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SUPPLEMENT TO THIS ISSUE

THE DOCUMENT detailed hereunder has been issued and is published as a Supplement to this issue of the *Trinidad and Tobago Gazette: Legal Supplement Part B*—

Regional Health Authorities (Amendment of the Third Schedule) Order, 2010—(Legal Notice No. 305 of 2010).

2512

Government of the Republic of Trinidad and Tobago Updated Public Statement of the Ministry of Legal Affairs In compliance with Sections 7,8 and 9 of The Freedom of Information Act 1999 (FOIA)

GENERAL INFORMATION FOR ALL DIVISIONS IN THE MINISTRY OF LEGAL AFFAIRS

In accordance with Sections 7, 8 and 9 of the Freedom of Information Act, 1999 (FOIA), the Ministry of Legal Affairs is required by law to publish the following statements, which list the documents and information generally available to the public.

The Act gives members of the public:

1. A legal right for each person to access information held by the Ministry of Legal Affairs.
2. A legal right for each person to have official information relating to him/herself amended where it is incomplete, incorrect or misleading
3. A legal right to obtain reasons for adverse decisions made regarding an applicant's request for information under the FOIA.
4. A legal right to complain to the Ombudsman and to apply to the High Court for Judicial Review to challenge adverse decisions made under the FOIA.

Section 7 Statements

Section 7(1)(a)(i):

Function and Structure of the Ministry of Legal Affairs

Mission Statement

"To deliver to our publics excellent service in the areas of legal, civil, consumer, corporate, intellectual, real and other property rights, in a caring environment, while facilitating socio-economic development within a knowledge based society."

FUNCTION:

The Ministry of Legal Affairs is a people-oriented, customer-focused Ministry engaged in unique service delivery that affects the lives of every citizen of Trinidad and Tobago.

