No. of 2023. Freedom of Information Saint Christopher

(Amendment) Bill, 2023 and Nevis.

**SAINT CHRISTOPHER AND NEVIS**

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No. of 2023

**A BILL** to amend the Freedom of Information Act, No. 6 of 2018.

**BE IT ENACTED** by the King’s Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

# Short title.

This Act may be cited as the Freedom of Information (Amendment) Act, 2023.

1. **Interpretation.**

In this Act, unless the context otherwise requires,

“Act” means the Freedom of Information Act, No. 6 of 2018.

1. **Amendment of section 2.**

The Act is amended in section 9—

(a) by adding the following definition—

“a request for information” means a request made pursuant to section 9.

(b) by replacing the definition of “information” with the following—

“information officer” means a person appointed or assigned to serve as an information officer pursuant to section 17(1).

(c) by replacing the definition of “vexatious” with the following—

“vexatious”, in relation to a request for information, refers to a request which is manifestly unreasonable and obviously made mainly to cause frustration or annoyance.

1. **Amendment of section 7.**

The Act is amended in section 7 by replacing the phrase “anybody” in section 7(1) with the phrase “any body”.

1. **Amendment of section 9.**

The Act is amended in section 9—

(a) by replacing the phrase “Where a request for information made pursuant to section 5(1) does not comply with the provisions of subsection (1)” in section 9(2) with the phrase “Where a request for information does not comply with the provisions of subsection (1)”.

(b) by removing the phrase “pursuant to section 5(1)” in section 9(3).

(c) by removing the phrase “pursuant to section 5(2)” in section 9(4).

1. **Amendment of section 10.**

The Act is amended in section 10—

(a) by replacing the phrase “within seven days” in section 10(2) with the phrase “within three working days”.

(b) by replacing the phrase “within the initial twenty day period” in section 10(3) with the phrase “within the initial thirty working day period”.

1. **Amendment of section 11.**

The Act is amended in section 11—

(a) by removing the phrase “pursuant to section 5(1)” in section 11(1).

(b) by removing section 11(2).

(c) by renumbering section 11(3) as section 11(2).

1. **Amendment of section 12.**

The Act is amended in section 12 by replacing the phrase “pursuant to a request under section 5” in section 12(1) with the phrase “pursuant to a request for information”.

1. **Amendment of section 13.**

The Act is amended in section 13 by removing the phrase “under section 5” in section 12(1).

1. **Amendment of section 14.**

The Act is amended in section 14—

(a) by replacing the phrase “a request pursuant to section 5(1)” in section 14(1) with the phrase “a request for information”.

(b) by replacing the phrase “a request pursuant to subsection (1)” in section 14(2) with the phrase “a transferred request for information pursuant to subsection (1)”.

(c) by replacing the phrase “as soon as practicable” in section 14(2) with the phrase “within fourteen working days”.

(d) by replacing the phrase “under section 11” in section 14(3) with the phrase “under section 10”.

1. **Amendment of section 17.**

The Act is amended in section 17—

(a) by replacing the phrase “appointed” in section 17(1) with the phrase “either persons appointed by the Public Service Commission to specifically serve as information officers or persons already appointed in the public service and assigned by the Minister, after consultation with the respective Permanent Secretaries, to serve as information officers”.

(b) by removing the phrase “and for receiving complaints regarding the performance of a public body relating to information disclosure” in section 17(2)(c).

1. **Amendment of section 18.**

The Act is amended in section 18—

(a) by replacing the phrase “at least annually” in section 18(1) with the phrase “at least biennially”.

(a) by replacing the phrase “an annual report” in section 18(2) with the phrase “a biennial report”.

1. **Amendment of section 20.**

The Act is amended in section 20—

(a) by replacing the word “correction” in section 20(2) with the word “collection”.

(a) by replacing the phrase “the annual report” in section 18(2) with the phrase “the biennial report”.

1. **Amendment of section 21.**

The Act is amended in section 21 by replacing the phrase “the annual report” in section 21(2) with the phrase “the biennial report”.

1. **Amendment of section 22.**

The Act is amended in section 22 by replacing the phrase “a monthly report” with the phrase “a quarterly report”.

1. **Amendment of section 30.**

The Act is amended in section 30 by adding an “(f)” before the phrase “the assessment by a public body of whether civil or criminal proceedings, or regulatory action pursuant to any enactment, would be justified”.

1. **Amendment of section 37.**

The Act is amended in section 37 by adding the phrase “and any other” before the word “Act”.

1. **Amendment of section 38.**

The Act is amended in section 38 by replacing the section with—

“Subject to the laws governing appointments to the public service, the Minister may appoint or assign public officers to assist the Commissioner in the performance of his or her functions under this Act or any other law.”

1. **Amendment of section 42.**

The Act is amended in section 42 by adding an “(f)” before the phrase “failing to communicate information in the form requested, contrary to section 13”.

1. **Amendment of section 43.**

The Act is amended in section 43 by replacing the phrase “within 30 days” in section 43(1) with the phrase “within 30 working days”.

1. **Amendment of section 44.**

The Act is amended in section 44—

(a) by replacing the phrase “appointing an information officer” in section 44(2)(a) with the phrase “ensuring that an information officer is appointed or assigned”.

(b) by replacing the phrase “an annual report” in section 44(2)(e) with the phrase “a biennial report”.

(c) by removing section 44(2)(f).

1. **Amendment of section 46.**

The Act is amended in section 46—

(a) by replacing the phrase “within 28 days” in section 46(1) with the phrase “within 28 calendar days after receipt of the decision (excluding the day on which the decision was made)”.

(b) by replacing the phrase “the court” in section 46(1) with the phrase “the High Court”.

1. **Amendment of section 47.**

The Act is amended in section 47—

(a) by removing the phrase “45-day period”.

(b) by replacing the phrase “the court” in section 46(1) with the phrase “the High Court”.

1. **Repeal of Part 7.**

Part 7 of the Act is hereby repealed.

1. **Amendment of Part 8.**

The Act is amended in Part 8 by renaming “Part 8” as “Part 7”

1. **Amendment of Part 9.**

The Act is amended in Part 9 by renaming “Part 9” as “Part 8”

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***Lanein K. Blanchette***

*Speaker*

Passed by the National Assembly this day of , 2023.

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***Trevlyn Stapleton***

*Clerk of the National Assembly*