



OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO



th

ANNUAL
REPORT
2023

Vision

A Public Administrator that is accountable, fair and transparent for the benefit of all who access public services in Trinidad and Tobago

Mission

The Office of the Ombudsman of the Republic of Trinidad and Tobago will:

- Investigate and seek remedies to complaints of administrative injustice in an impartial and ethical manner (Problem Solving)
- Educate the public on their rights and responsibilities (Public Education)
- Advocate improvements in standards of service delivery in the public sector of Trinidad and Tobago (Advocacy)

Values

Independence | Impartiality | Professionalism | Transparency | Accountability | Respect

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December 9, 2024

The Honourable Bridgid Annisette-George, MP
Speaker of the House
Office of the Parliament
Parliamentary Complex
St. Vincent Street
Port of Spain
Republic of Trinidad and Tobago

Dear Madam Speaker,

I have the honour to present the **Forty-sixth Annual Report** of the Ombudsman for the period **January to December 2023**.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read "Rajmanlal Joseph".

Mr. Justice Rajmanlal Joseph (ret'd)
Republic of Trinidad and Tobago

‘... it is my fervent desire that in the years to come we may be able to establish a sub-culture of a sort of administrative détente that would ultimately lead to the mitigation of administrative injustice.’

The Ombudsman's Message

Mr. Justice Rajmanlal Joseph (ret'd) | OMBUDSMAN | Republic of Trinidad and Tobago

THE Ombudsman's Message

The year 2023 can be aptly described as momentous, since during that year the Office of the Ombudsman was able to improve its rate of resolution of complaints to the extent that via the summons mechanism we were able to achieve a 78% resolution rate.

In addition, the Office was able to generate increasing levels of community recognition and support; for instance, one very satisfied complainant Mr. WS sent us a thank you letter in which he stated:

"I refer to my complaint of May 13, 2022 which I made against the Ministry of Energy and Energy Industries and your letter of October 09, 2023 and kindly wish to go on record and sincerely thank you and your Office for bringing this matter to resolution.

Were it not for the intervention of the Ombudsman, this matter, which was languishing within the halls of the Ministry, would not have seen the light of day and it is testimony to the good work that your Office is doing to engender justice and fairness in the decisions made by Ministries and Government agencies.

I wish to once again thank you and your staff for all the efforts made in this regard and wish you all every success in the future."

I have quoted extensively from this letter to support the contention that it is only by steadfastly serving our community by successfully resolving their valid complaints against administrative injustice, that this office can generate the good will to fulfill its constitutional mandate.

Furthermore, 2023 is also noteworthy due to the fact that the Office of the Ombudsman issued 168 summonses to intractable respondents and heard and determined 164, and it is through this process that our resolution has continued to improve over the last two years.

To be sure, even though our most difficult public authorities still remain the National Insurance Board, Housing Development Corporation and Ministry of Education, during the period 2021 to 2023 there has been increasing levels of co-operative engagement with these entities - so much so, that the Managing Director of the Housing Development Corporation has committed herself by indicating in written communication to my office that, ***"we are eager to explore ways in which we can further streamline and improve the communication of reports between our offices. By working collaboratively and leveraging our respective strengths, we can enhance our collective ability to address the needs and concerns of the citizens of Trinidad and Tobago more efficiently and effectively."***

These sentiments I wholly endorse and adopt, and it is my fervent desire that in the years to come we may be able to establish a sub-culture of a sort of administrative détente that would ultimately lead to the mitigation of administrative injustice.



Mr. Justice Rajmanlal Joseph (ret'd)
Republic of Trinidad and Tobago

I N T R O D U C T I O N

The Office of the Ombudsman

The Office was established under **Section 91 (1) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01**. Pursuant to Section 93(1) of the Constitution, the Office's main function is "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."

Matters not subject to investigation are discussed in Appendix II.

The Ombudsman is an Officer of Parliament but does not form part of the machinery of Government. The Office exists as an independent oversight body, in accordance with the **Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 and the provisions of the Ombudsman 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), Chap. 22:02

The Freedom of Information Act (FOIA), Chap. 22:02 gives every person the right to obtain access to official documents from public authorities. This is not an absolute right and the FOIA identifies documents a person is not entitled to obtain in accordance with **Section 12** of that Act.

Section 12 of the Act lists these documents to include:

- *Documents with information that is open to public access*
- *A document which is available for purchase by the public*
- *A document that is available for inspection that is in a registry maintained by the Registrar General or other public authority, and*
- *A document which is a duplicate of a document of a public authority*

The FOIA also provides for instances where a public authority can rely on stated exemptions to refuse access to requested documents. Where access is refused, the Ombudsman has the power to review that refusal provided that the applicant makes a complaint, in writing, within twenty-one (21) days of receipt of the notice of refusal.

Documents that may be exempted from disclosure include inter alia:

- *Cabinet documents*
- *Law enforcement documents*
- *Documents relating to trade secrets*
- *Documents affecting personal privacy*

When a request is made pursuant to the FOIA, **Section 15** 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 38A (1)** states:

“A person aggrieved by the refusal of a public authority to grant access to an official document, may, within twenty-one 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.”

Pursuant to **Section 23 (1) (e)**, the right to complain to this Office extends to instances where the refusal is based on the non-existence of the requested document and/or the inability of the public authority to locate the requested document despite diligent searches being made.

FIVE (5) THINGS TO KNOW ABOUT YOUR OMBUDSMAN

1

WE ADDRESS COMPLAINTS OF MALADMINISTRATION

We investigate complaints of administrative injustice and unfair treatment by government departments or state agencies.

2

WE ARE INDEPENDENT

The Ombudsman reports only to the Parliament and is therefore not a part of the machinery of government.

3

OUR SERVICES ARE FREE

The Ombudsman's services are free of charge.

4

WE ADVOCATE FOR FAIRNESS

We make recommendations to government institutions regarding how to remedy issues of unfair delays, decisions or actions taken.

5

OUR SERVICES ARE FREE

The Ombudsman's services are free of charge.

THE COMPLAINTS PROCESS



1

COMPLAINT SUBMISSION

Complaint is received by the Office of the Ombudsman and reviewed.

Referrals: if found to be outside of the Ombudsman's remit, the complainant is referred to the relevant institution or appropriately advised.

2

INVESTIGATION

The Ombudsman reviews the complaint and initiates the investigative process. Facts are gathered from documents and relevant persons.

3

FINDINGS

If investigations confirm the merit of the complaint, the Ombudsman determines how the matter should be resolved. Alternatively, if after investigations the complaint is found to be without merit or determined to be outside of the Ombudsman's jurisdiction, the matter is discontinued.

4

RECOMMENDATIONS

The Ombudsman makes recommendations to the government department or agency, advising how the institution can provide redress to the complainant and improve its operations to mitigate repeated instances of maladministration.

REVIEW OF MATTERS UNDER THE FREEDOM OF INFORMATION ACT (FOIA), CHAP. 22:02

For the period January to December 2023, the Office of the Ombudsman received a total of seventy-six (76) complaints pursuant to the FOIA. Of the seventy-six (76) complaints received, sixty-nine (69) or 91% were closed and seven (7) matters or 9% remained under investigation as at December 31, 2023. **See Figure 1 below.**

Members of the public are reminded that the Ombudsman is an alternative remedy to judicial review available to an applicant under the FOIA provided (i) there is an active refusal by the public authority to satisfy the request for information; (ii) notice of that refusal is communicated in accordance with the Act; and (iii) a complaint is made, in writing, within twenty-one (21) days of receiving that refusal. This is the conjoined effect of sections 23(1) and 38A of the FOIA. Where this Office's jurisdiction cannot be invoked, an applicant is required to pursue judicial review proceedings to ensure redress.

