Analysis of the Access to Information Bill (No. 7/2004) in the context of engendering an Open, Transparent and Accountable Government in Uganda

---

Prepared and submitted by:

Coalition for Freedom of Information (COFI)/
Human Rights Network (Uganda) (HURINET (U))
Plot 94 Old Kiira Road,
P.O. Box 21265
Kampala, Uganda

December 6, 2004

I. Introductory Observations

1. The object of the Access to Information Bill (No. 7/2004), gazetted in April 2004, as stated in the memorandum and the long title, is to give effect to the right of access to information as guaranteed under article 41 of the 1995 Constitution. This provision stipulates that:

> (1) Every citizen has a right of access to information in the possession of the State or any other organ and agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to privacy of any other person.
>
> (2) Parliament shall make laws prescribing the classes of information referred to in clause (1) of this Article and the procedure for obtaining access to that information.

2. It is imperative that the drafting and debate on the clauses/provisions of the Bill should be undertaken bearing in mind three (3) very important aspects:

(a) First, the conceptualisation of the right to information under article 41 of the Constitution. The wording of article 41 constitutes and enshrines an absolute minimum standard on the envisaged content of the right. The Parliament must, in detailing of the substantive and procedural as well as the protectionist and promotional attributes of the right, do so in light of that minimum standard. Immediately observable minimum attributes of the right are:

(i) the right is premised on the ***presumption*** of the right of access to information 'in the possession of the State or any other organ and agency of the State'.

(ii) the right is to be ***excepted*** where disclosure of information would prejudice 'the security or sovereignty of the State' or interfere with 'the right to privacy of any other person'.

The minimum standard that underpins article 41 of the Constitution is that, on the one hand, the constitutional right cannot be excepted other than as permitted by the Constitution yet, on the other hand, the scope of the enjoyment of the right can be extended.

(b) Second, the detailing of the substantive and procedural as well as the protectionist and promotional attributes of the right should bear in mind what are today regarded as *guiding principles on developing access to information legislation*. In the recent past, efforts have been made to state these guiding principle at international (UN), regional (OAU/AU), commonwealth and national (Uganda) settings, i.e.

(i) *The Public's Right to Know: Principles on Freedom of Information Legislation* (annex to Report of the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, E/CN.4/2000/63, January 18, 2000).

(ii) *Declaration of Principles on Freedom of Expression in Africa, African Commission on Human and Peoples' Rights* (32nd Session, Banjul, The Gambia, October 17-23, 2002).

(iii) *Commonwealth Principles on the Freedom of Information* (annex 1 to Communiqué issued by Commonwealth Law Ministers, Port of Spain, Trinidad and Tobago, 1999).

(iv) *Guiding Principles for an Access to Information Legislation in Uganda* (COFI/HURINET-U, 2004).

The guiding principles should inform the adoption of the various clauses of the Bill for a satisfactory legislation to be put in place to give effect to the constitutional right guaranteed since 1995. The guiding principles include the following–

- Overall principle of fostering 'Open Government'.
- Principle of maximum disclosure.
- Principle on proactive disclosure and obligation to publish.
- Principle on minimum exceptions and exemptions to disclosure.
- Principle on inexpensive, prompt and simple procedural requirements.
- Principle on independent appeals and enforcement.
- Principle on facilitation of implementation of legislation.
- Principle on openness of meetings of public bodies to the public.
- Principle on protection of whistleblowers.

(c) Third, that the overall basis for an access to information legislation is to foster 'open government' and as therefore central to the development of *participatory democracy*, ensuring *governmental accountability* and strengthening the *fight against corruption*.

3. The debate and appraisal of clauses of the Bill must also take into account decisions of the courts which, in absence of a specific access to information legislation in the past nine years, have been crucial in conceptualisation of the scope and content of as well as exemptions to the constitutionally guaranteed right. Such decisions include, from the Ugandan context, the following–

(a) *Major General David Tinyefuza v. Attorney General*, Constitutional Case No. 1 of 1997 (unreported).

(b) *Attorney General v. Major General David Tinyefuza*, Constitutional Appeal No. 1 of 199 7 (unreported).

(c) *Zachary Olum & Another v. Attorney General*, Constitutional Case No. 6 of 1999 (unreported).

(d) *Green Watch (U) Ltd. v. Attorney General & Another*, HCCS No.139 of 2001 (unreported).

