

# SENATE AD-HOC COMMITTEE ON FREEDOM OF INFORMATION BILL 2004

A BILL FOR AN ACT TO MAKE PUBLIC RECORDS AND INFORMATION MORE FREELY AVAILABLE, PROVIDE FOR PUBLIC ACCESS TO PUBLIC RECORDS AND INFORMATION, PROJECT PUBLIC RECORDS AND INFORMATION TO THE EXTENT CONSISTENT WITH THE PUBLIC INTEREST AND THE PROTECTION OF PERSONAL, PRIVACY, PROTECT SERVING PUBLIC OFFICERS FROM ADVERSE CONSEQUENCES FOR DISCLOSING CERTAIN KINDS OF OFFICIAL INFORMATION WITHOUT AUTHORIZATION AND ESTABLISH PROCEDURES FOR THE ACHIEVEMENT OF THOSE PURPOSES AND RELATED PURPOSES THEREOF, 2004

CLAUSES	PROVISIONS OF THE BILL	COMMITTEE'S RECOMMENDATION	REMARKS
1 Short Title	This Act may be cited as the Freedom of Information Act, 2004	Retained as in the Bill	
2 Right of access to Records	<p>(1) Subject to the provisions of this Act but notwithstanding anything contained in any other Act, Law or Regulation, every citizen of the Federal Republic of Nigeria., has legally enforceable right to, and shall, on request, be given access to record under the control of a government or public institution.</p> <p>(2) An applicant herein need not demonstrate any specific interest in the information being requested for.</p> <p>(3) For the purpose of this Act, any record requested under this Act that does not exist but can, subject to such limitations</p>	<p>(1) Subject to the provision of this Act but notwithstanding anything contained in any other Act, Law or Regulation, every citizen of the Federal Republic of Nigeria, has as legally enforceable right to, and shall, on <b>application</b> to be given access to <b>any</b> record under the control of a government or public institution.</p> <p>(2) An applicant herein need not demonstrate specific interest in the information being <b>applied</b> for.</p> <p>(3) For the purpose of this Act, any record <b>applied for</b> under this Act that does not exist <b>in print</b> but can by</p>	<p>Delete the words “<b>request</b>” in line 6 and insert the word “<b>application</b>”.</p> <p>Insert the word “<b>any</b>” after the word “<b>access to</b>” in line 7.</p> <p>Delete the word “<b>any</b>” in line 2</p> <p>Delete the word “<b>requested</b>” and insert the word “<b>applied</b>”.</p> <p>Delete “<b>requested</b>” and insert “<b>applied for</b>” in line 2.</p> <p>Insert “<b>in print</b>” after “<b>exist</b>”</p>

	<p><del>as may be prescribed</del> by regulation, be produced from a machine, <del>readable record under the control of a government and or public institution using computer hardware and software</del> normally used by the government and or public institution shall be deemed to be record under control of the government <del>and/or</del> public institution.</p>	<p>regulation be produced from a machine, normally used by the government or public institution shall be deemed to be record under the control of the Government or public institution.</p>	<p>in line 3. Delete the words “<b>subject to such limitations as may be prescribed</b>” in lines 3 – 4.</p> <p>Delete the words from “<b>readable records under</b>” in lines 5 – 8 to “<b>software</b>”</p> <p>Delete the word “<b>and</b>” after “<b>government</b>” in line 11.</p>
<p>3 Information about government institution</p>	<p>(1) The head of every government and or public institution to which this Act applies shall cause to be published in the Federal Gazette <del>update when changes occur</del></p> <p>(a) <del>a description of</del> the organization and responsibilities of the institution including details of the programmes and functions of each division, branch and department of the institution;</p> <p>(b) <del>a description of</del> all classes of record under the control of the institution in sufficient detail to facilitate the exercise of the right to access under this Act;</p> <p>(c) <del>a description of</del> all manuals used by employees of the institution in administering or carrying out any of the programmes or activities of the institutions;</p> <p>(d) <del>a description of</del> documents containing final opinions including concurring and dissenting opinions as well as orders</p>	<p>(1) The head of every government or public institution to which this act applies shall be cause to be published in the Federal Gazette <b>a description of:</b></p> <p>(a) the organization and responsibilities of the institution including details of programmes and functions of each division, branch and department of the institution;</p> <p>(b) all classes of record under the control of the institution in sufficient details to facilitate the exercise of the right to access under this Act;</p> <p>(c) all manuals used by employees of the institution in administering or carrying out any of the programmes or activities of the institutions;</p> <p>(d) documents containing final opinions including concurring and dissenting opinions as well as orders made in the</p>	<p>Delete the words “<b>update when changes occur</b>” in line 4 and insert “<b>a description of</b>”.</p> <p>Delete all the words “<b>a description of</b>” preceding the words “<b>the</b>” in paragraph (a) – (m)</p>

	<p>made in the adjudication of cases;</p> <p>(e) <del>a description of</del> document containing substantive rules of the institutions;</p> <p>(f) <del>a description of</del> documents containing statements and interpretations of policy which have been adopted by the institution;</p> <p>(g) <del>a description of</del> documents containing final planning policies, recommendations, and decision;</p> <p>(h) <del>a description of</del> documents containing factual reports, inspection reports, and studies whether prepared by or for the institution;</p> <p>(i) <del>a description of</del> documents containing information relating to the receipt or expenditure of public or other funds of the institution;</p> <p>(j) <del>a description of</del> documents containing the names, salaries, titles, and dates of employment of all employees and officers of the institution;</p> <p>(k) <del>a description of</del> documents containing opinions concerning the rights of the State, the public, sub-division of the State or a local government, or of any private persons;</p> <p>(l) <del>a description of</del> documents containing</p>	<p>adjudication of cases;</p> <p>(e) documents containing substantive rules of the institutions;</p> <p>(f) documents containing statements and interpretation of policy which have been adopted by the institution;</p> <p>(g) documents containing final planning policies, recommendations and decisions;</p> <p>(h) documents containing factual reports, inspection reports, and studies whether prepared by or for the institution;</p> <p>(i) documents containing information relating to the receipt of expenditure of public or other funds of the institution;</p> <p>(j) documents containing the names, salaries, titles, and dates of employment of all employees and officers of the institution;</p> <p>(k) documents containing the rights of the State, public, sub-division of the state or a local government, or of any private persons;</p> <p>(l) documents containing the name of</p>	
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	<p>the name of every official and the final records of voting in all proceedings of the institutions;</p> <p>(m) <del>a description of</del> files containing applications for any contract, permit, grants, or agreement;</p> <p>(n) a list of reports, documents, studies, or publications prepared by independent contractors for the institution;</p> <p>(o) <del>a description of</del> materials containing information relating to any grant of contract made by or between the institution <del>and</del> or another government <del>and/or</del> public institution or private organization; and</p> <p>(p) the title and address of the appropriate officers or employees of the institution to whom requests for access to records under this Act should be sent, <del>provided that the failure of any government and/or public institution to publish any information required to be published under this subsection shall and prejudicially affect the right of access to public records and information in the custody of such government and/or public institution as provided for under this Act.</del></p>	<p>every official and the final records of voting in all proceedings of the institutions;</p> <p>(m) files containing applications for any contract, permit, grants, or agreement;</p> <p>(n) Retained as in the Bill.</p> <p>(o) materials containing information relating to any grant or contract made by or between the institution or another government or public institution or private organization; and</p> <p>(p) the title and address of the appropriate officers or employees of the institution to who, request for access to records under this Act should be sent.</p> <p>(2) The institution shall public an update when changes occur.</p>	<p>Delete the words <b>“a description of”</b> in line 1.</p> <p>Delete the word <b>“and”</b> in line 5</p> <p>Delete after the word <b>“sent”</b> in line 4 all the ensuing words.</p> <p>This provision is imported from Subsection 1 where it has been deleted.</p>
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	<p>(2) Any person entitled to the right of access conferred by this Act shall have the right to institute proceedings in a Court to compel the head of any government institution <del>and/or</del> public body to comply with the provisions of this section.</p> <p>(3) The government <del>and</del> or public institutions to which this Act applies are all authorities whether executive, legislative or judicial agencies, <del>ministries, and extra-ministerial departments</del> of the Federal Government and of all State and local governments, together with all corporations established by law and all companies in which a Federal, State or Local Government authority has a controlling interest and also private companies performing public functions.</p>	<p>(3) Any person entitled to the right of access conferred by this Act shall have the right to institute proceedings in a Court to compel the head of any government institution or public body to comply with the provisions of this section.</p> <p>(4) The government or public institutions to which this Act applies are all authorities whether executive, legislative or judicial agencies of the Federal Governments, together with all companies in which a Federal, State or Local Government authority has a controlling interest and also private companies performing public functions.</p>	<p>Delete the word “<b>and</b>” in line 5.</p> <p>Delete the word “<b>and</b>” in line 1.</p> <p>Delete the words “<b>ministries and extra-ministerial departments</b>” in lines 4 and 5.</p>
4 Request for access to records	A <del>request</del> for access to a record under this Act shall be made in writing to the government <del>and</del> or public institution that has control of the record and shall provide sufficient detail to enable an experienced employee of the institution with a reasonable effort to identify the record	<b>An application</b> for access to a record under this Act shall be made in writing to the government or public institutions that has control of the record and shall provide sufficient details to enable an experienced employee of the institution with a reasonable effort to identify the record.	<p>Delete the words “<b>a request</b>” in line 1 and insert the words “<b>an application</b>”.</p> <p>Delete the word “<b>and</b>” in line 3.</p>
5 Notice where access to records are requested	Where access to record is <del>requested</del> under this Act, the head of the government <del>and/or</del> public institution to which the <del>request</del> is made shall, subject to Sections 7,8, and 10, <del>within seven days after the request is received.</del>	(1) Where access to record is <b>applied for</b> under this Act, the head of the government or public institution to which the <b>application</b> is made shall, subject to Sections 7, 8 and 10, <b>of this Act not later than fourteen (14) working days following the date of receipt of the application:</b>	<p>Delete the word “<b>requested</b>” in line 1 and insert “<b>applied for</b>”</p> <p>Delete the word “<b>and</b>” in line 3.</p> <p>Delete the word “<b>request</b>” in line 4 and insert the word “<b>application</b>”</p>

