



37th Annual Report | 2014



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

PARLIAMENTARY COMMISSIONER
FOR THE PEOPLE'S RIGHTS



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OMBUDSMAN
TRINIDAD AND TOBAGO

**PARLIAMENTARY COMMISSIONER
FOR THE PEOPLE'S RIGHTS**

March 31, 2015

Honourable Speaker
Office of the Parliament

Tower D, Levels G-7
Port of Spain International Waterfront Centre
1A Wrightson Road
PORT OF SPAIN.

Dear Mr. Speaker,

I have the honour to present the **Thirty-Seventh Annual Report** of the Ombudsman for the period **January, 2014 to December, 2014.**

The Report is submitted pursuant to section 96 (5) of the Constitution of the Republic of Trinidad and Tobago.

Yours faithfully,

Lynette Stephenson, S.C.
OMBUDSMAN
Republic of Trinidad and Tobago



OUR VISION

Accountable, Fair and Transparent Public
Administration for all in Trinidad and Tobago

OUR MISSION

The Office of the Ombudsman of the Republic of Trinidad and Tobago in fulfilling its statutory mandate is in the business of investigating and resolving complaints of administrative injustice in an impartial, ethical and expeditious manner; educating the Public on their rights and responsibilities and; advocating improvements in the quality and standards of service delivery in the Public Sector of Trinidad and Tobago.

OUR VALUES

- Accessibility
- Sensitivity
- Professionalism
- Integrity
- Respect
- Equity
- Excellence



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

PARLIAMENTARY COMMISSIONER
FOR THE PEOPLE'S RIGHTS

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Foreward 2014 Annual Report



The Office of the Ombudsman is a critical instrument in safeguarding justice, equality, high administrative standards and by extension, democracy itself.

In situations where citizens cannot find justice after public administration has erred or acted unfairly, abusing its powers or acting in any manner which violates their rights, the Ombudsman is the constitutional instrument entrusted with the responsibility and vested with the authority to take action.

Unfortunately, even today, thirty seven years after the advent of the Office in this country, we still do not have an environment in which the Office can operate as effectively and efficiently as it should having regard to its constitutional importance.

Seen as a lone, weak corrective voice the Ombudsman has to deal with an undesirably low level of cooperation

and compliance on the part of public authorities. Such action takes many forms, from the general unwillingness to address matters, to the more blatant disregard of requests for information and recommendations.

Having held the position now for nine years I have come to the conclusion that it might be time to consider conferring greater powers on the Office so that people will realise that the Ombudsman is not 'toothless bulldog'. The current legal framework as provided in Section 10 of the Ombudsman Act Chap.2:52 does not provide efficient and effective tools to arrive at a speedy resolution of matters.

I therefore, recommend that the legal framework be examined and amended to reflect the evolution evident within the national environment and specifically to be more robust.



Ms. Lynette Stephenson, S.C.
Ombudsman
Republic of Trinidad and Tobago

"The Office of the Ombudsman is a critical instrument in safeguarding justice, equality, high administrative standards and by extension, democracy itself".



The Parliamentary Commissioner for the People's Rights

The Office of the Ombudsman

The Office was established under Section 91 of the Constitution of the Republic of Trinidad and Tobago for the purpose of investigating "...any decision or recommendation made, including advice or recommendations made to a Minister or any act done or omitted by any department of Government or any other authority."

Matters not subject to investigation are discussed in the Appendix.

The Ombudsman is an Officer of Parliament and does not form part of the machinery of Government.

The Office exists as an independent oversight body, in accordance with the provisions of the **Ombudsman's Act Chap. 2:52** and performs the dual role of:

- Providing a fair and impartial investigation service for members of the public who believe that they have been adversely affected by a decision or action of a public sector agency; and
- Assisting public sector agencies to improve their decision making and administrative practices and procedures.

The Ombudsman and the Freedom of Information Act (FOIA)

The Freedom of Information Act (FOIA), Chap. 22:02 which came into effect in 2001 provides members of the public with a general right of access to official documents in the possession of public sector bodies/authorities.

Section 15 of the said Act places a statutory obligation upon public authorities to take all reasonable steps to inform an applicant of its decision

not later than thirty (30) days after the request for access to official documents was duly made.

Section 38 A (1) states "A person aggrieved by the refusal of a public authority to grant access to an official document may, within twenty one (21) days of receiving notice of the refusal under **Section 23 (1)** complain in writing to the Ombudsman and the Ombudsman shall, after examining the document if it exists, make such recommendations with respect to the granting of access to the document as he thinks fit within thirty days or as soon as practicable thereof."





The five most common Ombudsman issues:

POOR COMMUNICATION:

- Written communications unclear, difficult to understand
- Calls not returned
- Unreasonably long response time
- Information lacking or wrong

POOR SERVICE:

- Inability to reach public servant
- Unfair treatment
- Unfair policies

UNPREDICTABLE ENFORCEMENT:

- Over-enforcement
- Under-enforcement

FAULTY DECISION:

- Wrong
- Unreasonable
- Unfair
- Unexplained

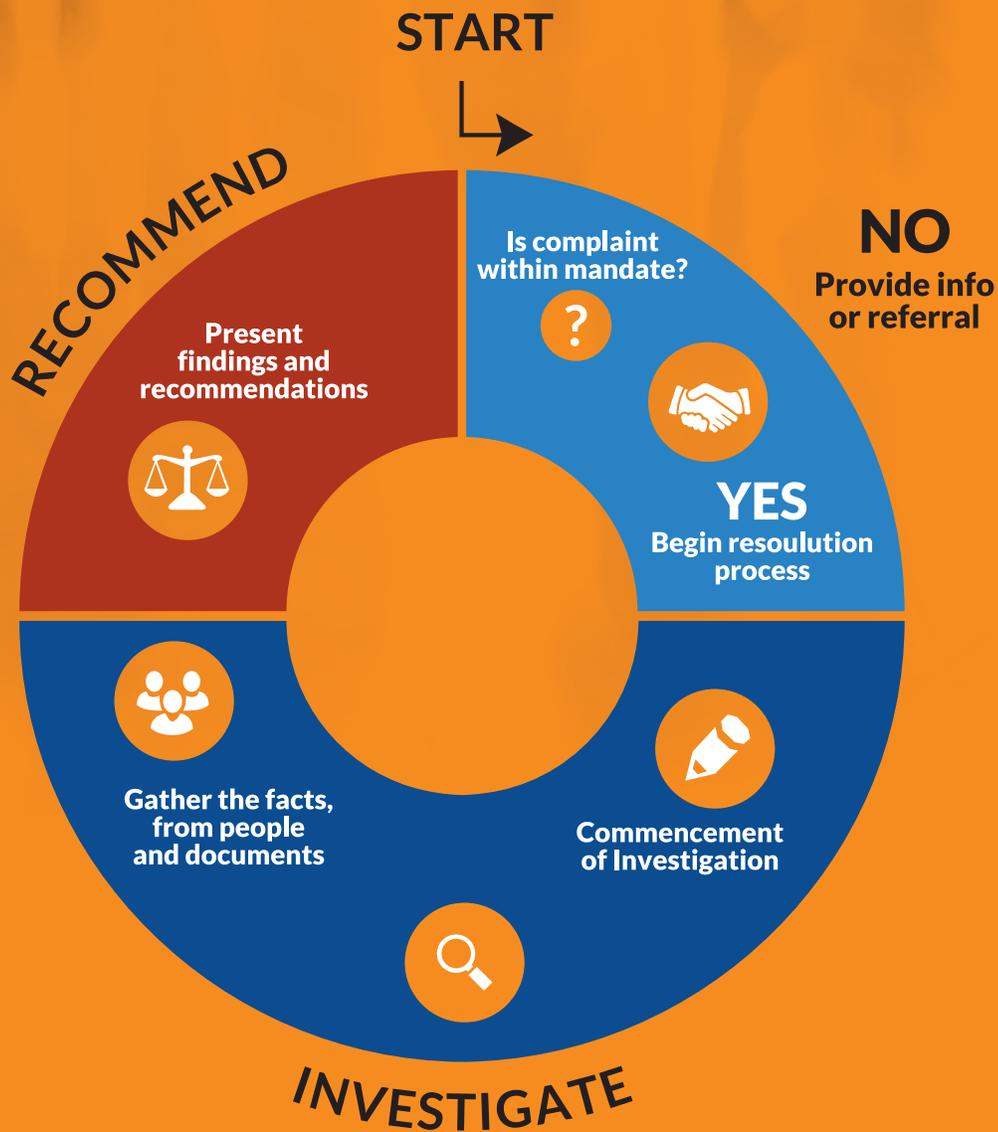
UNREASONABLE DELAY:

- In returning calls or emails
- In processing appeals
- In handling complaints

People's Complaints

cross section of cases (2014)

The Complaints Process





Will the Ministry of Education ever pay?