(e) *Dr. Paul Ssemwogerere & Others v. Attorney General*, Constitutional Appeal No. 1 of 2002 (unreported).

(f) *Attorney General v. Chief Editor, The Monitor Publications Ltd. & Another*, Miscellaneous Application No. 675 of 2003 (unreported).

II. Substantive Parts and Clauses of the Bill

Part I – Preliminary (clauses 1-4)

4. The memorandum (para. 7) to the Bill indicates the object of the law as not only giving effect to the right under article 41 of the Constitution, but also allude to the law's intent to foster accountability and transparency. The specific positing of this as one of the objects and purpose of the law in clause 3 is in the right perspective, as it underlies the fundamental premise for the law beyond merely recognition of the right *per se*. Any further lessons and inspiration can be taken from the South African Promotion of Access to Information Act 2002 which details out these attributes of open and good government (preamble, para. 3 and s. 9(e)).

5. The definition/interpretation section (clause 4) needs to be exhaustive and embracing of the terms and phrases used in the Bill (and ultimately the Act). Those definitions/interpretation should inform the context of the Bill's other provisions. The crucial terms and phrases include 'government 'agency' or 'organ', 'public body', information', 'citizen', 'sovereignty', 'national security', etc. A number of observations can be made in this regard–

(a) There should be a more expansive definition of 'public bodies' than is presently in the definitions/interpretation clause, and then the term can then be used throughout the Bill. The existing definition in clause 4 is derived from clause 2 (on application of the law). It may be necessary to reconsider the drafting of clause 2 to merely state that the 'Act applies to all information and records of public bodies, organs and agencies (and, if it were acceptable, private bodies). In that regard, what constitutes a 'public body' would then be defined in clause 4 but in a more expansive form such that apart from the traditional bodies, for instance, 'ministries, government departments, public bodies, statutory corporations, commissions of inquiry and pubic service commissions, the definition should extend to 'any authority or body established under the Constitution or by government law, or any body owned, controlled or substantially financed by Government funding' (this latter aspect is a borrowing from the Indian Freedom of Information Act, 2002, s. 3).

(b) The conferment of the right of access to citizen (clause 5) engenders a definition of 'citizen' in terms of natural and juristic (corporate) persons (this is the case under the South African PATIA, s.1). This needs to be expressly stated in definition/interpretation clause. In any case, courts have already affirmed this conception of the citizen: *Green Watch (U) Ltd. case* (2001).

(c) In the definitions clause, the term 'information' should be preferred against other terms such as 'document' 'record' or otherwise. This is because of the limited scope of those other terms, a fact that has been evident in cases before the courts such as the *Tinyefuza* case (1997) and the *Green Watch (U) Ltd. case* (2001). The term 'information' broadens the application of the law because allowing access to 'information' means that applicants are not restricted and the form in which that information exists is not restricted. To that end, the term 'information' should be used throughout the law, unless a provision specifically deals with the form in which information is held. This has been achieved in the definition/interpretation clause in quite a satisfactory manner.

6. The entities or bodies to which the law applies needs to be clearly set out. As already noted above (para. 5(a)), there is need for some of such entities to be clearly defined in the definitions clause. To that end, since the Bill chooses not to use the phrase 'agency' or 'organ' of State (which we believe it should have in the first place to accord with the provisions of article 41 of the Constitution) and rather opts for 'public bodies (or authorities)', it is imperative that a 'public body (or authority)' be defined in an exhaustive and widely-embracing sense. It need be noted that lack of a clear and exhaustive definition of public bodies (or authorities) may engender the kind of argument put across by UETCL that it was not a 'state agency' in the *Green Watch (U) Ltd. case* (2001).

7. Further, in defining the scope of the entities that the law applies to as the providers of information (clause 2), it may be necessary to address not only the provisions of the Constitution but also the practical realities in the country over the past two (2) decades. In the first place, while article 41 of the Constitution refers to only the State or its organs and agencies, it may well be argued that access to information held by private bodies and non-statal organisations is not covered. However, it could also be argued, as we pointed out at the outset (para. 2(a)), that the Constitution only sets out the minimum standards, and it would still be legally permissible to develop the Bill as legislation which covers not only the state bodies, but also private bodies.1 Secondly, in the wake of the privatisation and significant growth of the private sector over the

[1] The solution would invariably require provisions of article 41 of the 1995 Constitution to be amended to expand the scope of the holders of the duty to provide or disclose information to include – as embodied under, for instance, South Africa's 1996 Constitution (art. 32(2)(b))– information held by '*another person'* and ' *is required for the exercise or protection of any rights'* (with another variation being that the information is held by '*private bodies'* that '*carry out public functions'*). To that end, the South Africa PATIA addresses the access to information held by both public authorities and private bodies: Part 3.

years, it is only imperative that the scope of the law also addresses private bodies holding information.

