

2022 PUBLIC STATEMENT

OF THE FAIR TRADING COMMISSION

FREEDOM OF INFORMATION ACT 1999 CHAPTER 22:02 (FOIA)

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 Fair Trading Commission ("the Commission") is required by law to publish the following statements, which list the documents and information generally available for public scrutiny.

This Statement is published with the approval of the Minister of Trade and Industry.

The Freedom of Information Act gives members of the public:

- For each person to access information held by the Commission;
- For each person to have official information relating to himself/ herself amended where it is incomplete, incorrect or misleading;
- To obtain reasons for adverse decisions made by the Commission regarding an applicant's request for information under the FOIA; and
- 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

The Commission publishes this statement relevant to the year 2022 in accordance with Section 7 of the FOIA. This statement has been updated reflecting changes in the Commission for the period July 2014 to March 2022.

Section 7(1)(a)(i)

Particulars and functions of the Commission

Functions of the Commission

The Commission is a body corporate established pursuant to the Fair Trading Act Ch. 81:13 ("the Act"). The Act was first partially proclaimed in 2007. The Commission was formally established in July 2014. While some sections were proclaimed in the intervening years, all remaining sections of the Act were finally proclaimed by Her Excellency the President on Monday February 10, 2020.

The Commission's main functions, as outlined in Section 5 of the Act are to:

- Carry out subject to section 9, on its own initiative or at the request of any interested person such— (i) investigations in relation to the conduct of business, as will enable it to determine whether any enterprise is engaging in business practices in contravention of this Act and the extent of such practices; and (ii) other investigations as may be requested by any interested person or as it may consider necessary or desirable in connection with matters falling within the provisions of this Act;
- Advise the Minister on such matters relating to the operation of the Act, as it thinks fit or as may be requested by the Minister;
- Investigate on its own initiative or at the request of any person adversely affected and take such action as it considers necessary with respect to the abuse of a monopoly power by any enterprise;
- Carry out such other duties as may be prescribed by or pursuant to the Act;

The Vision of the Commission is to create an economy that is characterized by fairness and vigorous competition with the result being high quality goods and services being provided at competitive prices.

The Mission of the Commission is to protect, promote and maintain free and fair competition in the conduct of business in Trinidad and Tobago.

Duties of the Commission

The duties of the Commission pursuant to Section 5(2) of the Act include:

- To make available— (i) to persons engaged in business, general information with respect to their rights and obligations under the Act; and (ii) for the guidance of consumers, general information with respect to their rights and obligations under the Act or affecting the interests of consumers;
- To undertake studies and publish reports and information regarding matters affecting the interests of consumers; and
- To co-operate with and assist any association or body of persons in developing and promoting the observance of standards of conduct for the purpose of ensuring compliance with the provisions of the Act.

Structure of the Commission

The Act provides for the appointment of no less than three and no more than five Commissioners to the Board of the Commission.

The Commissioners are drawn from amongst persons with expertise in legal, financial, business or administrative matters and are appointed by Her Excellency the President.

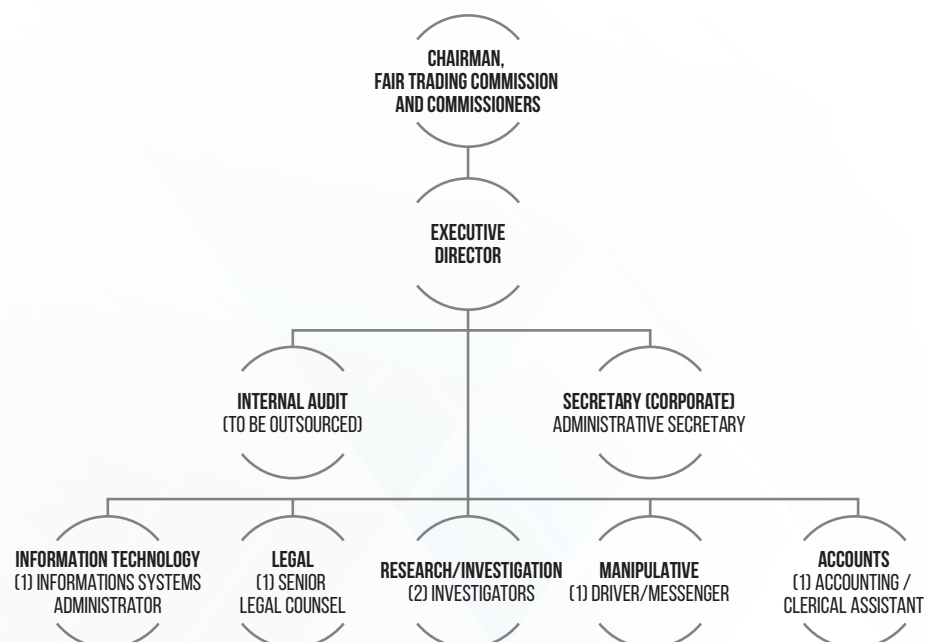
The current Members of the FTC's Board of Commissioners are:

- Dr. Ronald Ramkissoon, Chairman, FTC;
- Mr. Christopher Sieuchand, Commissioner, FTC;
- Mr. Dennis Scott, Commissioner, FTC;
- Mr. Dan Martineau, Commissioners, FTC; and
- Ms. Dawn Callender, Commissioner, FTC.

Staff of the Commission

The Staff is appointed by the Commission and includes the Executive Director, Senior Legal Counsel, Investigations Officers, Accounting/Clerical Assistant and other support staff.

The Organisational Structure of the Fair Trading Commission



2022 PUBLIC STATEMENT

OF THE FAIR TRADING COMMISSION
FREEDOM OF INFORMATION ACT 1999 CHAPTER 22:02 (FOIA)
IN COMPLIANCE WITH SECTIONS 7, 8, AND 9 OF THE FREEDOM OF INFORMATION ACT, 1999

SECTION 7 STATEMENTS

Section 7(1)(a)(ii)

Categories of Documents in the Possession of the Commission:

Files in respect of the following:

1. Initial Reports Received
2. Complaints Received
3. Merger Applications Received
4. Internal Policies
5. General administrative documents for the routine functions of the Commission
6. Strategic Plan
7. Personnel records on staff appointments, job applications, job specifications, promotions, transfers, resignations, deaths, retirements, leave, vacation etc.
8. Accounting and financial management records (cheques, vouchers, receipts etc.)
9. The procurement of supplies, services and equipment
10. Correspondence from external stakeholders/private and public bodies
11. Legislation including the Fair Trading Act
12. Merger Guidelines
13. Legal opinions and related matters
14. Minutes and Agendas of Commission meetings
15. Reports, -annual, statistical, audit, technical and corporate
16. Inventory files
17. Books, journals, pamphlets and brochures
18. Newspaper clippings
19. Charts and photographs,
20. Press Releases, speeches and statements issued by the Commission
21. Surveys, Studies, Reports, Research Papers
22. Files dealing with official functions, conferences and events hosted and attended by the Commission.
23. Reports on Conferences and Stakeholder Sensitization Sessions hosted and attended by the Commission
24. Files dealing with training of staff and technical co-operation/capacity building.

Forms

1. Complaints Form
2. Merger Application Form
3. Freedom of Information Act Forms

Audio Visuals

1. Video and audio recordings of the Commission's activities

Section 7(1)(a)(iii)

Materials Prepared for Public Inspection

1. The Fair Trading Act
2. Press Releases, speeches and statements issued by the Commission
3. Public Notices
4. Brochures
5. Advertisements
6. Merger Guidelines
7. Annual Reports of the Commission

The Public may inspect the aforementioned material between the hours of 9:00am-3:00pm Monday to Friday at:

Level 12 Nicholas Tower
63-65 Independence Square,
Port of Spain
Tel: (868) 623-2931 ext. 2202/2232/2234/2236
Fax: (868) 623-5445
Email: info@tandtftc.org

Section 7 (1) (a) (iv)

Literature Available by Subscription: -

The Commission has no literature available by way of subscription.

Section 7 (1) (a) (v)

Procedure to be followed for accessing documents from the Commission, when an FOI request is made.