The principal responsibilities of the Ministry of Legal Affairs are:-

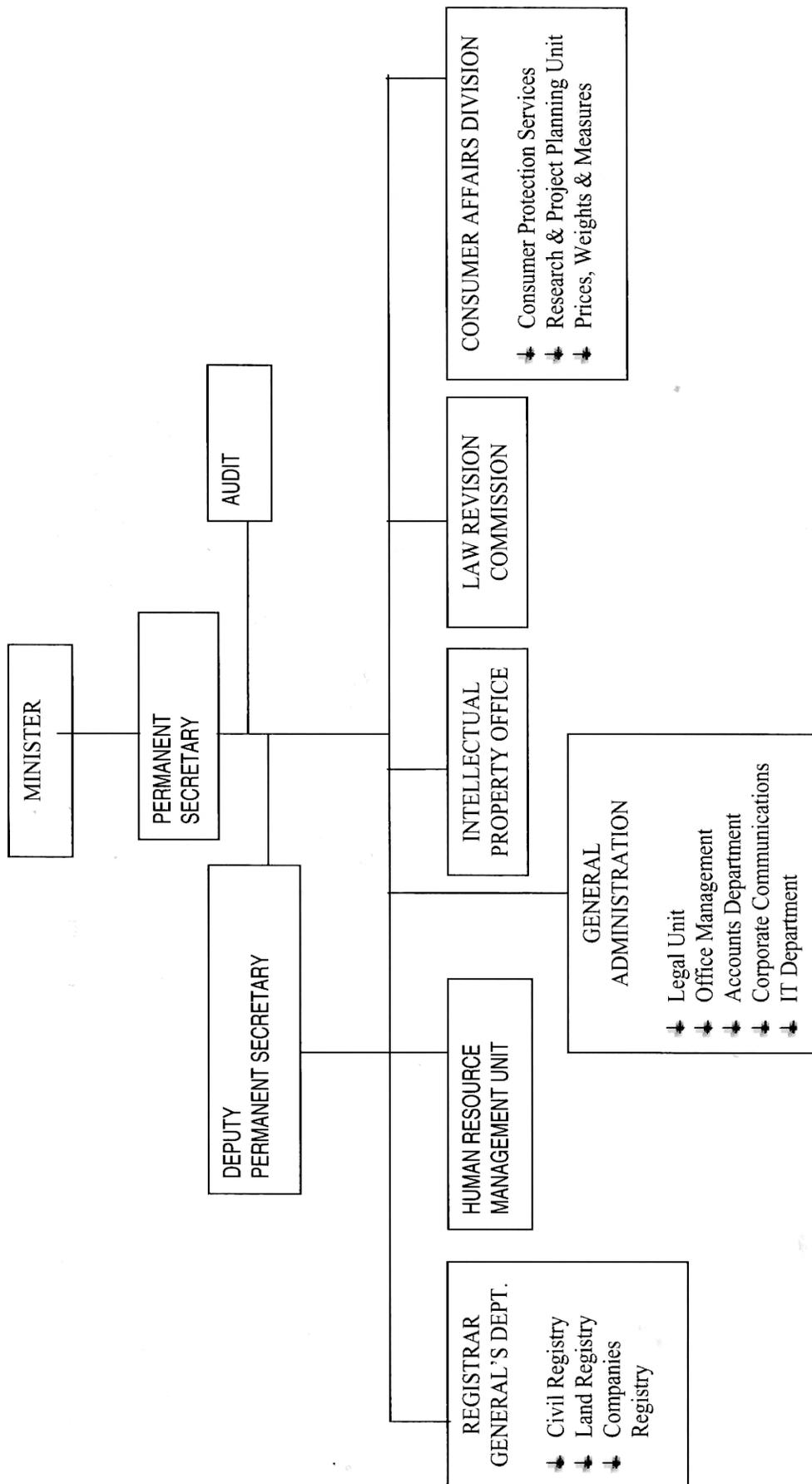
- (i) registration of births, deaths and marriages and the issue of these certificates
- (ii) registration of companies and land title documents and the issue of certified copies of these documents
- (iii) grant of Intellectual Property Rights, administration of all laws relating to Intellectual Property and educating the public about Intellectual Property;
- (iv) examination of patents, utility certificates, trademarks, industrial designs, geographical indications, layout designs (topographies) of integrated circuits and new plant varieties
- (v) consumer empowerment and the safeguarding of consumers' rights;
- (vi) preparation of technically sound draft legislation based on Government policies and preparing, publishing and maintaining revised editions of the Laws of Trinidad and Tobago;
- (vii) testing and certifying of measuring scales.

ORGANIZATIONAL STRUCTURE AND STAFFING

The Ministry of Legal Affairs is divided into the following Divisions/Sections/Units/Statutory Bodies:

Registrar General's Department (including the Civil, Land and Companies Registries)
Intellectual Property Office
Consumer Affairs Division
Human Resource Management Unit
IT Unit
Corporate Communications Unit
Legal Unit
General Administration
Law Revision Commission
Rent Assessment Board

MINISTRY OF LEGAL AFFAIRS Organisational Structure



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Registrar General's Department

The Registrar General's Department receives information relative to companies and businesses operating in Trinidad and Tobago, births, deaths and marriages occurring in Trinidad and Tobago and land transactions such as sales, mortgages and charges against personal property and judgments and actions pending. The Department makes such information available upon request and entitlement, and upon payment of the prescribed fees, issues certified copies of documents. The Registrar General's Department is located at 72-74 South Quay, Port of Spain with sub offices at:

- #3 Leotaud Street, San Fernando
- #10-10A Devenish St, Arima
- #11, Hamilton Street, Scarborough, Tobago

Intellectual Property Office

The Intellectual Property Office is a division of the Ministry of Legal Affairs. The Intellectual Property Office was established on December 1, 1997 by the Patents Act, 1996. Under an interim staff structure, it comprises a staff of 46 and is headed by the Controller. The Intellectual Property Office has responsibility to:

- Grant Intellectual Property Rights
- Determine Opposition Hearings
- Make Intellectual Property information available to the public
- Receive international applications under the Patent Cooperation Treaty
- Provide advice to the Government on Intellectual Property matters
- Create and maintain public awareness
- Promote inventiveness among citizens
- Make Patent Technical Information available
- Participate in the general development of Intellectual Property, locally, regionally and internationally.

