

LEGAL NOTICE NO. 115

REPUBLIC OF TRINIDAD AND TOBAGO

THE FREEDOM OF INFORMATION ACT, 1999

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 41 OF THE FREEDOM OF  
INFORMATION ACT

THE FREEDOM OF INFORMATION (FEES AND CHARGES)  
REGULATIONS, 2001

1. These Regulations may be cited as the Freedom of Information Citation  
(Fees and Charges) Regulations, 2001.

2. (1) In these Regulations—

“Act” means the Freedom of Information Act;

“notice” means the notice to the applicant under section 15 of  
the Act notifying him of the approval or refusal of his  
request;

“prescribed amount” means the amount prescribed in the  
Schedule;

“prescribed benefit” means a pension, allowance, benefit or any  
other payment by the State to provide income support to  
persons of inadequate means;

“relevant time” means the time indicated in the notice notifying  
the applicant of the fee payable; and

“request” means an application for access to a document under  
section 13 of the Act.

Interpretation  
Act No. 26 of  
1999

Schedule

(2) In these Regulations, a reference to the time spent by a  
public authority in searching for or retrieving a document does not  
include—

(a) where the document is not found in the place in which,  
according to the filing system of the public authority it  
ought to be located, any time other than the time it should  
have taken to search for or to retrieve the document had it  
been located in the correct place according to the filing  
system; or

(b) where the filing system ought reasonably to have indicated,  
but does not indicate, the place in which the document is  
located, any time other than the time that would have been  
spent by the public authority in searching for or retrieving  
the document if the relevant filing system had indicated the  
place in which the document is located and the document  
had been found in that place.

Liability to pay charges	<p>3. (1) Subject to these Regulations, an applicant is liable to pay a charge in the amount or at the rate fixed by, or in accordance with, the Schedule.</p> <p>(2) A reference in the Schedule to a maximum charge in respect of a request for access, does not apply to an applicant whose continued presence in Trinidad and Tobago is subject to a limitation as to time that is imposed by law.</p>
Waiver of charges	<p>4. Where an applicant has made a request for access to a document, the public authority may decide whether the applicant is liable to pay any of the charges applicable under these Regulations where the charges impose a hardship on an applicant who is a recipient of prescribed benefits.</p>
Circumstances where not payable	<p>5. Where a public authority provides access to a document in the public authority, the public authority shall not impose a charge.</p>
Charges applicable generally	<p>6. Subject to these Regulations the charges set out in the Schedule are applicable in respect of the provision of copies of documents to which a request relates.</p>
Liability for charges where access may be provided in more than one form	<p>7. Where—</p> <ul style="list-style-type: none"> <li>(a) access to a document to which a request relates may be provided in any of two or more forms;</li> <li>(b) the applicant has not requested access to the document in any particular form; and</li> <li>(c) the amount of charge, but for this Regulation, for which the applicant would be liable to pay for the provision of access in the form selected by the public authority exceeds the lowest amount of the charge that the applicant would have been liable to pay in respect of the request if access had been given in some other form,</li> </ul> <p>the applicant is liable only for the minimum prescribed amount.</p>
Quantification charges where steps to make a decision have not been taken	<p>8. Where at the time the public authority notifies an applicant of the fee in respect of the request and the public authority has not taken any or all of the steps necessary to enable the public authority to make a decision on the request, the public authority may fix as the amount of the charge such amount as would be ascertained in accordance with the Schedule as if, at the relevant time, all the steps that would, in the opinion of the public authority enable a decision to be made on the request, had been taken.</p>
Charges to be paid before access is granted	<p>9. Where an applicant is liable to pay a charge in respect of a request the charge shall be paid to the relevant authority after the request, but before the copy of the document is provided.</p>

## SCHEDULE

(Regulation 3)

## PART A—CHARGE FOR SEARCH AND RETRIEVAL OF DOCUMENT

<i>Item</i>	<i>Description of Charge</i>	<i>Rate of Charge</i>
1.	<p><i>Charge for searching/retrieval of document (other than personal document)</i></p> <p>Where the request relates to a document other than a document in relation to which a charge is applicable under items 2 and 3—a charge in respect of the time spent by the public authority in searching for or retrieving the document.</p>	\$15.00 per hour or part thereof.
2.	<p><i>Charge for searching/retrieving for personal document</i></p> <p>If request relates to a document that contains personal information about the applicant—time spent by the public authority in searching for or retrieving the document.</p>	\$15.00 for each hour or part thereof with a maximum charge of \$30.00.
3.	<p><i>Charge for time spent in ascertaining whether document should be accessible (other than that relating to personal information)</i></p> <p>A charge in respect of the time that is spent (other than on an application for the review of a decision) by a public authority in deciding whether to grant, refuse or defer access to the document or to grant access to a copy of the document with deletions, including time spent in—</p> <p>(a) examining the document;</p> <p>(b) consulting with any person or body;</p> <p>(c) making a copy with deletions; or</p> <p>(d) notifying any interim or final decision on the request.</p>	\$20.00 per hour or part thereof.
4.	<p><i>Charge for time spent in deciding whether document with personal information should be accessible</i></p> <p>If the document referred to contains personal information about the applicant, the time that is spent in deciding whether to grant, refuse or defer access to the document or to grant access to a copy of the document with deletions.</p>	\$20.00 for per hour, with a maximum charge of \$40.00.