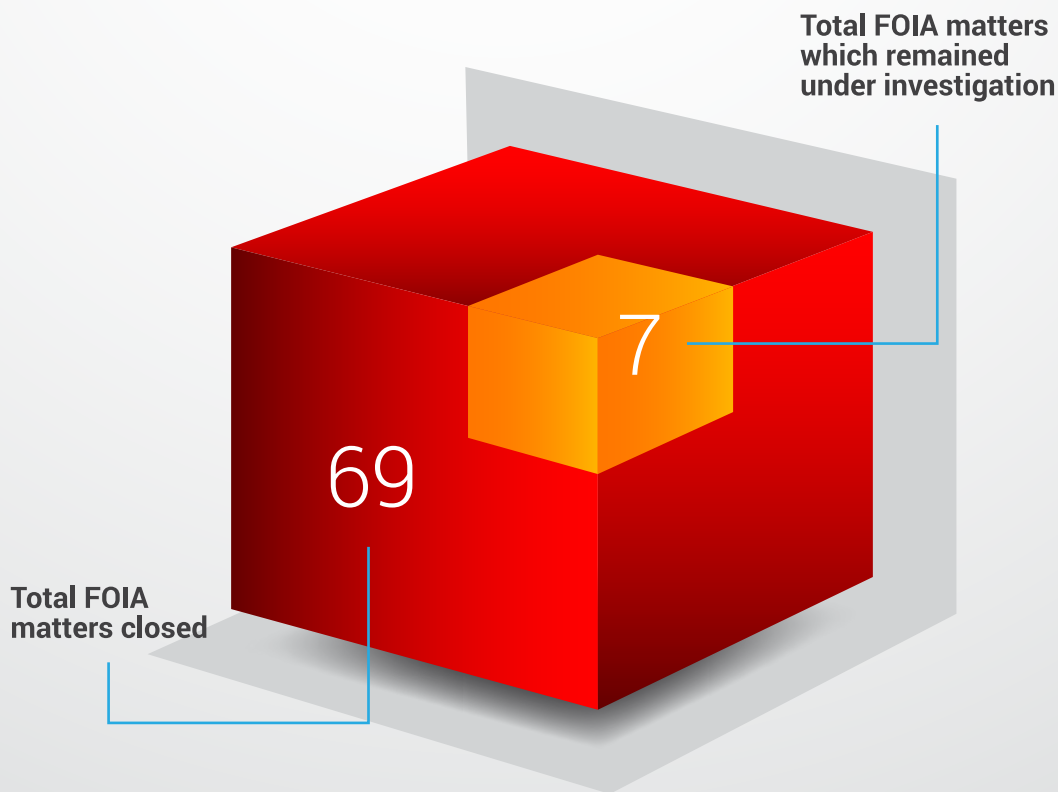


Figure 1. Total number of FOIA matters closed and those which remained under investigation for the period January to December 2023.

An Analysis of FOIA matters received in each quarter for the period January to December, 2023.

Table 1 below illustrates a breakdown and comparison of the total number of FOIA matters received by the Office of the Ombudsman in each of the four (4) quarters for over the last three years: January to December, 2021, January to December, 2022 and January to December, 2023.

YEAR	1 st QUARTER	2 nd QUARTER	3 rd QUARTER	4 th QUARTER	TOTAL
2021	17	8	14	10	49
2022	9	14	15	22	60
2023	13	16	28	19	76

The Office of the Ombudsman received a total of thirteen (13) complaints in the 1st quarter of 2023, sixteen (16) in the 2nd quarter, twenty-eight (28) in the 3rd quarter and nineteen (19) in the last quarter.

There was a marked increase of sixteen (16) FOIA complaints or approximately 27% in 2023 in comparison to 2022. Forty (40) of those complaints or approximately 66% pertained to instances in which applicants were not notified of the approval or refusal of their requests within the statutorily prescribed period of thirty days after the requests were duly made.

In those instances, the applicants were informed of their right to apply instead for Judicial Review and the public authority was notified of the complaint. This approach is adopted in an attempt to mitigate the need for judicial intervention especially where the FOI Request was not forwarded for the attention of the designated officer.



AREAS OF CONCERN

**Ministry of
Education**

**Housing Development
Corporation**

**National Insurance
Board**



THE MINISTRY OF EDUCATION

The Ministry of Education bears responsibility for managing all public Early Childhood Care Education (ECCE) and primary to tertiary education institutions, as well as overseeing all private education institutions in Trinidad and Tobago. This is done in conjunction with the Tobago House of Assembly’s Division of Education, Research and Technology.

For the period January to December 2023, the Office of the Ombudsman received **ninety-four (94) new complaints** against the Ministry of Education. Of these complaints, twenty-one (21) complaints were resolved, five (5) were discontinued and sixty-eight (68) complaints remained under investigation. Comparatively, for the period January to December 2022 this Office received sixty-three (63) complaints against the Ministry of Education, signaling a 49.2% increase in complaints to the Ombudsman.

Table 2 below shows the trend of new complaints received against the Ministry of Education over the past five (5) years.

YEAR	2019	2020	2021	2022	2023
No. Of Complaints	28	31	27	63	94

Table 2. Complaints Received against the Ministry of Education (2019-2023)



HOUSING DEVELOPMENT CORPORATION

The Trinidad and Tobago Housing Development Corporation (HDC), an agency of the Ministry of Housing and Urban Development, has been a consistent area of concern in the Ombudsman's Annual Report. Pervasive issues that continue to arise include:

- Delay in repairing units
- Inaccurate calculation of mortgage balance and subsequent delays in refunding mortgage overpayments
- Delay in obtaining deeds for properties upon completion of mortgage payments
- Delay in receiving responses to queries and complaints

For the period January to December 2023, this Office received twenty-six (26) new complaints against the HDC. **Table 3** below shows the trend of new complaints received against the Housing Development Corporation over the past five (5) years.

YEAR	2019	2020	2021	2022	2023
No. Of Complaints	13	14	8	14	26

Table 3. Complaints Received Against the Housing Development Corporation (2019-2023)

As has been noted previously, the primary concern remains with the HDC’s **treatment of complaints**. It must be reiterated that the predominant issue with the HDC lies in the insurmountable frustration and unjustified distress that persons must bear in order to obtain some form of feedback and/or redress on their matters.

Table 4 below shows the number of new complaints received over a five (5) year period that were resolved at the end of each year. As shown, investigations into complaints against the HDC remain unconcluded by year’s end with such investigations thus extending into subsequent years.

YEAR	NO. OF NEW COMPLAINTS RECEIVED	NO. OF NEW COMPLAINTS RESOLVED
2019	13	0
2020	14	2
2021	8	0
2022	14	2
2023	26	4

Table 4. Housing Development Corporation Complaints Received and Resolved (2019-2023)

The HDC’s handling of complaints continued to prompt the issuance of summonses to obtain substantial responses during the course of investigations. Housing Development Corporation officials were issued eighteen (18) summonses to appear before the Ombudsman for hearings during the period January to December 2023.



NATIONAL INSURANCE BOARD

The National Insurance Board (NIB) is a body corporate which was established by the Act of Parliament No. 35 of 1971. It bears responsibility for operating and administering Trinidad and Tobago's National Insurance System (NIS). The National Insurance System provides protection to insured persons against loss of earnings arising out of work-related contingencies such as maternity, ill health or retirement.

There are seven (7) categories of benefits offered by the NIB, namely:

- Sickness
- Maternity
- Invalidity
- Retirement
- Funeral Grant
- Employment Injury
- Survivors'

The National Insurance Board continues to be a consistent area of concern for the Ombudsman of Trinidad and Tobago. While the Ombudsman has noted the cooperation of the NIB in giving attention to complaints submitted to this Office, the payment of benefits in general must be improved. Additionally, it was noted that there was a significantly slower response rate during investigations of complaints against the NIB in Tobago.

For the period January to December 2023, the Office of the Ombudsman received **two hundred and sixty-one (261) new complaints** against the NIB. Of these, eighty-eight (88) were resolved, six (6) were discontinued and one hundred and sixty-six (166) remained under investigation. In comparison, this Office received one hundred and seventy-seven (177) complaints against the NIB for the period January to December 2022, showing an increase of 32.2%.

Table 5 below shows the trend of new complaints received against the National Insurance Board over the past five (5) years.

YEAR	2019	2020	2021	2022	2023
No. Of Complaints	144	77	89	177	261

Table 5. Complaints Received Against the National Insurance Board (2019-2023)

Furthermore, this Office continued to note that the issuance of summonses to NIB officials most often prompted either the resolution of (or substantial responses to) complaints for which officials were scheduled to appear before the Ombudsman. For the year 2023, senior officials of the National Insurance Board were issued twenty-one (21) summonses to appear before the Ombudsman of Trinidad and Tobago. While the Office of the Ombudsman commends the NIB for its improvement in addressing complaints, this Office will continue to hold the NIB to account for its treatment of applications for benefits submitted by its clients.



THE OMBUDSMAN'S CASEBOOK

1.
The Land
Conundrum

2.
A Widower's
Plight

3.
The Curious Case of
TRHA Fees Inscribed by Hand

4.
Charting Administrative Waters
in Public Health Protection

THE LAND CONUNDRUM

Mr. L stated that in the year 2000 he was first approached by the State for the acquisition of a parcel of land comprising approximately *0.3425 Hectares and situated at Gandhi Village, Debe*. The purpose of the acquisition was to permit the National Gas Company of Trinidad and Tobago (NGC) to lay natural gas pipelines for the development of the natural gas industry of Trinidad and Tobago. Further, he indicated that requisite licenses had also been granted to the NGC to enter the lands prior to the completion of the compulsory acquisition process.

Mr. L asserted that by way of letters dated July 19, 2004 and April 18, 2005, the Director of Surveys had advised him that the services of a professional valuator be retained in order to engage in negotiations for the compensation of the lands so acquired.

Mr. L contended that during the period 2006 to 2012, subsequent to the negotiations conducted between the Commissioner of Valuations and his appointed Chartered Valuation Surveyor, an acceptance of offer was made as full and final settlement for the acquired lands. Thereafter, the Commissioner of Valuations advised the Commissioner of State Lands (COSL) to prepare cheque payment in favour of Mr. L representing total settlement for his parcel of land.

