

Tuesday 20th December 2016

Ms. Maureen Singh
President (Ag.)
Evolving TecNologies and Enterprise Development Company Limited
Flagship Complex
9-15e Teck Blvd
Tamana InTech Park
Wallerfield

Attn: Ms Pepita Narinesingh

Dear Ms Narinesingh

Re: Request for Access to Official Document(s) Under the Freedom of Information Act, 1999

Reference is made to your correspondence dated 3rd November 2016. In the said communication Evolving TecNologies and Enterprise Development Company Limited (e Teck) cited Section 31 (4) (a) (ii) of the Freedom of Information Act (FOIA) as reason and justification for refusing the request for Information dated 27th October 2016 made by Disclosure Today.

Based on information in the public domain, both the Hilton Hotel and the Magdalena Grand Hotel was built by the Government of the Republic of Trinidad and Tobago and is also owned by the Government of Trinidad and Tobago. As such I find it difficult to fathom that information relating to the profitability of this venture as well as information in our request for information cannot be made available.

While we respect the nature of confidentiality clauses and trade secrets in the sphere of Private Enterprise, it is important to note that in this case we are dealing with an asset that was constructed with Public Monies and is owned by “the people of the Republic of Trinidad and Tobago” through a State Enterprise. As such in this instance we submit that a higher threshold should exist in that accountability of Public Monies and Public Assets.

It is also important to note that e Teck is a State Enterprise and therefore is accountable to Corporation Sole via that State Enterprise Monitoring Manual as well as to the citizens of the country via the Public Accounts Enterprises Committee of the Parliament of the Republic.

Indeed I find your response to be very terse and an inappropriate response to a FOIA request. Section 23 (1) (a) of the FOIA it sates he public authority shall cause the applicant to be given notice in writing of the decision, and the notice shall “*state the findings on any material fact, referring to the material on which those findings were based, and the reasons for the decision*”. Essentially therefore Public Authorities ought to set out full particulars of their reasons and the factual basis for refusing to provide information requested pursuant to the provisions of the FOIA, rather than simply parrot the statutory grounds as outlined in the Act.

UK
71-75 Shelton Street
Covent Garden
London, WC2H 9JQ
T: +44 1225482729

Europe
Rua Braamcamp 88, 5 esq
1250-052 Lisboa
Portugal
T: +351912962864

Latin America and the Caribbean
120 Abercromby Street
Port of Spin
Trinidad and Tobago
T: +1 868 627 4755

**Email: info@disclosure.today
www.disclosure.today**

Further we would like to draw to your attention Section 35 of the Act. The section reads:

"Notwithstanding any law to the contrary a public authority shall give access to an exempt document where there is reasonable evidence that significant— (a) abuse of authority or neglect in the performance of official duty; (b) injustice to an individual; or (c) danger to the health or safety of an individual or of the public; or (d) unauthorised use of public funds, has or is likely to have occurred or in the circumstances giving access to the document is justified in the public interest having regard both to any benefit and to any damage that may arise from doing so".

We therefore submit that there was a failure by eTeck to fulfil its obligations under Sections 23 and 35 of the FOIA. In the circumstances we therefore request that, given the reasons outlined above, e Teck re assess their position to deny the request made by Disclosure Today on October 27th 2016. Furthermore if the decision to exempt the requested information stands, kindly indicate the process in making these decisions and the rationale. Additionally we kindly request that you respond to us within 7 days from receipt of this correspondence.

Thank you for your attention in this matter and we look forward to your response.

As always in service of the Public Interest

Regards



Rishi Maharaj
Chief Executive Officer
Disclosure Today