



**JOINT CONSULTATIVE COUNCIL FOR
THE CONSTRUCTION INDUSTRY**

The Professional Centre Building
1st Floor Unit B202, 11-13 Fitzblackman Drive, Wrightson Rd. South, Port of Spain
Tel: (868) 623-9396 Fax: (868) 628-2563/ 625-5749
jcctt1@gmail.com www.jcc.org.tt

2nd July, 2012

Ms. Verity Bynoe
Corporate Secretary
Educational Facilities Company Limited
2ND Floor, Long Circular Place
74 Long Circular Road
Maraval

Dear Ms. Bynoe,

The Joint Consultative Council for the Construction Industry (JCC) is enquiring, under S. 13 of the Freedom of Information Act (FoIA) into these aspects of EFCL's operations -

- Approved Contractors - Names, addresses, specialisations and contract limits of Approved Contractors, together with the dates of those formal approvals.
- Contracts Awarded - Project addresses, scope, contract sums and names of contractors as awarded, together with dates of those awards.
- Contract Workers/Officers - Names, positions, salaries & other benefits, starting date and final date of service for Contract Officers/Workers engaged by EFCL in the calendar years 2010 and 2011, as well as for the period 1st January to 30th June 2012. Names, positions, salaries & other benefits, starting date and final date of service for Contract Officers/Workers dis-engaged, dismissed or not renewed by EFCL in the calendar years 2010 and 2011, as well as for the period 1st January to 30th June 2012.

Our FoI application in that regard is attached for your early attention please.

We trust that our enquiries will be expeditiously and fully answered.

Yours sincerely,
**JOINT CONSULTATIVE COUNCIL
FOR THE CONSTRUCTION INDUSTRY**

Afra Raymond, BSc, FRICS
President

SCHEDULE

(Section 13)

THE FREEDOM OF INFORMATION ACT, 1999

Request for Access to Official Document(s)
(pursuant to section 13)

1. Name of Public Authority EDUCATION FACILITIES COMPANY LIMITED (EFCL)
2. Name of Applicant JOINT CONSULTATIVE COUNCIL FOR THE CONSTRUCTION INDUSTRY
3. Address of Applicant PROFESSIONAL CENTRE, 11-13 FITZBLACKMAN DRIVE, PORT OF SPAIN.....
4. Telephone Number of Applicant 623-9396; 627-2522

5.	Doc. No.	Description of Document Requested	Form of Access
	1.	APPROVED CONTRACTORS - NAMES, ADDRESSES, SPECIALISATIONS AND CONTRACT LIMITS OF APPROVED CONTRACTORS, TOGETHER WITH THE DATES OF THOSE FORMAL APPROVALS.	COPY
	2.	CONTRACTS AWARDED - PROJECT ADDRESSES, SCOPE, CONTRACT SUMS AND NAMES OF CONTRACTORS AS AWARDED, TOGETHER WITH DATES OF THOSE AWARDS.	COPY
	3.	CONTRACT WORKERS/OFFICERS - NAMES, POSITIONS, SALARIES & OTHER BENEFITS, STARTING DATE AND FINAL DATE OF SERVICE FOR CONTRACT OFFICERS/WORKERS ENGAGED BY EFCL IN THE CALENDAR YEARS 2010 AND 2011,	COPY
		AS WELL AS FOR THE PERIOD 1ST JANUARY TO 30TH JUNE, 2012	
		NAMES, POSITIONS, SALARIES & OTHER BENEFITS, STARTING DATE AND FINAL DATE OF SERVICE FOR CONTRACT OFFICERS/WORKERS DIS-ENGAGED,	
		DISMISSED OR NOT RENEWED BY EFCL IN THE CALENDAR YEARS 2010 AND 2011, AS WELL AS FOR THE PERIOD 1ST JANUARY TO 30TH JUNE, 2012.	
	4.		

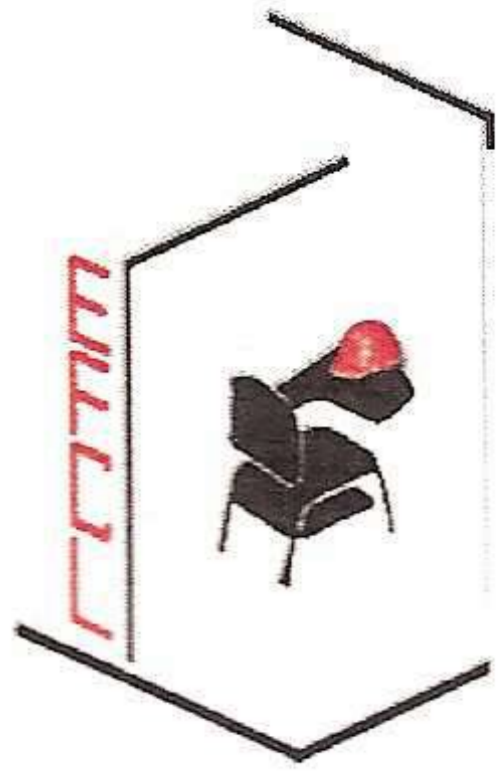
[Note: Applications shall identify the document(s), or provide sufficient information to enable an officer/employee of the public authority who is familiar with the relevant documents, to identify the documents, to identify the document(s) with reasonable effort.