In November 2006, Mr. R, a retiree/pensioner requested assistance to obtain outstanding salaries and gratuity owed to him by the Ministry of Education. Then seventy-five years old he had been trying to sort out the matter since he was in his fifties and before he retired.

This Office engaged the Permanent Secretary (PS) through letters starting in December 2006 and continuing throughout 2007, 2008 and into 2009 when the PS stated that the official claim had come after the expiration of the statutory time limit and as such the Ministry could do nothing for Mr. R. This was not a satisfactory outcome for the Ombudsman who advised the PS in 2010 to seek the approval of Cabinet for the salaries and gratuity owed.

The Ministry agreed and the Office followed up in 2011, 2012 and 2013 when Ministry Officials informed the Office that the payment had been approved and that Mr. R then 82 would receive his due as soon as it was processed. At the close of 2014 Mr. R now 83 years old is still waiting to be paid.

The Summons saves the day

In 2012, Mr. R sought the assistance of the Ombudsman having failed to get the Ministry of Local Government – Penal/Debe Regional Corporation (PDRC) to enforce the law with respect to a neighbour who had encroached on the road reserve with the construction of a concrete wall and a metal fence.

After confirming that there was indeed territorial transgression, the Office got the PDRC to serve Notice on the offending neighbour, in April 2013. Shortly thereafter, the neighbour responded with a legal letter essentially designed to delay the process.

Several months later, the Office observed that Regional Corporation had not followed up on the matter. Aware of the consequences of inaction, the Ombudsman reminded the Corporation that it only had one more year in which to act under section 127 of the Municipal Corporation Act before the matter would become statute barred thereby allowing the offending party to benefit from this illegal action. To ensure a prompt response the Office brought the issue to the attention of Minister of Local Government.

The PDRC then served a summons on the defendant who had an immediate change of heart about the issue. By May 8th, 2014 the offending wall and fence had been removed and the correct boundary established. Mr. R expressed heartfelt thanks for the assistance rendered.



CITATION

Ms. N's case puts the entire Ministry in the spotlight



Ms. N approached the Office of the Ombudsman in 2013 for help to obtain her gratuity cheque from the Ministry of Planning and Sustainable Development for work done in 2007 and 2008.

- An investigation revealed that the Ministry had, without her knowledge, contracted her at a pay scale seven hundred dollars above the standard salary for someone in her position and now even as it was committed to paying her it had to submit a justification or explanation to Cabinet. It also revealed that there were forty-four (44) persons in all, waiting for resolution of issues and that they were being dealt with collectively.

It is important to note that Ms. N came to the Ombudsman in August 2013 and one year later after numerous

unanswered inquiries and a couple unsatisfactory responses from the Ministry, this Office had to enter its premises to get a status update on the matter. At the end of 2014, after six years of waiting for a gratuity cheque Ms. N can only take comfort in the knowledge that the matter is being actively pursued. (A Note to Cabinet was submitted in August with all the necessary information for all forty four cases).

During the course of this investigation several important issues came to the fore:

- **There is a staff shortage at the Ministry;**
- **There is need for training to address inefficiency and capacity issues;**
- **Persons have been found to be employed on contract without**

the required qualifications;

- **In one particular case, the Chief Personnel Officer approved a salary for a particular position then recommended a lower salary for the same position a year later creating confusion;**
- **In a couple of cases persons continued to be paid after the end of their contract.**

Recommendation: This Ministry needs to carefully consider strategies to improve its operations. It needs to liaise with the Ministry of Public Administration with the objective of addressing the vacancies and training requirements of its staff in critical areas that it must clearly identify. It also needs to address the way it deals with the Office of the Ombudsman.

Commissioner wastes no time

Mr. D, a senior member of the Trinidad and Tobago Police Service Band, came to the Ombudsman in 2012.

His travelling allowance had been discontinued in 2008 when he was officially confirmed in a higher rank in which he had been acting for some time. Mr. D had been told that his new rank was not a scheduled travelling post but he was convinced that this was incorrect.

The Office approached the Permanent Secretary in the Ministry of National Security and was informed that the matter had already been referred to the Commissioner of Police. The Office then went directly to the Commissioner who quickly ascertained that Mr. D had suffered an injustice and took responsibility to reinstate the benefit and to pay the outstanding travelling allowance which he was due.

In September 2014, Mr. D indicated that he had received the payment and all was well.



Mr. G's case highlights a national concern



Mr. G approached the Ombudsman for assistance in November 2012. He wanted help from the Sangre Grande Regional Corporation to alleviate littering and dumping of garbage on his property and in a stream that ran through it.

He complained that the Regional Corporation had ignored his pleas for approximately two (2) years. He believed that the problem could be alleviated if signs were erected and a box drain through which garbage floats onto his property.

This Office contacted the Supervisor of the Public Health Department of the Corporation who claimed that the matter had been dealt with and a “no dumping” sign had already been erected in the vicinity of Mr G’s property. Mr. G responded that

the sign was not placed where it needed to be and pointed out that it had already been dismantled. He beseeched all parties to visit the scene to assess the situation.

The Office then coordinated a site visit which included several representatives of the Corporation and Mr G. Heaps of garbage were seen at various points on the property and at a clearing higher up the street where the “misplaced” sign lay in ruin.

Coming out of the visit, the Corporation agreed to have the area cleaned and monitored by Litter Wardens who would have the authority to impose fines on perpetrators. A new sign would be placed on the Complainant’s property and the old sign at the same location higher up the street would be

repaired.

On December 24, 2013, Mr. G confirmed that signs were erected and that the area was cleaned. Unfortunately, despite all these efforts the practice of indiscriminate dumping has not ceased. Nevertheless both the Public Health Department and Mr G. are working together to keep things under control.

Note: The problem of indiscriminate dumping of rubbish is still too common throughout Trinidad and Tobago and in particular in rural areas. This issue can have serious consequences if left unchecked for too long it demands urgent and considered attention.





New sign to be placed here.

Entrance to Mr. Gayasingh's property/Estate





Don't close that case yet!

In May 2013, Mr. A engaged the Ombudsman for help regarding a delay by the Forestry Division to issue a permit for the removal of lumber from a private estate.

In August, unsatisfied with the pace of progress, the Ombudsman had to issue an Order under Section 97 (2) of the Constitution to allow the Office to collect and retain documents related to the matter. At the meeting which followed the Conservator of Forests agreed that all the requirements had been met for the issue of the permits.

The Office went ahead to close the case. Unfortunately, two weeks later Mr. A returned to complain that the permits issued only covered half of the logs in question.

