

THE ACCESS TO INFORMATION ACT, 2002

The Access to Information Regulations, 2003

In exercise of the power conferred upon the Minister by section 37 of the Access to Information Act, the following Regulations are hereby made:—

1. These Regulations may be cited as the Access to Information Regulations, 2003.
2. In these Regulations—
 - “applicant” means a person who applies for access to an official document;
 - “responsible officer” means a person, whether employed on contract or otherwise, who is attached to a public authority, is responsible for administering the process of access to information and whose duties are specified in regulation 4;
3. Every public authority shall cause to be appointed a responsible officer.
4. The functions and duties of the responsible officer, for the purposes of these Regulations, shall include—
 - (a) the acknowledgement of the receipt of applications for access to official documents;
 - (b) electronically recording or putting in writing, oral requests received;
 - (c) conducting interviews with applicants, where necessary, in order to ensure proper identification of the official documents being requested;
 - (d) conducting an initial review of each requested document under the Act in order to determine whether any such document is to be released;
 - (e) examining a requested document to determine whether—
 - (i) that document is an exempt document;
 - (ii) that document contains exempt matter;
 - (iii) that grant of access to that document should be deferred; or
 - (iv) the form of access requested would be in breach of the Copyright Act;
 - (f) keeping applicants for access to official documents fully informed of the status of their requests;
 - (g) providing access to non-exempt official documents to applicants as provided under the Act;
 - (h) providing advice to the Permanent Secretary in a ministry or a principal officer in other public authorities for the purpose of identifying exempt matter or an exempt document in accordance with the provisions of the Act;
 - (i) informing an applicant, in writing, that a requested official document is exempt or contains exempt matter, or that access to the document will be deferred and indicating to the applicant the basis for the exemption or deferral;
 - (j) assisting with the implementation of all decisions in accordance with the Act and any other relevant enactment;
 - (k) maintaining knowledge of the Act, laws relevant to the administration of the Act and laws affecting records and information management;
 - (l) informing applicants when it is known that an official document requested is already published, and if requested, providing access to such a publication in accordance with existing relevant administrative procedures or statutes;

- (m) coordinating throughout the public authority information required to be published under section 4 of the Act;
- (n) publishing in a newspaper circulated in the Island a notice indicating the gazetted date of the initial and subsequent statements of a public authority's organization and functions pursuant to section 4 of and the First Schedule to the Act;
- (o) the transferring of applications and keeping the applicant informed as to the status thereof;
- (p) anything required by the Act or these regulations to be done.

5. The responsible officer may from, time to time, delegate such of his duties as may be necessary.

6. The Permanent Secretary of a Ministry or a principal officer of a public authority, shall cause to be published in the *Gazette*—

- (a) an initial and subsequent statements on the organization and functions of the public authority pursuant to section 4 of and the First Schedule to the Act.
- (b) whenever a change occurs in the subjects handled by the public authority, or in its functions, a statement as to such change.

7. The responsible officer shall cause a record to be made of all applications made under section 7 and section 24 of the Act.

8.—(1) Where an application is made by telephone or other electronic means to a public authority for access to an official document, the responsible officer shall immediately take the necessary measures to record and store the receipt of such application on the application form set out as Form 1 in the Schedule.

(2) An application in writing for access to an official document may be made to the relevant public authority in the form set out as Form 1 in the Schedule.

9. A responsible officer shall provide such assistance as may be necessary for a person to prepare a written application for access to an official document where that person informs a public authority of his desire to apply for access to such a document but is unable to do so on his own as a result of his—

- (a) inability or limited ability to read or write English; or
- (b) mental or physical disability, or other condition that impairs his ability to make a request by other means.

10. Where—

- (a) access to an official document has been granted and the cost of reproducing that document is not paid within the specified time as was mutually agreed; or
- (c) the public authority receives an application for the waiver, remission or reduction of such cost,

time shall cease to run until the cost is paid or the waiver, remission or reduction is granted, as the case may be.

