

STATUTORY INSTRUMENTS

2011 No. 17.

THE ACCESS TO INFORMATION REGULATIONS, 2011

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STATUTORY INSTRUMENTS

2011 No. 17.

The Access to Information Regulations, 2011.

(Made under section 47 of the Access to Information Act, 2005, Act No. 5 of 2005)

IN EXERCISE of the powers conferred on the Minister responsible for Information by section 47 of the Access to Information Act, 2005, these Regulations are made this 10th day of March, 2011.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Access to Information Regulations, 2011.

2. Interpretation

In these Regulations, unless the context otherwise requires-

“Act” means the Access to Information Act, 2005;

“authorised officer” includes a person who has been empowered to perform a function under these Regulations or to whom functions under the Regulations have been delegated;

“currency point” has the value assigned to it in Schedule 1;

“public body” includes a government ministry, department, statutory corporation, authority or commission;

“requester” means a person who has requested for access to a record from a public body under these Regulations.

PART II—ACCESS TO RECORDS

3. Request

(1) A request for access to a record shall be in Form 1 set out in Schedule 2.

(2) A public body may provide the form referred to in sub-regulation (1) in electronic format.

(3) The form referred to in sub-regulation (1), shall be obtained from the public body which is in possession of the record to which a person is seeking access.

(4) The request shall contain a sufficient description of the record to which a person is requesting access.

(5) Where the request does not contain a sufficient description of the record, the information officer shall require the person requesting, to provide further details so as to facilitate disclosure of the record.

(6) Where the requester is unable to provide the details requested in sub-regulation (4), the information officer or an authorised officer shall, so far as possible, assist the requester to provide the necessary details.

(7) Where the requester shows sufficient reason for failing to submit the request in the prescribed form and provides an oral request, the oral request shall be reduced into writing by the information officer or an authorised officer at the expense of the requester.

(8) The information officer shall not refuse to grant a request for access to record based solely on the ground that the request was not in the prescribed form.

(9) For purposes of sub-regulation (7), sufficient reason includes illiteracy or disability.

4. Electronic requests

(1) Where practicable, the requester may send the request for a record by email or in other electronic form.

(2) Where the request for a record is made in electronic form, the information officer shall print and file the request.

5. Failure to provide record in electronic form

Where a public body cannot provide access to a record in electronic form—

- (a) the information officer shall give reasons why the record could not be availed in electronic form; and
- (b) the record shall be provided in a format in which it can be utilised by the person requesting it.

6. Format of record

(1) Where access to a record involves giving a copy of the record to the requester, the copy need not be provided in the requested format if—

- (a) the record does not exist in that format within the public body; and
- (b) the head of the public body considers, taking into account the factors described in sub-regulation (3), that the conversion of the record into the requested format is unreasonable.

(2) Where the head of the public body considers that the conversion of the record into the requested format is unreasonable, a copy of the record shall be provided in an alternative format chosen by the requester—

- (a) from a format in which the record already exists within the public body; or
- (b) from a format, the conversion to which the head of the public body considers is reasonable taking into account the factors described in sub-regulation (3).

(3) The following factors shall be taken into account in determining if the conversion of a document into the requested format is reasonable—

- (a) the cost to the public body;
- (b) the potential degradation of the record;
- (c) if the requester is to be given access to only a part of a record, the facility with which the record may be severed in the format requested;

- (d) the existence of the record within the public body in another format that is useful to the requester;
- (e) the possibility that the record can be converted to another format that is useful to the requester;
- (f) the impact of the conversion on the operations of the public body;
- (g) the availability of the required personnel, and resources, and
- (h) the availability of the necessary technology and equipment.

7. Access fee

(1) The requester shall pay a non refundable access fee set out in Schedule 3 when requesting for a record from a public body.

(2) Upon receipt of the access fee, the information officer shall issue to the requester a signed and stamped acknowledgement slip in Form 2 set out in schedule 2.

(3) Where the information requested for is in the public interest or where the disclosure of the information is likely to benefit a large section of the public, the prescribed access fee shall be waived.