8. As noted above (paras 5(a) and 6), the scope of the duty-holders and the information held by them should be expansively stipulated. Clause 2 does not make it very clear that the law is applicable to all the arms of government, that is, the executive, legislative and judicial, with sub-clause (2) even going further to include a blanket exemption for Cabinet and Cabinet Committee records. There is no reason why the executive, and Cabinet and its Committees should entirely be excluded from the application of the law, unless disclosure of such information would prejudice the protection of legitimate interests (and such legitimate interests are protected via the exemptions provisions and, to that end, the broad exemption for entire bodies is unnecessary and unjustifiable). Even in the case of the judiciary, exemptions that have been included in the Bill to ensure that disclosure of information does not prejudice a pending trial, the work of the judiciary can legitimately be brought within the purview of the law. It is a matter of public policy that the judicial system and the trial process are kept open to the public. In that context, care must be taken to ensure that the exemptions contained in clauses 4(2)(b) and (c) do not occasion unjustifiable inroads into judicial openness and exempt public access to trial information to which the public is otherwise entitled.

Part II – Access to Information and Records (clauses 5-22)

9. Part II underscore the inter-relation between the granting of a ***right*** to access to ***beneficiaries*** of the right (citizens) and the corresponding ***duty*** on placed on the duty-holders (public bodies) to provide access.

10. The beneficiary of the ***right*** of access is specified in clause 5 as 'citizens' (of Uganda). Again, if we argue that the Constitution only sets out the minimum standards, then it would likewise be permissible to extend the right of access to information to non-citizens. The possibility of that seems somewhat likely to be affected by how the courts may address non-specific reference to non-citizens – this is the inference in the *Green Watch (U) Ltd. case* (2001), where the court felt that Green Watch (U) Ltd. had failed to prove its status as a *corporate citizen* and so declined to declare that it was entitled to access the document it sought. That decision and clause 5 would nonetheless seem not to affect the legal capacity of a person, that is not a citizen, to enforce the right of access to information on behalf of 'citizens', in light of the provisions of article 50(2) of the Constitution. If it was agreeable to extend the right of access to 'persons' or 'individuals' (as opposed to only 'citizens' as presently the case in clause 5), then it becomes imperative that–

(a) the phrase used in clause 5 be defined in the definition clause, e.g. 'person' as including both natural and juristic persons.

(b) the definition embody aspects of physical presence in country, i.e. that the 'person' with a place of business in the country is to be construable as a potential requester.

11. The framework for accessing information is envisaged in clauses 6 to 13 of the Bill. As a facet of the guiding principle on maximum disclosure, the purpose of the request is irrelevant and the specification of this facet in clause 6(3) is in the right direction. Of concern though is the fact that article 6(1) conditions the access upon ***compliance with all the requirements in this Act relating to request for access*** – the difficulty here is that there is no cross-referencing to provisions of the law which set out those 'requirements'. We suggest that either there is:

(a) a cross-referencing to, for instance, clause (section) 20; or

(b) a detailing of the requirements in clause (section 6) itself.

In fact, the attempt to mitigate the effects of the compliance notion in this clause under clause 12(2) on IO notifying on contemplated refusal may only lead to delays in availing information sought.

12. The principle on proactive disclosure and obligation to publish is embodied in clauses 7 and 8 of the Bill. However, the scope of information that needs to be proactively disclosed and published needs to similarly be expansively stated as this would also accord with the principle on maximum disclosure. The UN Special Rapporteur's *Principles on the Public's Right to Know* notes that 'which information should be published will depend on the public body concerned' but points out that 'the law should establish both a general obligation to publish and key categories of information that must be published'. The Rapporteur sets out, at a minimum, the categories of information public bodies are under obligation to publish. These are primarily on–

(a) operation and functioning of public bodies, including structure, decision-making powers, finances, activities, etc.;

(b) categories of information and documents (and the form in which) held (including public requests, complaints and other actions);

(c) existing arrangements for public consultation on policy formulation (*see* principle 1, p. 57).