Mr. L indicated that in 2013 the COSL informed him that documents pertaining to his matter were forwarded to the Office of the Chief State Solicitor (CSS) for advice. In response to his pursuit of further status updates, Mr. L claimed that the COSL conveyed that several reminders were sent to the CSS for the required advice, but to no avail. After being unsuccessful in his quest to ascertain when he could expect to receive the compensation for the acquired lands, in September 2022, Mr. L, who was then seventy-seven (77) years old, sought the intervention of the Ombudsman regarding his matter.

In that same month, the Office of the Ombudsman approached the COSL seeking a response on Mr. L's long outstanding issue. In response, the COSL by letter dated January 05, 2023 indicated that the COSL was awaiting advice from the CSS relative to Mr. L's matter; and that a ninth (9th) reminder by memorandum dated December 12, 2022 was sent to the CSS for the said advice with the aim of expeditiously addressing this matter.

In light of that response, this Office issued a letter dated January 18, 2023 to the CSS in an effort to verify same. On February 09, 2023, the CSS conveyed that the advice pertaining to Mr. L's



matter had in fact been forwarded to the COSL on a number of occasions via memoranda dated: *October 24, 2005; April 14, 2015; January 10, 2023, and February 7, 2023.*

Subsequent to bringing this unearthed information to the attention of the COSL, on March 06, 2023 this Office was notified that the required documents pertaining to Mr. L's matter had been processed and forwarded to the Treasury Department for the preparation of a cheque, in his favour.

Finally, one month later, in April 2023, Mr. L confirmed receipt of a cheque representing payment, in the sum of Three Hundred and Forty-Two Thousand, Six Hundred and Sixty-Six Dollars and Thirty cents (**\$342,666.30**), as compensation for his lands that were compulsorily acquired by the State.

Based on the foregoing, this matter was determined to be resolved.

File Note: The Office of the Ombudsman has noted that it took a total of ten (10) years after the complainant's acceptance of the state's compensatory sum for the complainant to receive this compensation for his lands- property acquired by the State during a process that commenced since the year 2000.

Notwithstanding the fact that Mr. L's complaint was eventually resolved, it is the considered view of this Office that there had been an *unconscionable* delay meted out by both the Office of the Commissioner of State Lands and the Office the Chief State Solicitor in addressing this matter. Based on the meticulous examination of correspondence received during the course of the investigations conducted into this matter, it was evident that there was a failure in effective communication between the said departments.

In the circumstances, it is therefore impressed upon all Ministries/Government Departments/State Agencies, the importance of effective communication in treating with matters in an expeditious manner.

A WIDOWER'S PLIGHT

Mr. G was the widower of a deceased member of the Industrial Court. His wife presided as a judge for fifteen (15) years until her passing in October 2015. He stated that she was entitled to reimbursement of medical expenses incurred during her tenure in accordance with the Terms and Conditions of the Members of the Industrial Court of Trinidad and Tobago (the Industrial Court) contained in the Minister of Finance and the Economy Circular No. 2 of 2014 dated April 29, 2014. Accordingly, submissions to claim the refund of her medical costs were forwarded to the Registrar of the Industrial Court prior to and after her passing.

At the time of filing his complaint with the Office of the Ombudsman in 2022, Mr. G stated that he had been pursuing this matter for over five (5) years. He indicated that the Industrial Court informed him that the matter was referred to the Office of the Attorney General and Ministry of Legal Affairs (AGLA). He further indicated that he wrote to both government agencies on several occasions seeking information on the status of the refund and was only advised that it was being processed and awaiting approval. With his personal efforts to obtain the payment failing, the assistance of the Ombudsman was sought to bring resolution to the matter.

On referral of the complaint to the Industrial Court, the Registrar informed this Office that the matter was directed to the (AGLA) in April 2016 to obtain the necessary approval via a Note to Cabinet. The Registrar further advised that over the period 2018 to 2022, several communications requesting the status of the matter were forwarded to the AGLA. The matter, however, remained outstanding.

By letter dated February 02, 2022, this Office wrote to the AGLA requesting a report on the status of the matter. In its response dated August 10, 2022, the AGLA stated inter alia that it was not in receipt of the original documentation required to facilitate processing the refund. Further, the delay in ascertaining the status of the Cabinet Note was attributed to a fire which had occurred in early 2022 at one of the storage facilities which housed the records of the Ministry that may have destroyed the records relative to this matter.

The AGLA simultaneously wrote to the Industrial Court seeking assistance in obtaining the original documentation evidencing the medical expenses incurred by the now deceased Judge in order to escalate the matter to Cabinet for approval. The Industrial Court, however, responded by providing evidence which indicated that the original documentation was forwarded to the AGLA in 2016.

In light of the failure of the two Agencies to advance this matter, the Ombudsman by virtue of Section 97 (1) of the Constitution of the Republic of Trinidad and Tobago – Chapter 1:01 and Section 4 (1) and (2) of the Ombudsman Act Chapter 2:52, issued a summons to the Permanent Secretary AGLA, which was scheduled for April 20, 2023.

By correspondence dated April 14, 2023, the AGLA advised the Ombudsman that the Registrar of the Industrial Court provided the AGLA with a copy of the Note to Cabinet and supporting documentation; and that the matter was forwarded to Cabinet on April 12, 2023 for its consideration.

In July 2023, the Ombudsman was advised that the matter was approved by Cabinet and payment was subsequently issued to the complainant.

THE CURIOUS CASE OF TRHA FEES INSCRIBED BY HAND

On September 21, 2022, Ms. J complained to the Ombudsman about the charging of fees for the completion of various forms by the Tobago Regional Health Authority (TRHA) - Scarborough General Hospital (SGH).

She indicated that she queried the charges and sought information from the hospital's Quality Assurance Department and the Chief Executive Officer citing the absence of signage indicating the fees for the completion of forms; and the existence of a policy or directive from the SGH concerning the charging of fees or applicable rates for the completion of medical forms.

Correspondence dated October 6, 2022, delineating the complaint was dispatched to the TRHA. In response, by letter dated November 8, 2022, the Authority confirmed that the fees being charged were in accordance with the 'Ministry of Health Medical Records Policies and Procedures Manual (April 1994) – (the Manual)'. The prescribed fees were itemized, and this Office was informed that measures were taken to install suitable signage at the SGH.

Subsequently, this Office requested a copy of the referenced Manual from the TRHA. The request was denied, however, citing concerns about the fragility and antiquity of the document in question. In response to this representation, and in accordance with section 97(2) of the Constitution of Trinidad and Tobago, the assigned Investigator proceeded to enter the premises of the TRHA for inspection of the Manual.

An examination of the policy outlining the fees applicable for the completion of forms was conducted. It was observed, however, that most of the fees outlined, as referenced in the letter from the TRHA dated November 8, 2022, were inscribed *by hand* onto what originally appeared to be a typewritten policy document.

The irregularities outlined above prompted this Office to make a formal request for the Manual from the Ministry of Health, including: *"any document(s) issued by the Minister of Health authorizing Regional Health Authorities, particularly the Tobago Regional Health Authority, to modify the fees stipulated in 'the Manual' or any document(s) granting authorization to the Regional Health Authorities to implement alternative or supplementary fees not delineated in the schedule of the aforementioned Manual."*



In a response dated January 30, 2023, the Ministry of Health provided the Office with a copy of the Manual and represented that there are, “no document[s] issued to amend any file’s [fees] structure at the Tobago Regional Health Authority.”

Having perused the Manual, the Chief Executive Officer of the TRHA was summoned on June 7, 2023, to afford the Authority an opportunity to present their perspective regarding the startling revelation from the Ministry of Health. At the hearing, during which evidence was provided under oath, it became apparent that there was insufficient evidence to substantiate the claim by the TRHA that the policy being utilized was endorsed by the Minister of Health and/or Cabinet. Notably, the Manual received from the Ministry of Health appears to contradict the policy relied upon by the TRHA.

The CEO gave a commitment to explore and seek further clarification from the Authority’s legal team. A subsequent letter from an attorney representing the Authority suggested that the Ombudsman’s enquiry delves into issues pertaining to both statutory interpretation and ministerial policy; and that such matters surpass the jurisdiction vested in the Office of the Ombudsman as defined by law.

In a response dated August 9, 2023, this Office highlighted the misrepresentation contained in the opinion of the learned attorney. The substantive matter concerning the validity of the policy document relied upon by the TRHA and its approval status by the Minister of Health remains unresolved.

File Note: This case underscores the critical importance of transparency in public sector operations, as it is pivotal for ensuring accountability and providing citizens with essential insights into the government’s allocation and utilization of taxpayers’ funds. Moreover, it is evident that there are unresolved issues and discrepancies between the autonomy granted to the TRHA under the Regional Health Authorities Act Chapter 29:05 and the oversight responsibilities of the Ministry of Health.



CHARTING ADMINISTRATIVE WATERS IN PUBLIC HEALTH PROTECTION


On October 12, 2021, a citizen raised significant concerns regarding potential health hazards emanating from the operation of an auto body paint shop adjacent to his residence. This case delineates the subsequent administrative actions undertaken, including engagements with pertinent authorities and the navigational complexities inherent in addressing such grievances. The Office of the Ombudsman, entrusted with the oversight of administrative processes, initiated a multifaceted investigation in response to the complaint. A three-pronged approach was adopted, involving correspondence with the Environmental Management Authority (EMA), the Tobago House of Assembly's Department of the Environment, and the Division of Health, Wellness, and Social Protection - Public Health Department.