	<p>(a) give written notice to the person who made the <del>request</del> as to whether or not access to the record or a part thereof will be given; and</p> <p>(b) if access is to be given, give the person who made the <del>request</del> access to the record or part thereof.</p> <p>No provision</p>	<p>(a) give written notice to the person who made the <b>application</b> as to whether or not access to the record or a part thereof will be given; and</p> <p>(b) if access is to be given, give the person who made the <b>application</b> access to the record or part thereof.</p> <p>(2) In counting the (fourteen) 14 working days, the date in which the fee is received by the Head of the Government or public institution is not included.</p>	<p>Delete the word “<b>within seven days after the request is received</b>” and insert the words “<b>of this Act not later than fourteen (14) working days following the date of receipt of the application</b>”.</p> <p>Delete the word “<b>request</b>” and insert the word “<b>application</b>” in line 2.</p> <p>Delete “<b>request</b>” in line 2 and insert “<b>application</b>”.</p> <p>New sub-section 2 inserted</p>
6 Transfer of Request	<p>(1) Where a government <del>and</del> or public institution receives a <del>request</del> for access to a record under this Act, and the head of the institution considers that another government <del>and</del>/or public institution has a greater interest in the record, the head of the institution to which the <del>request</del> is made may, subject to such conditions as may be prescribed by regulation, within three days but not later than 7 days after the <del>request</del> is received, transfer the <del>request</del>, and if necessary, the record to the other government <del>and</del>/or public institution, in which case the head of the institution transferring the <del>request</del> shall</p>	<p>(1) Where a government or public institution receives <b>an application</b> for access to a record under this Act, and the head of the institution considers that another government or public institution has a greater interest in the record, the head of the institution to which the <b>application</b> is made may subject to such conditions as may be prescribed by regulation, within three days but not later than 7 days after the <b>application</b> is received transfer the <b>application</b>, and if necessary, the record to the other government or public institution, in which case the head of the institution</p>	<p>Delete the word “<b>and</b>” in lines 1, 5, and 13.</p> <p>Delete the words “<b>request</b>” in lines 2, 7, 11, 12, 15, 17, 19, and 20 respectively and insert the word “<b>application</b>”.</p> <p>Delete the words “<b>which notice shall contain a statement informing</b>” from line 21 to 22..</p>

	<p>give written notice to the transfer to the persons who made the request, which <del>notice shall contain a statement informing the person who made the request that such decision to transfer the request can be reviewed by a Court.</del></p> <p>(2) <del>For the purpose of Section 6, where a request is transferred under Subsection (1) of this section, the request shall be deemed to have been made to the government and or public institution to which it was transferred on the day the government and/or public institution received it.</del></p> <p>(3) For the purpose of Subsection (1), a government and/or public institution has a greater interest in a record if-</p> <p>(a) the record was originally produced in or for the institution; or</p> <p>(b) in the case of a record not originally produced in or for a government and or public institution, the institution was the first government and/or institution to receive the record or a copy thereof.</p>	<p>transferring the <b>applications</b> shall give written notice of the transfer to the person(s) who made the <b>application</b> that such decision to transfer the <b>application</b> can be reviewed by a Court</p> <p>(2) Where <b>an application</b> is transferred under subsection (1) of this section, the <b>application</b> shall be deemed to have been made to the government or public institution to which it was transferred on the day the government or public institution <b>to whom the application was made</b> received it.</p> <p>Retained as in the Bill</p>	<p>Delete the words “<b>for the purpose of section 6</b>” in line 1.</p> <p>Delete the word “<b>a request</b>” and insert “<b>application</b>” in line 2</p> <p>Insert the words “<b>to whom the application was made</b>” after the word “<b>institution</b>” in line 8.</p> <p>Delete the word “<b>and</b>” in lines 2, 7, and 9.</p>
<p>7 Extension of time Limit</p>	<p>The head of government and or public institution may extend the time limit set out in Section 6 <del>or Subsection 7 (1)</del> in respect of a request under this Act for a reasonable period of time, and in any event not exceeding seven days, if –</p>	<p>The head of every government or public institution may extend the time set out in Section 6 in respect of <b>an application</b> under this Act for a reasonable period of time, and in any event not exceeding seven days, if –</p>	<p>Delete the word “<b>and</b>” in line 1.</p> <p>Delete “<b>or Subsection 7 (1)</b>” in line 3.</p> <p>Delete the word “<b>request</b>” and</p>