General Procedure

1. In order to exercise the rights given to applicants under the FOIA, an applicant must make their request in writing by submitting:

A completed Request for Access to Official Documents Form, which can be accessed at the Commission's Reception/Lobby area located at Nicholas Tower, 63-65 Independence Square, Port of Spain, or which may be downloaded from the Commission's website (<http://tandtftc.org/>) or the Freedom of Information Unit's website (<http://www.foia.gov.tt>).
2. The relevant information that must be provided to the Commission includes the following:
 - Name of Applicant (full name preferred)
 - Contact information
 - Information requested and format to provide the information
 - Date of request
 - Signature of applicant
3. Applications submitted via email or delivered in person to the Commission during the hours of 9:00am-3:00pm should be addressed to the Designated Officer of the Commission (see Section 7 (1) (a) (vi)).
4. The applicant will be contacted within thirty (30) days of the receipt of the request by the Commission (that is, the received stamp date) and the applicant will be notified by the Designated Officer that the request has been received and is being considered. If the applicant's request is approved, the applicant will be so informed and given a time period in which the information requested will be disclosed. If it is determined that the request cannot be disclosed (refusal) then the applicant will be informed of the refusal and their rights according to Section 38A and 39 of the FOI Act.

Addressing Requests

To facilitate prompt handling of requests, please address it to the Designated Officer of the Commission (see Section 7 (1) (a) (vi) of the FOIA).

Details to be included in the request

Applicants should provide sufficient details that will allow for ready identification of requested records. If you are not sure of how you should write your requests or what details to include, communicate with our Designated Officer.

RESPONDING TO REQUESTS

Retrieving Documents

The Commission is required to furnish copies of documents only when they are in our possession.

Furnishing Documents

An applicant is entitled to copies of information in our possession, custody or power. The Commission is required to furnish one copy of a document. If we cannot make a legible copy of a document to be released, the Commission is not obliged to construct it. Instead we will furnish the best copy possible and note the quality in our reply.

Please note the Commission is not compelled to do the following:

- a. create new documents; or
- b. perform research for the public.



2022 PUBLIC STATEMENT

OF THE FAIR TRADING COMMISSION

FREEDOM OF INFORMATION ACT 1999 CHAPTER 22:02 (FOIA)

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

Section 7(1)(a)(v)

Procedure to be followed for accessing documents from the Commission, when an FOI request is made. (cont'd)

Requests not handled by the Commission

A request under the FOIA will not be processed to the extent that it asks for access to documents which are classified as exempt under Part IV of the FOIA or documents falling under Section 12 of the FOIA.

Time Limits

The FOIA prescribes a time limit of thirty (30) calendar days for the Commission to communicate to the applicant, its approval or refusal of a request for access to documents. The Commission will make all attempts to adhere to this time limit, however, if it appears that the processing of the request will not be within the said time limit, the Commission will advise the applicant of same. If the Commission fails to meet the thirty (30) day deadline, the FOIA gives the applicant the right to proceed as though his/her request has been denied.

If a decision is taken to grant access to the information requested, the applicant will be provided with copies, or if so requested will be permitted to inspect the document/s as soon as reasonably practicable thereafter.

The possibility exists that requests may be incorrectly addressed or misdirected. Applicants are asked to call or write to confirm that the Commission has received the request, and to ascertain its status.

Fees and refunds

Section 17(1) stipulates that no fee shall be charged by a public authority for the making of a request for access to an official document. However, where access to an official document is to be given in the form of printed copies, or copies in some other form, such as tape, disk, film or other material, the applicant will be required to pay the prescribed fee incurred for duplication of the said material unless found to be reasonable by the Commission.

Section 7 (1) (a) (vi)

Procedure to be followed for accessing documents from the Commission, when an FOI request is made.

Officers at the Commission Responsible for:

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

All Requests for Access to Information should be submitted on the prescribed form addressed to:

DESIGNATED OFFICER:

Mr. Bevan Narinesingh
Executive Director

*Fair Trading Commission
Level 12, Nicholas Tower
63-65 Independence Square
Port of Spain
Trinidad and Tobago.*

*Telephone: (868) 623-2931 ext. 2202
Email: Bevan.narinesingh@gov.tt*

ALTERNATE:

Ms. Krystle S. Maharaj
Senior Legal Counsel

*Fair Trading Commission
Level 12, Nicholas Tower
63-65 Independence Square
Port of Spain
Trinidad and Tobago.*

*Telephone: (868) 623-2931 ext. 2213
Email: Krystle.maharaj@gov.tt*

Section 7 (1) (a) (vii)

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

At this time, there are no bodies in the Commission that fall within the meaning of this Section of the FOIA.