The content of clause 7 is quite satisfactory in that regard, as it captures the bulk of what the UN Special Rapportuer categorised. In drafting and adopting the clause on proactive disclosure and obligation to publish, deference may be had to the provisions in that regard in the Trinidad & Tobago Freedom of Information Act 1999 (s. 7(1)) and the Indian FIA (s. 3).

The major concerns that arise however as regards clauses 7 and 8 pertain to –

(a) ***categories*** of information that a public body is required to automatically make available as part of its proactive duty to disclose. What are these categories? Are they those spelt out in clause 7? There is a need for clarification of this rather vague phrase.

(b) ***penalties***, if any, where a public body does not within 6 months compile a manual (or thereafter does not every two years update and publish the manual) and where there is no compliance with the duty in clause 8.

13. The primary implementers of the law on access to information is set out in clause 10 in form of information officers. Further, the centrality and duties of the IOs is underscored in clauses 9,11-18. These are quite satisfactory. Furthermore, the fact that clauses 11 and 12 endeavour to embody not only concerns about ***user-friendly*** forms of access (in respect of PWDs and illiterates and translations) but also the ***duty to assist*** is commendable.

The concern that arises though as regards clause 11 is that the form of request for access is primarily in 'writing'. Notwithstanding that oral requests are allowed (this is only in respect of illiteracy and disability). To that end, clause 11(1) seems a bit restrictive and narrow given that even the form of the written request is not clarified. Is it in only print-form? The manner of access should be able to address 'electronic forms' (e.g. fax, e-mail, etc.)(this is the case under the UK Freedom of Information Act, 2000, s. 8(2)) or even by phone (as is the case under the Jamaica Freedom of Information Act, 2002). This would enable access in light of the means availed by advances in the electronic age, rather than through a paper-based medium.

14. The other clauses on access (clauses 12-17) are in general laudable in that they–

(a) prescribe time limits.

(b) prescribe as regards both *positive and negative r*esponses to requests for access, that IOs not only advise when, where, how and at what cost the requester can access the document, but also what the options are for appealing against fees decision (or refusal) (including time for appeal, details of the appellate authority and the process for appealing).

(c) Enjoin the concept of transfer of requests for access as founded on the test as to whether the request is transferred to the body with ***the closest connection*** or ***the highest commercial interest***.

There are however two concerns in regards to some of the clauses on access –

(a) The time limits are prescribed with regards to deferral (clause 15) and decision on request and notice (clause 16) but not as to when the information requested for should be availed or disclosed. There is perhaps need to clarify that the 30 days in clause 16 is not just on notice of decision on request (such that where it is positive), it also constitutes a decision to avail information requested. There

should be a qualification that ***application for information relating to life and liberty (as a matter of urgency) are to be responded to within 48 hours*** (*see* e.g. Indian FIA, s. 7(1)).

(b) Clause 14 on records that cannot be found or do not exist. This clause is not common in ATI legislation of other countries and its inclusion may be questioned. Further, in spite of the detail in the clause as to what must be shown to show that a record cannot be found or do not exist, the potential for abuse of this provision may arise where a body does not want to release the information for various reasons – it could merely, after a lacklustre attempt to locate the information, claim that a record cannot be found or do not exist.

15. The clause 18 is quite satisfactory in deeming refusal of request where no decision has been given on a request for access within prescribed time limits. However, it does not specify what happens as a consequence. There should be an express stipulation that such deemed refusal occasions the appeals mechanisms coming into play.

16. The clause 19 on severability reflect best practices in other Commonwealth jurisdictions with ATI legislation. In fact, the courts in Uganda have already applied the concept of partial (or restricted) disclosure in the *Tinyefuza cases* (1997).

17. The requirements (for which we expressed concerns above in para. 11) as to what must is to be stated in an application for access are spelt out in clause 20. It is to be noted that while most of the requirements in paragraphs of sub-clause (2) are common minimum requirements, it may be necessary to treat the requirements as optional, given that requests could be rejected in accordance with clause 6(1)(a) simply because an applicant did not specify a *preferred form or language of access*, notwithstanding clause 12(2).

18. It may be noted that the Bill does not provide clauses to cater for requiring information, especially paper-based or print-based information, to be stored or kept in local languages (or be translatable into those local languages). Yet in a country still stepped in high levels of illiteracy, this is pertinent and necessary. It is suggested that additional clauses (after clause 20) be included in the Bill to address this shortfall and in particular address–

(a) the requirement that information be stored in the *major local languages* and be availed in the language of choice if the records are maintained in that language. The major languages could be stated as Luganda, Runyakore-Rukiga, Iteso, Luo and Lugisu.