	<p>(a) the <del>request</del> is for a larger number of records or necessitates a research through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the government <del>and</del>/or public institutions; or</p> <p>(b) consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit, by giving notice of the extension stating whether the extension falls under the circumstances set out in paragraph (a) or (b), which notice shall contain a statement that the person has a right to have the decision to extend the time limit reviewed by a Court.</p>	<p>(a) the <b>application</b> is for a larger number of records or necessitates a research through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the government or public institutions;</p> <p>(b) Retained as in the Bill.</p>	<p>insert the word “<b>an application</b>” in line 4.</p> <p>Delete the word “<b>request</b>” and insert the word “<b>application</b>” in line 1.</p> <p>Delete “<b>and</b>” in line 6.</p>
8 Where access is refused	<p>(1) Where the head of a government <del>and</del> or public institution refuses to give access to a record <del>requested</del> under this Act, or a part thereof, the head of the institution shall state in the notice <del>given under Section 6 (a) the specific provision of this Act on which the refusal was based and</del> shall state in the notice that the person who made the <del>request</del> has a right to have the decision refusing access reviewed by a Court.</p>	<p>(1) Where the head of government or public institution refuses to give access to a record <b>applied</b> for under this Act, or a part thereof, the had of the institution shall state in the notice that the person who made the <b>application</b> has a right to have the decision refusing access reviewed by a Court.</p>	<p>Delete “<b>and</b>” in line 1. Delete “<b>requested</b>” and insert “<b>applied</b>” in line 2.</p> <p>Delete the words “<b>given under Section 6 (a) the specific provisions of this Act on which the refusal was based and</b>” from lines 4 -6.</p> <p>Delete the word “<b>request</b>” and insert the word “<b>application</b>” in line 8.</p>



	<p>(2) Any notification of denial of any request for records shall set forth the names of each person responsible for the denial of such request.</p> <p>(3) The head of a government and or public institution shall be required to indicate under Subsection (1) whether a record exists.</p> <p>(4) Where the head of a government and or public institution fails to give access to record requested under this Act or part therefore within the time limits set out in this Act, the head of the institution shall, for the purpose of this Act, be deemed to have refused to give access.</p>	<p>(2) Any notification of denial of any <b>application for</b> records shall set forth the names of each person responsible for the denial of such request.</p> <p>(3) Retained as in the Bill</p> <p>(4) Where the head of a government of public institution fails to give access to record <b>applied for</b> under this Act or part thereof within the time limit set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access.</p>	<p>Delete the word “<b>requested</b>” and insert the word “<b>applied for</b>” in line 3.</p> <p>Delete the word “<b>and</b>” in line 1.</p> <p>Delete the word “<b>requested</b>” and insert “<b>applied for</b>” in line 3</p> <p>Delete “s” after limit in line 4.</p>
<p>9 Fees, etc. and action for waivers</p>	<p>(1) A government or public regulations shall provide that-</p> <p>(a) fees shall be limited to reasonable standard charges for document search, duplication, review and transcription where necessary, when records are requested for commercial use;</p> <p>(b) fees shall be limited to reasonable standard charges for document search, duplication, review and transcription where necessary, when records are not sought for commercial use and the request is made by an educational or noncommercial, scientific, research, or a representative of the news media; and</p> <p>(c) for any request described in (a) or (b)</p>	<p>(1) A government or public institution shall by regulation state fees to be paid for document applied for commercial purposes and those applied for non-commercial purposes.</p> <p>(2) Such fees shall accompany the application.</p> <p>(3) Any waiver of fees shall be determined through a court.</p>	<p>The whole section has been summarized into subsection (1), (2) and (3).</p>

fees shall be limited to reasonable standard charges for document search, duplication, review and transcription where necessary.

(2) Document shall be furnished without any charge or at a charge reduced below the fees established under Section 10 (1) (b) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(3) Fees schedules shall provide for the recovery of only the direct costs of search, duplication, reproduction, review or transcription where the record being requested under this Act is produced as a result of the request from a machine readable record under the control of a government and/or public institution.

(4) Review cost shall include only the direct cost incurred during the initial examination of a document for the purpose of determining whether the documents must be disclosed under this section and for the purpose of withholding any portions exempt from disclosure under this Act.

(5) Review costs may not include any costs incurred in resolving issues of law

	<p>or policy that may be raised in the course of processing a request under this section.</p> <p>(6) No fee may be charged by any government or public institution-</p> <p>(a) if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee; or</p> <p>(b) for any request described in Section 10 (1) (a), (b) or (c) for the first two hours of search time or for the first one hundred pages of publication;</p> <p>(7) No government or public institution may request advance payment of any fees under the requester has previously failed to pay fees in a timely fashion.</p> <p>(8) Nothing in this Act shall supercede fees chargeable under a statute specifically providing for setting the level of fees for particular of records.</p> <p>(9) In any action by a requester regarding the waiver of fees under this section, the court shall determine the matter de novo, provided that court's Fees review of the matter shall be limited to the record before the Government of Public Institution.</p>		
<p>10 Destruction or falsification of record</p>	<p>It shall be a criminal offence punishable on conviction with 3 years imprisonment for any officer or the head of any government and/or public institution to</p>	<p>It shall be a criminal offence punishable on conviction with 3 years imprisonment for any officer or the head of any government or public institution to which</p>	<p>Delete the word “<b>and</b>” in line 4</p> <p>Delete the word “<b>requesting</b>” in line 10 and insert the word</p>

	which this Act applies who tries to either willfully destroy any records kept in his/her custody or attempts to doctor or otherwise alter same before they are released to any person, entity or community <del>requesting</del> for it..	this Act applies who tries to either willfully destroy any records kept in his/her custody or attempts to doctor or otherwise alter same before they are released to any person, entity or community <b>applying</b> for it.	<b>“applying”</b> .
11 Access to records.	<p>(1) Access to a record shall be given to the person <del>requesting</del> such access in one or more of the following forms-</p> <p>(a) a reasonable opportunity to inspect or copy the record;</p> <p>(b) in the case of a record <del>that is an article or thing</del> from which sounds or visual images are capable of being reproduced, the making of arrangements for the person to hear or view these sounds or visual images;</p> <p>(c) in the case of a document <del>by which words are recorded in a manner in which they are capable of being reproduced in the form of sound or which words are contained in the form of shorthand writing</del> or in codified form, provision by the government <del>and/or</del> public institution of a <del>written transcript or the words recorded or contained in the document.</del></p>	<p>(1) Access to a record shall be given to the person <b>applying for</b> such access in one or more of the following forms –</p> <p>(a) Retained as in the Bill.</p> <p>(b) in the case of a record from which sounds or visual images are capable of being reproduced, the making of arrangements for the person or hear or view these sounds or visual images;</p> <p>(c) in the case of a document recorded in <b>phonography</b>, shorthand or in codified form, provision by the government or public institution of a transcript of the document.</p>	<p>Delete the word <b>“requesting”</b> and insert the words <b>“applying for”</b> in line 2.</p> <p>Delete the words <b>“that is an article or thing”</b> in lines 1 and 2.</p> <p>Delete the words <b>“by which words”</b> in line 1 and 2 through and insert the word <b>“phonography”</b>.</p> <p>Delete all the words after <b>“recorded”</b> in line 2 through <b>“contained in the form of”</b> in line 5.</p> <p>Delete all the words <b>“writing”</b> in line 6, <b>“and”</b> in line 7 and <b>“written”</b> in line 8.</p> <p>Delete the words after <b>“transcript”</b> up to <b>“in”</b> and</p>