The rights granted are private rights used by individuals, entrepreneurs and corporations to support their strategic research, commercialization and marketing objectives.

The Office is located on the Third Floor, Capital Plaza, 11-13 Frederick Street, Port of Spain.

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Consumer Affairs Division

The role of the Consumer Affairs Division is that of an empowering organization charged with the social responsibility of protecting consumers' rights through educational outreach, consumer guidance and the application of consumer laws. The CAD also monitors compliance with the Consumer Protection and Safety Act No. 30 of 1985 as amended by Act No. 22 of 1998 and the Trade Descriptions Act No. 7 of 1984 as well as a number of other pieces of consumer protection and business regulation statutes. The office is located at Agostini Building, 3 Duncan Street, Port of Spain. CAD sub-offices are located at:

- Couva Complaints Desk c/o Prices, Weights and Measures, Inshan Ali Promenade, Railway Road, Couva
- Rio Claro Complaints Desk, c/o Prices, Weights and Measures, School Street, Rio Claro
- San Fernando Complaints Desk, #3 Leotaud Street, San Fernando

Weights and Measures

The Weights and Measures Unit is responsible for checking the accuracy and justness of all weighing and measuring instruments used by vendors to conduct their trade.

The Head Office of the Weights and Measures Division is located at Agostini Building, 3 Duncan Street, Port of Spain, with stamping stations at:

Central Market, Beetham Highway Port of Spain
Gomez Street, Sangre Grande
Technical Station, Couva/Talparo/Tabaquite Corporation, Couva
Railway Road, Princes Town
146-148 Coffee Street, San Fernando
Siparia Market, Siparia
Point Fortin Market, Point Fortin
School Street, Rio Claro
Police Compound, Tunapuna

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The Research and Project Management Unit

The Research and Project Management Unit of the Ministry of Legal Affairs is responsible for the continuous scanning of the internal and external environments to obtain and process information which may be valuable in developing programmes, projects and policy documents relative to the mission of the organization.

The Unit currently focuses on the research needs of the Consumer Affairs Division. Given the dynamic nature of consumerism and the economic environment within which it operates, there are distinct proactive, reactive and routine aspects to the research function at the Consumer Affairs Division.

The *proactive* aspects include matters such as research on emerging trends in consumer behavior, commercial practices and assessment of quality of selected goods and services. The *reactive* aspects include data collection on selected significant consumer issues such as consumer complaints or food prices. The routine aspects include the provision of data and analyses to support policy formulation and the compilation of reports on selected consumer issues.

The Unit is based at Agostini Building #3 Duncan Street, Port of Spain.

Human Resource Management Unit.

The Human Resource Management Unit of the Ministry of Legal Affairs is charged with the responsibility to carry out those functions which have been devolved to the Permanent Secretary by the Chief Personnel Officer as well as those functions delegated by the Public Service Commission to the Permanent Secretary.

The responsibilities are Human Resource Planning, Institutional Strengthening through training and development, Performance Management and Employee Relations.

The focus of the Human Resource Management Unit is therefore to assure that the requisite strategic and operational functions are undertaken in order to ensure the desired staffing levels and skills mix are achieved, performance is managed and optimized and staff welfare is enhanced.

The Unit is located at the Mode Alive Building, 34 Frederick Street, Port of Spain.

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IT Unit

This Unit provides the Ministry with the IT services required to fulfill the objective of providing quality customer service to all its clients.

The Unit is located at Registration House, 72-74 South Quay, Port of Spain.