Despite diligent efforts to elicit a response from the relevant authorities, challenges arose in effecting timely and substantive actions. Correspondence was initially dispatched to the EMA on October 25, 2021, and subsequently on June 10, 2022. The EMA responded on July 10, 2022, indicating that they were collaborating with the THA Department of the Environment and THA Community Mediation Centre for investigation. They further reported that ultimately, no evidence supporting the reported issues was found during visits, and the conditions for air quality control tests were not met.

In August 2022 the Department of the Environment reported that they advised the offender to construct an enclosed structure with proper ventilation but the offender failed to do so; he constructed a semi-enclosed wooden structure with no ventilation. The Department lacked legislative capacity for enforcement and therefore suggested the involvement of the Community Mediation Centre as well as Town and Country Enforcement.

Attendance at mediation sessions is voluntary and conducted with confidentiality; therefore, the specific outcomes of the Community Mediation sessions remain undisclosed.

Following a lack of responsiveness from the Public Health Department, a summons was issued and a hearing was convened on July 27, 2022. Subsequently, On August 22, 2022, the Public Health Department reported that the offender failed to comply with their cease and desist order and was served with an Intimation Notice on January 18, 2022. The District Health Environmental Officer was then instructed to prepare the requisite statutory notice of failure to comply in August 2022.



Despite these efforts, the offender persisted in refusing to comply with the order to abate the nuisance. As a result of this, the matter was escalated to the Scarborough Magistrate's Court in early 2024 in accordance with section 70 (1) (f) of the Public Health Ordinance Chapter 12 No. 4 of 1940. Consequently, this Office discontinued its investigation as the case was pending before a court.

Regrettably, the complainant passed away in January 2024, precluding him from witnessing the resolution of his grievance.

File Note: The culmination of administrative efforts underscores the complexities inherent in addressing environmental grievances within the framework of existing regulatory mechanisms. Despite diligent engagement and regulatory interventions, sustained compliance remained elusive, necessitating legal recourse. This matter underscores the need to fortify regulatory frameworks and to foster inter-agency collaboration in upholding environmental integrity and safeguarding public health.

ISSUES COMMONLY FACED BY THE OMBUDSMAN

The following are issues encountered by the Ombudsman in the investigation of complaints:

INSTITUTIONAL UNRESPONSIVENESS

- Unreasonably long delays in responding to letters, calls and emails
- Correspondence from the Office ignored by institutions
- Inability to reach the public officers instrumental to the investigation of a complaint

UNFAIR POLICIES & PROCEDURES

- Policies result in unfair outcomes for complainants
- Unfair treatment of complainants by institutions
- Over-enforcement or misapplication of policies

UNREASONABLE DELAYS

- Unreasonable delays in handling complaints
- Unreasonable delays in processing appeals

POOR COMMUNICATION

- Decisions made by institutions unexplained or unclearly articulated
- Information provided is inaccurate or lacks substance
- Persons not informed of their right to access the relevant appeals processes where applicable

STATISTICAL REPORT

SUMMARY:

1. OVERVIEW OF INVESTIGATIONS FOR 2023
2. FIVE (5) YEAR TREND OF NEW COMPLAINTS RECEIVED AND COMPLAINTS BROUGHT FORWARD FROM PREVIOUS YEARS
3. TOTAL NUMBER OF NEW COMPLAINTS RECEIVED FOR THE PERIOD 2023
4. DISTRIBUTION OF COMPLAINTS FOR THE PERIOD JANUARY TO DECEMBER, 2023
5. STATUS OF NEW COMPLAINTS RECEIVED AND PASSED FOR INVESTIGATION AS AT DECEMBER 31, 2023
6. TOP FIVE (5) DEFAULTERS FOR 2023

An explanation of the jargon used throughout this section:

▶ **RESOLVED**

The case has been investigated and resolved, whether in the complainant's favour or not.

▶ **WITHDRAWN**

The complaint was withdrawn by the complainant or next of kin where applicable. This should be reduced in writing.

▶ **DISCONTINUED**

A decision was made by the Ombudsman to discontinue the investigation in instances where it may lack merit or the complaint is found to be one for which we lack jurisdiction.

▶ **RECOMMENDED FOR SUMMONS**

- Matters where Ministries/Government Departments/State Agencies are not responding in a timely manner, so that senior public officers are summoned to provide the requisite information.
- Matters that require testimony (*viva voce*) evidence to allow the Office of the Ombudsman to conduct a proper investigation of the issues at hand.

▶ **NO JURISDICTION**

- *Matters not subject to be investigated – (Section 94 (1) and Third Schedule of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01);*
- *Private matters (complaints between private citizens or concerning private authorities);*
- *Referrals to other regulatory authorities.*

OVERVIEW OF INVESTIGATIONS FOR 2023

Investigations Caseload

For the period under review, the Office of the Ombudsman managed a caseload of one thousand, eight hundred and seventy-nine (1,879) complaints. This figure comprised one thousand, three hundred and fifty-one (1,351) new complaints received in 2023 and five hundred and twenty-eight (528) complaints brought forward from previous years.

The Ombudsman is supported by a team of fifteen (15) Investigators in the conduct of investigations. The commendable efforts of Investigators must be noted. Investigators were stretched to capacity in managing a caseload of over one hundred (100) complaints per Investigator, with the Office attending to the above-mentioned one thousand, eight hundred and seventy-nine (1,879) matters during the reporting period. This situation must be remedied if the Office is to achieve its constitutionally appointed mandate with optimal effectiveness.

The Ombudsman sought to utilise the position of Director, Investigations and Complaints Resolution but encountered difficulty given that the position is not yet established and classified. This, once resolved, will provide an ease in the flow of the investigations process and provide the monitoring role necessary to ensure the implementation of remedies for the complainants on whose behalf this Office seeks redress.

Complaints

As mentioned above, the Office received one thousand, three hundred and fifty-one (1,351) new complaints in 2023 and brought forward five hundred and twenty-eight (528) complaints from previous years, totalling one thousand, eight hundred and seventy-nine (1,879) matters which were managed by the Office. In comparison to 2022, the number of new complaints received by the Office increased by two hundred and fifty-three (253) or 23.1% and the number of brought forward complaints increased by seventy-five (75) or 16.6%. See **Figure 2**.

The increase in the number complaints brought forward correlates to the surge in new complaints received in 2022. As observed, there were MDAs that had an influx of complaints in the previous year such as, for example, the NIB and the Ministry of Education.

Other factors affecting the volume of cases brought forward must also be noted. In some cases, the investigation of a complaint extends into another year due to the complexity of key aspects of the matter. In other instances, complaints are brought forward owing to inefficiencies on the part of the MDA in responding to the Office, or in acting upon the complainant’s issue. It is thus important to emphasise that where investigations reveal that the MDA is at fault, the Office of the Ombudsman’s closure of the investigation is dependent on the MDA’s cooperation in resolving the matter.

The increase in *new complaints received in 2023* can be linked to the Office’s resumption and expansion of its public outreach activities which has led to increased public awareness.

Figure 2. Five (5) Year Trend of New Complaints Received and Complaints Brought Forward from Previous Years (2019-2023)