8. Acknowledgement of receipt

(1) The information officer, to whom a request is made, shall acknowledge receipt of the request by signing a copy of the request.

(2) The information officer shall deal with the request for access to a record without undue delay.

9. Limitation on production of record

(1) Where a record does not exist but can be produced from a machine readable record under the control of a government institution, the record need not be produced if the production of the document would unreasonably interfere with the operations of the public body.

(2) Where a person is granted access to a record, the head of the public body which has control of the record shall, where necessary, inform the person—

- (a) that the record may be examined by that person in order to save the cost of reproduction of the record;

- (b) that the person may specify that he or she requires only certain parts of the record to be reproduced;
- (c) of any amount required to be paid as a deposit before the search or production of the record is undertaken or the record is prepared for disclosure;
- (d) of the estimated total cost of the search for the record and preparation of the record for disclosure; and
- (e) of any amount required to be paid before access is given to the record including the cost of production or reproduction.

10. Retrieval and reproduction costs

(1) The requester shall pay to the relevant public body the cost for retrieval and reproduction of the record.

(2) The retrieval and reproduction costs are set out in Schedule 3.

11. Reproduction of record

(1) The record requested for shall be reproduced using the equipment of the public body.

(2) Where the public body does not have the necessary equipment, the requester may request the information officer or an authorised officer to have the record reproduced using the requester's equipment.

(3) A person who wants to use his or her own equipment to make a copy of the record shall apply to the information officer in Form 3 set out in Schedule 2.

(4) The equipment to be used under sub-regulation (3) to reproduce a record shall be subject to approval by the information officer or an authorised officer.

(5) The information officer or an authorised officer shall, after inspecting the equipment, if satisfied with the equipment, issue a certificate of approval in Form 4 set out in Schedule 2 certifying that the equipment is fit for the purpose.

(6) The record may be copied in the premises of the person who requested to use his or her own equipment under the supervision of the information officer or an authorised officer where approval is given by the information officer.

(7) Where the record is reproduced using the equipment of the requester, the reproduction fee shall be waived.

12. Transfer of request

(1) Where the request for access is transferred to another public body, the information officer shall issue to the requester a notice in Form 5 set out in Schedule 2.

(2) A request that has been transferred under sub-regulation (1) shall not be transferred to a third public body.

13. Acknowledgement of receipt of transferred request

Where a request is transferred under section 13, the information officer in the public body to which the request was transferred shall issue to the requester an acknowledgement of receipt in Form 6 set out in Schedule 2.

14. Records that cannot be found or do exist

Where a request for access is made for a record that cannot be found or does not exist, the information officer shall issue to the requester a notice in Form 7 set out in Schedule 2.

15. Deferral of access

Where the information officer defers access to a document or a record for a specified period, the information officer shall issue to the requester a notice in Form 8 set out in Schedule 2.

16. Grant of access to a record

(1) Where access to a record is granted, the information officer shall issue to the requester a notice in Form 9 set out in Schedule 2 to notify him or her of the decision to grant access.

(2) Where the information officer grants partial access to a record, he or she shall state on the form that the requester has only been granted partial access and he or she shall state the reasons for denying access to part of the record.

17. Denial of access to a record

Where access to a record is denied, the information officer shall issue to the requester a notice in Form 10 set out in Schedule 2 to notify him or her of the denial.

18. Extension of period

The information officer to whom a request for access to a record has been transferred shall issue to the requester a notice in Form 11 set out in Schedule 2 informing him or her of the extension of the period in accordance with Section 17 of the Act.

19. Notice to parties

An information officer who intends to grant access to a record referred to in Section 35 of the Act shall issue a notice to the third party in Form 12 set out in Schedule 2, informing the third party of the intended grant of access.

20. Consent by third party

(1) A third party to whom notice is given under regulation 19 may consent to the disclosure of a record.

(2) A third party who consents to disclosure under sub-region (1) shall give the consent in writing to the information officer in Form 13 set out in Schedule 2.

