



Implementing the Right to Information Act

Lessons from international best practice

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CHRI - Introduction

- ◆ CHRI works in the following areas:
 - Human Rights Advocacy
 - Right to Information
 - Constitutionalism
 - Access to Justice
 - Police reforms
 - Facilitation of judicial dialogue
 - Prison reforms



RTI - Why are Rules and guidelines needed?

- ◆ Law provides only broad framework and is open to interpretation.
- ◆ Rules and guidelines provide the detail required to
 - transform culture of secrecy
 - clarify interpretation of key clauses
 - address systems constraints
 - overcome lack of understanding of the law by bureaucracy and the public



Implementation Priorities

- ◆ The Centre should take the lead to ensure nationwide consistency
- ◆ Need a National Action Plan
 - To identify, prioritise and timetable key tasks required for implementation such as
 - guidance notes for officials
 - forms, template for responses
 - training / explanatory materials
 - IT processing & monitoring systems



Implementation Priorities

- ◆ Action Plan: examples of best practice
 - Jamaica's two-year **phased** Action Plan
 - Project plan for implementation developed by UK government
 - In India – Uttaranchal State Government's detailed plan
- ◆ Important:
 - Identify who is responsible for doing what
 - Set in place clear deadlines for action



Developing Rules, Guidelines and Systems

- ◆ Must reinforce key principles of:
easy access, consistency and efficiency
- ◆ Should be developed in a **transparent** and **participatory** manner



Rules

- ◆ Clarify key procedural matters such as costs, processes and formats
- ◆ Centre should circulate draft Rules
 - to States to ensure consistency
 - to public to ensure appropriateness
- ◆ Rules cannot narrow rights under RTI Act
- ◆ CHRI has produced model Rules



Rules - Key issues

◆ Access fees

- Narrows “easy access for all” principle
- Creates unnecessary bureaucracy
- Best practice
 - NO application fees in Mexico and United Kingdom
 - Costs limited to actual price of access



Rules - Key issues

- ◆ Forms and formats
- ◆ Ideally - no forms b/c could be hard for poor / rural people to access them
 - Just specify what must be included in an application / appeal
 - Info can be sent by letter, email, etc



Guidance Notes

- ◆ Ensure public officials apply the Act consistently
 - otherwise, officials across the country could interpret law differently
- ◆ Can be developed by:
 - Nodal agency
 - Information Commission
 - see UK for a good example



Guidance Notes

- ◆ Detail proactive disclosure provisions
 - see UK guidance notes
 - see Mexico re standardisation of disclosure policies
- ◆ Exemptions + public interest override
 - very important area - b/c exemptions can be easily abused by resistant officials
 - See UK example



Systems

- ◆ Need to establish clear systems for processing and monitoring applications
- ◆ How to use IT effectively
 - Mexico's internet-based system - SISI
 - promotes consistency of processes
 - Use of local official boards in India?
 - Mix of IT and paper-based systems?



Systems

◆ Monitoring

- to track applications and appeals
- to identify problem areas
 - what depts are struggling with implementation?
 - are time limits being met?
 - are certain depts generating more appeals?

◆ Essential for annual reporting



Thank you

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