

ADDENDUM

THE APPEAL TRIBUNAL & SECRETARIAT

I. Composition of Appeal Tribunal

The Appeal Tribunal was appointed, pursuant to S. 32 of the Act, in December 2003. Its current members are:

Mrs. Dorothy Pine-McLarty	Chairman
Hon. David Coore	O.J., Q.C.
Dr. the Hon. Oswald Harding	O.J., C.D., Q.C.
Mr. John Maxwell	C.D.
Rev. Phillip Robinson	

II. Appeal Tribunal Secretariat

The Access to Information Unit has been mandated to provide logistical and secretarial support to the Appeal Tribunal.

Responsible Officers should therefore ensure that the Unit is informed and supplied with the relevant information as soon as a notice of appeal is served on the relevant Public Authorities.

III. PROCEDURES FOR APPEALS TO THE APPEAL TRIBUNAL

(a) An Applicant may appeal to the Appeal Tribunal against a decision taken by a Public Authority at Internal Review. The Appeal may be made in relation to:

- a refusal to grant of access to an official document (including a deemed refusal where there is a failure by the Public Authority to respond to an Applicant in the prescribed time of 30 days);
- a grant of access only to some of the documents requested in the application;
- a deferral of the grant of access to an official document;
- a refusal to make a requested amendment or annotation of a personal record (including a deemed refusal where there is a failure by the Public Authority to respond to an Applicant in the prescribed time of 30 days);
- the charging of a fee for action taken or as to the amount of the fee;
- The Appeal may be made by way of letter and may be subject to the rules of procedure of the Tribunal;

S. 30 (1) (a),
S 30 (3)

S. 30 (2) & (3)

(b). If no original decision on an Application for access to an official document was given within the prescribed time , the Applicant will also have a right of appeal to the Tribunal;

S.32 (2) (ii)

(c). If the original decision denying access was based on exemptions under **S. 14, 15, 16, 17, 18, 19, 20, 21, 22, 25 (2) or 26 (b) and was made by the Principal Officer or the responsible Minister for the Public Authority in question**, a right of Appeal directly to the Tribunal is now available;

(d). If the original decision denying access was based on exemptions

under **S. 14, 15, 16 and/or 18**, a right of appeal to the Tribunal will lie only where no Certificate of Exemption was issued;

- (e). If a Certificate of Exemption was issued, then the Applicant will have the right to judicial review (that is, a right of appeal to the Supreme Court);
- (f). The Responsible Officer must note and record the date on which notice of the Appeal was received by his Office;
- (g). **The Access to Information Unit must be notified of any appeals to the Appeal Tribunal.**

NOTE: Further to the foregoing, the Appeal Tribunal will establish its own Rules of Procedure pursuant to S. 12 of the First Schedule of the Act.

This Guide will be updated in this regard immediately that this is done.