ACTION PLAN FOR IMPLEMENTING THE NEW RTI ACT 2005
Discussion Note Prepared By CHRI, July 2005

Consistent, Active Leadership

Action	Time
Need to bring together senior State officials to agree on a consistent action plan and common outputs (don't want to reinvent the wheel)	Immediately
Within each jurisdiction, identify nodal dept/key implementing team of officials who will be responsible for taking a lead in implementation and monitoring progress across the whole bureaucracy	Immediately
Within each department, identify key implementing team who will lead efforts	Immediately
Each jurisdiction and department will need to develop their own implementation plan – identify (i) activities; (ii) responsible officials; (iii) deadline for action	Immediately
Identify civil society partners and other stakeholders who could be called upon to assist with implementation	Immediately
Ensure proper budget allocations to implement Act - Develop budget for access regime, including Information Commission - Secure parliamentary/Treasury sign-off for budget - Develop and implement appropriate accounting and financial reporting systems	As soon as possible

Processes and Systems

Action	Time
Determine whether and how to use e-solutions in support of RTI - eg. will each Dept be required to have its own website?? - At a minimum, could require all State nodal agencies to have a website which can be used to publicise RTI info (see the new DOPT website at www.persmin.nic.in/rti/rti-welcome.htm)	30 days – to enable PAs to start developing sites and products
Design monitoring systems - identify who is responsible for collecting statistics – within each public authority and within the nodal agency - consider process for collecting statistics – eg. computerised (see UK IT options)? or a mix of paper and computer? ie. local PIOs fill out paper stats form but these are sent to nodal agency which enters info in to computerised database?	120 days
Publish process manual for PIOs and AAs explaining the key provisions in the Act in simple terms and breaking down the	No later than 100 days - so there is

procedural elements into simple process charts and step-by-step action points (see Jamaica, WA and US examples)	time for rollout
Review records management processes	Ongoing

Appoint key officials

Action	Time
Every State to prepare a list of all bodies covered by the Act, including contact details of RTI nodal officer	100 days
Clarify appointment of APIOs - Act requires these to be appointed for each public authority, but original intention of NAC was to have an APIO appointed at local levels to act as a "clearing house" for applications – ie. Receiving applications for ANY public authority and then forwarding it to the relevant authority	60 days – to allow time for appointment and notification

Nodal agency needs to send out circular to all public bodies covered:
 - Notifying what public service level PIOs and AAs need to be
    o PIOs: should be of sufficient seniority to confidently make decisions about disclosure – if they are too junior, they will likely be inclined to be overly cautious and reject more applications
    o AAs: consider whether there should be noe AA for every PIO or whether there can be less AAs but at a more senior level, ie. Head of Dept who can then delegate authority as necessary
 - Requiring every dept to provide the nodal agency with a list of all PIOs and AAs (incl. Contact details) + themselves publish those details
	30 days – to allow time for appointment and notification

Notify all PIOs and AAs	90 days
Selection of Information Commissioners - Set up Selection Committee - Collect nominations - Table in Parliament 2 weeks prior to decision - Select and engage Commissioners	45 days
Establishing Information Commission - Employing staff & securing office premises - Developing procedural rules - Issuing guidance notes on exemptions and "public interest"	120 days

Proactive Disclosure

Action	Time
Publish all contact details of PIOs, AAs and Information Commissions – in telephone directories, on noticeboards in all sub-units, on the web	100 days

Nodal agency to produce guidelines re what exactly needs to be published (in particular re s.4(1)(a)(xii): subsidies, s.4(1)(a)(xiii): licenses, s.4(1)(a)(xi): budgets)	45 days
Design systems for collecting and updating the info	45 days
Collect, collate and publish info for the first time	100 days

Training & Capacity Building (for PIOs, AAs and new Info Comms staff)

- NB: YASHADA and DOPT are already collaborating to developing training materials – although their timeline is beyond the 120 day deadline

Action	Time
Bring together training officials from Centre and States to agree on consistent approach to training – instead of producing multiple training products can work together to produce collaborative outputs which can be used by all	45 days
Still useful to develop state-wide training strategy - Communications strategy to at least make all officers aware of the Act - At a minimum, by 120 days need to train PIOs on how to deal with applications - At a minimum, within 120 days + 30 days need to train AAs	60 days 120 days 150 days

Public Education and Awareness
- see Annex A: CHRI Concept Note

Products

Action	Time
Guidance note on how to implement proactive disclosure requirements	45 days
Process Manual for PIOs and AAs	100 days
Model application forms and appeal forms	110 days
Guidance notes on meaning of exemptions & public interest	120 days
User Guides for the public in multiple languages	120 days

Annex 2 - Scotland: Self-test your compliance with the Act with the following questions about key areas:

Frontline staff

Do they:
• know about the Act?
• take it seriously?
• know where your publication scheme is?
• know what's in your publication scheme?
• know what to do if they are unsure whether to release information from the publication scheme?
• know about the duty to advise and assist?

Also:
• Will they recognise a FOI request?
• Will they advise and assist?
• Are they able to issue a valid refusal notice?
• Are they able to issue a valid notice if you don't hold the information?
• Have managers set up systems for receiving FOI requests? For example, how would you deal with the following cases:

- emails to members of staff who are on leave/sickness absence?
- letters marked "private and confidential" for staff on leave/sickness absence?
- voicemail messages?

Processes for Section 1 requests

• Will you be able to respond within 20 working days?
• Do you know what a "working day" is?
• Who decides whether information should be disclosed?
• What happens when there are disagreements about disclosure?
• What plans do you have for seeking comments from third parties?
• Are your review processes in place?
• Will your review process be completed within 20 working days?

Records Management

• Have you carried out an information audit?
• Do you know where all your information is and what you hold?
• Do you hold information on behalf of someone else? Is this clearly marked?
• Does someone hold information on your behalf?
• Can you comply with the s.61 records management code?

Existing contracts

• Do your staff know how to deal with requests for information about existing contracts?
• Do they know how to deal with confidentiality clauses in existing contracts?
• Do your contractors know about FOI?
• Will your contractors respond in time to allow you to make a decision within 20 working days?
• Do contractors know what response is required if they don't want information

disclosed?
• What will you do if they don't respond in time?

New contracts

• Will you comply with the s.60 Code?
• Have you amended your contract terms?
• Do all of your staff involved in procurement know the rules on confidentiality clauses?
• Will you tell potential contractors about FOI?