(3) The information officer shall not refuse the consent merely on the ground that it is not in the prescribed form.

21. Representation by third party

(1) Where a third party is required to make a representation as to why a record should not be disclosed by the information officer, the third party shall make the representation in Form 14 set out in Schedule 2.

(2) The information officer shall not refuse the representations solely on the ground that the third party has not made them in the prescribed form.

22. Decision on representation by third party

Where an information officer intends to disclose a record to which access has been requested and a third party to whom notice is issued according to section 35 of the Act makes a representation to the information officer, the information officer shall give the third party notice of the decision in Form 15 set out in Schedule 2.

SCHEDULES

SCHEDULE 1

Reg. 2

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings

SCHEDULE 2

FORMS

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2011

REQUEST FORM

(Please use a separate request form for each document requested)

1. Name of public body

(Please state the title of the institution from which you are requesting access to a record)

.....
.....

2. Name of requester

.....
.....

3. Particulars of requester

(Please indicate the address to which correspondence related to your request should be sent)

Postal Address:

Physical address:

Plot No.:

Street:

Town/City:

Telephone No:

Fax No:

Email address:

Other:

4. Description of record
(Please state all the information available to you which will assist in processing your request)

Name/Type of document
(If known)

.....
.....

Reference/File No.
(If known)

.....
.....

5. Contents of document
(Give brief description)

.....
.....
.....
.....

6. Other
(Please state any other details that may be relevant to the processing of the request)

.....
.....
.....
.....

7. I would like to:
(Please check the relevant options)

- (a) Inspect the record
- (b) Listen to the record
- (c) View the record
- (d) Have copies made available to me in the following format:-
 - i. Photocopy
 - ii. Compact disc
 - iii. Diskette
 - iv. USB mass drive
 - v. Transcript
 - vi. Other (please specify); and
- (e) Other (please specify)

8. Number of copies required:

9. Request on behalf of another person

.....
.....

Signature of requester:

Date:

THE REPUBLIC OF UGANDA
THE ACCESS TO INFORMATION ACT, 2005
THE ACCESS TO INFORMATION REGULATIONS, 2011
ACKNOWLEDGEMENT SLIP

TO:
.....
.....

(Please state name and address of requester)

I *(state name of information officer and title of public body)* hereby acknowledge receipt of as payment of the non refundable access fee from *(state name of requester)*.

Date: 20.....

.....
Signature of Information Officer

FORM 3

Reg. 11 (3)

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2011

APPLICATION TO USE REQUESTER'S OWN EQUIPMENT

TO:
.....
.....

(Please state name of information officer)

1. I (Please state name and address)
apply to use my own equipment to make a copy of the following records:-

- (a)
- (b)
- (c)
- (d)
- (e)

2. Reasons for using own equipment

- (f)
- (g)
- (h)
- (i)
- (j)

Date: 20.....

.....
Signature of Requester

FORM 4

Reg. 11 (5)

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2011

CERTIFICATE OF APPROVAL OF EQUIPMENT

TO:
.....
.....

(Please state name of applicant)

This is to certify that the equipment was inspected on the ----- day of -
----- 20----- and is fit for the purpose of making copies of records.

Date: 20.....

.....
Signature of Information Officer

FORM 5

Reg. 12 (1)

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2011

TRANSFER OF REQUEST

TO:
.....
.....

(Insert name and address of requester)

TAKE NOTICE that—

The record to which you requested access on *(date)*

- (a) is not in the possession or control of this public body
(state name and address of public body)
- (b) is in possession of another public body; or
(state name of the public body)
- (c) the subject matter of the record is more closely connected with the
functions of another public body. *(state name of the public body)*

Your request has been transferred to the public body in possession of the record or which is more closely connected with the subject matter of the record requested for.

The request shall be dealt with in a period of days.
(Not exceeding 21 days)

Date: 20.....

.....
Signature of Information Officer

FORM 6

Reg. 13

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2011

ACKNOWLEDGEMENT OF RECEIPT OF TRANSFERRED REQUEST

To:
.....
.....