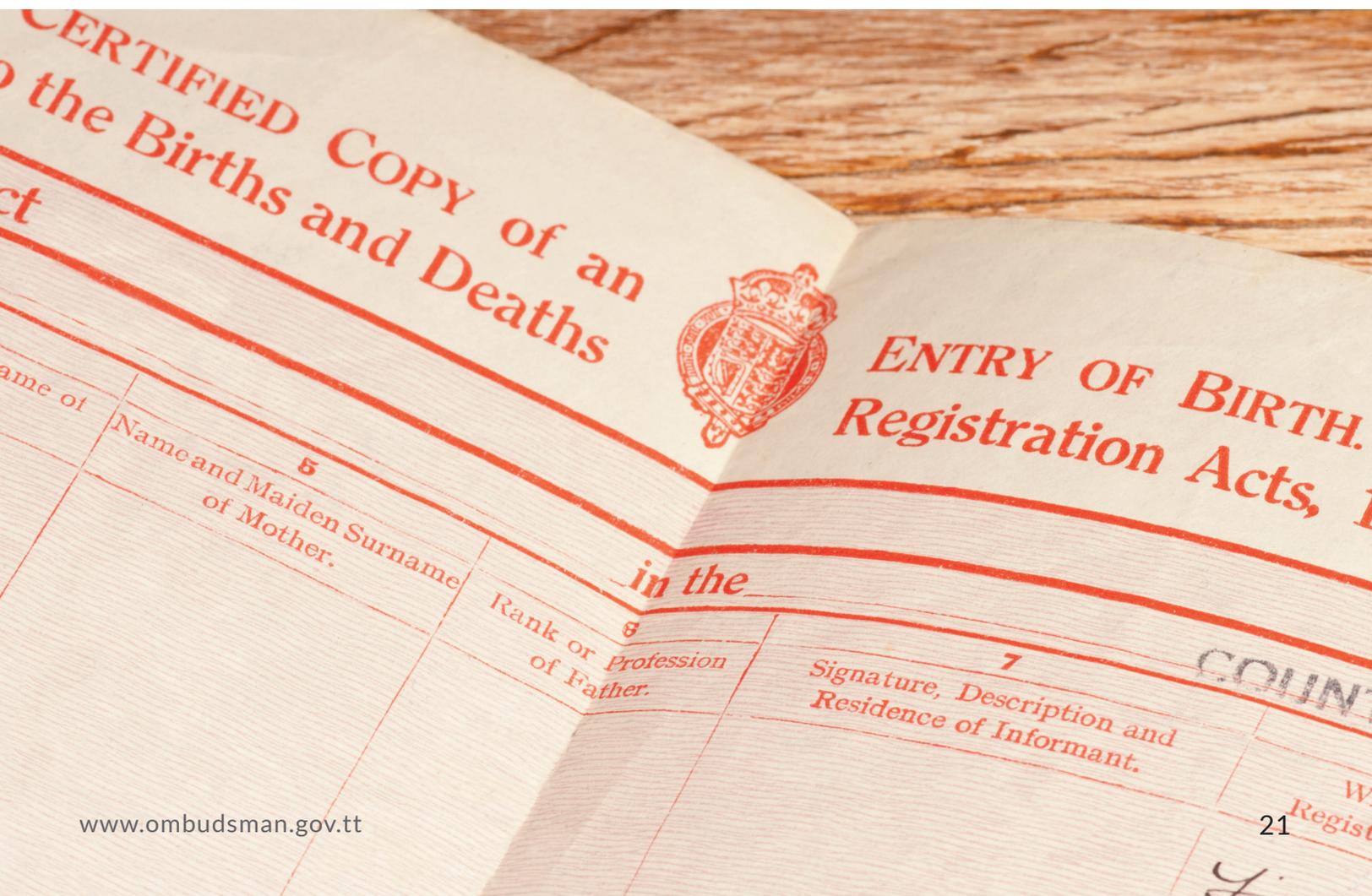
The Office then had to re-engage the matter until it was finally resolved in October, five months after the initial intervention of the Office.

A birth certificate should be accurate shouldn't it?

Ms. J sought the assistance of the Ombudsman in 2012 to help her obtain an accurate computer generated Birth Certificate from the Ministry of Legal Affairs, as the one she was issued had errors with both the date of birth and the spelling of her name.

The Office called for and examined documents relating to this matter. It then followed up with a meeting in 2013 to discuss its findings in which the Assistant Registrar General conceded that her office had been at fault and agreed to make the amendments to the document.

In February 2014, an amended Birth Certificate was issued which this Office had the pleasure of delivering to Ms. J. It should be noted however that two or three years is quite a long time to be without an accurate Birth Certificate.



How long does it take to rectify an NIS matter?



In June 2007, Mr. D complained to the Ombudsman that he may have been erroneously issued three separate National Insurance numbers by the National Insurance Board (NIB).

Upon investigation it was clarified that he had in fact only been issued with two, one more than anyone is required to have. The second number had originally been issued to Mr. D's father, a National Insurance Pensioner and the problem may have arisen because the two gentlemen share the same name.

Upon learning of its own error the NIB cancelled the number

that was shared by the two family members. Unfortunately, this was not before issues arose with regard to contributions due to Mr. D being erroneously posted to the ledger of his father.

Official requests from this Office for a proper report on the matter from the NIB from 2007 to 2011 revealed little. In May 2011 when the Board finally sent a note, it stated that the information required to address Mr. D's matter could not be located. This note came with a hollow commitment from the Manager of the relevant NIB Service Centre, to provide the Ombudsman with a thorough report.

Three years later on March 14, 2014, the Ombudsman had to summon this Manager to account for the lengthy delay in treating with this matter. Thankfully, at the tribunal it was revealed that Mr. D's matter had been settled one year earlier.

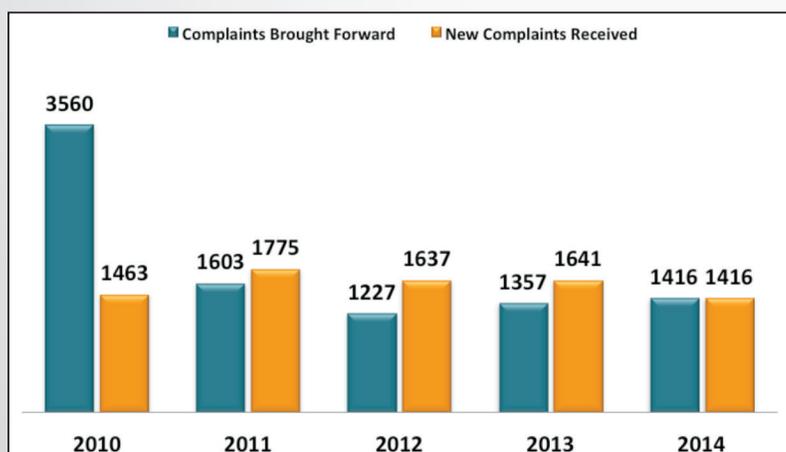
Note: This case reflects an unacceptable lack of urgency on the part of the National Insurance Board of Trinidad and Tobago when dealing with matters such as these that may be critical to determining the appropriate Retirement Benefits for which citizens qualify.



THE STORY IN NUMBERS

Overview of Investigations Conducted in 2014

During the period January-December 2014, I oversaw a caseload of two thousand, eight hundred and thirty-two (2,832) complaints. This figure comprised one thousand, four hundred and sixteen (1,416) new complaints and coincidentally, the same number of unresolved matters (1,416) which were brought forward from previous years. For the period 2013-2014, the number of new complaints received by the Office decreased by two hundred and twenty-five (225) and the number of brought forward cases during this same period increased by fifty-nine (59). See Figure I.



The diagram below is illustrative of the total number of new complaints received and brought forward from previous years over a five (5) year period (2010-2014) by the Office of the Ombudsman. Moreover, a reduction in the “brought forward” cases from 2010 onwards is evident in this diagram. This reduction has to do with a special audit that was undertaken during the year 2010 which determined that a significant number of cases brought forward could be closed.

Figure I.

Table I below illustrates the total number of cases brought forward into 2014 together with new complaints received in the same year.