(b) the requirement of translation into any *other local language* if it is in the 'public interest' (although what is 'public interest' in the context of these clauses needs to specified in, for instance, an *explanatory note* or one of the sub-clauses).

19. In addition, while the Bill mentions fees in respect of requests for access, the Bill does not provide clause(s) to cater for the fees payable. The access to information should attract fees but must be premised on the guiding principle that access must be inexpensive. Ideally, the law should engender that fees are limited only to the cost of retrieval and reproduction with no charges being imposed for application. Similarly, determination of access fees would be left to regulations to be passed by the responsible Minister under the law. A number of considerations will need to be borne in mind–

(a) Given difficulties that have arisen with a failure to have fees prescribed, by regulations, under the National Environment Act, several years after passage of that law, it makes sense for fees to be specifically prescribed under the access to information legislation.

(b) There could be a levying of a 'flat access fee' for each request and 'graduated' fees depending on actual cost of retrieving and providing information. Ultimately, the fees should only cover the actual cost of reproducing the information requested.

(c) There should be cases for waiver or reduction of fees, either at discretion of the authorities or on specified grounds, e.g. where (a) payment would cause financial hardship to the requester, or (b) grant of access is in the interest of a substantial section of the public (i.e. requests 'in the public interest')(this is the case under s. 30A of the Australian FIA and s. 111(6) of Canada's Access to Information Act, 1983).

Part III – Exemptions from Access (clauses 23-32)

20. While the provisions on right of access are premised on the guiding principle on maximum disclosure, the provisions on exemptions from access are to based on the principle on minimum exceptions and exemptions to disclosure. Under the provisions of article 41 of the Constitution, these exemptions are 'where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to privacy of any other person'. Since 1995, the courts have been concerned about provisions of existing laws that are not narrowly drawn in terms of the exceptions envisaged under article 41 of the Constitution (*Tinyefuza case* (1997) and *Olum case* (1999)). It need be recalled that in the *Tinyefuza case*, one of the justices of the Supreme Court explained the import of the exceptions in article 41 of the Constitution as pertaining to the ***effect*** of the release of information rather than to the ***categories*** of information (and this should be borne in mind when formulating and drafting clauses on exemptions):

> The exception under article 41 is not directed to *types or categories* of information … It is rather concerned with the *effect* of release of the information. The citizen is entitled to access any type of information, whether related to national security or national economy, as long as its release is not likely to prejudice the security or sovereignty (or interfere

with the right to privacy of any other person) (*per* Mulenga, JSC, at p. 31).

21. Additionally, the exemptions should subject to a *blanket* 'public interest override' clause, whereby a document which falls within the terms of a general exemption provision should still be disclosed if the public interest in the specific case requires it. The Bill encapsulates the public interest override provision in clause 32, but this is the last clause of Part III. To underscore the primacy of the provision, it should be made the first clause in Part III of the Bill. Ultimately, the following should the following should inform the exemption provisions in the law–

(i) list of 'legitimate aims' (regime of exceptions) which may justify non-disclosure should be provided in the law (e.g. privacy, national security, commercial and other confidentiality);

(ii) non-disclosure of information be justified on a *case-to-case basis* and be *content-specific* (that is, if a document is being exempted, it should be based on the content);

(iii) disclosure of information must threaten to cause 'substantial harm' to a 'legitimate aim', that is, harm should be the *effect* of the disclosure – it is therefore insufficient for a public body to simply assert that information falls within the list of legitimate aims under the law.

(iv) disclosure of information in 'public interest' if the benefits of doing so outweighs the harm to a legitimate aim – in effect, where public interest is greater as weighed against the harm to the legitimate aim, the law should provide for disclosure of the information.

On the more specific issues, the following observations can be made–

(a) exemptions are expressed or stated in a manner that is too broad that invites potential for abuse, e.g.

(i) 'suppression of subversive or hostile activities' in clause 30(3)(d).

(ii) 'injurious' as a test for exemption in clause 26(1) where the best practice is to use the test of 'serious prejudice' (this in itself would conform with 'prejudice' in article 41 of the Constitution). In that vein, all the paragraphs in clause 26(1) and 27 should be subject to the 'serious prejudice' test and, to that end, phrases 'without limiting the generality of the foregoing' should be deleted.