	<p>(2) Subject to Subsection (3) of this section, where the person requesting access has requested such access in a particular form, access shall be given in that form.</p> <p>(3) If the giving of access in the form requested by the person-</p> <p>(a) would interfere <del>unreasonably</del> with the operations of the government and or public institution, <del>or the performance by any officer or employee thereof of his functions;</del></p> <p>(b) would be detrimental to the preservation of the record or; having regard to the physical nature of the record, would not be appropriate; or</p> <p>(c) would, <del>but for the provisions of this Act,</del> involved an infringement of copyright (other than copyright <del>owned by the Federal Republic of Nigeria, a state, or a local government, or a government and or public institution thereof</del>)</p>	<p>(2) Subject to Subsection (3) of this section, where the application is for information in a particular form, access shall be given in that form.</p> <p>(3) If the giving of access in the form <b>stated</b> by the <b>applicant</b> -</p> <p>(a) would interfere with the operation of the government and or public institution.</p> <p>(b) would be detrimental to the preservation of the record; or</p> <p>(c) having regard to the physical nature of the record, would not be appropriate; or</p> <p>(d) would involve an infringement of copyright other than that of the government.</p>	<p>insert the word <b>“of”</b> before the word <b>“document”</b> in line 8 to 11.</p> <p>Section has been rephrased.</p> <p>Delete the word <b>“requested”</b> in line 2 and insert the word <b>“stated”</b></p> <p>Delete the word <b>“person”</b> and insert the <b>“applicant”</b>.</p> <p>Delete the word <b>“unreasonably”</b> and the word <b>“and”</b> in lines 1 and 2, let the sentence run on to the word <b>“institution”</b> in line 3 then delete the rest.</p> <p>Subsection (b) has been split into Subsection (b) and (c).</p> <p>Delete <b>“but for the provision of this Act”</b> in lines 1 and 2.</p> <p>Delete from the word <b>“owned”</b> in line 4 to the end of the subsection.</p>
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	<p><del>subsisting in matter contained in the record, being matter that does not relate to the affairs of a government and/or public institution, access in that form may be refused and access shall be given in another form.</del></p> <p>(4) Subject to Subsection 13 (1), where a person requests access to a record in a particular form and, for a reasonably specified in Subsection (3) hereof, access in that form is refused but access is given another form, the person requesting access shall not be requested to pay a charge in respect of the provision of access to the record that is greater than the charge that he would have been required to pay if access had been given in the form requested.</p>	<p>Access shall be given in another form.</p> <p>(4) Where access is given in a different form than that applied for, the applicant shall not be required to pay extra charges.</p>	<p>The subsection has been rephrased.</p>
<p>12 Where information is not available in Discrete form</p>	<p>Where a request is made to a government and or public institution and-</p> <p>(a) it appears from the request that the desire of the person requesting access is for information that is not available in distinct form in documents of the government and/or public institution; and</p> <p>(b) the government and or public institution could produce a written document containing the information in distinct form by-</p> <p>(i) the use of a computer or of other equipment that is ordinarily available to</p>	<p>(12) Where <b>an application</b> is made to a government or public institution and the information sought for is not available in distinct form. The institution should make the information available in a distinct form.</p>	<p>Delete the word “<b>a request</b>” and insert the word “<b>an application</b>”. Section has been rephrased and summarized.</p>

	<p>the government and/or public institution for retrieving or collating stored information; or</p> <p>(ii) the making of a transcript from a sound recording held in the government and or public institution, the government and/or public institution shall deal with the request as if it were a request for access to a written document so produced and containing that information, and, for that purpose, this Act applies as if the government and or public institution had such a document in its possession.</p>		
13 International affairs and defence	<p>(1) The head of a government <del>and</del> or public institution may refuse to disclose any record <del>requested under this Act that contains information</del> the disclosure of which may be injurious to the conduct of international affairs and the defence of the Federal Republic of Nigeria.</p> <p>(2) However, such right to refuse the disclosure of any record requested by an applicant ceases to exist where the interest of the public in having the said record being made available to them outweighs whatever injury disclosing such records would have to the aforementioned interests provided that such public overriding interest is to be determined by a Court of law.</p>	<p>(1) The head of a government or public institution may refuse to disclose any record, the disclosure of which may be injurious to the conduct or international affairs or the defence of the Federal Republic of Nigeria.</p> <p>However, in the interest of the public the court may override the refusal by the head of government or public institution to disclose the information applied for.</p>	<p>Delete the word <b>“requested under this Act that contains information”</b> in lines 3 and 4</p> <p>Delete the word <b>“and”</b> in line 1.</p> <p>Subsection has been rephrased.</p>
14 Law Enforcement and investigations	<p>(1) The head of a government and or public institution may refuse <del>to disclose any record requested under this Act that contains.</del></p>	<p>(1) The head of the government or any public institution may refuse any <b>information applied for the disclosure of which would:-</b></p>	<p>Delete <b>“to disclose any record requested for under this Act that contains”</b> and insert <b>“information applied for the</b></p>

	<p>(a) records compiled by any government and/or public institution for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters or a government and/or public institution, but only to the extent that disclosure would-</p> <p>(i) interfere with pending or actual and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency:</p> <p>(ii) interfere with pending administrative enforcement proceedings conducted by any government and/or public institution;</p> <p>(iii) deprive a person of a fair trial or an impartial hearing;</p> <p>(iv) <del>Unavoidably</del> disclose the identity of a confidential source:</p> <p>(v) constitute an invasion of personal privacy <del>under Section 19 of this Act, however, where the interest of the public would be better served by having such record being made available, this exemption to disclosure shall not apply;</del></p> <p>(vi) obstruct an ongoing criminal investigation.</p> <p>(b) information the disclosure of which</p>	<p>Delete subsection (a)</p> <p>(i) Retained as in the Bill.</p> <p>(ii) interfere with pending administrative enforcement proceedings conduct by any government or public institution;</p> <p>(iii) deprive a person of a fair trial;</p> <p>(iv) disclose the identity of a confidential source;</p> <p>(v) constitute an invasion of personal privacy;</p> <p>(vi) Retained as in the Bill;</p> <p>(vii) Retained as in the Bill;</p>	<p><b>disclosure of which would”-</b></p> <p>Delete the word <b>“and”</b> in line 3.</p> <p>Delete the words <b>“or an impartial hearing”</b>.</p> <p>Delete the word <b>“unavoidably”</b></p> <p>Delete all the words after the word <b>“privacy”</b>.</p> <p>Subsection (b) becomes</p>
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	<p>could reasonably be expected to be injurious to the security of penal institution.</p> <p>(2) The head of a government or public institution may refuse to disclose any <del>record requested under this Act</del> that contains information that could reasonably be expected to facilitate the commission of an offence.</p> <p>(3) For the purposes of <del>paragraph (1) (a)</del>, “Investigation” means all investigation that –</p> <p>(a) pertains to the administration or enforcement of any enactment;</p> <p>(b) is authorized by or pursuant to any enactment.</p>	<p>(2) The head of a government or public institution may refuse to disclose any <b>information applied</b> that could reasonably be expected to facilitate the commission of an offence.</p> <p>(3) For purpose of <b>this section</b>, “Investigation” means an investigation that-</p> <p>(a) Retained as in the Bill.</p> <p>(b) Retained as in the Bill.</p>	<p>subsection (vii)</p> <p>Delete the word “<b>record requested under this Act that contains</b>” and insert the word “<b>information applied</b>”.</p> <p>Delete the words “<b>paragraph (1) (a)</b>” and insert the words “<b>this section</b>”</p>
15 Economic interest of the Federal Republic on Nigeria	<p>The head of a government <del>and</del> or public institution may refuse to disclose any <del>record requested under this Act</del> that contains-</p> <p>(a) trade secret, financial, commercial, or technical information that belongs to the government <del>of the Federal Republic of Nigeria or any State or Local Government thereof, and</del> has substantial economic value or is likely to have substantial value;</p> <p>(b) <del>information the disclosure of which</del></p>	<p>The heads of a government or public institution may refuse to disclose any <b>information applied</b> that contains-</p> <p>(a) trade secret, financial, commercial, or technical information that belongs to the government that has substantial economic value or is likely to have substantial value;</p> <p>(b) materials that could reasonably be</p>	<p>Delete the word “<b>and</b>” in line 1</p> <p>Delete the word “<b>record requested</b>” and insert the word “<b>information applied</b>” in line 3.</p> <p>Delete the words “<b>of the Federal Republic of Nigeria or any State or Local Government thereof and</b>” and insert the word “<b>that</b>”</p> <p>Delete the words “<b>information</b></p>