	NUMBER	PERCENTAGE (%)
Total number of complaints brought forward from previous years	1,416	
Total number of complaints received in 2014	1,416	
TOTAL	2,832	100
Less total number of complaints without jurisdiction (Private)	(190)	6.7
Less walk-ins/enquiries/referrals	(377)	13.3
Less total Freedom of Information Act	(14)	0.5
Total number of complaints pursued	2,251	79.5
Total number of complaints concluded	(777)	34.5
*Complaints sustained	408	18.1
*Complaints not sustained	35	1.5
*Complaints withdrawn/discontinued	200	8.9
*Complaints advised	132	5.9
*Complaints with no jurisdiction	2	0.1
TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2014	1,474	65.5

TABLE I

An explanation of the jargon used throughout this section:

- **Advised** - The Office looked at the complaint and it was not a matter to investigate
- **No Jurisdiction** - The complaint does not fall within the ambit of the Office’s jurisdiction
- **Not sustained** - Following investigations, the complaint was found to be without merit
- **Sustained** - Investigations demonstrate that the complaint has merit
- **Withdrawn/Discontinued** - The Office took the decision to cease pursuit of the matter for a number of reasons

In 2014, investigations were pursued on eight hundred and forty-nine (849) new complaints if the fourteen (14) matters which fell under the Freedom of Information Act (FOIA) are included in this figure. At year end, one hundred and fifty-five (155) of these cases had been resolved, including six (6) of the FOI matters. Therefore, it can be determined that a total of six hundred and ninety-four (694) cases remained unresolved as at December 31, 2014 taking into account the eight (8) FOI matters which were not yet resolved at the end of this same period. See Table II

	NUMBER	PERCENTAGE (%)
Total number of complaints received in 2014	1,416	100
Less total number of complaints without jurisdiction (Private)	(190)	13.4
Less walk-ins/enquiries/referrals	(377)	26.6
Less total Freedom of Information Act	(14)	1.0
Total number of complaints pursued	835	59.0
Total number of complaints concluded	(149)	17.8
*Complaints sustained	72	8.6
*Complaints not sustained	11	1.3
*Complaints withdrawn/discontinued	24	2.9
*Complaints advised	41	4.9
*Complaints with no jurisdiction	1	0.1
TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2014	686	82.2

TABLE II

Table III shown below gives a breakdown of new complaints against Ministries/Government Departments/Agencies received by the Office of the Ombudsman for the period 2014. It also illustrates their current status at the end of this period.

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/DISCONTINUED	GRAND TOTAL
ARTS AND MULTICULTURALISM							2
• General	0		0	0	2	0	2
ATTORNEY GENERAL							10
• General	1		0	0	5	1	7
• Director of Public Prosecutions	0		0	0	3	0	3
CIPRIANI COLLEGE OF LABOUR	0		0	1	0	0	1
COMMUNITY DEVELOPMENT							7
• General	0		0	0	4	0	4
• National Commission For Self Help	0		0	0	3	0	3
EDUCATION							41
• General	2		0	2	34	3	41
ELECTIONS AND BOUNDARIES COMMISSION	0		0	0	1	0	1
ENERGY AND ENERGY AFFAIRS							2
• General	1		0	0	1	0	2
ENVIRONMENT AND WATER RESOURCES							12
• General	0		0	1	5	0	6
• Drainage Division	0		0	1	2	0	3
• Forestry Division	0		0	1	0	0	1
• W.A.S.A.	1		0	0	1	0	2
ENVIRONMENTAL MANAGEMENT AUTHORITY	0		0	0	7	0	7
EQUAL OPPORTUNITY COMMISSION	0		0	0	1	0	1
FINANCE AND THE ECONOMY							23
• General	0		0	2	7	0	9
• Comptroller of Accounts	1		0	1	8	0	10
• Customs And Excise Division	0		0	0	1	0	1
• Inland Revenue	0		0	0	3	0	3
FOOD PRODUCTION							18
• General	1		0	0	8	0	9
• NAMDEVCO	0		0	1	8	0	9

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/DISCONTINUED	GRAND TOTAL
FOREIGN AFFAIRS							4
• General	0		0	0	4	0	4
GENDER, YOUTH AND CHILD DEVELOPMENT							1
• General	0		0	1	0	0	1
HEALTH							53
• General	0		1	2	7	0	10
• Insect Vector Control Division	0		0	0	2	0	2
• North Central Regional Health Authority	0		0	0	3	0	3
• North West Regional Health Authority	0		0	2	13	0	15
• Public Health	1		0	0	14	1	16
• South West Regional Health Authority	0		0	0	7	0	7
HOUSING AND URBAN DEVELOPMENT							53
• General	0		0	3	7	0	10
Housing Development Corporation (HDC)	3		1	1	37	1	43
INDUSTRIAL COURT	0		0	0	2	0	2
JUDICIARY	2		1	3	25	3	34
JUSTICE							34
• General	1		0	2	3	0	6
• Prisons	3		0	3	21	1	28
LABOUR AND SMALL AND MICRO ENTERPRISE DEVELOPMENT							5
• General	2		0	0	3	0	5
LAND AND MARINE RESOURCES							14
• Commissioner Of State Lands	2		0	0	8	0	10
• Land And Surveys Division	0		0	0	1	0	1
• Land Settlement Agency	1		1	0	1	0	3
LEGAL AFFAIRS							7
• Legal Aid And Advisory Authority	1		1	1	2	1	6
• Police Complaints Authority	1		0	0	0	0	1
LOCAL GOVERNMENT							64
• Borough Corporation	0		0	0	6	0	6

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/DISCONTINUED	GRAND TOTAL
• Borough Councils	0		0	0	2	0	2
• City Corporation	0		0	0	4	0	4
• Regional Corporations	1		2	1	46	2	52
MAGISTRACY	1		0	0	0	1	2
NATIONAL INSURANCE BOARD	2	1	0	27	207	3	240
NATIONAL SECURITY							50
• General	1		0	0	7	1	9
• Coast Guard	0		0	0	1	0	1
• Defence Force	0		0	0	3	0	3
• Fire Services	0		0	0	7	0	7
• Immigration	2		0	2	9	1	14
• Police Service	1		0	1	14	0	16
PEOPLE AND SOCIAL DEVELOPMENT							57
• General	4		0	2	16	1	23
• Social Welfare Division	1		2	2	23	0	28
• TT Card	0		0	1	5	0	6
PERSONNEL DEPARTMENT(OFFICE OF THE CHIEF PERSONNEL OFFICER)	0		0	0	1	0	1
PLANNING AND SUSTAINABLE DEVELOPMENT							7
• General	0		0	2	2	0	4
• Town And Country Planning Division	0		0	0	2	1	3
PUBLIC ADMINISTRATION							2
• General	0		0	0	2	0	2
PUBLIC UTILITIES							5
• General	1		0	0	1	0	2
• TTPOST	1		1	0	0	1	3
SCIENCE AND TECHNOLOGY							1
• General	0		0	0	1	0	1
SERVICE COMMISSIONS DEPARTMENT	2		0	1	8	0	11
SPORTS							2
• General	0		0	0	2	0	2
STATUTORY AUTHORITY	0		0	0	1	0	1
TERTIARY EDUCATION AND SKILLS TRAINING							2
• General	0		0	0	2	0	2
TOBAGO HOUSE OF ASSEMBLY							31
• Agriculture, Marine Affairs, Marketing And The Environment	0		0	0	6	0	6

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/DISCONTIUED	GRAND TOTAL
• Community Development And Culture-CARE	0		0	0	1	0	1
• Education, Youth Affairs And Sport	0		0	1	3	0	4
• Finance and Enterprise Development	0		0	0	1	0	1
• Health and Social Services	0		0	0	5	0	5
• Health and Social Services Social Welfare	0		0	0	4	0	4
• Health and Social Services TRHA	0		0	0	1	0	1
• Infrastructure and Public Utilities	0		0	0	7	0	7
• Tourism and Transportation	0		0	0	2	0	2
TOURISM							2
• General	0		0	1	1	0	2
TRADE, INDUSTRY, INVESTMENT AND COMMUNICATIONS							3
• General	0		0	0	2	1	3
TRANSPORT							5
• General	0		1	0	0	1	2
• Airports Authority	0		0	0	1	0	1
• Port Authority of Trinidad and Tobago	0		0	0	1	0	1
• Public Transport Service Corporation (PTSC)	0		0	0	1	0	1
WORKS AND INFRASTRUCTURE							17
• General	0		0	3	12	0	15
• Unemployment Relief Programme (URP)	0		0	0	2	0	2
SUB-TOTAL	41	1	11	72	686	24	835
FREEDOM OF INFORMATION ACT, 1999 Chap. 22:02							14
WALK-INS/ ENQUIRIES/REFERRALS							377
PRIVATE MATTERS							190
GRAND TOTAL	41	1	11	72	686	24	1416

Freedom of Information

Figure II below illustrates the total number of Freedom of Information Act (FOIA) matters received by the Office over the previous five (5) years(2010-2014). It should be noted that the number of complaints made to the Office under the FOIA has been fluctuating over this period. During the period January to December 2014, the Office received a total of fourteen (14)matters.