Subject to the provisions of the Act access to a document may be granted by supplying a printed copy of it or by making it available for inspection or, if appropriate, by supplying a copy of a tape, disk, film or other material containing the information, by supplying a transcript of such tape, film or other material or by making arrangements for the hearing or viewing the such tape, disk, film or other material].

The making of this request is free of charge, but where access to a document is to be given in the form of a copy (printed or otherwise), the applicant shall be required to pay the prescribed fee.

6. Assuming that all documents requested are exempt documents, give the Document Number of the documents described above of which you would like to have access to an edited version, if possible.

Date of Application..... 2nd JULY 2012
 Signature of Applicant..... [Handwritten Signature]



Education Facilities Company Limited

P.O.Box 604; Long Circular Place, Second Floor, 74 Long Circular Road, Maraval, Trinidad, W.I.
Tel. No.: 628-5155, 622-6144, 622-2083; Fax Nos.: 628-7419, 622-1887
Email: info@efcl.co.tt



July 20, 2012.

Mr. Afra Raymond,
President,
Joint Consultative Council for the Construction Industry,
The Professional Centre Building,
1st Floor Unit B202,
11-13 Fitzblackman Drive,
Wrightson Road South,
Port of Spain.

Dear Sir,

Reference is made to the Joint Consultative Council for the Construction Industry's ("JCC") request for information dated July 2, 2012 pursuant to Section 13 of the Freedom of Information Act ("FOIA").

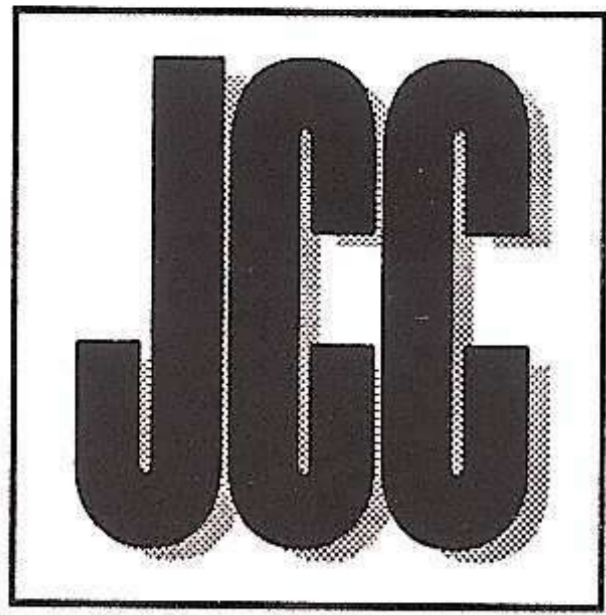
Having considered the said request, the Education Facilities Company Limited ("EFCL") has been advised that the EFCL is unable to accede to the said request since:

- 1) The FOIA (Section 11(1)) only entitles legal persons to make applications for information. On the face of the said application there is no evidence that the JCC is a "legal person" in law, and
- 2) By virtue of Sections 13(5) and 4(k)(i) and (iii) of the FOIA, requests for information from corporations such as the EFCL must be made to the corporation's line Minister.

Please note that once the application for information is made in the correct manner to the proper authority the EFCL will be happy to disclose the information requested once permitted by the terms of the FOIA.

Please be guided accordingly.

Mr. Kiran Shah
Chief Executive Officer (Ag.)



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23rd July, 2012

Mr. Kiran Shah
Chief Executive Officer
Education Facilities Company Limited
P.O. Box 604 Long Circular Place,
Second Floor,
74 Long Circular Road,
Maraval

Dear Mr. Shah,

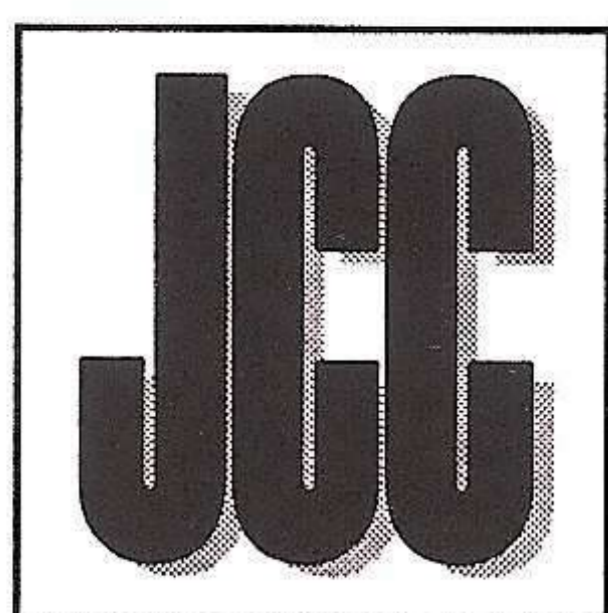
Further to your letter of 20th July, received earlier today, please be advised as follows-

1. The JCC is a registered company (T 4958 (95)) under the Companies Act 1995 and therefore is a legal person as required by the Freedom of Information Act (FoIA). A copy of our Certificate of Registration is attached for ease of reference;
2. Your point that our application should have been directed to the line Minister is taken, so our letter of even date to the Permanent Secretary of the Ministry of Education is attached for ease of reference.