	<p>could reasonably be expected to prejudice the competitive position of a government and/or public institution;</p> <p>(c) scientific or technical information obtained through research by an officer or employee of a government and/or public institution, the disclosure of which could reasonably be expected to deprive the officer or employee of priority of publication; or</p> <p>(d) information the disclosure of which could reasonably be expected to be materially injurious to the financial interest of the Federal Republic of Nigeria, or any State or Local Government thereof, or the ability of the Federal Government, a State or Local Government to manage its economy; or could reasonably be expected to result in an undue benefit to any person including but not limited to the following information-</p> <p>(i) a currency, coinage or legal tender of the Federal Republic of Nigeria;</p> <p>(ii) a contemplated charge in the rate of banks interest or in government borrowing;</p> <p>(iii) a contemplated charge in tariff rates; taxes, duties or any other revenue sources;</p>	<p>expected to prejudice the competitive position of a government or public institution;</p> <p>(c) scientific or technical information obtained through research by an officer or employee of a government or public institution which could deprive the officer or employee of priority of publication; or</p> <p>(d) Retained as in the Bill</p> <p>Retained as in the Bill</p> <p>Retained as in the Bill</p> <p>Retained as in the Bill</p>	<p><b>the disclosure of which”</b> and insert the word <b>“materials that”</b></p> <p>Delete the word <b>“and”</b> in line 4</p> <p>Delete the word <b>“and”</b> in line 3</p> <p>Delete the words <b>“the disclosure of”</b> in line 4</p> <p>Delete the words <b>“reasonably be expected”</b> in line 5</p>
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	<p>(iv) a contemplated charge in the conditions of operation of financial institution; and</p> <p>(v) a contemplated sale or purchase of securities or of foreign or Nigerian currency.</p>	<p>Retained as in the Bill</p> <p>Retained as in the Bill</p>	
16 Personal Information	<p>(1) Subject to Subsection (2), the head of a government <del>and</del> or public institution shall refuse to disclose any record <del>requested under this Act</del> that contains personal information. <del>Information exempted under this subsection shall include</del></p> <p>(i) files and personal information maintained with respect to clients, patients, residents, students, or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or government <del>and</del> or public institutions;</p> <p>(ii) personal files and personal information maintained with respect to employees, appointees or elected officials of any government <del>and/or</del> public institution or applicants for such positions;</p> <p>(iii) files and personal information</p>	<p>(1) Subject to subsection 2, the head of a government or public institution shall refuse to disclose any record <b>applied for</b> that contains personal information excepted under this subsection shall include-</p> <p>(i) files and personal information maintained with respect to clients, patients, residents, students, or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or service directly or indirectly from federal agencies or government or public institutions;</p> <p>(ii) personal files and personal information maintained with respect to employees, appointees or elected officials of any government or public institution or applicants for such positions;</p> <p>(iii) files and personal information</p>	<p>Delete the word “<b>and</b>” in line 2</p> <p>Delete the words “<b>requested under this Act</b>” and insert the words “<b>applied for</b>”.</p> <p>Delete the word “<b>and</b>” in line 9</p> <p>Delete the word “<b>and</b>” in line 4</p> <p>Delete the word “<b>and</b>” in line 4.</p>

	<p>maintained with respect to any applicant, registrar or licensee by any government <del>and</del>/or public institution cooperating with or engaged in professional or occupational registration, licensure or discipline;</p> <p>(iv) information required of any tax payer in connection with the assessment or collection of any tax unless disclosure is otherwise requested by state statute; and</p> <p>(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies.</p> <p>(2) The head of a government <del>and</del> or public institutions may disclose any record <del>requested under this Act</del> that contains personal information if-</p> <p>(a) the individual to whom it relates consents to the disclosure;</p> <p>(b) the information is publicly available.</p> <p>(3) Where disclosure of any information referred to in this section would be in the public interest, and if the public interest in the disclosure of such information clearly outweighs the protection of the privacy of the individual to who such information relates, the head of the government <del>and</del>/or</p>	<p>maintained with respect to any applicant, registrar or licensee by any government or public institution cooperating with or engaged in professional or occupational registration, licensure or discipline;</p> <p>Retained as in the Bill.</p> <p>Retained as in the Bill.</p> <p>(2) The head of a government or public institution may disclose any record <b>applied for</b> that contains personal information-</p> <p>(a) the individual to whom it relates consents to the disclosure; or</p> <p>Retained as in the Bill.</p> <p>(3) Where disclosure of any information referred to in this section would be in the public interest, and if the public interest in the disclosure of such information clearly outweighs the protection of the privacy of the individual to who such information relates, the head of the government <del>and</del>/or</p>	<p>Delete the word “<b>and</b>” in line 1</p> <p>Delete the words “<b>requested under this Act</b>” and insert the words “<b>applied for</b>”</p> <p>Insert the word “<b>or</b>” after the word “<b>disclosure</b>” in line 2.</p> <p>Delete the word “<b>and</b>” in line 8</p> <p>Delete the words “<b>a request for disclosure is</b>” and insert the words “<b>an application has been</b>” in line 9.</p>
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	public institution to whom a <del>request for disclosure</del> is made shall disclose such information subject to Section 14 (2) of this Act.	public institution to whom <b>an application has been</b> made shall disclose such information subject to Section 14 (2) of this Act.	
17 Third party Information	<p>(1) Subject to this section, the head of a government and/or public institution shall refuse to disclose any record <del>requested under this Act</del> that contains-</p> <p>(a) trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary privileged or confidential, or where disclosure of such trade secrets or information are proprietary, privileged or confidential, or where disclosure such trade secrets or information may cause competitive harm. Nothing contained in this subsection shall be construed to prevent a person or business from consenting to disclosure;</p> <p>(b) information the disclosure of which could reasonably be expected to interfere with the contractual or other negotiations of a third party;</p> <p>(c) proposal and bids for any contract, grants, or agreement, including information which if it were disclosed would frustrate procurement or given an advantage to any person.</p> <p>(2) The head of a government <del>and</del> or public institution shall not, pursuant to</p>	<p>(1) Subject to this section, the head of a government and/or public institution shall refuse to disclose any record <b>applied for</b> under this Act that contains-</p> <p>(a) Retained as in the Bill</p> <p>(b) Retained as in the Bill</p> <p>(a) Retained as in the Bill</p> <p>(2) The head of a government or public institution shall not, pursuant to</p>	<p>Delete the words <b>“requested under this Act”</b> and insert the word <b>“applied for”</b> in line 4. Delete the word <b>“and”</b> in line 2.</p> <p>Delete the words <b>“and”</b> in line 1 and 7.</p>

	<p>Subsection (1), refuse to disclose a part of a record if that part contains the result or product of environmental testing carried out by or on behalf of a government <del>and</del>/or public institution.</p> <p>(3) Where the head of a government <del>and</del> or public institution discloses a record requested under this Act, or a part thereof, that contains the result of a product or environmental testing, the head of the institution shall at the same time as the record or part thereof is disclosed provide a person who <del>requested</del> the record with a written explanation of the methods used in conducting the test.</p> <p>(4) The head of a government and public institution shall disclose any record requested under this Act, or any part thereof, that contains information described in paragraph (1) (a) and (b) if that disclosure would be in the public interest as it relates to public health, public safety or protection of the environment and, if the Public interest to disclosure clearly outweighs in importance any financial loss or gain to, or prejudice to the competitive position of, or interference with contractual or other negotiation of a third party.</p>	<p>Subsection (1), refuse to disclose a part of a record if that part contains the result or product of environmental testing carried out by or on behalf of a government or public institution.</p> <p>(3) Where the head of a government or public institution discloses a record <b>applied for</b> under this Act or a part thereof, that contains the result of a product or environmental testing, the head of the institution shall at the same time as the record or part thereof is disclosed provide a person who <b>applied for</b> the record with a written explanation of the methods used in conducting the test.</p> <p>(4) Retained as in the Bill</p>	<p>Delete the words “<b>and</b>” in lines 1.</p> <p>Delete the word “<b>requested</b>” and insert the word “<b>applied for</b>” in lines 3 and 8</p>
18 Advice etc	<p>(1) The head of a government <del>and</del> or public institution may refuse to disclose any record <del>requested under this Act</del>, that contains preliminary drafts, notes, recommendations, memoranda and other</p>	<p>(1) The head of a government or public institution may refuse to disclose any record <b>applied for</b>, that contains preliminary drafts, notes, recommendations, memoranda and other</p>	<p>Delete the words “<b>and</b>” in lines 1 and 12.</p> <p>Delete the words “<b>requested under this Act</b>” and insert the</p>