SECTION 8 STATEMENTS

Section 8 (1)(a)

The public is entitled to access document that are provided by the Commission for the use or guidance of the Commission or its staff in making decisions or recommendations, or in providing advice to persons outside the Commission, with respect to rights, privileges, benefits, obligations, penalties or other detriments. These may include:

1. Documents containing interpretations or particulars of written laws or Guidelines/Regulations issued by the Commission, not being particulars contained in another written law;
2. Manuals, rules of procedures, statements of policy, records of decisions, letters of advice to persons outside the Commission or similar documents containing rules, policies, guidelines, practices or precedents.

The above documents will be made available to the public as they are developed.
Governing Legislation
The Fair Trading Act, Ch. 81:13

Section 8(1) (b)

In enforcing written laws or schemes administered by the Commission where a member of the public might be directly affected by that enforcement, being documents containing information on the procedures to be employed or the objectives to be pursued in the enforcement of the written laws or schemes

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

STATEMENTS UNDER SECTION 9 OF THE FOIA

Section 9 (1) (a)

A report or a statement containing the advice or recommendations, of a body or entity established within the Commission.

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

Section 9 (1) (b)

A report or a statement containing the advice or recommendations

1. **of a body or entity established outside of the Commission by or under a written law**
OR
2. **by a Minister of Government or other public authority for the purpose of submitting a report or reports, providing advice or making recommendations to the Commission or to the Minister with responsibility of the Commission.**

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

Section 9 (1) (c)

A report, or a statement containing the advice or recommendations, of an interdepartmental Committee whose membership includes an officer of the Commission

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

2022 PUBLIC STATEMENT

OF THE FAIR TRADING COMMISSION

FREEDOM OF INFORMATION ACT 1999 CHAPTER 22:02 (FOIA)

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

Section 9 (1) (d)

A report, or a statement containing the advice or recommendations, of a committee established within the Commission to submit a report, provide advice or make recommendations to the Minister with responsibility for the Commission or to another officer of the Commission who is not a member of the committee.

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

Section 9 (1) (e)

A report (including a report concerning the results of studies, surveys or tests) prepared for the Commission by a scientific or technical expert, whether employed within the Commission or not, including a report expressing the opinion of such an expert on scientific or technical matters.

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

Section 9 (1) (f)

A report prepared for the Commission by a consultant who was paid for preparing the report.

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

Section 9 (1) (g)

A report prepared within the public authority and containing the results of studies, surveys or tests carried out for the purpose of assessing, or making recommendations on, the feasibility of establishing a new or proposed Government policy, programme or project.

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

Section 9 (1) (h)

A report on the performance or efficiency of the Commission or of an office, division or branch of the Commission, whether the report is of a general nature or concerns a particular policy, programme or project administered by the Commission.

Examination only:

- Auditor General Reports

The Commission's Auditor General Reports are available for public review subject to being first laid in Parliament.

Section 9 (1) (i)

A report containing (1) final plans or proposals for the re-organisation of the functions of the Commission, (2) the establishment of a new policy, programme or project to be administered by the Commission, or (3) the alteration of an existing policy programme or project administered by the Commission, whether or not the plans or proposals are subject to approval by an officer of the Commission, another public authority or the Minister with responsibility for the Commission.

Examination only:

- The Strategic Plan of the Commission

Section 9 (1) (j)

A statement prepared within the Commission containing policy directions for the drafting of legislation.

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

Section 9 (1) (k)

A report of a test carried out within the Commission on a product for the purpose of purchasing equipment.

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

Section 9 (1) (l)

An environmental impact statement prepared within the Commission.

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

Section 9 (1) (m)

A valuation report prepared for the Commission by a valuator, whether or not the valuator is an officer of the Commission.

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

For further information, contact the Commission at:

Fair Trading Commission

Level 12, Nicholas Tower
63-65 Independence Square,
Port of Spain,
Republic of Trinidad and Tobago.

Tel: (868) 623-2931 ext. 2202/2232/2234/2236

Fax: (868) 623-5445

Email: info@tandtftc.org