

Article from the Jamaica Observer: **Now Cabinet wants Access to Info shield**

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See also http://www.jamaicaobserver.com/news/html/20060322T220000-0500_101160_OBS_NOW_CABINET_WANTS_ACCESS_TO_INFO_SHIELD.asp

Information Minister Senator Burchell Whiteman yesterday revealed that the Cabinet wants to have policy advice that ministers get from professionals exempted from public disclosure under the Access to Information Act.

"I have a remit on behalf of many of those with whom I have been sitting over time, to bring to the attention of this joint select committee that there is a provision already in the Act which exempts from access, advice given to Cabinet by public officers, etc," Whiteman told the joint select committee reviewing the performance of the Access to Information Act.

"I come with a position, as I said, I'm prepared to be in a minority, but I'm putting it on the table.," said Whiteman, "advice given by professionals on matters of policy to ministers should also be exempt from public disclosure."

According to Whiteman, the proposal arose out of the Bank of Jamaica's (BOJ's) submission to the joint select committee that access to ministerial correspondences raises the issue of breach of confidentiality, as the correspondences would have been sent in confidence.

"It is linked to the BOJ thing, but I am not defending a BOJ position," Senator Whiteman explained. "I know it is going to be controversial, but I am agreeing to be in a minority on this one."

Whiteman said that the government ministers were concerned that if documents that are purely advisory and which assist them in coming to a decision are subject to unfettered public scrutiny that they may be the losers in terms of not being able to access advice freely and generously as is now the case.

"I simply put it out there, and it certainly is an item that I would like us to take a decision on," he added. Whiteman was supported by government members Senator Deika Morrison and MP Sharon Hay-Webster.

The only dissent came from government member Senator Trevor Munroe, who said that he would only accept the proposal with an overriding public interest clause, "because it may well be the case that under normal circumstances such advice should be exempt".

"But there can be contemplated, instances where the non-disclosure of such advice creates a greater mischief to the public interest than the confinement of it privately," he said. Whiteman also came under fire from both Munroe and Opposition MP Clive Mullings for the plan to further examine the proposal from the BOJ for minutes of its meetings and ministerial correspondence to be exempted from the Act, and that disclosures from the bank should only be made with the approval of its governor or the minister of finance.

"We believe that all that should properly be disclosed for the good governance of the country should be disclosed, and we also believe that there are some things which should be exempt," Senator Whiteman responded.

Government legal reform spokesperson, Shirley Miller, said that she had read the Hansard report of the presentation of the bill in the Senate by then member, David Coore, in 1992. But all he said about the provision in the BOJ Act was that it "speaks for itself", Miller said.

"He did not say anything more," Miller added. "I tried to find what was said in the House of Representatives about it, but it may be that the provision was put in after it was passed in the House of Representatives. We don't know."

She added that there was a joint select committee which considered the amendment to the BOJ Act in 1992, but that she was unable to locate the committee's report.

"I would have liked to have seen what was said about the need for that provision. It is because of that provision, which gives secrecy to anything to do with the affairs of the bank and it can only be released with the permission of the governor or the minister. And that is why the Access to Information Act says that this Act does not affect any non-disclosure provision in any other Act," she pointed out.

But Munroe said that a number of official documents affecting the economy were already exempt from disclosure, on the basis that disclosure could have adverse effect on the economy or the government's ability to manage the economy.