	<p>records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion thereof shall not be exempted when the record is publicly cited and identified by head of the government and/or public institution. The exemption provided in this subsection extends to all those records of officers and agencies of National or State Houses of Assembly which pertain to the preparation of Legislative documents.</p> <p>(2) Subsection (1) does not apply in respect of a record that contain-</p> <p>(a) an account of, or a statement of reasons for a decision that is made in the exercise of a discretionary power or an adjudicative function and which affect the rights of a person; or</p> <p>(b) a report prepared by a consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government and/or public institution or a member of staff of a Ministry of the Federal Government or Commissioner of a State Government.</p>	<p>records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion thereof shall not be exempted when the record is publicly cited and identified by head of the government or public institution. The exemption provided in this subsection extends to all those records of officers and agencies of National or State Houses of Assembly, which pertain to the preparation of Legislative documents.</p> <p>(2) Retained as in the Bill</p> <p>(a) Retained as in the Bill</p> <p>((b) a report prepared by a consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government or public institution or a member of staff of a Ministry of the Federal Government or Commissioner of a State Government.</p>	<p>words “<b>applied for</b>” in lines 3</p> <p>Delete the word “<b>and</b>” in line 4</p>
19 Legal Practitioner / Client privilege	The head of a government and or public institution may refuse to disclose any record requested under this Act that contains information that is subject to Legal Practitioner-Client privilege	The head of a government or public institution may refuse to disclose any record <b>applied for</b> that contains information that is subject to Legal Practitioner-Client privilege.	Delete the word “ <b>and</b> ” in line 1  Delete the words “ <b>requested under this Act</b> ” and insert the words “ <b>applied for</b> ” in lines 3.
20 Course or	The head of a government and or public institution may refuse to disclose any	The head of a government and or public institution may refuse to disclose any	Delete the word “ <b>and</b> ” in line 1.

Research materials	<del>requested under this Act</del> which contains course materials or research prepared by faculty members.	<b>applied for</b> which contains course materials or research prepared by faculty members.	Delete the words <b>requested under this Act</b> and insert the words <b>“applied for”</b> in line 3.
21 Severability	Notwithstanding any other provision of this Act, where a <del>request</del> is made to a government <del>and</del> or public institution for access to a record that the head of the institution is authorized to refuse to disclose under this Act by reason of information or other material contained in the record, the head of the institution shall disclose any part of the record that does not contain, and can severed form any part that contains any such information or materials.	Notwithstanding any other provision of this Act, where <b>application</b> is made to a government or public institution for access to a record that the head of the institution is authorized under this Act to refuse to disclose by reason of information or other material contained in the record, the head of the institution shall disclose any part of the record that does not contain, and can severed form any part that contains any such information or materials.	Delete the words <b>“ a request”</b> and insert the words <b>“an application”</b> in line 2.  Delete the word <b>“and”</b> in line 3.
22 Judicial review	Any person who has been refused access to a record <del>requested under this Act</del> , or part thereof may apply to the Court for a review of the matter within thirty days after the head of the government <del>and</del> /or public institution refuses or is deemed to have refused the <del>request</del> , or within such further time as the Court may either before or after the expiration of those thirty days fix or follow.	(1) Any person who has been refused access to a record <b>applied for</b> , or part thereof may apply to the Court for a review of the matter within thirty days after the head of the government or public institution <b>has</b> refused or is deemed to have refuse the <b>application</b> , or within such further time as the Court may either or after the expiration or those thirty days fix or allow.  (2) An application made under section 23 shall be heard and determined summarily.	Delete the words <b>“requested under this Act”</b> and insert the word <b>“applied for”</b> in line 2.  Delete the word <b>“and”</b> in line 5.  Insert the word <b>“has”</b> after the word <b>“institution”</b> in line 6 also delete letter <b>“s”</b> in the <b>“refuses”</b> and insert the letter <b>“d”</b> .  Delete the word <b>“request”</b> and insert the word <b>“application”</b> in line 7.  Section 24 now becomes Subsection 2 of Section 22.
23 Refusal by Head of	The head of a government <del>and</del> or public institution may refuse to disclose any record <del>requested under this Act</del> that	The head of a government or public institution may refuse to disclose any record <b>applied for</b> that contains	Delete the word <b>“and”</b> in line 1 and the margin note.



Government or public institution to disclose records	<p>contained information pertaining to-</p> <p>(a) test questions, scoring keys and other examination data used to administer an academic examination or determine the qualifications of an application for a license or employment;</p> <p>(b) architects' and engineers' plans for building not constructed with public funds, to the extent that disclosure would compromise security, and</p> <p>(c) library circulation and other records identifying library users with specific materials.</p>	<p>information pertaining to-</p> <p>(a) Retained as in the Bill.</p> <p>(b) Retained as in the Bill</p> <p>(c) Retained as in the Bill.</p>	Delete the words <b>“requested under this Act”</b> and insert the words <b>“applied for”</b> .
24 Hearing in a Summary way	An application made under section 23 shall be heard and determined summarily.	Deleted	Now Subsection 2 of Section 22.
25 Access to record by Court	Notwithstanding anything contained in any other Act or enactment or any privilege under the law of evidence, the Court may, in the course of any proceedings before the Court arising from an application under Section 23 of this Act, examine any record to which this Act applies that is under the control of government and/or public institution and no such record may be withheld from the court on any ground.	Notwithstanding anything contained in any other Act or enactment or any privilege under the law of evidence, the Court may, in the course of any proceedings before the Court arising from an application under Section 23 of this Act, examine any record to which this Act applies that is under the control of government or public institution and no such record may be withheld from the court on any ground.	Delete the word <b>“and”</b> in line 9  Section 25 now becomes 24.  Re-number appropriately.
26 Court to take Precautions Against	In any proceedings before the Court arising from an application under Section 23, the Court shall take precaution, including when appropriate, receiving	In any proceedings before the Court arising from an application under Section 22, the Court shall take precaution, including when appropriate, receiving	Delete the word <b>“and”</b> in line 9.