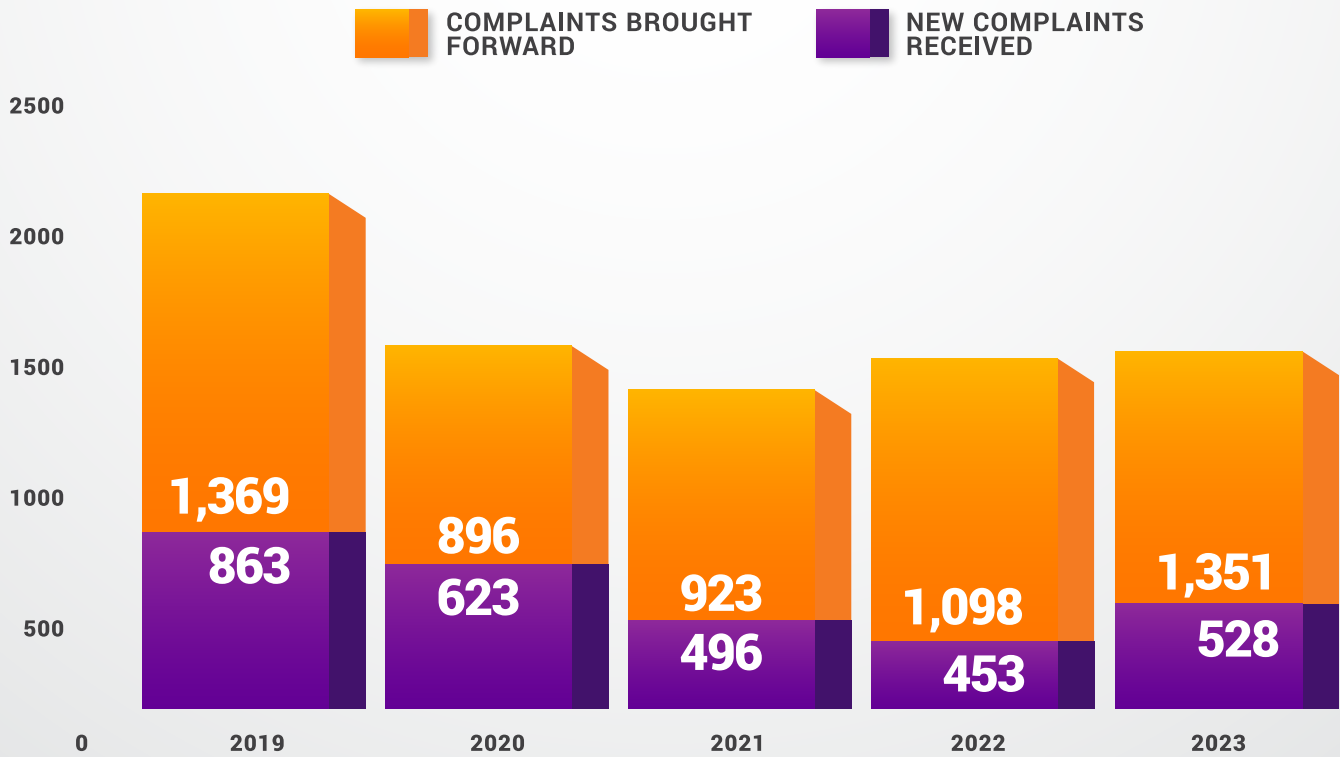


Figure 2 above demonstrates the total number of new complaints received and brought forward from previous years over a five (5) year period (2019-2023) by the Office of the Ombudsman. From observations made over this period, it can be concluded that there was steady decline in the number of complaints brought forward each year during the period 2019 to 2022; and a moderate increase in 2023.

Table 6 shows that for the period, January to December 2023, investigations were pursued on one thousand and twenty-two (1,022) of the one thousand, three hundred and fifty-one (1,351) complaints received. At the end of the reporting period, a total of three hundred and twenty-two (322) of these cases or 31.5% had been concluded. A total of seven hundred (700) cases or 68.5% remained under investigation as at December 31, 2023; and of that total, **sixty-five (65) cases were recommended for summons or remained under the Ombudsman’s review at the end of the year.**

DETAILS	NUMBER	PERCENTAGE %
Total number of complaints received in 2023	1,351	100
Less total number of No Jurisdiction matters	(253)	18.7
Less total Freedom of Information Act (FOIA), Chap. 22:02 matters	(76)	5.6
Total number of complaints Passed for Investigation	1,022	75.6
Total number of complaints concluded	(322)	31.5
*Complaints Resolved	261	25.5
*Complaints Discontinued	58	5.7
*Complaints Withdrawn	3	0.3
Total Number of complaints Under Investigation as at December 31, 2023	700	68.5%

Table 6. No. of Complaints Under Investigation as at December 31, 2023

DISTRIBUTION OF COMPLAINTS FOR THE PERIOD JANUARY TO DECEMBER, 2023

Table 7 below illustrates the distribution of complaints received against Ministries/Government Departments/State Agencies for the reporting period and their current status at the end of this period. It also highlights the total number of Freedom of Information (FOIA), Chap. 22:02 matters and matters which do not fall within the Ombudsman's jurisdiction for the same period.

Table 7. Distribution of Complaints for the Period January to December 2023

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	RESOLVED	DISCONTINUED	WITHDRAWN	UNDER INVESTIGATION	TOTAL
AGRICULTURE, LAND AND FISHERIES					18
▶ GENERAL	1	0	0	9	10
▶ LAND MANAGEMENT DIVISION	0	0	0	8	8
OFFICE OF THE ATTORNEY GENERAL AND MINISTRY OF LEGAL AFFAIRS					8
▶ GENERAL	1	1	0	2	4
▶ LEGAL AID & ADVISORY AUTHORITY	1	0	0	1	2
▶ REGISTRAR GENERAL'S DEPARTMENT	0	1	0	0	1
▶ SOLICITOR GENERAL	0	0	0	1	1
EDUCATION					94
▶ GENERAL	21	4	0	68	93
▶ COSTATT	0	1	0	0	1

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	RESOLVED	DISCONTINUED	WITHDRAWN	UNDER INVESTIGATION	TOTAL
ELECTIONS & BOUNDARIES COMMISSION (EBC)	0	1	0	0	1
ENERGY & ENERGY INDUSTRIES	0	0	0	1	1
ENVIRONMENTAL MANAGEMENT AUTHORITY	1	1	0	0	2
OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (DPP)	1	0	0	0	1
FINANCE					196
▶ GENERAL	10	1	0	26	37
▶ CUSTOMS & EXCISE DIVISION	0	0	0	5	5
▶ INLAND REVENUE DIVISION	39	3	0	91	133
▶ NATIONAL INSURANCE APPEALS TRIBUNAL (NIAT)	1	2	0	1	4
▶ FINANCE-NATIONAL LOTTERIES CONTROL BOARD (NLCB)	0	0	0	2	2
▶ TREASURY DIVISION	2	0	0	11	13
▶ UNIT TRUST CORPORATION (UTC)	0	1	0	0	1
▶ VALUATION DIVISION	0	0	0	1	1
HEALTH					76
▶ GENERAL	6	1	0	12	19
▶ COUNTY MEDICAL OFFICER OF HEALTH	2	1	0	2	5
▶ INSECT VECTOR CONTROL DIVISION	0	0	0	1	1
▶ COUNTY MEDICAL OFFICER OF HEALTH	2	1	0	2	5
▶ EASTERN REGIONAL HEALTH AUTHORITY (ERHA)	0	0	0	2	2
▶ NORTH CENTRAL REGIONAL HEALTH AUTHORITY (NCRHA)	2	1	0	1	4

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	RESOLVED	DISCONTINUED	WITHDRAWN	UNDER INVESTIGATION	TOTAL
▶ NORTH WEST REGIONAL HEALTH AUTHORITY (NWRHA)	12	0	0	17	29
▶ SOUTH WEST REGIONAL HEALTH AUTHORITY (SWRHA)	5	1	0	5	11
HOUSING AND URBAN DEVELOPMENT					37
▶ GENERAL	0	0	0	7	7
▶ HOUSING DEVELOPMENT CORPORATION (HDC)	4	2	0	20	26
▶ LAND SETTLEMENT AGENCY (LSA)	1	1	0	2	4
JUDICIARY	7	2	0	15	24
LABOUR					9
▶ GENERAL	3	0	0	6	9
NATIONAL INSURANCE BOARD (NIB)	88	6	1	166	261
NATIONAL SECURITY					70
▶ GENERAL	1	0	0	30	31
▶ FIRE SERVICES	0	0	0	4	4
▶ IMMIGRATION DIVISION	0	0	0	7	7
▶ POLICE SERVICE	2	1	0	12	15
▶ PRISON SERVICE	1	3	0	9	13
OFFICE OF THE PRIME MINISTER	0	1	0	4	5
PERSONNEL DEPARTMENT (OFFICE OF THE CHIEF PERSONNEL OFFICER)	0	3	0	2	5
PLANNING AND DEVELOPMENT					4
▶ GENERAL	0	0	0	1	1

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	RESOLVED	DISCONTINUED	WITHDRAWN	UNDER INVESTIGATION	TOTAL
▶ TOWN AND COUNTRY PLANNING DIVISION	1	0	0	2	3
PUBLIC ADMINISTRATION					1
▶ GENERAL	0	0	0	1	1
PUBLIC UTILITIES					24
▶ GENERAL	0	0	0	6	6
▶ TELECOMMUNICATIONS SERVICES OF TRINIDAD AND TOBAGO (TSTT)	0	0	0	1	1
▶ TRINIDAD AND TOBAGO ELECTRICITY COMMISSION (T&TEC)	2	0	0	4	6
▶ TRINIDAD AND TOBAGO POSTAL CORPORATION (TTPOST)	0	0	0	2	2
▶ WATER AND SEWERAGE AUTHORITY (WASA)	3	1	0	5	9
RURAL DEVELOPMENT AND LOCAL GOVERNMENT					43
▶ GENERAL	2	0	0	5	7
▶ CHAGUANAS BOROUGH CORPORATION	1	0	0	3	4
▶ COUVA/TABAQUITE/TALPARO REGIONAL CORPORATION	0	0	0	6	6
▶ DIEGO MARTIN REGIONAL CORPORATION	1	1	0	4	6
▶ MAYARO/RIO CLARO REGIONAL CORPORATION	0	0	0	1	1
▶ PENAL DEBE REGIONAL CORPORATION	0	1	0	2	3
▶ PORT-OF-SPAIN CITY CORPORATION	2	0	0	2	4
▶ SAN FERNANDO CITY CORPORATION	0	0	0	2	2
▶ SAN JUAN/LAVENTILLE REGIONAL CORPORATION	0	0	0	3	3
▶ SANGRE GRANDE REGIONAL CORPORATION	1	1	0	2	4

