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Assessment Report on Freedom of Information

Presentation at the

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Background

- **Approximately 70 countries have adopted FOI laws; 50 countries reportedly have draft legislation**
- **6 Beneficiary Member States have enacted a national law on FOI, 5 countries have draft bills, 4 countries stay without a law or a bill**
- **Several international organizations (UN, OAS, CoE) have declared the importance of FOI laws for democracy and respect for human rights**
- **General belief that government shall make official documents available to the public unless there is some overriding public interest**
- **FOI is the point of convergence of freedom of expression, national security, interception of communications, intellectual property, standardization, self-regulation, secrecy, and others values/principles**
- **FOI has been commonly associated with freedom (or censorship) of e-communications, regulation on cryptography, institutional cooperation, characterization of “press” activities, digitalization of proprietary works, control of electronic search, etc.**
- **Commonwealth Model Bill on Freedom of Information (2003)**

Connection with other areas:

- **National security**
- **Cybercrime**
- **Interception of communications**
- **Privacy and data protection**
- **Censorship**
- **Criptography**
- **Digital social inclusion**
- **Intellectual Property**
- **Freedom of broadcasting *Habeas data***

FREEDOM OF INFORMATION

- Regional Laws

Tables: General status by Country, and individual status by subject matter

Obs.: Legends of classification:

Good - there is legislation which adequately addresses the key issues

Fair - there is some form of reference to the issues in legislation which does not adequately address the key issues

Limited - there is reference on the form of policy or consultation document or draft legislation. In case of Bill of Law, "Limited" is the default.

None - there is no reference in the legislative texts to the key issues.

FREEDOM OF INFORMATION – General Status

Country	Type of information	Obligation to publish automatically	Records	Exceptions	Enforcement, review and appeals	Protection for whistleblowers	FOI legislation	Fees	Limits
Antigua & Barbuda	Limited	Limited	None	Fair	Good	Good	None	Good	Good
The Bahamas	None	None	None	None	None	None	None	None	None
Barbados	None	None	None	None	None	None	None	None	None
Belize	Good	Limited	None	Limited	Good	None	None	None	Good
Dominica	None	None	None	None	None	None	None	None	None
Dominica n Rep.	Good	Good	Good	Fair	Good	None	None	Good	Good

Country	Type of information	Obligation to publish automatically	Records	Exceptions	Enforcement, review and appeals	Protection for whistleblowers	FOI legislation	Fees	Limits
Grenada	None	None	None	None	None	None	None	None	None
Guyana	None	None	None	None	None	None	None	None	None
Haiti	None	None	None	None	None	None	None	None	None
Jamaica	Good	Limited	None	Fair	Good	None	Limited	Good	Fair
St. Kitts & Nevis	None	None	None	None	None	None	None	None	None
St. Lucia	None	None	None	None	None	None	None	None	None
St. Vincent & the Grenadines	Limited	Limited	None	Fair	None	None	None	Good	Good
Suriname	None	None	None	None	None	None	None	None	None
Trinidad & Tobago	Limited	Good	None	Fair	None	None	None	Good	Good

Type of Information

- 3 of the legal texts in the targeted Caribbean countries provide for all, nearly all or the most substantive portions of the key elements.
- No country legal text includes some of the key elements but miss substantial points.
- 3 country has reference on the form of policy or consultation document or draft legislation.
- In 9 countries there is no reference in the legislative texts to the key issues.

GOOD	FAIR	LIMITED	NONE
Belize, Dominican Republic, Jamaica		Antigua & Barbuda, St. Vincent & the Grenadines, Trinidad & Tobago	The Bahamas, Barbados, Dominica, Grenada, Guyana, Haiti, St. Kitts & Nevis, St. Lucia, Suriname.

Obligation to publish, and automatic publication

- 3 of the legal texts in the targeted Caribbean countries provide for all, nearly all or the most substantive portions of the key elements.
- No country legal text includes some of the key elements but miss substantial points.
- 3 country has reference on the form of policy or consultation document or draft legislation.
- In 9 countries there is no reference in the legislative texts to the key issues.