disclosing information	representations ex-parte and conducting hearings in camera to avoid the disclosure by the Court or any person of any information or other material on a basis of which the heads of a government <del>and</del> /or public institution will be authorized to disclose a part of a record requested under this Act.	representations ex-parte and conducting hearings in camera to avoid the disclosure by the Court or any person of any information or other material on a basis of which the heads of a government or public institution will be authorized to disclose a part of a record requested under this Act.	
27 Burden of proof	In any proceedings before the Court arising from an application under Section 23, the burden of establishing that the head of a government <del>and</del> or public institution is authorized to refuse to disclose a record under this Act or a part thereof shall be on the government <del>and</del> /or public institution concerned.	In any proceedings before the Court arising from an application under Section 23, the burden of establishing that the head of a government or public institution is authorized to refuse to disclose a record under this Act or a part thereof shall be on the government or public institution concerned.	Delete the word “ <b>and</b> ” in lines 4 and 7.
28 Order to disclose Information	<p>(1) Where the head of a government and or public institution refuses to disclose a record <del>requested under this Act</del> or a part thereof on the basis of a provision this Act, the Court shall order the head of the institution to disclose the record or part thereof to the person who <del>requested</del> for access to the record-</p> <p>(i) if the Court determines that the head of the institution is not authorized to refuse to disclose the record of part thereof; or;</p> <p>(ii) where the head of the institution is so authorized, but the Court nevertheless determines that the head of the institution did not have reasonable grounds on which to refuse to disclose the record or part thereof;</p>	<p>(1) Where the head of a government and or public institution refuses to disclose a record <b>applied for</b> or a part thereof on the basis of a provision this Act, the Court shall order the head of the institution to disclose the record or part thereof to the person who <b>applied</b> for access to the record-</p> <p>(i) Retained as in the Bill</p> <p>(ii) Retained as in the Bill.</p>	<p>Delete the word “<b>and</b>” in line 1.</p> <p>Delete the words “<b>requested under this Act</b>” and insert the words “<b>applied for</b>”.</p> <p>Also delete the word “<b>request</b>” and insert the word “<b>applied</b>”</p>

	<p>(iii) where the court makes a finding that the interest of the public in having the record being made available is greater and more vital that the interest being served if the application is refused, <del>in whatever circumstance.</del></p> <p>(2) Any order the Court makes in pursuant of this section may be made subject to such conditions as the Court deems appropriate.</p>	<p>(iii) where the court makes a finding that the interest of the public in having the record being made available is greater and more vital that the interest being served if the application is refused.</p> <p>(2) Retained as in the Bill.</p>	<p>Delete the words <b>“in whatever circumstance”</b> in lines 5 and 6.</p>
<p>29 Exempted materials</p>	<p>This Act does not apply to-</p> <p>(a) published material or material available for purchase by the public;</p> <p>(b) library or museum material made or acquired and preserved solely for public reference or exhibition purposes; or</p> <p>(c) material placed in the National Library, the National Museum or the non-public section of the National Archives of the Federal Republic of Nigeria on behalf of any person or organization other than a government <del>and</del>/or institution.</p>	<p>(a) Retained as in the Bill</p> <p>(b) Retained as in the Bill</p> <p>c) material placed in the National Library, the National Museum or the non-public section of the National Archives of the Federal Republic of Nigeria on behalf of any person or organization other than a government or institution.</p>	<p>Delete the word <b>“and”</b> in line 6.</p>
<p>30 Protection of Public Officers Cap. 77 LFN, 1990, Cap. 245 LFN, 1990 Cap 335, 1990</p>	<p>(1) Notwithstanding anything contained in the Criminal Code, Penal Code, the Official Secrets Act, or any other enactment, no civil or criminal proceedings shall lie against any government and or public institution, or against any person acting on behalf of the government and or public institution, and no proceedings shall lie against the Federal Government, State or Local</p>	<p>Deleted</p>	<p>Likely to breed in subordination</p>

	<p>Government or any institution thereof, for the disclosure in good faith of any record or any part of a record pursuant to this Act, for any consequences that flow from that disclosure, or for the failure to give any notice required under this Act, if care is taken to give the required notice,</p> <p>(2) Nothing contained in the Criminal Code or the Official Secrets Act shall prejudicially affect any public officer who, without authorization discloses to any person, any public record and/or information which he reasonably believes to show-</p> <p>(a) a violation of any law, rule or regulation,</p> <p>(b) mismanagement, gross waste of funds, fraud, and abuse of authority; or</p> <p>(c) a substantial and specific danger to public health or safety notwithstanding that such information was not disclosed pursuant to the provision of this Act.</p> <p>(3) No civil or criminal proceedings shall lie against any person receiving the information or further disclosing it.</p>		
<p>31 Documents under Security classification, Cap. 335 LFN, 1990</p>	<p>(1) The fact that any record in the custody of government and/or public institution is kept by that institution under security classification or is classified document within the meaning of the Official Secrets Act does not preclude it from being</p>	<p>(1) The fact that any record in the custody of government and/or public institution is kept by that institution under security classification or is classified document within the meaning of the Official Secrets Act does not</p>	<p>Delete the words <b>“and”</b> in lines 2 and 10.</p> <p>Delete the words <b>“a request”</b> and insert the words <b>“an application”</b> in lines 9 and 10.</p>

	<p>disclosed pursuant to a <del>request</del> for disclosure thereof under the provisions of this Act, but in every case the head of the government <del>and</del>/or public institution to which a <del>request</del> for such record is made shall decide whether such record is of a type referred to in Sections 14, 15, 16, 17, 18, 19, 20 or 21 of this Act.</p> <p>(2) If the head of the government <del>and</del> or public institution to which the <del>request</del> for a record mentioned in Subsection (1) is made, decides that such record is not a type mentioned in the sections referred to in Subsection (1) hereof, access to such record shall be given to the person <del>requesting for such access</del>.</p> <p>(3) If the head of the government <del>and</del> or public institution to which the <del>request</del> for a record mentioned in Subsection (1) is made decides that such record is of a type mentioned in the sections referred to in Subsection (1) hereof, he shall give notice to the person <del>requesting</del> for the record.</p>	<p>preclude it from being disclosed pursuant to <b>an application</b> for disclosure thereof under the provisions of this Act, but in every case the head of the government or public institution to which <b>an application</b> for such record is made shall decide whether such record is of a type referred to in Sections 14, 15, 16, 17, 18, 19, 20 or 21 of this Act.</p> <p>(2) If the head of the government or public institution to which the request for a record mentioned in Subsection (1) is made, decides that such record is not a type mentioned in the sections referred to in Subsection (1) hereof, access to such record shall be given to the person <b>who made the application</b>.</p> <p>(3) If the head of the government or public institution to which the <b>application</b> for a record mentioned in Subsection (1) is made decides that such record is of a type mentioned in the sections referred to in Subsection (1) hereof, he shall give notice to the person <b>applying</b> for the record.</p>	<p>Delete the words “<b>a request</b>” and insert the words “<b>an application</b>” in line 7 and 8.</p> <p>Delete the word “<b>and</b>” in line 1</p> <p>Delete the word “<b>request</b>” and insert the word “<b>application</b>” in line 2.</p> <p>Delete the words “<b>requesting for such access</b>” and insert the words “<b>who made the application</b>” in line 8.</p> <p>Delete the word “<b>request</b>” and insert the word “<b>application</b>” in line 2.</p> <p>Delete the word “<b>and</b>” in line 1.</p> <p>Delete the word “<b>requesting</b>” and insert the word “<b>applying</b>” in line 7.</p>
32 Submission of Reports	(1) On or before February 1 of each year, each government or public Institution shall submit to the Attorney General of the Federal Republic of Nigeria a report which shall cover the preceding fiscal year and which shall include-	(1) Retained as in the Bill	