(iii) 'allied states' does potentially introduce likelihood of a politicised notion of 'allies' (clause 26(1)(d)).

(b) the exemptions sought with regards to the following should be rethought and reconsidered:

(i) commercial information of third parties (clause 25)

(ii) certain confidential information (clause 26)

(iii) law enforcement and legal proceedings (clause 28)

(iv) defence, security and international relations (clause 30)

(c) the maximum exemption period should cover and apply to information covered by the whole Bill and a 20 year exemption time (clauses 30(2)) span is too long and should be reduced to say 10 years.

Part IV – Third Party Intervention (clauses 33-34)

22. The purpose of this Part is to allow third parties an opportunity to explain why certain information in which they have an interest should not be disclosed. The clauses 33 and 34 on representations and time limits are satisfactory.

Part V – Complaints and Appeals (clauses 35-44)

23. The problem with effectiveness of laws is, in part, that of non-compliance. It is therefore necessary for the success of an access to information legislation that it embodies provisions for effective enforcement. While the Bill includes detailed provisions on appeals against decisions not to release information, it is respect of an appeal to the IGG and from there to the courts. There are a number of remarks to be made:

(a) It may be more prudent to have at the first instance an 'internal appeal/ review' mechanism within the public body before resort to external mechanisms. The internal appeal/review will lie to a designated higher authority within a public body who or which can review the original decision.

(b) The second tier complaint should be to an Information Commissioner (or Tribunal) as an office/body that can be established under the Bill (the suggestion of the IGG should be abandoned, given the fact that that office is already burdened by other functions).

(c) The peal to a court of law should be limited to points of law.

Additionally, the Part should endeavour to provide for–

(i) time-limits within which the appeals processes must avail a decision (e.g. internal appeal/review (7 days); independent review before a tribunal (30 days)(*see existing clause 30*).

(ii) penalties and sanctions for wilful obstruction of access to information on the part of public officials (where finding by appeal mechanisms) (The provisions in clause 48 would suffice in that regard).

Part VI – Miscellaneous (clauses 45-50)

27. The Bill requires (clause 45) the information officers and the IGG to annually submit reports to the Parliament. This is likely to have Parliament besieged with thousands of reports from public bodies. Rather, the provision should require the IOs to submit reports to the Information Commissioner who in turn presents a report to the Parliament.

Suggested Additional Parts and Clauses

28. While the Bill endeavours to opeartionalize and give effect to the right guaranteed in article 41 of the Constitution, there are additional aspects that are need to beef it up and make it an effective tool for ensuring an open, transparent and accountable government. These aspects include the following (and best practices and provisions to that effect can be drawn from the other Commonwealth countries, e.g. South Africa, Australia, Canada):

(a) promotional activities as a component part of an access to information legal framework. There should be a Part to the Bill on public education and creation of awareness regarding right of access to information. The raising of awareness is vital to effectuating legislation and creating a demand for information. The public education can take various forms, e.g. broadcast media, workshops, public or community meetings. In this regard, South Africa's experience can be drawn on and provisions of its PATIA placing responsibility to conduct public education programmes, in particular in disadvantaged communities, and encourage participation of private and public bodies upon the Human Rights Commission can be duplicated.

Given the recommendation of the Constitutional Review Commission (CRC) (and accepted by government) is that the present function of the IG of 'stimulating awareness about the values of constitutionalism in general' (article 255(1)(f) of the Constitution) should be removed from the IG and rather be performed by the UHRC (*White Paper*, p. 68), this promotional role should be placed in the hands of the Uganda Human Rights Commission (as has been the case with its counterpart in South Africa).

(b) creation and maintenance of records management systems. Although the Bill refers to the preservation of records, there should be additional clauses (and a specific Part, if need be) on records keeping and records management. With massive volume of information held by government and public bodies, it is necessary that information be carefully managed so that authorities can locate and provide requested information in a timely and efficient way. Thus it is pertinent that records management systems are in place to be capable of supporting the objectives of the access to information legislation. The United Kingdom law requires the development of a code of practice to guide authorities on appropriate practices for 'the keeping, management and

destruction of their records'. Under the Canadian law, the responsible minister is required to keep under review the manner in which records are maintained and managed to ensure compliance with the law. In Australia, a separate National Standard on Records Management provides guidance to all public bodies.