11. Upon receipt of an application for access to an official document, the responsible officer shall—

- (a) examine the application to determine whether the information requested is already published;
- (b) if the information is already published, inform the applicant accordingly;
- (c) process the application for an official document in accordance with the provisions of regulation 4.

12. Upon receipt of an application for access to an official document the responsible officer shall acknowledge receipt of the application or cause it to be acknowledged in writing addressed to the applicant.

13. An application—

- (a) for access to official documents; or
- (b) for amendment or annotation of personal records,

shall not be transferred from one public authority to another more than three times unless the responsible officer is satisfied that such additional transfers are necessary in the circumstances and this is communicated to and agreed by the applicant.

14.—(1) The preparation of official documents by a public authority for the purpose of granting access, and the inspection of, viewing of, listening to or collection of copies of official documents, shall normally be done during the regular working hours of the public authority.

(2) Where access is to be granted to an official document the applicant shall be notified in writing as to—

- (a) the manner in which access to such document will be granted;
- (b) the cost of any reproduction as may have been requested; or
- (c) the location where originals of official documents or copies or transcripts thereof may be inspected, viewed, listened to or collected, as the case may be.

15.—(1) The responsible officer or his designate shall authenticate copies of all official documents to be released to an applicant.

(2) Such authentication shall be effected by means of the official stamp of the public authority or such other official means as would be appropriate and practicable, having regard to the nature of the official document.

16. Where an applicant requires access to an official document in the form of a copy and the condition of the official document is such that it would yield a copy of poor quality, the applicant shall be informed accordingly and an alternative form of access suggested.

17.—(1) An applicant may be denied access—

- (a) to an official document in any case where—
 - (i) the document is an exempt document; or
 - (ii) public disclosure of such a document is otherwise prohibited under the Act or under any other enactment; or
- (b) to any part of an official document which contains exempt matter.

(2) Every certificate required to be issued under section 23 of the Act shall be in the form set out as Form 2 in the Schedule.

(3) The responsible officer shall, not later than fourteen days after the issuance of a certificate under section 23 of the Act, publish in the *Gazette* a notice indicating the issuance of such certificate.

18.—(1) In any case where the personal privacy of a person may be affected by the grant of access to an official document, the responsible officer shall consult, if possible, with that person or his representative to determine whether access would involve unreasonable disclosure of information relating to that person.

(2) Where it is determined that access is to be granted to an official document, in circumstances where the personal privacy of a person may be affected by the grant of access,

such person, or his representative, is to be entitled to a copy of the document to which access has been granted.

19.—(1) An application pursuant to section 24 of the Act for amendment or annotation of an official document containing personal information about the applicant shall be accompanied by evidence that the official document is incomplete, incorrect, out of date or misleading.

(2) The responsible officer shall, if he considers it necessary, require the applicant to provide such additional evidence and documents as the responsible officer considers necessary in support of the application for amendment or annotation.

(3) Where a public authority amends an official document under section 25 of the Act the amendment shall be done in such a manner as not to obliterate the text of the document or any part thereof.

(4) An amendment under paragraph (3) shall appear at the side of the document being amended or such other distinct place on the document, with a notation attesting to the amendment.

(5) An application to a public authority for an amendment or annotation of an official document may be made in the form set out as Form 3 in the Schedule.

20.—(1) The cost of reproduction of official documents shall be the cost prescribed by order pursuant to section 37 of the Act.

(2) A public authority shall display, in such a manner as to bring to public notice, the costs presented for the reproduction of official documents.

(3) The cost of reproduction shall be paid by such method as the public authority shall specify and shall include payment by cash, cheque or electronic bank cards.

21.—(1) An applicant may make a written application to the responsible Minister requesting a reduction, remission or waiver of the cost of reproduction of official documents.

(2) The application under paragraph (1) shall specify the reasons for such a request.

(3) Where the responsible Minister considers it necessary he may request such further information to more effectively make a decision.

Dated this 17th day of October, 2003.
BURCHELL WHITEMAN,
Minister of Information.