GOOD	FAIR	LIMITED	NONE
Dominican Republic, Trinidad & Tobago		Antigua & Barbuda, Belize, Jamaica, St. Vincent & the Grenadines	The Bahamas, Barbados, Dominica, Grenada, Guyana, Haiti, St. Kitts & Nevis, St. Lucia, Suriname.

Records Management and Maintenance

- Dominican Republic's legal text provides for all, nearly all or the most substantive portions of the key elements.
- In 14 countries there is no reference in the legislative texts to the key issues.

- | GOOD | FAIR | LIMITED | NONE |
|--------------------|------|---------|-----------------|
| Dominican Republic | | | All the others. |

Exemptions

- 5 of the legal texts in the targeted Caribbean countries provide for all, nearly all or the most substantive portions of the key elements.
- No country legal text includes some of the key elements but miss substantial points.
- 1 country has reference on the form of policy or consultation document or draft legislation.
- In 9 countries there is no reference in the legislative texts to the key issues.

GOOD	FAIR	LIMITED	NONE
Antigua & Barbuda, Dominican Republic, Jamaica, St. Vincent & the Grenadines, Trinidad & Tobago		Belize	The Bahamas, Barbados, Dominica, Grenada, Guyana, Haiti, St. Kitts & Nevis, St. Lucia, Suriname.

Enforcement, Review and Appeal Procedures

- 4 of the legal texts in the targeted Caribbean countries provide for all, nearly all or the most substantive portions of the key elements.
- In 10 countries there is no reference in the legislative texts to the key issues.

GOOD	FAIR	LIMITED	NONE
Antigua & Barbuda, Belize, Dominican Republic, Jamaica.			The Bahamas, Barbados, Dominica, Grenada, Guyana, Haiti, St. Kitts & Nevis, St. Lucia, St. Vincent & the Grenadines, Suriname.

Protection for Whistleblowers

- Antigua & Barbuda's legal texts in provide for all, nearly all or the most substantive portions of the key elements.
- In 14 countries there is no reference in the legislative texts to the key issues.

GOOD	FAIR	LIMITED	NONE
Antigua & Barbuda			All the others.

Monitoring and Implementation of FOI legislation

- Jamaica has reference on the form of policy or consultation document or draft legislation.
- In 14 countries there is no reference in the legislative texts to the key issues.

GOOD	FAIR	LIMITED	NONE
		Jamaica.	All the others.

Costs or Fees

- 5 of the legal texts in the targeted Caribbean countries provide for all, nearly all or the most substantive portions of the key elements.
- In 10 countries there is no reference in the legislative texts to the key issues.

GOOD	FAIR	LIMITED	NONE
Antigua & Barbuda, Dominican Republic, Jamaica, St. Vincent & the Grenadines, Trinidad & Tobago			The Bahamas, Barbados, Dominica, Grenada, Guyana, Haiti, St. Kitts & Nevis, St. Lucia, Suriname.

Time-limits

- 5 of the legal texts in the targeted Caribbean countries provide for all, nearly all or the most substantive portions of the key elements.
- The legal text in Jamaica includes some of the key elements, but miss substantial points.
- In 9 countries there is no reference in the legislative texts to the key issues.

GOOD	FAIR	LIMITED	NONE
Antigua & Barbuda, Belize, Dominican Republic, St. Vincent & the Grenadines Trinidad & Tobago	Jamaica		The Bahamas, Barbados, Dominica, Grenada, Guyana, Haiti, St. Kitts & Nevis, St. Lucia, Suriname.

Recommendations:

- **Glossary with proper definitions (“information”, “communication”, “document”, “record”, “data”)**
- **Address “public authorities”, “prescribed authorities” and “private bodies”, “social communication media”**
- **Define scope and extent of legal mandates**
- **Establish automatic publication (where applicable), and full accessibility**
- **Regulate on information update, storage, management, discarding**
- **Define/update/ publish exemptions, on a precise and clear manner**
- **Establish enforcement, review and appeal procedures; oversight bodies, time lines, cost-effectiveness, sanctions, etc.**
- **Guarantee protection to whistle-blower, anonymous channels**