

Press Release

**Right to Know Day:
CPDI-Pakistan Demands Improvements in Freedom of Information Ordinance
2002 and Relevant Rules**

Islamabad, September 28, 2005: On the Right to Know Day, which is celebrated around the world on September 28, Centre for Peace and Development Initiatives, Pakistan (CPDI-Pakistan) has demanded the Government of Pakistan to strengthen freedom of information legislation with the aim of promoting transparency and citizens' participation in governance. Freedom of Information (FOI) Ordinance 2002, which is currently in force, is hugely deficient. It declares a vast range of important government records as excluded or exempt from access by citizens under the Ordinance. Furthermore, it is not applicable to the district and provincial governments, where citizens' access to official records can significantly empower citizens to expose inefficiencies and corruption. Informed citizenry, which has access to government records, can also play more effective role in planning, execution and monitoring of development projects. It is, however, unfortunate that government, despite its tall claims about transparency and repeated demands by media and civil society, has not taken any initiative to strengthen the FOI Ordinance 2002.

CPDI-Pakistan specifically demands that the FOI Ordinance 2002 must be amended to ensure that (a) exemptions are minimum and precisely defined; (b) government departments have an obligation to publish important information; (c) requested information is made accessible rapidly and fairly; (d) cost of information requests is small and affordable; (e) information is provided if the public interest in disclosure outweighs the protected interests; (f) laws that are inconsistent with FOI, like the Official Secrets Act 1923, are repealed; and (g) individuals who release information on wrongdoing -whistleblowers- are protected. In addition, scope of the Ordinance should be extended to include provincial and district government.

On the International Right to Know Day, CPDI-Pakistan demands the Cabinet Division (Government of Pakistan) to review the Rules for the FOI Ordinance that it notified in June 2004. Under these Rules, a citizen requesting information has to pay a fee of RS. 50/- for each request with the entitlement to receive information only up to 10 pages. If the requested information exceeds 10 pages, the requester has to pay additional fee @ RS. 5/- per page. This needs to be substantially reduced, if not totally eliminated, in order to encourage citizens to make easy and cost effective use of the FOI Ordinance 2002. Currently applicable fee and photocopying charges are prohibitive and fail the very purpose of the Ordinance. The photocopying charges @ RS. 5/- per page are particularly unfair, as the market rate for a page is only up to RS. 1/- per page. Higher fee and photocopying charges partly explain why very few information requests have been submitted by citizens and civil society groups since the notification of Rules and designation of officers by over 32 ministries of the Federal Government.

CPDI-Pakistan further demands that the designated officers should be authorized to waive fee and photocopying charges in special circumstances involving requests from (a) individuals from poor backgrounds; (b) journalists; and (c) civil society groups. This would encourage poor individuals to use FOI Ordinance 2002 to protect their rights; whereas journalists and civil society groups would be able to take initiatives towards the creation of an information society and transparent governance without worrying about financial implications.

Furthermore, in special circumstances, the designated officials should be obliged to provide the requested information as soon as possible, without waiting for the 21 days limits prescribed in the FOI Ordinance 2002. The special circumstances may be determined from case to case basis, but could involve situations where delayed provision of information could result in a loss or injury to the requesting party or other individuals/groups of population in the society.

Yours sincerely,

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