

THE ACCESS TO INFORMATION ACT

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THE ACCESS TO INFORMATION ACT

Acts
21 of 2002,
24 of 2003.

[5th January, 2004.]

1. This Act may be cited as the Access to Information Act.

Short title.

PART 1. *Preliminary*

2. The objects of this Act are to reinforce and give further effect to certain fundamental principles underlying the system of constitutional democracy, namely—

Objects of
Act.

- (a) governmental accountability;
- (b) transparency; and
- (c) public participation in national decision-making,

by granting to the public a general right of access to official documents held by public authorities, subject to exemptions which balance that right against the public interest in exempting from disclosure governmental, commercial or personal information of a sensitive nature.

3. In this Act, unless the context otherwise requires—

Interpre-
tation.

“appointed day” means the 5th day of January, 2004;

“document” includes, in addition to a document in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied, whether electronically or otherwise, so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;

- (d) any film (including microfilm), negative, tape or other device in which one or more visual images are embodied whether electronically or otherwise, so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;

“exempt document” means a document which by virtue of any provision of Part III is exempt from disclosure;

“exempt matter” means any matter the inclusion of which in a document causes that part of the document to be exempt from disclosure;

“government company” means a company registered under the Companies Act, being a company in which the Government or an agency of the Government, whether by the holding of shares or by other financial input, is in a position to influence the policy of the company;

“official document” means a document held by a public authority in connection with its functions as such, whether or not it was created—

- (a) by that authority; or

- (b) before the 5th day of January, 2004,

and for the purposes of this Act, a document is held by a public authority if it is in its possession, custody or control;

“public authority” means—

- (a) a Ministry, department, Executive Agency or other agency of Government;

- (b) a statutory body or authority;

- (c) a Parish Council;
- (d) the Council of the Kingston and St. Andrew Corporation;
- (e) any Government company which—
 - (i) is wholly owned by the Government or an agency of the Government, or in which the Government holds more than fifty per cent shares; or
 - (ii) is specified in an order under section 5 (3);
- (f) any other body or organization specified in an order under section 5 (3);

“responsible Minister” means the Minister responsible for the public authority which holds an official document.

4.—(1) A public authority shall cause to be published within twelve months of—

Publication
of infor-
mation
by public
authority.

- (a) the appointed day;
- (b) its establishment;
- (c) the coming into operation of an order under section 5 (1) (a) or (3) which specified that authority; or
- (d) the application of the provisions of this Act to that public authority pursuant to section 5 (1) (b),

24/2003
S. 2(c).

whichever is later, an initial statement of its organization and functions containing the information specified in the First Schedule.

First
Schedule.