We await your early reply.

Yours sincerely,
**JOINT CONSULTATIVE COUNCIL
FOR THE CONSTRUCTION INDUSTRY**

Afra Raymond, BSc, FRICS
President



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23rd July, 2012

Ms. Kathleen Thomas
Permanent Secretary
Ministry of Education
#18 Alexandra Street
St. Clair
Port of Spain

Dear Ms. Thomas,

We have enclosed for your attention the following correspondence;

1. JCC's Freedom of Information application to the Education Facilities Company Limited of 2nd July 2012;
2. EFCL's reply of 20th July 2012;
3. JCC's reply to EFCL of even date

We await your early reply.

Yours sincerely,

**JOINT CONSULTATIVE COUNCIL
FOR THE CONSTRUCTION INDUSTRY**

A handwritten signature in blue ink, appearing to read 'Afra Raymond', is written over a horizontal dashed line.

Afra Raymond, BSc, FRICS
President

RECEIVED MAR 18 2013



Education Facilities Company Limited

P.O.Box 604; Long Circular Place, Second Floor, 74 Long Circular Road, Maraval, Trinidad, W.I.
Tel. No.: 628-5155, 622-6144, 622-2083; Fax Nos.: 628-7419, 622-1887
Email: info@efcl.co.tt

March 18, 2013

Mr. Afra Raymond
President
Joint Consultative Council for the Construction Industry
The Professional Centre Building
1st Floor Unit B202
11-13 Blackman Drive
Wrightson Road South
Port of Spain.

Dear Mr. Raymond

Re: JCC's Freedom of Information request to Education Facilities Company Limited (EFCL)


Reference is made to your letter dated January 30, 2013.

In response to the areas where you require further assistance, kindly be informed of the following:-

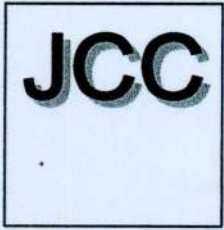
1. The colours represent the year that the employee commenced employment in the Organization.
2. The names of workers/officers engaged, disengaged, dismissed or not renewed, as you may well know, Section 30(1) of the Freedom of Information Act protects against the unreasonable disclosure of personal information of an individual. So that the EFCL may make a determination as to the reasonableness of the requested information, could you kindly supply the reason(s) why it is necessary for the JCC to obtain this information.
3. Consideration is being given with respect to the request for a soft copy of the information.

Should you require further information or clarification please contact the undersigned at 708-3086.

Yours faithfully,



Lindy-Ann Mitchell
Legal Officer



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Port of Spain

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9th December, 2013

Ms. Lindy-Ann Mitchell
Education Facilities Company Limited
P.O. Box 604,
Long Circular Road
MARAVAL

Dear Ms. Mitchell,

Re - JCC's FoIA request to EFCL

Thank you for your letter of 18th March in reply to ours of 30th January.

Our responses are -

1. Colours - We need the key so as to decipher the information provided, so please let us know the colours which relate to the particular years.
2. Names - As an applicant we are under no obligation whatsoever to disclose a reason for seeking information. That said, the stated rationale in relation to '*unreasonable disclosure of personal information*' is contrary to the Public Interest Test which S. 35 of the FoIA obliges you to perform. That is like the EFCL decision to seek contractors' opinions before answering our original FoIA queries - are we to assume that a contractor who chose to view our request as '*unreasonable disclosure of personal information*' would have been facilitated by EFCL in suppressing that firm's details? We await your decision in this matter.
3. Soft Copy - Plainly, the details you compiled in your original reply of 18th March, 2013 were done on a computer system, so a soft copy must have been created. There is no additional cost and only nominal time involved in providing us with the requested soft copy. As such, the only possible consideration would seem to be the extent to which EFCL wishes to facilitate or obstruct our enquiry. Given that the FoIA is intended to facilitate disclosure, we again make our request for the soft copy.

We await your early reply.

Yours sincerely,

**JOINT CONSULTATIVE COUNCIL
FOR THE CONSTRUCTION INDUSTRY**

Afra Raymond, B.Sc., FRICS
PRESIDENT

Association of Professional Engineers of Trinidad & Tobago - Trinidad & Tobago Institute of Architects
Trinidad & Tobago Society of Planners - Trinidad & Tobago Contractors' Association
Institute of Surveyors of Trinidad & Tobago - Trinidad and Tobago Chapter of International Facility Management Association