(Insert name of public body and information officer from which request was received)

I *(state name of information officer)* hereby acknowledge receipt of the request for access to a record which was transferred from *(state name of public body)* on *(date)*.

Date: 20.....

.....
Signature of Information Officer

THE REPUBLIC OF UGANDA
THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2011

ACKNOWLEDGEMENT OF RECEIPT OF TRANSFERRED REQUEST

TO:

.....

.....

(Please insert name and address of requester)

TAKE NOTICE that—

The record you requested access to from *(state name of public body)* on
..... *(date)*

- (a) is not in the possession of or under the control of this public body *(state name of public body)* and the information officer does not know which public body has possession or control of the record; or
- (b) all reasonable steps have been taken to find the record requested for; and
 - (i) there are reasonable grounds to believe that the record is in the possession of this public body but cannot be found; or
 - (ii) there are reasonable grounds to believe that the record does not exist.

The information officer of this public body *(state name of public body)* took the following steps to find the record requested for;

.....
.....
.....
.....

Date: 20.....

.....
Signature of Information Officer

FORM 8

THE REPUBLIC OF UGANDA

Reg. 15

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2011

NOTICE OF DEFERRAL OF ACCESS

TO:

.....

.....

(Please insert name of requestor)

TAKE NOTICE that—

The record you requested for from *(state name of public body)* on *(date)*

- (a) is to be published within ninety days after the receipt of the request or transfer of the request;
- (b) is required by law to be published but is not yet published, or
- (c) has been prepared for submission to a public body, public office or particular person *(state name as relevant)* but is yet to be submitted.

The request for access to the record has been deferred for a period of days/months *(not exceeding twenty one days)*

You are required within twenty one days after the date of this notice to make representation to the information officer as to why the record is required before its publication or submission.

Date 20

.....
Signature of Information Officer

FORM 9

Reg.16(1)

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2011

NOTICE OF GRANT OF ACCESS

TO:

.....

.....

(State name of requestor)

TAKE NOTICE that—

Access to the record you request from *(please state name of the public body)* on(date) has been granted.

1. Access fee payable
(state amount)

.....

2. Form in which access shall be given.....

.....

.....

Note: The requester may lodge an internal appeal or an application with the court against the access fee to be paid or form of access granted and the procedure, including the period for lodging the internal appeal or application as the case may be.

Date:..... 20.....

.....
Signature of Information Officer

THE REPUBLIC OF UGANDA
THE ACCESS TO INFORMATION ACT, 2005
THE ACCESS TO INFORMATION REGULATIONS, 2011
NOTICE OF REFUSAL OF ACCESS

TO:

.....

.....

(State name of requestor)

TAKE NOTICE that—

Access to the record you requested from *(please state name of the public body)*
on the.....day of20.....has been refused.

1. Reasons for the refusal
(Exclude reference to content of the record)

(a)

(b)

(c)

(d)

(e)

2. Provisions of the Act relied upon.

(a)

(b)

(c)

(d)

(e)

Note: The requester may lodge an internal appeal or an application with the court against the refusal of the request and the procedure, including the period for lodging the internal appeal or application as the case may be.

Date: 20

.....
Signature of Information Officer

THE REPUBLIC OF UGANDA
THE ACCESS TO INFORMATION ACT, 2005
THE ACCESS TO INFORMATION REGULATIONS, 2011
NOTICE OF EXTENTION OF PERIOD

TO:
.....
.....

(State name of applicant)

TAKE NOTICE that—

The request for access that you lodged with *(state name of the public body)*
on *(date)* was transferred to *(state name of public body)*
on *(date)*

*Note: Section 17 of the Act allows the information officer to whom a request
has been transferred to extend the period prescribed as 21 days under
section 16(1) for a further period not exceeding 21 days.*

1. The period prescribed under section 16(10) has been extended for a further
period *(not exceeding twenty one days)* ofdays.

