

PUBLIC STATEMENT OF THE FIREARMS APPEAL BOARD

In COMPLIANCE WITH SECTIONS 7, 8 AND 9 OF THE FREEDOM OF INFORMATION ACT, 1999

In accordance with sections 7, 8 and 9 of the Freedom of Information Act, 1999 (FOIA), the Firearms Appeal Board (FAB) is required to publish the following statements which lists 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 FAB.
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.

THE FOLLOWING INFORMATION IS PUBLISHED BY THE FIREARMS APPEAL BOARD AS APPROVED BY THE MINISTER OF NATIONAL SECURITY

SECTION 7 STATEMENTS

SECTION 7 (1) (a) (i)

STRUCTURE AND FUNCTION OF THE FIREARMS APPEAL BOARD

The Firearms Appeal Board (FAB) is an **independent and impartial body** established by the Firearms (Amendment) Act, 1995. Its primary purpose is to —

*Hear and determine appeals arising from the decision of the Commissioner of Police under sections 17 and 21 of the Firearms Act 14, 1970 and amendments.
(Chapter 16:01 of the Laws of Trinidad and Tobago)*

A person aggrieved (dissatisfied) by the decision of the Commissioner of Police not to grant him/her a Firearm User's Licence, certificate or permit, or to have his/her licence revoked (cancelled) may appeal to the Firearms Appeal Board to review the Commissioner's decision.

In accordance with Section 22 B of the Firearms (Amendment) Act, 1995: *The Board shall consist of the Chairman of the Police Complaints Authority established under Section 4 of the Police Complaints Authority Act, 17 of 1993 and two (2) other members to be appointed by the President for a period of three (3) years.*

The Secretary, Police Complaints Authority serves as Secretary to the FAB. In addition the staff, accommodation and facilities of the Authority serve the Firearms Appeal Board.

Significant among the members of staff who serve the FAB directly are persons holding the office of:-

- Secretary, Police Complaints Authority
- Senior Stenographer
- Senior Clerical Officer
- Customer Services Representative
- Office Services Attendant

The FAB meets at least twice per month to hear and determine appeals. Notes of the hearings are recorded verbatim.

Any administrative concerns of the Board are addressed by the Secretary assisted by the Senior Stenographer.

PUBLIC PARTICIPATION

The FAB is committed to addressing the concerns of members of the public who are aggrieved by the decision of the Commissioner of Police to disallow them a Firearms Users Licence/Employees Certificate. It can only be effective if it encourages the public to make suggestions about its service. This they can do by mail to:

Firearms Appeal Board
C/o The Office of The Police Complaints Authority
46 Park Street
Port of Spain
Telephone No. 627-4377
Fax No. 627-0432

EFFECT OF FUNCTIONS ON MEMBERS OF THE PUBLIC

The Firearms Appeal Board in accordance with the Firearms Act No. 22 of 1995 is obligated to ensure that appellants are given another opportunity to further state their case before a different set of individuals. Also, they can have their matter presented by their legal representative, if they so desire.

SECTION 7 (1) (a) (ii)

CATEGORIES OF DOCUMENTS HELD BY THE FIREARMS APPEAL BOARD

The documents which relate to appeals made by members of the public and may include:

- Legislation;
- Letters/memoranda relating to applications for review;
- General correspondence/documents from appellants and the Commissioner of Police to support their positions;
- Minutes and recordings of hearings;
- Correspondence to the Minister of National Security, the Commissioner of Police and appellants or their legal representative, on decisions taken with respect to appeals;
- Reports – statistical summary, annual.

Other General Administration documents

- Files dealing with appellants' matters;
- General correspondence files;
- Instruments of Appointment of the Members of the Firearms Appeal Board;
- Personnel files relating to appointment, remuneration etc. of members;
- Financial documents (cheques, vouchers and files).

SECTION 7 (1) (a) (iii)

MATERIAL PREPARED FOR INSPECTION BY PUBLIC

The following documents may be accessed by the public:

- Annual Reports of Appeals;
- Pamphlets regarding procedures for appealing the Commissioner's decision;
- Documentation of the guidelines and factors/reasons that inform a decision of the FAB.

The public may access/inspect these documents by contacting the FOI Designated Officer at:

Firearms Appeal Board
C/o The Office of The Police Complaints Authority
#46 Park Street
Port of Spain
Between the hours of 9.00am to 11.00 am
Website: <http://www.pca.gov.tt>

PROCEDURE TO BE FOLLOWED TO ACCESS DOCUMENTS

Arrangements can be made to purchase copies of the documents/to inspect documents by contacting the Designated Officer at 627-4377 or visit the office of the FAB at the office of the Police Complaints Authority at #46 Park Street, Port of Spain.

