



# THE UPDATED PUBLIC STATEMENT FOR 2023 OF THE FAIR TRADING COMMISSION IN COMPLIANCE WITH SECTIONS 7,8 and 9 of the FREEDOM OF INFORMATION ACT ,1999 (FOIA)

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 statement, which list the documents and information generally available for public scrutiny.

The FOIA gives members of the public a legal right:

1. For each person to access information held by the Commission;
2. For each person to have official information relating to himself/ herself amended where it is incomplete, incorrect or misleading;
3. To obtain reasons for adverse decisions made by the Commission regarding an applicant's request for information under the FOIA; and
4. To complain to the Ombudsman and to apply to the High Court for judicial review to challenge adverse decisions made under the FOIA.

The Commission publishes this statement as at March 6, 2023 in accordance with Sections 7, 8 and 9 of the FOIA and this Statement has been updated reflecting changes in the Commission as at March 6, 2023.

## SECTION 7 STATEMENTS

### 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 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 proclaimed by Her Excellency the President on February 10th, 2020.

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

- (a) 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;
- (b) 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;
- (c) 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; and
- (d) Carry out such other duties as may be prescribed by or pursuant to the Act.

##### Vision

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.

##### Mission

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:

- (a) 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;
- (b) To undertake studies and publish reports and information regarding matters affecting the interests of consumers; and
- (c) 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

Section 26 of the Act provides for the Constitution of the Commission. Section 26 provides that the Commission shall consist of not less than three nor more than five Commissioners appointed by the President from among persons appearing to him to be qualified by reason of their knowledge and experience in the fields of law, economics, accountancy, business, management or other relevant professions.

The Fair Trading Act allows for five Commissioners. The current Members of the Board of Commissioners include:

- Dr. Ronald Ramkissoon, Chairman;
- Mr. Dennis Scott, Commissioner;
- Mr. Dan Martineau, Commissioner;
- Ms. Dawn Callender, Commissioner; and
- Ms. Gabrielle Gellineau Commissioner.

#### Staff of the Commission

Members of Staff are appointed by the Commission and includes the Executive Director, Senior Legal Counsel, two (2) Investigators, Accounting/Clerical Assistant and other support staff.

#### The Organisational Structure of the Fair Trading Commission







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## 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 and vacation
- (8)Accounting and financial management records (cheques, vouchers and receipts)
- (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 and Reports
- (22)Files dealing with official functions, conferences and events hosted and attended by the Commission
- (23)Reports on 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 Publication or 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 and 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](mailto:info@tandtftc.org)

## SECTION 7 (1) (a) (v)

**Procedure to be followed when a request for access to a document is made to the Commission.**

### 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 Level 12 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 for the Applicant
- Information requested and format to provide the information
- Date of request
- Signature of applicant

3.The application should be addressed to the Designated Officer of the Commission. See Section 7 (1) (a) (vi)).

4.The applicant will be notified by the Commission's appointed Freedom of Information Officer whether the request was approved or denied as soon as practicable, but not later than thirty (30) days after the day on which the request was received.

5.Once the request has been approved and the information can be made available, the applicant will be informed and given a time period within which the information will be disclosed. 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.

6.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.

### 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 the Commission's Designated Officer.

## RESPONDING TO REQUESTS

### Retrieving and Furnishing Documents

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

A request under the FOIA may not be processed to the extent that it seeks information that is readily available in the public domain, either from the Commission or another public authority, or if the said information is exempted.

The Commission is required to furnish only one copy of a document. If it cannot make a legible copy of the document to be released, it will not attempt to reconstruct it, instead the best copy possible will be furnished.

### Requests not handled by the Commission

A request under the FOIA will not be processed to the extent that the applicant 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.

### 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.

## SECTION 7 (1) (a) (vi)

### Officers at the Commission are responsible for:

(1)The initial receipt of, and 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.

The Commission's Appointed Freedom of Information Officers are:

#### Designated Officer:

**Ms. Krystle S. Maharaj**  
Senior Legal Counsel  
Trinidad and Tobago 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](mailto:Krystle.maharaj@gov.tt)

#### Alternate Officer:

**Ms. Tishana Simon**  
Investigator  
Trinidad and Tobago Fair Trading Commission  
Level 12, Nicholas Tower  
63-65 Independence Square  
Port of Spain  
Trinidad and Tobago.  
Telephone: (868) 623-2931 ext. 2209  
Email: [Tishana.S.Simon@gov.tt](mailto:Tishana.S.Simon@gov.tt)





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## 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 7(1)(a)(viii)

**Library/Reading Room Facilities**

Certain information may be readily accessed through the Commission's website at <http://tandtftc.org/>

Or you may make general enquiries by calling the Designated Officer listed under Section 7(1)(a)(vi).

## SECTION 8 STATEMENTS

### SECTION 8 (1)(a)

**Governing Legislation**

The Fair Trading Act, Ch. 81:13.

The public is entitled to access documents 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.

### 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 inter-departmental Committee whose membership includes an officer of the Commission.

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

### 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.

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

### 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.

**TANDTFTC.ORG**

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