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	RESOLVED	DISCONTINUED	WITHDRAWN	UNDER INVESTIGATION	TOTAL
▶ TUNAPUNA/PIARCO REGIONAL CORPORATION	0	0	0	3	3
SERVICE COMMISSIONS DEPARTMENT					6
▶ GENERAL	1	1	0	3	5
▶ TEACHING SERVICE	0	0	0	1	1
STATUTORY AUTHORITIES SERVICE COMMISSION	1	0	0	1	2
SOCIAL DEVELOPMENT AND FAMILY SERVICES					62
▶ GENERAL	6	3	0	25	34
▶ SOCIAL WELFARE DIVISION	8	5	0	15	28
SPORT AND COMMUNITY DEVELOPMENT					9
▶ GENERAL	1	0	0	3	4
▶ THE NATIONAL COMMISSION FOR SELF HELP	0	0	0	5	5
TOBAGO HOUSE OF ASSEMBLY					21
▶ COMMUNITY DEVELOPMENT YOUTH DEVELOPMENT & SPORT	1	0	0	1	2
▶ EDUCATION, RESEARCH & TECHNOLOGY	0	0	0	4	4
▶ FOOD SECURITY, NATURAL RESOURCES, THE ENVIRONMENT & SUSTAINABLE DEVELOPMENT	1	0	0	1	2
▶ HEALTH, WELLNESS AND SOCIAL PROTECTION	0	0	0	1	1
▶ INFRASTRUCTURE, QUARRIES & URBAN DEVELOPMENT	3	0	0	3	6
▶ OFFICE OF THE CHIEF SECRETARY	0	1	0	1	2
▶ SETTLEMENTS, PUBLIC UTILITIES AND RURAL DEVELOPMENT	0	0	0	2	2
▶ TOURISM, CULTURE, ANTIQUITIES AND TRANSPORTATION	2	0	0	0	2

MINISTRIES/GOVERNMENT DEPARTMENTS/AGENCIES	RESOLVED	DISCONTINUED	WITHDRAWN	UNDER INVESTIGATION	TOTAL
TOBAGO REGIONAL HEALTH AUTHORITY (TRHA)	0	0	0	1	1
TOURISM, CULTURE AND THE ARTS	0	0	0	3	3
TRADE AND INDUSTRY	0	0	1	0	1
WORKS AND TRANSPORT					36
▶ <i>General</i>	0	1	0	13	14
▶ <i>Drainage Division</i>	0	0	0	1	1
▶ <i>National Maintenance Training and Security Company Ltd. (MTS)</i>	8	0	0	2	10
▶ <i>Port Authority of Trinidad and Tobago</i>	1	0	0	1	2
▶ <i>Public Transport Service Corporation (PTSC)</i>	0	3	1	1	5
▶ <i>Transport Division</i>	0	0	0	3	3
▶ <i>Unemployment Relief Programme (URP)</i>	1	0	0	0	1
YOUTH DEVELOPMENT AND NATIONAL SERVICES	0	0	0	1	1
NEW COMPLAINTS - Passed for Investigation (within jurisdiction)	261	58	3	700	1,022
FREEDOM OF INFORMATION ACT (FOIA), Chap. 22:02 MATTERS					76
NO JURISDICTION MATTERS					253
GRAND TOTAL					1,351

STATUS OF NEW COMPLAINTS RECEIVED & PASSED FOR INVESTIGATION

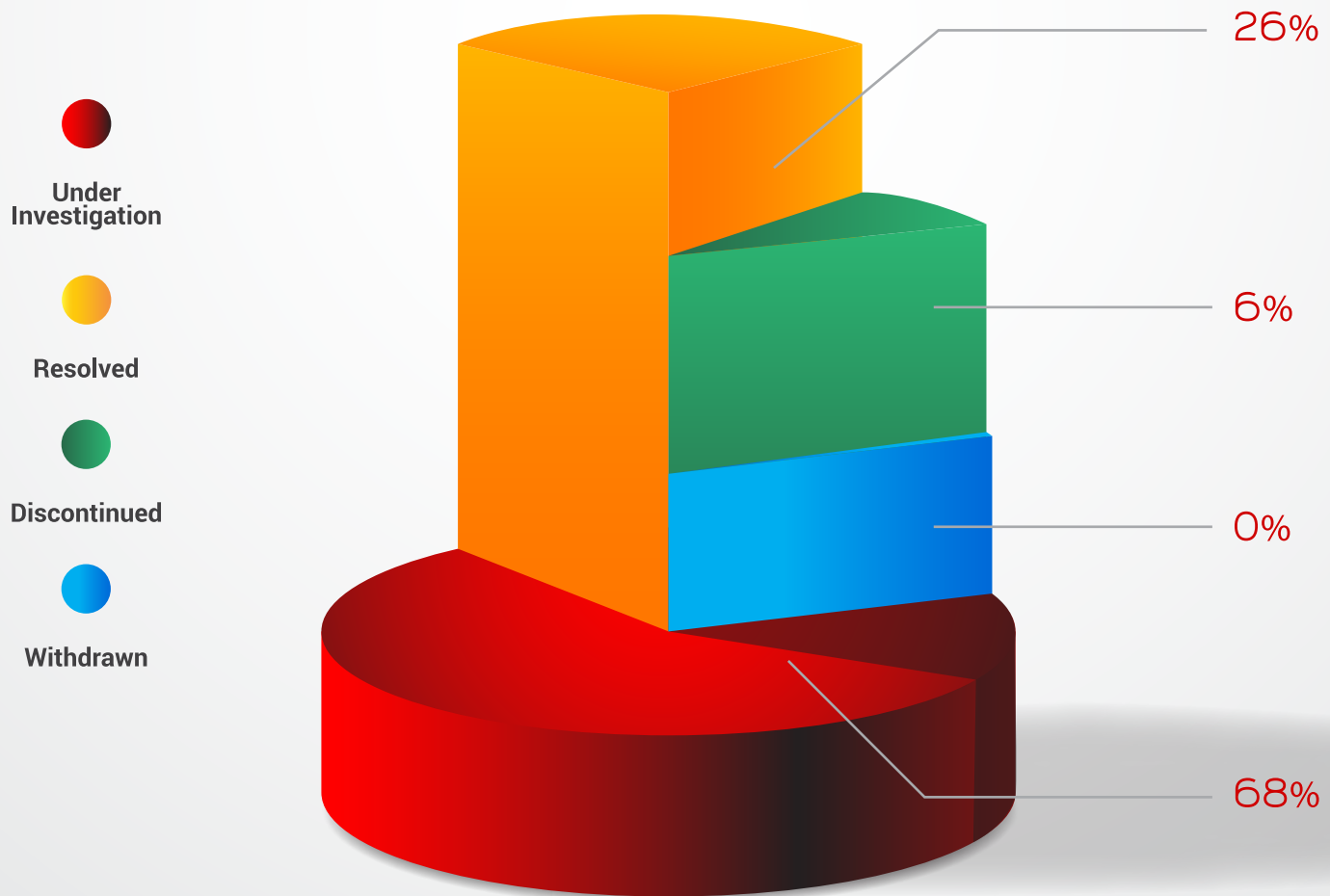


Figure 3. Status of New Complaints Received and Passed for Investigation as at December 31, 2023.

Figure 3 above illustrates the status of the new complaints received by the Office of the Ombudsman which were passed for investigation (i.e. those which were within the Ombudsman’s jurisdiction) as at December 31, 2023. At the end of the reporting period, twenty-six percent (26%) of the new complaints investigated were resolved; six percent (6%) were discontinued; none was withdrawn; and sixty-eight percent (68%) remained under investigation.

TOP 5 DEFAULTERS FOR 2023

The Office of the Ombudsman continuously monitors the number of complaints received against each Ministry/Government Department/State Agency. For the period January to December 2023, two hundred and sixty-one (261) complaints were received against the National Insurance Board (NIB) securing its ranking as the Department with the highest number of complaints recorded against it.

Further analysis revealed that comparatively, in 2022 this Office received one hundred and seventy-seven (177) complaints against the NIB, revealing a 47.5% increase in complaints in 2023. This 1st place complaints ranking was followed by the Ministry of Finance with a total of one hundred and ninety-six (196) complaints; the Ministry of Education with ninety-four (94) complaints; the Ministry of Health with seventy-six (76) complaints; and the Ministry of National Security with seventy (70) complaints.

Figure 4 below illustrates the five (5) Ministries/Government Departments/State Agencies with the highest number of complaints.