All notices or requests for access of documents or queries for amendment of information concerning an individual in the possession of the FAB should be addressed to the Designated Officer at 627-4377 (#46 Park Street, Port of Spain.)

SECTION 7 (1) (a) (iv)

LITERATURE AVAILABE BY SUBSCRIPTION

The FAB has no literature available by way of subscription at this time.

SECTION 7 (1)(a) (v)

PROCEDURE TO BE FOLLOWED WHEN ACCESSING A DOCUMENT FROM THE FIREARMS APPEAL BOARD

How to Request Information:

- **General Procedure**

Our policy is to answer all requests, both oral and written, for information. However, in order to have the rights given to you by the Freedom of Information Act (FOIA) (e.g. the right to challenge a decision if your request for information is refused), **you must make your request in writing**. The applicant must, therefore, complete the appropriate form [Request for Access to Official Documents] available in our Reception area, or from our Designated Officer, for information that is not readily available in the public domain.

- **Addressing Requests**

To facilitate prompt handling of your request, please address it to the Designated Officer of the FAB [See Section 7 (1) (a) (vi)].

- **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 our 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 which is currently available in the public domain, either from this public authority or the Ministry of National Security or from another public authority {e.g. brochures and pamphlets etc...}

Responding to your Request:

- **Retrieving documents**

The FAB is required to furnish copies of documents only when they are in our possession or we can retrieve them from storage.

- **Furnishing Documents**

An applicant is entitled to copies of information we have in our possession, custody or power. We are required to furnish only one copy of a document. If we cannot make a legible copy of a document to be released, we may not attempt to reconstruct it. Instead we will furnish the best copy possible and note its quality in our reply. Extra copies will be provided at the cost of reproduction.

Please note that we are not compelled to do the following:

- (a) Create new documents.
- (b) Perform research for you.

Time Limits

- **General**

The FOIA sets certain time limits for us to decide whether to disclose the documents you have requested. If we fail to meet the deadlines, the FOIA gives you the right to proceed as if your request has been denied. If it appears that processing your request may take longer than the statutory limit, we will acknowledge your request and advise you of its status. Since

there is a possibility that requests may be incorrectly addressed or misrouted, you may wish to call or write to confirm that we have received the request and to ascertain its status.

- **Time Allowed**

We will determine whether to grant your request for access to information as soon as practicable **but no later than 30 days as required by Section 15 of the FOIA.**

SECTION 7 (1) (a) (vi)

Officers in the FAB responsible for:

- (1) The initial receipt of and action upon notices under Section 10;
- (2) Requests for access to documents under Section 13; and
- (3) Application for corrections of Personal Documents under Section 36 of the FOIA.

The Designated Officer is:

Ms Claire Alexander
Senior Stenographer
Police Complaints Authority
46 Park Street
Port of Spain
Telephone: (868) 627-4377
Facsimile: (868) 627-0432

The Alternate Officer is:

Miss Lisa Serilla
Senior Clerical Officer
Police Complaints Authority
46 Park Street
Port of Spain
Telephone: (868) 627-4377
Facsimile: (868) 627-0432

SECTION 7 (1) (a) (vii)

Advisory Boards, Councils, Committees and other Bodies
(Where meetings/minutes are open to the public)

At this time, the FAB does not fall within the meaning of this Section of the FOIA.

SECTION 7 (1) (a) (viii)

LIBRARY/READING FACILITIES

At this time, the FAB does not have a Reading Room but has a designated reading area to accommodate persons requesting information through the Designated Officer.

Policy of the FAB for provision of copies of documents held in the public domain

The FAB is yet to formulate a policy for the provision of copies of documents held in the public domain.

SECTION 8 STATEMENTS

SECTION 8 (1) (a) (i)

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

- Firearms Appeal Board (Amendment) Act 22 of 1995; and
- Firearms Act 14 of 1970 (Chapter 16:01 of the Laws of Trinidad and Tobago)

These are available from the Government Printery.

SECTION 8 (1) (a) (ii)

Manuals, rules of procedure, statements of policy, records of decisions, letters of advice to persons outside the FAB, or similar documents containing rules, policies, guidelines, practices or precedents.

- Decision Sheet of the FAB;
- Letters to appellants or their legal representative, the Minister of National Security and the Commissioner of Police regarding decisions of the FAB.

SECTION 8(1) (b)

Not applicable at this time.

SECTION 9 STATEMENTS

There are no statements to be published under this section at this time.

24/02/03/WOY