TOTAL NUMBER OF FREEDOM OF INFORMATION ACT (FOIA) MATTERS RECEIVED OVER A 5 YEAR PERIOD

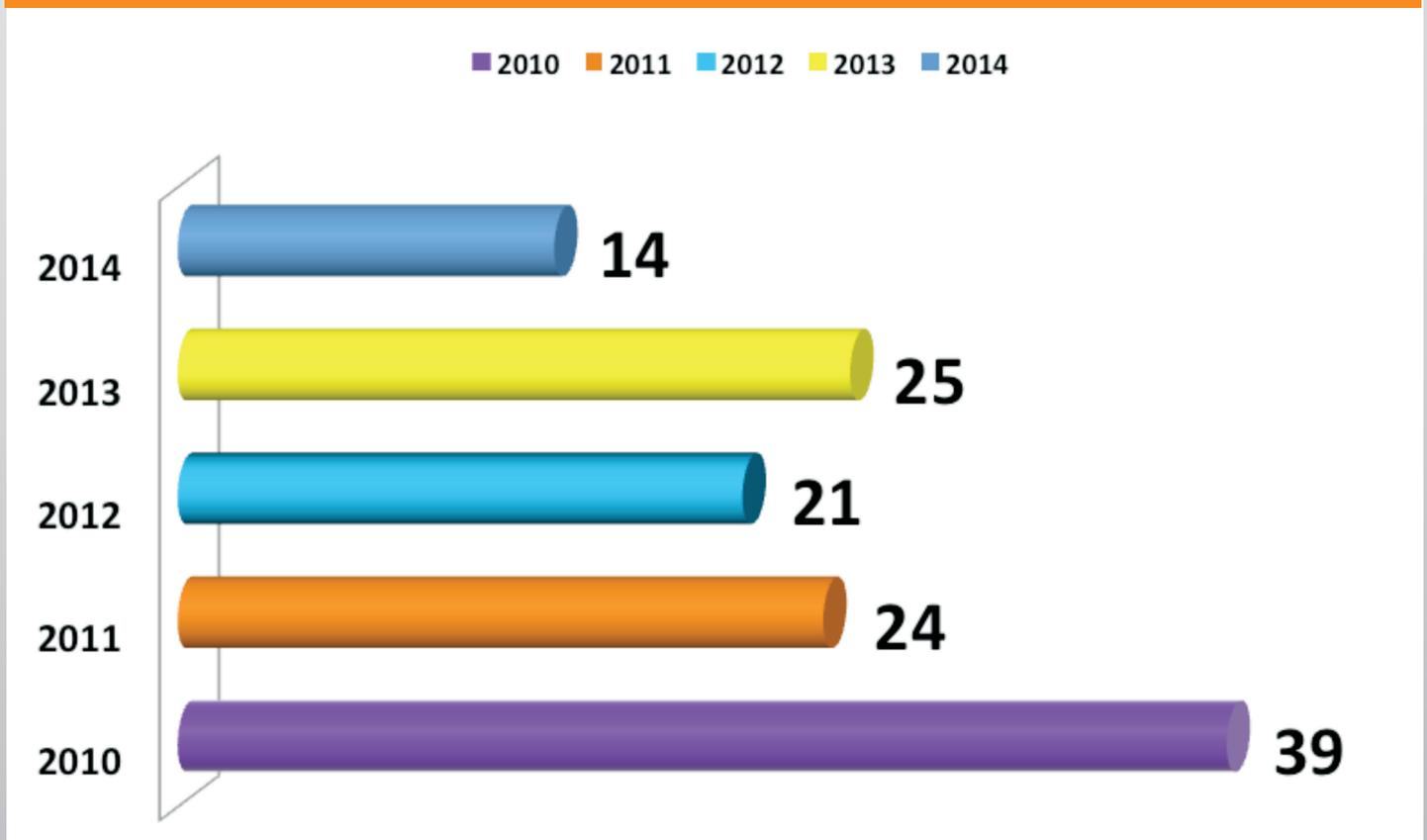


FIGURE II

There is a notable decrease in the quantity of cases in which citizens are coming to the Office seeking help to acquire official documents from public agencies. These Freedom of Information (FOI) Cases are declining seemingly due to a healthy change in the culture of the public service locally, away from a tradition of non-disclosure and secrecy towards, one that demonstrates a greater respect for the citizen right to information.

Community Outreach Statistics for the Period January to December 2014

The Office of the Ombudsman engages in outreach activities in the communities across the country to ensure that members of the public everywhere have access to its services. These outreach activities are conducted once a month in the areas of Point Fortin, Rio Claro, Siparia, Couva, Chaguanas and Sangre Grande.

During the period 2014, the Office received a total of two hundred and seventy-four (274) complaints against

Ministries/Government Departments/Agencies.

For the year 2014, a total of thirty-four (34) complaints were received from Point Fortin; fifty (50) from Rio Claro; thirty-nine (39) from Siparia; fifty-five (55) from Couva; forty (40) from Chaguanas and fifty-six (56) from Sangre Grande. A graphical representation of this information is shown in Figure III.

The table below illustrates this information.

MONTHS 2014	POINT FORTIN	RIO CLARO	SIPARIA	COUVA	CHAGUANAS	SANGRE GRANDE	TOTAL
JANUARY	0	2	9	4	4	7	26
FEBRUARY	3	0	5	2	7	4	21
MARCH	6	7	6	6	6	NO VISIT	31
APRIL	3	9	3	7	3	11	36
MAY	4	11	5	14	5	5	44
JUNE	3	8	3	5	10	7	36
JULY	5	2	3	4	2	8	24
AUGUST	7	2	2	8	1	5	25
SEPTEMBER	2	5	1	3	0	4	15
OCTOBER	0	2	1	2	1	1	7
NOVEMBER	1	2	1	0	1	4	9
DECEMBER	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT
GRAND TOTAL	34	50	39	55	40	56	274

TABLE IV

NUMBER OF PERSONS WHO VISITED THE REGIONAL OFFICES IN THE YEAR 2014

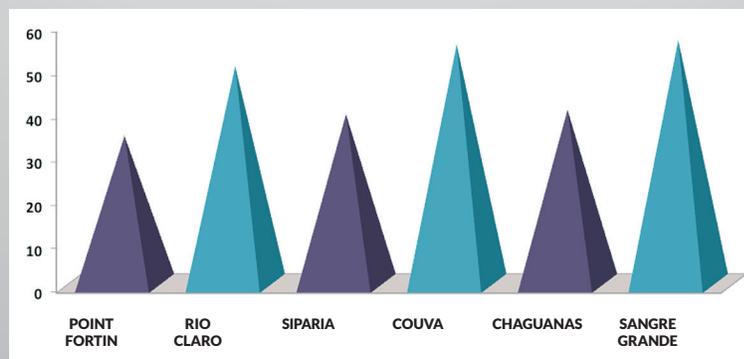


FIGURE III



Conferences and Workshops 2014

International Ombudsman Institute Annual Board of Directors Meeting

On the occasion of the annual meeting of the IOI Board of Directors which took place in Vienna from 27 October 2014 to 29 October 2014, IOI President Dame Beverley Wakem Ombudsman of New Zealand and the President of the Institute of Latin-American Ombudsman (Instituto Latinoamericano del Ombudsman – Defensor del Pueblo, ILO), Dr. Carlos Constenla, signed a Memorandum of Understanding between the two institutions.

With the signing of this MOU both the International Ombudsman Institute (IOI) and the Instituto Latinoamericano del Ombudsman (ILO) have agreed to broad objectives to strengthen the concept of the Ombudsmanship by formenting new Ombudsman institutions and by helping existing institutions with their work to improve and protect human rights for all citizens.