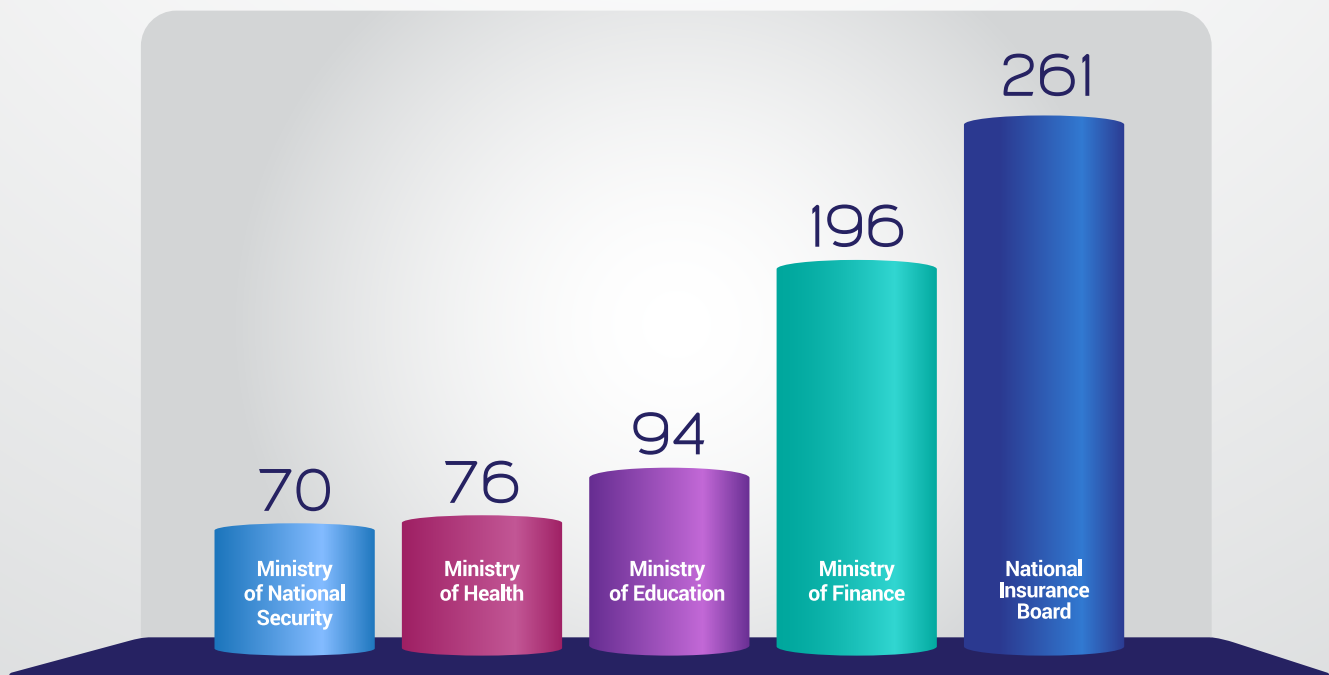


Figure 4. Top Five (5) MDAs against which Complaints were received in 2023

SUMMONS



The Office of the Ombudsman is governed by the Constitution of the Republic of Trinidad and Tobago, Chapter 1:01 and the Ombudsman Act, Chap. 2:52.

Section 97 (1) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 states *“The Ombudsman shall have the powers of the High Court to summon 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.”*

The issuance of summons is one of the legislative tools used by the Ombudsman as an effective recourse for resolving matters brought against Ministries/Government Departments and State Agencies.

During the reporting period of **January to December 2023**, one hundred and sixty-nine (**169**) **summons** were issued and heard in relation to three hundred and fifty-one (**351**) **matters/complaints** under investigation. In comparison to 2022, the number of summonses by the Office increased by nineteen (19) or 12.7% while the number of complaints addressed by the Office increased by fifty-six (56) or 19%.

These matters include but are not limited to: delay in retirement benefits; delays in increments and gratuity payments; issues pertaining to assistance with the construction of box drains to alleviate flooding; retention wall construction; and public health issues to be addressed by various municipal corporations.

Table 8 below shows the number of summonses issued over a five-year period (2019-2023).

YEAR	NUMBER OF SUMMONSES ISSUED	NO. OF NEW COMPLAINTS ADDRESSED
2019	4	4
2020	1	1
2021	12	12
2022	150	295
2023	169	351

Table 8. Number of Summonses issued over a 5-year period (2019 to 2023).

The issuance of these summonses has seen a reduction in the timeline for the resolution of matters, as well as an increase in the number of matters being resolved.

Undertaking

At the summons hearing an undertaking is usually given by the representative of the various Ministries/Government Departments and State Agencies to provide feedback within a reasonable time frame which varies from seven (7) days to three (3) months for the resolution of a complaint.

Summons Protocol

When a summons is issued to the Permanent Secretary of a Ministry or a Head of Department or Agency by the Office of the Ombudsman pursuant to Section 97 (1) of the Constitution of the Republic of Trinidad and Tobago and the named officer is unable to attend, the Office must be notified pursuant to Section 10 of the Ombudsman Act.

A representative of comparable rank can attend in place of the summoned officer and the name and position of that individual must be communicated to the Office of the Ombudsman. Furthermore, it is the responsibility of the organization to implement processes to ensure that ALL communication from the Office of the Ombudsman (especially summons) receives prompt attention.



PUBLIC RELATIONS & EVENTS

**THA Sensitisation
Session**

**AcclerateGOV
Digital Transformation
Summit**

**Free Legal
Aid Clinics**

**Couva West
Secondary Visit**

THA SENSITISATION SESSION



The Office of the Ombudsman in collaboration with the Tobago House of Assembly hosted a sensitisation session on January 25, 2023.

The Ombudsman sensitised the senior administrative officials from the participating units on the roles and functions of the office. This initiative was employed to foster more effective collaboration with THA departments during the investigation of complaints.

AccelerateGOV DIGITAL TRANSFORMATION SUMMIT



The Office of the Ombudsman of Trinidad and Tobago participated in the AccelerateGOV Digital Summit hosted at the Shaw Centre in Ottawa, Canada on the 3rd and 4th of October 2023. The summit is a forum that brings together national and departmental digital leaders from various countries to openly discuss the opportunities and challenges associated with public sector digital transformation. This plays a significant role in driving our digital transformation and the adoption of industry standards for public sector administration.

FREE LEGAL AID CLINICS

The Office of the Ombudsman participated in the Eastern Lawyers Association's free Legal Aid Clinics throughout 2023. The clinics, which are hosted by the Association in different communities throughout East Trinidad, afford persons the opportunity to access free legal advice in various areas of concern. The Office of the Ombudsman attended alongside other independent public institutions to sensitise attendees about our services as well as receive complaints.



ST. AUGUSTINE
APRIL 29, 2023

SANGRE GRANDE
JULY 29, 2023



ARIMA
OCTOBER 28, 2023

COUVA WEST SECONDARY VISIT



Ombudsman Rajmanlal Joseph welcomed students and teachers of the Couva West Secondary School for a visit to our Head Office on Monday 3rd July, 2023.

The Form 4 students met with the Ombudsman, who discussed the role and function of his Office with them. The Ombudsman also fielded their various insightful questions about his profession, his tenure as the Ombudsman of Trinidad and Tobago, and the work of this Office.

TESTIMONIALS

OUR IMPACT

ST JAMES.

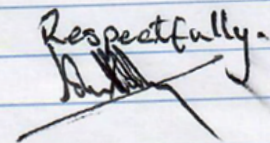
Mr. RASMANLAL JOSEPH. Seen at 15:03:24
5th OMBUDSMAN OF THE REPUBLIC OF TRINIDAD AND TOBAGO.
Dear Sir,

I am writing these few lines in an attempt to express my gratitude for your intervention, and eventual settlement of my N.I.B. Retirement Benefit claim.

Recently, I was able to resolve my land tenancy issues by signing a new agreement. This would have been impossible were the outcome any different.

It is very refreshing to know that an office of the State is still functioning effectively. Given the present state of our country.

Thank you again Sir, for making a significant contribution to the quality of my life. To you and your present staff, may God bless you all and preserve the quality of your work. Profound peace to you and your family.

Respectfully,


TESTIMONIALS

I am writing to express my sincere gratitude for the Office of the Ombudsman's invaluable assistance in resolving the \$ 1,250.00 refunded from UWI Global Campus (formerly UWI Open Campus). Your prompt attention and dedication to ensuring a fair and timely resolution have been instrumental in bringing this matter to a satisfactory conclusion.

While I appreciate your Office's swift intervention and resolution, I am expressing my deep concern regarding the unnecessarily protracted administrative process at the UWI Global Campus. The delays and inefficiencies encountered during this matter were utterly unacceptable. Such delays caused inconvenience and raised questions about the overall effectiveness of the administrative procedures in place.

Furthermore, the process of collecting the cheque was regrettably marred by unprofessionalism. Clear communication, transparency, and professionalism are fundamental aspects of any institution, and the UWI Global Campus must promptly address and rectify these shortcomings.

I trust that the Office of the Ombudsman will continue to play a vital role in ensuring accountability and fairness within educational institutions. Your intervention will prompt the UWI Global Campus to review and improve its administrative processes for the benefit of all stakeholders.

Once again, thank you for your diligence and commitment to resolving this matter. I am grateful for the Office of the Ombudsman's crucial role in upholding justice and fairness.

On behalf of my father and myself, I wish to thank you for your excellent service. My father's matter has been addressed with NIB, he has received his backdated payments and he was reassured that monthly payments will commence on 1 March, 2023. May you be blessed as you have blessed him. Thank you.

