to which they were appointed. ii. A copy of employees to be appointed and the position. iii. A list of the existing vacancies with respect to monthly paid positions. 	<p>The Ombudsman did not have jurisdiction to review since the Ombudsman could only review upon the receipt of a notice of refusal under section 23(1) of the FOIA. If no notice of its decision was given the Ombudsman could not review the matter. A Notice of refusal was outstanding and as such the Ombudsman could not intervene in the matter. Complainant was advised accordingly.</p>

Appendix IV: Public Authorities Reading Room

Public Authority	Documents normally on Display in the Reading Room
<p>1. Equal Opportunity Commission</p> <p>55-57 Manic Street Chaguanas. 8:00am – 4:00pm</p>	<ul style="list-style-type: none"> • No documents are readily available due to sensitivity and confidentiality of information.
<p>2. Ministry of Planning and Development</p> <p>Level 6, Eric Williams Finance Building Port of Spain. 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>3. 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>4. Phoenix Park Gas Processors Limited</p> <p>Furness Building, Cor. Wrightson Road and Independence Square, 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>5. Regulated Industries Commission</p> <p>Furness Building Cor. Wrightson Road Independence Square Port of Spain. (1st two floors)</p> <p>Opening Hours 8:00am – 4:pm</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 • Tobago Electricity Commission annual reports • Resources on various aspects of utility regulation
<p>6. Services Commissions Department</p>	<ul style="list-style-type: none"> • There is a reading area within the Freedom of Information Unit. By appointment only.
<p>7. Water and Sewerage Authority of Trinidad and Tobago</p> <p>Head Office Farm Road, St Joseph</p> <p>Monday – Friday 8:00am – 4:00pm</p>	<ul style="list-style-type: none"> • WASA’s Corporate Business Plans • Training Policies & Procedures • Operation & Maintenance Manuals • Feasibility Studies of Water supply projects • American Water and Wastewater Standards • Water Rehabilitation Projects • Standard Operation Procedures for Water Treatment Plants
<p>8. Land Settlement Agency</p> <p>Research Section Corporate Services Unit Executive Building Ground Floor Land Settlement Agency Orange Grove Road South Orange Grove Estate Tacarigua</p> <p>Monday- Friday 9:00am – 3:00pm</p>	<ul style="list-style-type: none"> • LSA’s Strategic Plans • Achievement Reports • Valuation Reports prepared by the commissioner of Valuations for Sites Listed in the Schedule of the State Land (Regularizations of Tenure) Act No. 25 of 1998 • Environmental Impact • Statements/Reports • Technical Journals • Brochures of the Land Settlement Agency

Public Authority	Documents normally on Display in the Reading Room
	<ul style="list-style-type: none"> • Technical Books – Statistics, Information Technology, Housing
<p>9. Institute of Marine Affairs</p> <p>Hilltop Lane Chaguaramas</p> <p>Opening Hours 8:00am – 4:00pm</p>	<ul style="list-style-type: none"> • Research Reports (IMA) • Environmental Reports (IMA) • Journals • Laws of Republic of Trinidad and Tobago • FAO Publication (Fisheries & Oceanography) • United nations publications
<p>10. Mayaro-Rio Claro Regional Corporation</p> <p>Basement floor of Main Office Building. Opening Hours</p> <p>Mondays – Thursday 8:00am – 4:15pm Fridays – 8:00am – 4:00pm</p>	<ul style="list-style-type: none"> • Certificate of Environmental clearance located in the lobby area of the main building.
<p>11. National Information and Communication Technology Company Limited (iGovTT)</p> <p>Located Ground Floor Lord Harris Court 52 Pembroke Street Port of Spain</p> <p>Opening Hours Monday – Friday 8:00am – 4:00pm</p>	<ul style="list-style-type: none"> • iGovTT Strategic Plan • IGovTT Annual Reports • National ICT Plans • Copies of the International Organisation for Standardization (10001-10004). • ttconnect promotional brochures • iGovTT promotional brochures • Various reading materials relating to Governance and ICT
<p>12. Ministry of Planning and Development</p> <p>Level 6, Eric Williams Finance Building Port of Spain</p>	<ul style="list-style-type: none"> • Copies of Legislation • Public Sector Investment Documents • Policies of Agencies under the ministry of Planning and Development

Public Authority	Documents normally on Display in the Reading Room
Opening Hours Mondays to Fridays 8:30am – 3:30pm	<ul style="list-style-type: none">• Reports from Government Agencies• Administrative Reports of the Ministry• Financial Reports