	<p>(a) the number of determinations made by the Government or Public Institution not to comply with requests for records made to such Government or Public Institutions under this Act and the reasons for each such determinations;</p> <p>(b) the number of appeals made by persons under this Act, and the reason for the action upon each appeal that results in a denial of information;</p> <p>(c) a description of whether a court has upheld the decision of the Government or Public Institution to withhold information under such circumstances and a concise description of the scope of any information withheld;</p> <p>(d) the number of requests for records pending before the Government Public Institution as of October 31 of the preceding year and the median number of days that such request has been pending before the Government or Public Institution as of that date;</p> <p>(e) the number of requests for records received by the Government or Public Institution and the number of requests which the Government or Public Institution processes;</p> <p>(f) the median number of days taken by the Government or Public Institution to</p>	<p>(a) the number of determinations made by the Government or Public Institution not to comply with <b>applications</b> for records made to such Government or Public Institutions under this Act and the reasons for each such determinations;</p> <p>(b) Retained as in the Bill.</p> <p>(c) Retained as in the Bill</p> <p>(d) the number of <b>applications</b> for records pending before the Government Public Institution as of October 31 of the preceding year and the median number of days that such <b>applications</b> has been pending before the Government or Public Institution as of that date;</p> <p>(e) the number of <b>applications</b> for records received by the Government or Public Institution and the number of requests which the Government or Public Institution processes;</p> <p>(f) the median number of days taken by the Government or Public Institution to</p>	<p>Delete the word “<b>requests</b>” and insert the word “<b>applications</b>” in line 3.</p> <p>Delete the words “<b>requests</b>” and insert the words “<b>applications</b>” in lines 1 and 5.</p> <p>Delete the words “<b>requests</b>” and insert the words “<b>applications</b>” in lines 1.</p> <p>Delete the words “<b>s</b>” and insert the words “<b>processes</b>” and</p>
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	<p>processes different types of requests;</p> <p>(g) the total amount of fees collected by the Government or Public Institution to process such request;</p> <p>(h) the number of full-time staff of the Government or Public Institution devoted to processing requests for records, and or the total amount expended by the Government or Public Institution for processing such requests.</p> <p>(2) Each Government or public institution shall make report available to the public including by computer telecommunications, or if computer telecommunications means have not been established by the Government or Public Institution, by other electronic means.</p> <p>(3) The Attorney-General shall make each report, which has been submitted to him, available at a single electronic access point.</p> <p>(4) <del>He shall notify the Chairman and ranking minority member of the Committee on Government Reform Oversight of the House of Representatives and the Chairman and ranking minority member of the Committees on Government Affairs and the Judiciary of the Senate, not later than April of the year in which each such report is issued, that</del></p>	<p>processes different types of <b>applications</b>;</p> <p>(g) the total amount of fees collected by the Government or Public Institution to process such <b>applications</b>; and</p> <p>h) the number of full-time staff of the Government or Public Institution devoted to processing <b>applications</b> for records, and or the total amount expended by the Government or Public Institution for processing such <b>applications</b>.</p> <p>(2) Each government or public institution shall make its report available to members of the public, including by online and by other electronic means.</p> <p>(3) Retained as in the Bill</p> <p>(4) He shall notify the <b>National Assembly</b> not later than April of the year in which each such Report is issues, that such reports are available by electronic means.</p>	<p>insert the letter “<b>d</b>” in lines 3.</p> <p>Delete the words “<b>requests</b>” and insert the words “<b>applications</b>” in lines 3.</p> <p>Delete the words “<b>requests</b>” and insert the words “<b>application</b>”</p> <p>Delete the words “<b>requests</b>” and insert the words “<b>applications</b>” in lines 4 and 9.</p> <p>This sub-section has been rephrased for clarify purposes.</p> <p>Let the Attorney General release the information</p> <p>Delete the words from “<b>Chairman</b>” through to the word “<b>Senate</b>” in lines 1 to 8.</p>
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	<p>such reports are available by electronic means.</p> <p>(5) The Attorney-General shall develop reporting and performance guideline in connection with reports required by this section and may establish additional requirements for such reports as <del>the Attorney General determines may be useful</del>.</p> <p>(6) The Attorney-General shall submit annual report on or before April 1 of each calendar year which shall include for the prior calendar a listing of the number of cases arising under this Act, the exemption involved in each case, the disposition of such case and the cost, fees, and penalties assessed.</p> <p>(7) Such report shall also include a description of the efforts taken by the Ministry of Justice to encourage all government or public institutions to occupy with this Act.</p> <p>(8) For purposes of this section, the term-</p> <p>(a) “government” includes any executive department, military department, government corporation, government controlled corporation, or other establishment in the executive branch of the government (including the Executive office of the President), or any other independent regulatory government or</p>	<p>(5) The Attorney-General shall develop reporting and performance guidelines in connection with reports required by this section and may establish additional requirements for such reports as <b>he may determine</b>.</p> <p>(6) The Attorney-General shall submit to the National Assembly an annual report on or before April 1 of each calendar year which shall include for the prior calendar a listing of the number of cases arising under this Act, the exemption involved in each case, the disposition of such case and the cost, fees, and penalties assessed.</p> <p>(7) Retained as in the Bill.</p>	<p>Delete the words “<b>the Attorney General determines may be useful</b>” and insert the words “<b>he may determine</b>” in line 8 and 9.</p> <p>Insert after the word “<b>Submit</b>” the words “<b>to the National Assembly</b>” in line 2.</p>
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	<p>public institution; and</p> <p>(b) “record” means any terms used in this Act in reference to information which includes any information that would be government or public institution in any format, including an electronic format.</p>		
33 Complimentary procedures	<p>(1) this Act is intended to complement and not replace existing procedures for access to public records and information and is not intended to limit in any way access to those types of officials information that have, hitherto, been normally available to the general public.</p> <p>(2) Where the question whether any public and or information is to be made available, <del>where that question arises</del> under this Act, the question shall be determined in accordance with the provision stated herein, unless otherwise exempted by this Act.</p>	<p>(1) Retained as in the Bill</p> <p>(2) Where the question whether any public and or information is to be made available, where that question arises under this Act, the question shall be determined in accordance with the provisions stated herein, unless otherwise exempted by this Act.</p>	<p>Delete the words “<b>where that question arises</b>” in lines 3 and 4.</p> <p>Insert the letter “s” after the word “<b>provision</b>” in line 7.</p>
34 Interpretation	<p>In this Act, unless the text otherwise requires –</p> <p>“Court” means a State High Court where the official information in question is kept by local or State government institution and the Federal high Court where the official information in question is kept by a Federal Government institution.</p> <p>“Foreign State” means any State other than the Federal Republic of Nigeria;</p>	Retained as in the Bill	

	<p>“Public/Government Institution” means any legislative, executive, judicial, administrative or advisory body of the Federal, State and Local Governments, boards, bureau, committees or commissions of the State, and any subsidiary body of those public bodies including but not limited to committees and sub-committees which are supported in whole or in part by public fund or which expends public fund and private bodies carrying out public functions;</p> <p>“Public record or document” means a record in any form having been prepared, or having been or being used, received, possessed or under the control of any public or private bodies relating to matters of public interest and includes-</p> <p>(a) any writing on any material;</p> <p>(b) any information recorded or stored or other devices; and any material subsequently derived from information so recorded or stored;</p> <p>(c) any label, marking, or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;</p> <p>(d) any book, card, form, map, plan, graph, or drawing;</p> <p>(e) any photograph, film, negative, microfilm,, tape, or other device in which</p>		
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	<p>one or more visual images are embodied as to be capable (with or without the aid of some other equipment) of being reproduced;</p> <p>“Minister” means the Minister charged with responsibility for information;</p> <p>“Person” includes a corporation sole, and also body of persons whether corporate or incorporate; acting individually or as a group;</p> <p>“Personal information” means any official information held about an identifiable person; but does not include information that bears on the public duties of public employees and officials.</p>		
	<p><b>EXPLANATORY MEMORANDUM</b></p>		
	<p>This Bill seeks to provide a right of access to public information on records kept by government, public institution <del>and</del> or private bodies carrying out public functions for citizens and non-citizens of the country.</p> <p>2. This will increase the availability of public records and information to citizens of the country in order to participate more effectively in the making and administration of laws and policies and to promote accountability of public officers.</p>	<p>Delete the word “<b>and</b>” in line 2.</p>	