In the Picture - ILO President Constenla with IOI President Wakem, the Regional President Caribbean and Latin America Lynette Stephenson (in the middle) and the IOI Executive Committee (from left to right: John Walters Ombudsman of Namibia, Chris Field Ombudsman of Australia, Diane Welborn Ombudsman of Ohio USA, Günther Kräuter Secretary General, IOI)

IOI Communication Specialists Working Group

At its annual meeting in New York, the IOI Board of Directors agreed that one of the IOI's key priorities should be a revised communication and scientific publication policy. The Board decided to tap into the existing expertise of its membership and ask the communication specialists of members' offices to participate in a working group with the aim of evaluating and informing a possible communication and scientific publication strategy for the IOI.

On 16th and 17th June 2014, seven of the ten nominated communication specialists met in Vienna.



IOI Working Group - Vienna Workshop 16 - 17 June 2014



Shabaka Kambon (Trinidad & Tobago), David Kao Wei-Hao (Taiwan) and Paul Michna (Canada)



Oupa Segalwe and Kgalalelo Masibi (South Africa)



Chair Peter Kostelka



Linda Ochiel (Kenya)



Anders Jansson (Sweden) and Shabaka Kambon (Trinidad & Tobago)



Shabaka Kambon (Trinidad & Tobago) and David Kao Wei-Hao (Taiwan)

Instituto Latinoamericano del Ombudsman (ILO) Conference



At the Instituto Latinoamericano del Ombudsman (ILO) Conference in Cali Colombia in August The Caribbean Ombudsmen Association (COROA) signed a Memorandum of Understanding (MOU) with their Latin America counterparts that will improve communication and cooperation between the two regions.

In the picture are from the left: Mrs. Alba Maria-Teresa Martijn, Ombudsman of Curacao and President of the Caribbean Ombudsmen Association (CAROA) Ms. Melva de Palma from the Office of the Ombudsman in Curacao, Ms. Lynette Stephenson, Ombudsman of Trinidad and Tobago Regional President of the Latin-American and Caribbean Region of the International Ombudsman Institute (IOI), Dr. Nilda Lynch-Arduin Ombudsman of Saint Maarten

Youth Justice Workshop

The Second Annual Workshop on Implementing International Standards in Youth Justice - August 2014 with Hazel Thompson-Ahye, Attorney at Law, Mediator and one of Trinidad and Tobago's leading Child Rights Advocates



Workshop participants representing various stakeholders in child rights from across the country



OTT Investigator Quita Superville receiving certificate from Hazel Thompson-Ahye



OTT Communications Specialist Shabaka Kambon receiving certificate from Hazel Thompson-Ahye

International Network of Financial Services Ombudsman Schemes (INFO 2014)



In picture from left are GMSI director Dr. Victor Ayeni, Conference host and Financial Services Ombudsman of Trinidad and Tobago Suzanne Roach, Francis Frizon French Insurance Mediator

Conference of the International Network of Financial Services Ombudsman Schemes (INFO 2014), at the Hyatt Regency held from September 28 – October 02, 2014, under the auspices of the Office of the Financial Services Ombudsman and the Central Bank of Trinidad and Tobago.

From Panel on Fairness

“Rather than casting subjective judgments on individuals or the groups and communities to which they belong this approach compels us to think collectively about policies to reduce inequality and increase educational opportunity to improve social capital and civic competence.”

Shabaka Kambon



Happy Retirement 2014



In the picture above from left to right, Paula Sobian -39 years public service and Paul Ramberran 31 years public service.



In the picture above, in the orange suit, Mrs. Donna Hyndman, 41 years public service.

*The office of
the Ombudsman
salutes your
contribution*

OTT Christmas Function 2014



Feedback Response

**Youth Training Centre
Golden Grove Road
Arouca.
15th October, 2014**

Pleasant good day,

It is with a joyful heart that I pick up my pen and express my gratitude for your assistance. On the 10th September, 2014, I got an attorney's visit. Thank you very much. On the 14th October, 2014, I got your letter concerning my court date. Thanks again. I'm very thankful for your hard work. Thanks very much.

May God continue to bless and keep you.

Respectfully Yours



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

PARLIAMENTARY COMMISSIONER
FOR THE PEOPLE'S RIGHTS

APPENDIX

Schedule of Community Visits

Extracts from the Constitution related to the Office and the Ombudsman

Ombudsman Act, Chap. 2:52

Third Schedule - Matters not subject to an Investigation

Map of the Caribbean

APPENDIX 1

SCHEDULE OF COMMUNITY VISITS

POINT FORTIN

Point Fortin Borough Corporation
Guapo Cap-de-Ville Main Road, Point Fortin
2nd Wednesday each month
Time: 9:30 a.m. to 12 noon

CHAGUANAS

Chaguanas Borough Corporation
Cor. Taitt & Cumberbatch Streets, Chaguanas
2nd Friday each month
Time: 9:30 a.m. to 12 noon

SIPARIA

Siparia Regional Corporation
High Street, Siparia
3rd Monday each month
Time: 9:30 a.m. to 12 noon

SANGRE GRANDE

Sangre Grande Regional Corporation
Technical Section, Railway Road, Sangre Grande
Last Tuesday each month
Time: 9:30 a.m. to 12 noon

MAYARO/RIO CLARO

Mayaro/Rio Claro Regional Corporation
De Verteuil Street, Rio Claro
Last Thursday each month
Time: 9:30 a.m. to 12 noon

COUVA

Couva/Tabaquite/Talparo Regional Corporation (main building)
Railway Road, Couva
3rd Wednesday each month
Time: 9:30 a.m. to 12 noon

APPENDIX 2

EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976

PART II - OMBUDSMAN

Appointment and conditions of office.	91.	(1)	There shall be an Ombudsman for Trinidad and Tobago who shall be an officer of Parliament and who shall not hold any other office of emolument whether in the public service or otherwise nor engage in any occupation for reward other than the duties of his office.
		(2)	The Ombudsman shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.
		(3)	The Ombudsman shall hold Office for a term not exceeding five years and is eligible for re-appointment.
		(4)	Subject to subsection (3), the Ombudsman shall hold office in accordance with section 136.
First Schedule.		(5)	Before entering upon the duties of his office, the Ombudsman shall take and subscribe the oath of office before the Speaker of the House of Representatives.
Appointment of staff of Ombudsman.	92.	(1)	The Ombudsman shall be provided with a staff adequate for the efficient discharge of his functions
		(2)	The staff of the Ombudsman shall be public officers appointed in accordance with section 121(8).
Functions of Ombudsman.	93.	(1)	Subject to this section and to sections 94 and 95, the principal function of the Ombudsman shall be to investigate any decision or recommendation made, including any advice given or recommendation made to a Minister, or any act done or omitted by any department of Government or any other authority to which this section applies, or by officers or members of such a department or authority, being action taken in exercise of the administrative functions of that department or authority.
		(2)	The Ombudsman may investigate any such matter in any of the following circumstances: <ul style="list-style-type: none"> (a) where a complaint is duly made to the Ombudsman by any person alleging that the complainant has sustained an injustice as a result of a fault in administration; (b) where a member of the House of Representatives requests the Ombudsman to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice; (c) in any other circumstances in which the Ombudsman considers that he ought to investigate the matter on the ground that some person or body of persons has or may have sustained such injustice.