I am writing to thank you for your consideration, time, and patience. You have assisted me through this process and I know I have reached my goal because God has used your office to help me. Today I was called by the Ministry to collect my gratuity.

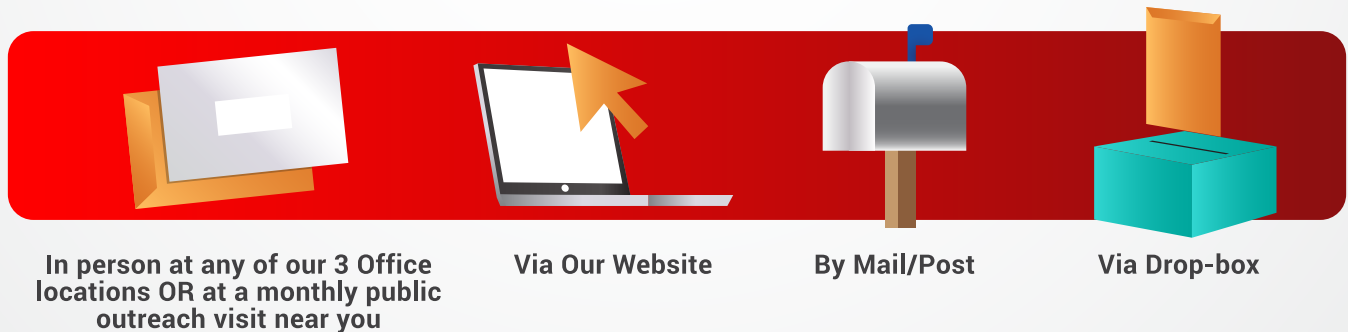
FREQUENTLY ASKED QUESTIONS (FAQ'S)

1. WHAT MUST BE DONE BEFORE A COMPLAINT IS MADE?

- An official complaint must first be lodged in writing within the government department where the alleged injustice occurred.
- The department should be given a reasonable amount of time to adequately address the matter before it is brought to the attention of the Office of the Ombudsman.

2. HOW DO I LODGE A COMPLAINT?

All complaints must be made **IN WRITING** to the Ombudsman. Complaints can be lodged:



If you are unsure whether you have a valid complaint, you may contact the Office for further information.

3. WHAT INFORMATION SHOULD MY COMPLAINT INCLUDE?

Your complaint should include:

- Name
- Telephone contact
- Residential address and/or mailing address
- Email address (optional)
- A summary outlining:
 - The facts of the complaint and the current status of the matter
 - The government department involved
 - The date when the complaint was lodged with the government department
 - The name of the person(s) to whom you have reported the matter
- Copies of documents pertinent to your complaint (if available).

4. WHAT TYPE OF COMPLAINTS CAN THE OMBUDSMAN INVESTIGATE?

- Delay by Municipal Corporations in constructing, repairing and maintaining roads and drains.
- Delay by Government Departments in processing and paying pension and severance benefits.
- Delay by the National Insurance Board (NIB) in processing claims for NIS benefits.
- Delays in obtaining birth certificates, passports, medical reports.
- Refusals to disclose official documents under the Freedom of Information Act, Chap. 22:02.
- Delay by Government Departments in responding to letters of complaints and requests for assistance.

5. ARE THERE AREAS THAT THE OMBUDSMAN CANNOT INVESTIGATE?

Some of the matters which the Ombudsman cannot investigate include:

- Civil or criminal proceedings before any Court.
- Contractual or other commercial transactions.
- Personnel matters in relation to service in the public service.
- Terms and conditions of members of the armed forces.
- Policy decisions of Ministers or Government Departments e.g. HDC Housing Allocations, Town and Country etc.

APPENDICES

Appendix I

Schedule of Community Visits

Appendix II

Extract from the Constitution related to the Office of the Ombudsman and Third Schedule to the Constitution (Matters Not Subject to Investigation)

Appendix III

Ombudsman Act, Chap. 2:52

Appendix IV

Extract from the Freedom of Information Act (FOIA), Chap. 22:02

Appendix V

Map of the Caribbean

APPENDIX I

SCHEDULE OF COMMUNITY VISITS

ARIMA

Mayor's Box,
Arima Velodrome, Hollis Avenue, Arima
2nd Monday of each month
Time: 9:00 a.m. to 12 noon

COUVA

Couva/Tabaquite/Talparo Regional
Corporation (main building)
Railway Road, Couva
3rd Wednesday of each month
Time: 9:00 a.m. to 12 noon

POINT FORTIN

Engineering Services Compound,
Point Fortin Borough Corporation
Guapo Cap-de-Ville Road, Point Fortin
2nd Wednesday of each month
Time: 9:00 a.m. to 12 noon

SANGRE GRANDE

Technical Department Conference Room,
Sangre Grande Regional Corporation
Robert Paul Street, Sangre Grande
Last Tuesday of each month
Time: 9:00 a.m. to 12 noon

CHAGUANAS

Chaguanas Borough Corporation
Cor. Taitt & Cumberbatch Streets, Chaguanas
2nd Friday of each month
Time: 9:00 a.m. to 12 noon

MAYARO/RIO CLARO

Public Health Department,
Mayaro/Rio Claro Regional Corporation
Cor. De Verteuil & Doughdeen Streets, Rio Claro
Last Thursday of each month
Time: 9:00 a.m. to 12 noon

ROXBOROUGH

Conference Room
Roxborough Administrative Complex,
Windward Road, Roxborough
2nd Wednesday of each month
Time: 9:00 a.m. to 12 noon

SIPARIA

Ministry of Labour, Siparia Office
Level 2, Siparia Administrative Complex
Cor. Allies Street and S.S. Erin Road, Siparia
3rd Monday of each month
Time: 9:00 a.m. to 12 noon

APPENDIX II

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:
- (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

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

PART II -OMBUDSMAN

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.

(3) The authorities other than departments of Government to which this section applies are –

(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. (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.

(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.

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(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.

(4) The Ombudsman shall not investigate-

(a) any action in respect of which the Complainant has or had-
(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

Third Schedule.

(b) any such action, or actions taken with respect to any matter, as is described in the Third Schedule

(5) Notwithstanding subsection (4) the Ombudsman-

(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).

Discretion of Ombudsman. 95.

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 -

(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;

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(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.** (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.
- (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.
- (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.
- (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.
- (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.

Power to obtain evidence.

- 97.** (1) The Ombudsman shall have the powers of the High Court to summon 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

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proceedings shall have the same duties and liabilities and enjoy the same privileges as in the High Court.

- (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.

**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.

APPENDIX II

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

PART II -OMBUDSMAN

- (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.

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THIRD SCHEDULE TO THE CONSTITUTION (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 III

LAWS OF TRINIDAD AND TOBAGO

OMBUDSMAN ACT, CHAPTER 2:52

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.

APPENDIX III

(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 moneys 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 sub-section, 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)(a) 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

APPENDIX III

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

(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 Act.

(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.

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(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.

DISCLOSURE OF CERTAIN MATTERS NOT TO BE REQUIRED

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 (including Trinidad and Tobago relations with the Government of any other country or with any international organizations);

(b) will involve the disclosure of the deliberations of Cabinet; or

(c) 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

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public interest shall apply in respect of any investigation by or proceedings before the Ombudsman.

SECRECY 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 Act and 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

(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 herein before 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.

APPENDIX III

(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.

OFFENCES

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.

APPENDIX III

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 therefrom 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 IV

LAWS OF TRINIDAD AND TOBAGO

EXTRACT FROM THE FREEDOM OF INFORMATION ACT (FOIA), CHAP. 22:02

- Time limit for determining requests.** **15.** A public authority shall take reasonable steps to enable an applicant to be notified of the approval or refusal of his request as soon as practicable but in any case not later than thirty days after the day on which the request is duly made.
- Reasons to be given for deferment or refusal.** **23.** (1) Where in relation to a request for access to a document of a public authority, a decision is made under this Part that the applicant is not entitled to access to the document in accordance with the request or that provision of access to the document be deferred or that no such document exists, the public authority shall cause the applicant to be given notice in writing of the decision, and the notice shall—
- (a) state the findings on any material question of fact, referring to the material on which those findings were based, and the reasons for the decision;
 - (b) where the decision relates to a public authority, state the name and designation of the person giving the decision;
 - (c) where the decision does not relate to a request for access to a document which if it existed, would be an exempt document but access is given to a document in accordance with section 16(2), state that the document is a copy of a document from which exempt information has been deleted;
 - (d) inform the applicant of his right to apply to the High Court for judicial review of the decision and the time within which the application for review is required to be made;
 - (e) where the decision is to the effect that the document does not exist or cannot, after a thorough and diligent search, be located, inform the applicant of his right to complain to the Ombudsman.
- Review by the Ombudsman. [92 of 2000].** **38A.** (1) A person aggrieved by the refusal of a public authority to grant access to an official document, may, within twenty-one 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.

APPENDIX V

MAP OF THE CARIBBEAN





OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

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