Corporate Communications Unit

The Corporate Communications Unit is charged with planning and coordinating proactive information services programs for the Ministry of Legal Affairs. This includes the creation, implementation and management of communications programs crafted to effectively describe and promote the Ministry and its various divisions.

The Corporate Communications Unit spearheads the development and implementation of appropriate plans and strategies designed to communicate information to relevant stakeholders. The Corporate Communications Unit is responsible for the development and implementation of the communications strategy for the Ministry and its seven constituent Divisions via: -

- Strategic Communications Planning
- Marketing Initiatives
- Stakeholder Relationship Management
- Internal Communications
- Image and Reputation Management
- Events Planning and Management
- Media Relations

The Corporate Communications Unit develops and maintains professional contacts and affiliations with the media, and related resources to complete projects that will effectively facilitate and promote the dissemination of information about the Ministry and its initiatives, while strengthening relationships with stakeholders.

The Unit is based at the Agostini Building, 3 Duncan Street, Port of Spain.

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Legal Unit

The Legal Unit provides legal advice to the Honourable Minister, the Parliamentary Secretary, the Permanent Secretary, the Deputy Permanent Secretary and the Director, Consumer Guidance on matters pertaining to the operations of any and all of the Departments of the Ministry. The Unit has the responsibility for coordinating the preparation and finalization of the Ministry's Legislative Agenda and Policy Documents that guide Bills on the Agenda. The Unit also has responsibility for the preparation and finalization of contracts for the supply of goods and services to the Ministry.

The Unit is based at Agostini Building, 3 Duncan Street, Port of Spain.

General Administration

This Unit provides the administrative infrastructure to facilitate the various Divisions of the Ministry of Legal Affairs to accomplish their goals efficiently and effectively.

This Unit is based at Registration House, Fourth Floor, 72-74 South Quay while the Accounting Section of the Unit is located at the Mode Alive Building 34, Frederick Street, Port of Spain. The Audit Section is also located at the Mode Alive Building.

Law Revision Commission

The principal function of the Commission is to prepare, publish and maintain a revised edition of the written laws of Trinidad and Tobago in accordance with provisions of the Law Revision Act Chapter 3:03.

The Commission is located at Park Plaza, St. Vincent Street, Port of Spain

Rent Assessment Boards

The Rent Assessment Board is a body of persons appointed by the President of the Republic of Trinidad and Tobago in accordance with the provisions of the Rent Restriction Act, Chapter 59:50. However the Rent Restriction Act expired in February 2002 and has not been re-enacted. Staff continue to provide copies of documents from the Board's records as requested by members of the Public.

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Alternate Dispute Resolution was listed under the Ministry of Legal Affairs with effect from June 16, 2010 (Trinidad & Tobago Gazette Extraordinary dated June 16, 2010 Vol. 49 No. 79A.)

Section 7(1)(a)(ii):

Categories of Documents in the possession of the Ministry which are common to all Divisions of the Ministry of Legal Affairs.

1. General administration files and documents dealing with the operations of the Ministry.
2. Personnel files which detail staff appointments, job applications, job specifications, promotions, transfers, resignation, retirements, deaths etc.
3. Files dealing with the accounting and financial management function of the Ministry
4. Financial records
5. Cabinet documents
6. News releases or speeches originating in the Ministry of Legal Affairs
7. Policy and Procedure documents
8. Customer files
9. Training Plans
10. Legislation and Legal instruments
11. Legal opinions
12. Minutes of Meetings
13. Files dealing with memoranda, circulars, bulletins and similar documents
14. Reports
15. Complaints files
16. Periodicals and Publications

Registrar General's Department

- Registers of Births, Deaths and Marriages and Muslim Divorces
- Registers of Deeds, Polls, Bills of Sale, Lis Pendens, Judgements, Wills, Charges, Real Property Ordinance, Vesting Orders and Court Orders.
- Registers of business names, newspapers and incorporation of Companies.