APPENDIX 2 - Cont'd

EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976

Functions of Ombudsman. (Cont'd)	94.	<p>(3) The authorities other than departments of Government to which this section applies are -</p> <ul style="list-style-type: none"> (a) Local authorities or other bodies established for purposes of the public service or of local Government; (b) authorities or bodies the majority of whose members are appointed by the President or by a Minister or whose revenue consist wholly or mainly of moneys provided out of public funds; (c) any authority empowered to determine the person with whom any contract shall be entered into by or on behalf of Government; (d) such other authorities as may be prescribed.
Restrictions on matters for investigation.	94.	<p>(1) In investigating any matter leading to, resulting from or connected with the decision of a Minister, the Ombudsman shall not inquire into or question the policy of the Minister in accordance with which the decision was made.</p> <p>(2) The Ombudsman shall have power to investigate complaints of administrative injustice under section 93 notwithstanding that such complaints raise questions as to the integrity or corruption of the public service or any department or office of the public service, and may investigate any conditions resulting from, or calculated to facilitate or encourage corruption in the public service, but he shall not undertake any investigation into specific charges of corruption against individuals.</p> <p>(3) Where in the course of an investigation it appears to the Ombudsman that there is evidence of any corrupt act by any public officer or by any person in connection with the public service, he shall report the matter to the appropriate authority with his recommendation as to any further investigation he may consider proper.</p>
Third Schedule.	94.	<p>(4) The Ombudsman shall not investigate-</p> <ul style="list-style-type: none"> (a) any action in respect of which the Complainant has or had- <ul style="list-style-type: none"> (i) a remedy by way of proceedings in a court; or (ii) a right of appeal, reference or review to or before an independent and impartial tribunal other than a court; or (b) any such action, or actions taken with respect to any matter, as is described in the Third Schedule <p>Notwithstanding subsection (4) the Ombudsman-</p> <p>(5)</p> <ul style="list-style-type: none"> (a) may investigate a matter notwithstanding that the Complainant has or had a remedy by way of proceedings in a court if satisfied that in the particular circumstances it is not reasonable to expect him to take or to have taken such proceedings; (b) is not in any case precluded from investigating any matter by reason only that it is open to the Complainant to apply to the High Court for redress under section 14 (which relates to redress for contravention of the provisions for the protection of fundamental rights).

APPENDIX 2 - Cont'd

EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976

Discretion of Ombudsman.	95.	<p>In determining whether to initiate, continue or discontinue an investigation, the Ombudsman shall, subject to sections 93 and 94, act in his discretion, the Ombudsman may refuse to initiate or may discontinue an investigation where it appears to him that –</p> <ul style="list-style-type: none"> (a) a complaint relates to action of which the complainant has knowledge for more than twelve months before the complaint was received by the Ombudsman; (b) the subject matter of the complaint is trivial; (c) the complaint is frivolous or vexatious or is not made in good faith; or (d) the complainant has not a sufficient interest in the subject matter of the complaint.
Report on Investigation.	96.	<p>(1) Where a complaint or request for an investigation is duly made and the Ombudsman decides not to investigate the matter or where he decides to discontinue investigation of the matter, he shall inform the person who made the complaint or request of the reasons for his decision.</p> <p>(2) Upon completion of an investigation the Ombudsman shall inform the department of government or the authority concerned of the results of the investigation and if he is of the opinion that any person has sustained an injustice in consequence of a fault in administration, he shall inform the department of government or the authority of the reasons for his opinion and make such recommendations as he sees fit. The Ombudsman may in his original recommendations, or at any later stage if he thinks fit, specify the time within which the injustice should be remedied.</p> <p>(3) Where the investigation is undertaken as a result of a complaint or request, the Ombudsman shall inform the person who made the complaint or request of his findings.</p> <p>(4) Where the matter is in the opinion of the Ombudsman of sufficient public importance or where the Ombudsman has made a recommendation under subsection (2) and within the time specified by him no sufficient action has been taken to remedy the injustice, then, subject to such provision as may be made by Parliament, the Ombudsman shall lay a special report on the case before Parliament.</p> <p>(5) The Ombudsman shall make annual reports on the performance of his functions to Parliament which shall include statistics in such form and in such detail as may be prescribed of the complaints received by him and the results of his investigation.</p>
Power to obtain evidence.	97.	<p>(1) The Ombudsman shall have the powers of the High Court to summon of the witnesses to appear before him and to compel them to give evidence on oath and to produce documents relevant to the proceedings before him and all persons giving evidence at those proceedings shall have the same duties and liabilities and enjoy the same privileges as in the High Court.</p> <p>(2) The Ombudsman shall have power to enter and inspect the premises of any department of government or any authority to which section 93 applies, to call for, examine and where necessary retain any document kept on such premises and there to carry out any investigation in pursuance of his functions.</p>

APPENDIX 2 - Cont'd

EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO ACT NO. 4 OF 1976

Prescribed
Matters
concerning
Ombudsman.

98. (1) Subject to subsection (2), Parliament may make provision -
- (a) for regulating the procedure for the making of complaints and requests to the Ombudsman and for the exercise of the functions of the Ombudsman;
 - (b) for conferring such powers on the Ombudsman and imposing such duties on persons concerned as are necessary to facilitate the Ombudsman in the performance of his functions; and
 - (c) generally for giving effect to the provisions of this Part.
- (2) The Ombudsman may not be empowered to summon a Minister or a Parliamentary Secretary to appear before him or to compel a Minister or a Parliamentary Secretary to answer any questions relating to any matter under investigation by the Ombudsman.
- (3) The Ombudsman may not be empowered to summon any witness to produce any Cabinet papers or to give any confidential income tax information
- (4) No Complainant may be required to pay any fee in respect of his complaint or request or for any investigation to be made by the Ombudsman.
- (5) No proceedings, civil or criminal, may lie against the Ombudsman, or against any person holding an office or appointment under him for anything he may do or report or say in the course of the exercise or intended exercise of the functions of the Ombudsman under this Constitution, unless it is shown that he acted in bad faith.
- (6) The Ombudsman, and any person holding office or appointment under him may not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions.
- (7) Anything said or any information supplied or any document, paper or thing produced by any person in the course of any enquiry by or proceedings before an Ombudsman under this Constitution is privileged in the same manner as if the enquiry or proceedings were proceedings in a Court.
- (8) No proceedings of the Ombudsman may be held bad for want of form and, except on the ground of lack of jurisdiction, no proceeding or decision of an Ombudsman is liable to be challenged, reviewed, quashed or called in question in any Court.

APPENDIX 3

LAWS OF TRINIDAD AND TOBAGO CHAPTER 2:52 OMBUDSMAN ACT

An Act to make provision for giving effect to Part 2 of Chapter 6 of the Constitution
(Assented to 24th May, 1977)

ENACTMENT	ENACTED by the Parliament of Trinidad and Tobago as follows:
SHORT TITLE	1. This Act may be cited as the Ombudsman Act.
MODE OF COMPLAINT	2. (1) All complaints to the Ombudsman and requests for investigation by him shall be made in writing. (2) Notwithstanding anything provided by or under any enactment, where any letter written by any person detained on a charge or after conviction of any offence is addressed to the Ombudsman, it shall be immediately forwarded, unopened to the Ombudsman by the person or the time being in charge of the place where the writer is detained.
PROCEDURE IN RESPECT OF INVESTIGATION	3. (1) Where the Ombudsman proposes to conduct an investigation under Section 93 (1) of the Constitution he shall afford to the principal officer of the department or authority concerned, an opportunity to make, orally or in writing as the Ombudsman thinks fit, representations which are relevant to the matter in question and the Ombudsman shall not, as a result of such an investigation, make any report or recommendation which may adversely affect any person without his having had an opportunity to make such representations. (2) Every such investigation shall be conducted in private. (3) It shall not be necessary for the Ombudsman to hold any hearing and, subject as hereinbefore provided, no person shall be entitled as of right to be heard by the Ombudsman. The Ombudsman may obtain information from such persons and in such manner, and make such inquiries as he thinks fit. (4) Where, during or after any investigation, the Ombudsman is of the opinion that there is evidence of any breach of duty, misconduct or criminal offence on the part of any officer or employee of any department or authority to which Section 93 of the Constitution applies, the Ombudsman may refer the matter to the Authority competent to take such disciplinary or other proceedings against him as may be appropriate. (5) Subject to this Act, the Ombudsman may regulate his procedure in such manner as he considers appropriate in the circumstances of the case. (6) Where any person is required under this Act by the Ombudsman to attend before him for the purposes of an investigation, the Ombudsman shall cause to be paid to such person out of money provided by Parliament for the purpose, the fees, allowances and expenses, subject to qualifications and exceptions corresponding to those, that are for the time being prescribed for attendance in the High Court, so, however, that the like functions as are so prescribed and assigned to the Registrar of the Supreme Court of Judicature shall, for the purposes of this subsection, be exercisable by the Ombudsman and he may, if he thinks fit, disallow, in whole or in part, the payment of any amount under this subsection. (7) For the purposes of Section 93 (2) of the Constitution a complaint may be made by a person aggrieved himself or, if he is dead or for any reason unable to act for himself, by any person duly authorized to represent him. (8) Any question whether a complaint or a request for an investigation is duly made under this Act or under Part 2 of Chapter 6 of the Constitution shall be determined by the Ombudsman.
EVIDENCE	4. (1) The power of the Ombudsman under Section 97 of the Constitution to summon witnesses and to compel them to give evidence on oath and to produce documents shall apply whether or not the person is an officer; employee or member of any department or authority and whether or not such documents are in the custody or under the control of any department or authority. (2) The Ombudsman may summon before him and examine on oath: (a) any person who is an officer or employee or member of any department or authority to which Section 93 of the Constitution applies or any authority referred to in the Schedule to this Act and who in the Ombudsman's opinion is able to give any relevant information; (b) any complainant; or