## PART B—CHARGE FOR ACCESS/INSPECTION OF DOCUMENT

<i>Item</i>	<i>Description of Charge</i>	<i>Rate of Charge</i>
1.	<p><i>Inspection of document under supervision of officer</i></p> <p>Where—</p> <p>(a) access to the document to which the request relates is given in the form of an opportunity to inspect the document under the supervision of an officer; or</p> <p>(b) in the case of a document that is an article or thing with sounds or visual images under the supervision of an officer, a charge in respect of the period during which the officer supervises the inspection, hearing or viewing, as the case may be, if the period exceeds half an hour.</p>	<p>\$30.00 if the period exceeds half an hour or part thereof.</p>
2.	<p><i>Photocopy of existing document</i></p> <p>Where the request relates to a written document and access to the document is given in the form of a photocopy of the document—a charge in respect of the number of pages of the photocopy provided to the applicant.</p>	<p>25 cents per page.</p>
3.	<p><i>Copy of document provided (other than photocopy)</i></p> <p>Where the request relates to written document and access in respect of the document is given in the form of a copy (other than a photocopy) of the document, for example a computer printout or e-mail printout.</p>	<p>A charge in respect of the number of pages of copy provided to the applicant at \$2.00 per page.</p>
4.	<p><i>Charge for document with deletions (editing and production charges)</i></p> <p>Where—</p> <p>(a) the request, is in respect of information (in this item referred to as the “relevant information”) that is available in discrete form, in a document produced (whether for the purposes of the request or not) by the use of a computer or other equipment that is ordinarily available for retrieving or collating stored information;</p> <p>(b) deletions are made from the document before access to it is given to the applicant; and</p> <p>(c) it is not reasonably practicable to make these deletions otherwise than by the use of a computer or other equipment referred to in paragraph (a) irrespective of the production by the computer or other equipment of a copy of the document with those deletions.</p>	<p>An amount not exceeding the actual costs incurred by the agency in producing a copy of the document in addition to the fee in item 3.</p>

<i>Item</i>	<i>Description of Charge</i>	<i>Rate of Charge</i>
5.	<p><i>Charge for production of computer tape/diskette/compact disc</i></p> <p>A charge for the production by an agency of a copy of a document in the form of a tape, diskette or compact disc.</p>	<p>An amount that does not exceed the actual costs incurred by the agency, in providing the copy of the document including the purchase cost of the tape, diskette or compact disc.</p>
6.	<p><i>Charge for audiovisual access</i></p> <p>Where—</p> <p>(a) the request relates to a document that is an article or thing from which sounds or visual images are capable of being produced; and</p> <p>(b) access to the document is given in the form of arrangements of the applicant to hear or view those sounds or visual images.</p>	<p>An amount not exceeding the actual costs incurred by the public authority in respect of those arrangements.</p>
7.	<p><i>Copy of audiovisual document</i></p> <p>Where—</p> <p>(a) the request relates to a document that is an article or thing from which sounds or visual images are capable of being produced; and</p> <p>(b) access is given in the form of the provision of a copy of the document.</p>	<p>An amount not exceeding the actual costs incurred by the public authority in producing the copy (including, where applicable the purchase cost of any tape, film or other article or thing provided).</p>
8.	<p><i>Copy of transcript provided to applicant</i></p> <p>Where—</p> <p>(a) the request relates to a document by which words are recorded in a manner in which they are capable of being reproduced in the form of a sound or in which words are contained in the form of shorthand writing or in coded form; and</p>	<p>\$5.00 per page of the transcript.</p>

<i>Item</i>	<i>Description of Charge</i>	<i>Rate of Charge</i>
	(b) access is to be given in the form of the provision of a written transcript (with or without deletions) of the words recorded or contained in the document.	
9.	<i>Provision of blanks by applicant</i> When the applicant provides the diskette, tape or compact disc.	Flat fee of \$20.00 upon the public authority being satisfied that the thing provided by the applicant is compatible with existing systems.
10.	<i>Posting of document</i> Where— (a) access to the document to which the request relates is to be given in the form of the provision of a copy of the document; and (b) the copy so provided is, at the request of the applicant, to be sent by post or delivered to him at a place other than at the location of request.	A charge in respect of the posting or delivery of the copy not exceeding the cost of post or delivery.

Dated this 21st day of June, 2001.

R. MARAJ  
*Minister of Communications  
and Information Technology*

Laid before the House of Representatives this      day of      ,  
2001.

*Clerk of the House*

Laid before the Senate this      day of      , 2001.

*Clerk of the Senate*