Intellectual Property Office

- “CDs and DVDs of patent documents from the United States US Patent and Trademark Office, Japanese Patent Cooperation Treaty and Institut National de la Propriété Industrielle. CDs and DVDs of registered new plant varieties under the Union for the Protection of New Varieties of Plants”;
- Draft and certified copies of granted industrial property applications (patents, utility certificates, trademarks, industrial designs, geographical indications, layout designs (topographies) of integrated circuits, new plant varieties) access to registers of granted applications upon payment of prescribed fees (ungranted applications are not open to public scrutiny). Copies of certificates can only be provided to rightsholders or their agents upon payment of prescribed fees.
- Bibliographic information on all industrial property applications.
- Industrial property statistics, annual technical reports, annual reports, research disclosures.
- New Plant Variety Journals.

Law Revision Commission

- Revised Edition of the Laws of Trinidad and Tobago.

Section 7(1)(a)(iii)

Material Prepared for Publication or Inspection:

- Registers of granted industrial property applications are open for inspection from 10.00 a.m. to 4.00 p.m. Monday to Friday except Public Holidays
- CD-ROMS, DVD-ROMs and other documents within the Technical Library of the IPO are open to the public by appointment (an information officer is needed to guide users).
- Draft and certified copies of granted industrial property applications may be obtained upon submission of a letter of request to the Controller and payment of the prescribed fees.
- Copies of CD-ROMs of public education materials and seminars, where recorded.
- Copies of brochures and leaflets of public education and procedural issues.

Documents for public inspection can be viewed at the following offices:

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Registrar General's Department

72 –74 South Quay

Telephone No. 623-7163

between the hours of 8.00 a.m. to 4.00 p.m. Monday to Friday except public holidays.

Intellectual Property Office

Third Floor, Capital Plaza,

11-13 Frederick Street, Port of Spain.

Telephone 625-9972

between the hours of 8:30 a.m. to 4.00 p.m. Monday to Friday except public holidays.

Consumer Affairs Division

No. 3 Duncan Street

Port of Spain

Telephone No. 623-7741, 800-4277

between the hours of 8.00 a.m. to 4.00 p.m. Monday to Friday except public holidays.

Law Revision Commission

Park Plaza

St. Vincent Street

Port of Spain

Telephone No. 625-9860

between the hours of 8.00 a.m. to 4.00 p.m. Monday to Friday except public holidays.

Section 7(1)(a)(iv)

Literature Available by Subscription.

Not applicable.

Section 7(1)(a)(v)

General Policy for Accessing a Document from all Divisions of the Ministry of Legal Affairs

How to request Information:

General Procedure

The Ministry's policy is to answer all requests, both oral and written, for information. However, in order to have the rights given to you by the FOIA (for example the right to challenge a decision if your request for information has been refused), you must make your request in writing. The applicant must therefore, complete the appropriate form (request for Access to Official Documents) available in any Public Authority in order to access information that is not readily available in the public domain.

Addressing Requests:

See Section 7(1) (a) (vii)

It will help the Ministry to answer your question sooner if you address it to the Designated Officer or Alternate of the respective Division of the Ministry of Legal Affairs.

See Section 7(1) (a) (VI) for a list of designated officers.

Details in the Request

Applicants should provide details that will allow for ready identification and location of the records that are being requested. If insufficient information is provided clarification will be sought from the applicant. If you are not sure how to write your request or what details to include, communicate with the Ministry's Designated Officer.

Requests not handled under the FOIA

A request under the FOIA will not be processed to the extent that it asks for information that is currently available in the public domain, either from this Ministry or another public authority, for example, brochures and pamphlets etc.

Responding to your Request

The Ministry of Legal Affairs is required to furnish copies of documents only when the Ministry possesses the available records and is able to retrieve the records. If the information requested is stored in the National Archives or another storage center, the ministry will attempt to retrieve the information where possible, in order to process your request.