APPENDIX 3 - Cont'd

LAWS OF TRINIDAD AND TOBAGO CHAPTER 2:52 OMBUDSMAN ACT

An Act to make provision for giving effect to Part 2 of Chapter 6 of the Constitution
(Assented to 24th May, 1977)

ENACTMENT

ENACTED by the Parliament of Trinidad and Tobago as follows:

EVIDENCE (Cont'd)

- (c) any other person who in the Ombudsman's opinion is able to give any relevant information, and for the purpose may administer an oath. Every such examination by the Ombudsman shall be deemed to be a judicial proceeding for the purposes of the Perjury Ordinance.
- (3) Subject to subsection (4) no person who is bound by the provisions of any enactment, other than the Official Secrets Act, 1911 to 1939 of the United Kingdom In so far as it forms part of the law of Trinidad and Tobago, to maintain secrecy in relation to, or not to disclose, any Matter shall be required to supply any information to or answer any Questions put by the Ombudsman in relation to that matter, or to produce to the Ombudsman any document or paper or thing relating to it, where compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.
- (4) With the previous consent in writing of any complainant, any person to whom subsection (3) applies may be required by the Ombudsman to supply any information or answer any question or produce any document or paper or thing relating only to the complainant, and it shall be the duty of the person to comply with that requirement.
- (5) Except on the trial of any person for an offence under the Perjury Act in respect of his sworn testimony, or for an offence under Section 10, no statement made or answer given by that or any other person in the course of any inquiry or any proceedings before the Ombudsman under the Constitution or this Act shall be admissible in evidence against any person in any court or at any inquiry or in any other proceedings and no evidence in respect of proceedings before the Ombudsman shall be given against any person.
- (6) No person shall be liable to prosecution for an offence against the Official Secrets Act, 1911 to 1939 of the United Kingdom, or any written law other than this Act by reason of his compliance with any requirement of the Ombudsman under this section.
5. (1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or paper or thing –
- (a) might prejudice the security, defence or international relations of Trinidad and Tobago
 - (b) including Trinidad and Tobago relations with the Government of any other country or with any international organizations;
 - (c) will involve the disclosure of the deliberations of Cabinet; or
 - (d) will involve the disclosure of proceedings of Cabinet or any Committee of Cabinet, relating to matters of a secret or confidential nature, and could be injurious to the public interest, the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or paper, or thing to be produced.
- (2) Subject to subsection (1), no rule of law which authorises or requires the withholding of any document or paper, or the refusal to answer any question, on the ground that the disclosure of the document or paper or the answering of the question would be injurious to the public interest shall apply in respect of any investigation by or proceedings before the Ombudsman.

SECURITY OF INFORMATION

6. A person who performs the functions appertaining to the Office of the Ombudsman or any office or employment there under –
- (a) shall regard as secret and confidential all documents, information and things which have been disclosed to any such person in the execution of any provisions of Sections 93 and 96 of the Constitution, so, however, that no disclosure made by any such person in proceedings for an offence under Section 10, or under the Perjury Ordinance by virtue of Section 4(2) or which the Ombudsman considers it requisite to make in the discharge of any of his functions and for the purpose of executing any of the said provisions of Section 3(4) or Section 9, shall be deemed inconsistent with any duty imposed by this paragraph; and

APPENDIX 3 - Cont'd

LAWS OF TRINIDAD AND TOBAGO CHAPTER 2:52 OMBUDSMAN ACT

An Act to make provision for giving effect to Part 2 of Chapter 6 of the Constitution
(Assented to 24th May, 1977)

ENACTMENT	ENACTED by the Parliament of Trinidad and Tobago as follows:
SECURITY OF INFORMATION (Cont'd)	(b) shall not be called upon to give evidence in respect of, or produce, any such documents, information or things in any proceedings, other than proceedings mentioned in the exception to paragraph(a)
NOTICE OF ENTRY ON PREMISES	7. Before entering upon any premises pursuant to Section 97(2) of the Constitution the Ombudsman shall notify the principal officer of the department or the authority which the premises are occupied.
DELEGATION OF POWERS	8. (1) With the prior approval in each case of the Prime Minister, functions hereinbefore assigned to the Ombudsman may from time to time, by direction under his hand, be delegated to any person who is appointed to any office or to perform any function referred to in Section 6. (2) No such delegation shall prevent the exercise of any power by the Ombudsman. (3) Any such delegation may be made subject to such restrictions and conditions as the Ombudsman may direct, and may be made either generally or in relation to any particular case or class of cases. (4) Any person purporting to perform any function of the Ombudsman by virtue of a delegation under this section shall, when required to do so, produce evidence of his authority to exercise the power.
REPORTS	9. (1) The Ombudsman may from time to time in the public interest publish reports relating generally to the exercise of his functions or to a particular case or cases investigated by him, whether or not the matters to be dealt with in such reports may have been the subject of a report to Parliament. (2) The form of statistics of complaints received by the Ombudsman and the results of his investigation required by Section 96(5) of the Constitution to be included in the annual report to Parliament by the Ombudsman on the performance of his functions shall be prescribed by regulations made under Section 12. 10. A person is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months who – (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the exercise of his powers under this Act; (b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; (c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his powers under this Act; or (d) in a manner inconsistent with his duty under Section 6 (a), deals with any documents, information or things mentioned in that paragraph.
PRESCRIPTION OF AUTHORITIES SUBJECT TO THE OMBUDSMAN'S JURISDICTION	11.(1) The authorities mentioned in the Schedule are authorities to which Section 93(3) (d) of the Constitution applies. (2) The President may, by Order, amend the Schedule by the addition thereto or deletion there from of any authorities or the substitution therein, for any authorities of other authorities.
REGULATIONS	12. The President may make regulations for the proper carrying into effect of this Act, including in particular, for prescribing anything required or authorised to be prescribed.

APPENDIX 4

THIRD SCHEDULE-MATTERS NOT SUBJECT TO INVESTIGATION

1. Action taken in matters certified by the Attorney General to affect relations or dealings between the Government of Trinidad and Tobago and any other Government or any International Organization.
2. Action taken in any country or territory outside Trinidad and Tobago by or on behalf of any officer representing or acting under the authority of the Government of Trinidad and Tobago.
3. Action taken under any law relating to extradition or fugitive offenders.
4. Action taken for the purposes of investigating crime or of protecting the security of the State.
5. The commencement or conduct of civil or criminal proceedings before any Court in Trinidad and Tobago or before any International Court or Tribunal.
6. Any exercise of the power of pardon.
7. Action taken in matters relating to contractual or other commercial transactions, being transactions of a department of government or an authority to which section 93 applies not being transactions for or relating to-
 - (a) the acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily;
 - (b) the disposal as surplus of land acquired compulsorily or in circumstances in which it could be acquired compulsorily.
8. Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service in any office or employment in the public service or under any authority as may be prescribed.
9. Any matter relating to any person who is or was a member of the armed forces of Trinidad and Tobago in so far as the matter relates to-
 - (a) the terms and conditions of service as such member; or
 - (b) any order, command, penalty or punishment given to or affecting him in his capacity as such member.
10. Any action which by virtue of any provision of this Constitution may not be enquired into by any Court.

APPENDIX 5 - Cont'd



TRINIDAD & TOBAGO

APPENDIX 5



THE CARIBBEAN



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

**PARLIAMENTARY COMMISSIONER
FOR THE PEOPLE'S RIGHTS**

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