2. Reasons for extension of period

- (a)
- (b)
- (c)
- (d)
- (e)

3. Provisions of the Act relied upon

- (a)
- (b)
- (c)
- (d)
- (e)

Note: The requester may lodge an internal appeal or an application with the court as the case may be against the extension and the procedure, including the period, for lodging the internal appeal or application as the case may be.

Date: 20.....

.....
Name of information officer

.....
Signature of information officer

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2011

NOTICE TO THIRD PARTY UNDER SECTION 35 OF THE ACT

TO:

.....

(State name of third party)

TAKE NOTICE that:—

1. On*(date)* a request for access to*(state name of the record)* was received from *(state name and address of requester)*.
2. This is to inform you that I intend to grant access to the record to the requester *(state name of requester)*
3. Description of content of the record
.....
.....
.....
4. You may, within twenty one days after receipt of this notice, make representations as to why the record should not be disclosed.

Date: 20.....

Name

Signature of Information Officer

FORM 12

Reg. 21

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2011

CONSENT BY THIRD PARTY TO DISCLOSURE OF RECORD

TO:

.....

.....
(State name of information officer and name of Public body)

I .. *(state name of)* third party of
.....*(state address)*, having an interest in
.....*(state name of record)*, hereby consent to
the disclosure of the record.

.....
Signature of third party consenting to disclosure

FORM 14

Reg.21 (1)

THE REPUBLIC OF UGANDA
THE ACCESS TO INFORMATION ACT,2005
THE ACCESS TO INFORMATION REGULATIONS, 2011
REPRESENTATION BY THIRD PARTY

TO:

.....

.....

(State name of information officer and name of public body)

I *(state name)* of
.....*(state address)* having received a notice from
.....*(state name of public body)*
on*(date)*, as having the following interest in the record to
which access has been requested.

.....

.....

.....

.....

(state interest in the records)

The record should be disclosed because of the following reason (state reasons)

.....

.....

.....

Date: 20.....

.....
Signature of third party making representation

THE REPUBLIC OF UGANDA
THE ACCESS TO INFORMATION ACT, 2005
THE ACCESS TO INFORMATION OFFICER UNDER SECTION 35 OF
THE ACT

TO:

.....
.....
(State name of third party)

TAKE NOTICE that—

1. On (date) you made representations
in accordance with section 35 of the Act.

2. This notice is given under section 36(1) of the Act.

*Note: A third party to whom notice is given under section 35 shall ;make
representation within the period stated in the notice and the information
officer shall within twenty one days of the notice make a decision
whether or not to grant access.*

3. Decisions of the information officer

.....
.....
.....
.....
.....

*Note: You may request for a review of the decision within one day after receipt
of this notice. Where a review is not requested for the requester shall be
granted access to the record.*

Date:20.....

Name

Signature of Information Officer

SCHEDULE 3

FEEs, RETRIEVAL AND REPRODUCTION COSTS

Reg. 10

- | | |
|---|--|
| 1. Access Fee..... | 1 currency point |
| 2. Photocopying..... | 0.005 of a
currency point
for each A4 Size
page. |
| 3. Photocopying a page of Braille | 0.025 of a
currency Point
for each copy of
A4 size. |
| 4. Photocopying of large paper..... | 0.025 pf a
currency point
for each page of
A4 size. |
| | 0.075 of a
currency Point
for each page
Of A3 size. |
| | 0.25 of a
currency point
for each page A2
size. |
| | 0.5 of a currency
point for each
page of A1 size. |
| | 1 currency point
for each copy of
A0 size. |

5. Recording (audio)	0.5 of currency point per hour.
6. Recording (video)	1 currency point per each page.
7. Digital data transfer	0.25 of a currency point per hour.
8. Digital color printing	A4 size 0.05 of a currency point for each page.
	A3 size 0.15 of a Currency point for each page.
	A2 size 0.5 of a currency point for each page.
	A1 size 1 currency Point for each page.
	A0 size 2 currency points for each page.

HON. KABAKUMBA LABWONI MASIKO,
Minister of Information and National Guidance.