Furnishing Documents:

- (i) The Ministry is required to furnish copies of information in its possession, custody or power. It is not compelled to create new documents. For example, it is not required to write a new programme so that a computer will print information in the format you prefer.
- (ii) The Ministry is not required to perform research for you
- (iii) The Ministry is required to furnish only one copy of a document
- (iv) If the Ministry cannot make a legible copy of a document to be released, it may not attempt to reconstruct it. Instead, it will furnish the best copy possible and note its quality in its reply.

Time Limits:

General

The FOIA sets a time limit of thirty (30) calendar days from the date the request was received for determination of your request for access to documents. If it fails to meet the deadlines, the FOIA gives you the right to proceed as if your request has been denied. The Ministry will try diligently to comply with the time limits, but if it appears that processing your request may take longer than the statutory limit, the request will be acknowledged and the Ministry will advise you of its status. Since there is a possibility that requests may be misaddressed or misrouted, you may wish to call or write to confirm that the Ministry has received the request and to ascertain its status.

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Time Allowed:

The Ministry will determine whether to grant your request for access to information as soon as practicable but no later than thirty (30) calendar days from the date the request was received as required by Section 15 of the FOIA. If a decision is taken to grant access to the information requested, you will be permitted to inspect the documents or be provided with copies, if you so request.

Section 7(1) (a) (vi)

Officers in the Ministry of Legal Affairs responsible for:

1. The initial receipt of an action upon notices under Section 10
2. Requests for access to documents under Section 13 and
3. Applications for correction of personal information under Section 36 of the FOIA.

The Designated Officer of the Ministry of Legal Affairs is

Mr. Kenneth Sealy
Administrative Officer V
Fourth Floor
Registration House
72-74 South Quay
Port of Spain
Telephone No. 623-1235
Fax 625-7048

The Alternate Officer is

Mrs. Louisa Christopher
Senior Human Resource Officer (Ag)
Mode Alive Building
Frederick Street
Port of Spain
Telephone No. 624-3451

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Section 7(1) (a) (vii)

Advisory Boards, Councils, Committees and other bodies (Meetings/Minutes are open to the Public)

Not applicable at this time.

Section 7(1) (a) (viii)

Library/Reading Room Facilities

Information in the Public domain can be accessed by a request to the relevant Designated Officer and the necessary accommodation will be made available. Information in the Public domain can also be accessed through our website www.legalaffairs.gov.tt.

Section Statements

Section 8(1) (a) (i)

Documents containing interpretations or particulars of written laws or schemes administered by the Ministry of Legal Affairs, not being particulars contained in another written law.

- Civil Service Act and Regulations Ch 23:01
- Financial Regulations 1965
- Public Service Commission Regulations 1966 and Amendments
- Central Tenders Board Ordinance No. 22 of 1961 and Amendments
- Freedom of Information Act No. 26 of 1999 as amended by Act No. 92 of 2000
- Consumer Protection and Safety Act No. 30 of 1985 as amended by Act No. 22 of 1998
- Trade Description Act 1984 and amendments
- The Adverse Trade Practices Order, 2000
- Sale of Goods Act No. 37 of 1895 as amended by Act. No. 11 of 1983 and Act No. 28 of 1985
- Hire Purchase Act No. 17 of 1957
- Unfair Contract Terms Act No. 28 of 1985
- Misrepresentation Act No. 12 of 1983

Section 8(1) (a) (ii)

Not applicable

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Section 8(1) (b)

Not applicable

Section 9 Statements

Sections 9(1) (a) to (f) and 9(1) (h) to (m) are not applicable.

Section 9(1) (g)

- National Consumer Policy
- Policy with respect to Testing and Rating of Consumer Appliances
- Green Paper: Consumer Protection in the Information Age
- Report on Public consultation on Green Paper: Consumer Protection in the Information Age.
- Consumer Protection in the 21st Century, The Way Forward, Draft Policy Paper, October 12, 2007.

Ministry of Legal Affairs

November 4, 2010