Right to Information Act 2005: Developing Systems for Managing & Processing Requests

by

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Session Objectives

♦ To understand in detail the procedures developed in other jurisdictions to process information requests.
♦ To review existing mechanisms for responding to representations received from people.
♦ To develop a skeletal scheme for processing information requests in Uttaranchal
Managing requests

- Practical issue which must be tackled before 120 days is up
- PIOs and AAs need clear guidance
  - Law is too complicated & not enough details
  - Need to clarify process taking into account current office procedures for managing inquiries from public and re records management
Managing requests

- Number of resources provided in Workshop Packs on this topic
  - Rely today on Canadian Paper – Schedule B
  - See also Jamaican Guide
  - See also Western Australian Manual
Receiving requests

- Who receives? – PIO only? Front office staff?
- From of request – different processes for email, post, face to face
- Need to provide receipt – b/c used by requester in subsequent interactions with PA
- Needs to log/register request – for short term follow up & long term monitoring
  • Consider computerised registration?
Receiving requests

♦ Handling fees
  – Different procedures in relation to different forms of application, eg. face to face v email and post
  – Will need to consider fee waiver?

♦ Applications received by APIOs
  – Need to clarify issue re appt. of APIOs
  – Act as Clearing House for requests & appeals?

♦ Need instructions re passing on applications
Processing applications

♦ Once received by PIO
  – 30 day time limit – clarify re counting days
  – Clarify application with requester, if necessary
  – Does the request (part?) need to be transferred
    • Need strict guidelines no transfer so that officials do not reject misdirect apps – but transfer instead
  – Locate relevant files and information
    • How to systemetise this? Standard internal form??
    • What if info held by number of officials within the same organisation? Or a senior / resistant official?
Processing applications

- Once received by PIO
  - Consider whether any other officials (within the PA or outside) could usefully be consulted for advice and/or more info
  - Consider whether any of the exemptions apply
    • Consult any guidance notes produced or any Practice and Procedures Manual
    • What about a “Help Line” (run by the IC? nodal agency?) for difficult requests?
    • Can a senior official withni the PA give advice?
Processing applications

♦ Once received by PIO
  – Even if an exemption applies – consider whether the public interest still requires disclosure
  – Consider poss. of partial disclosure
Making a decision

♦ If PIO decides to release info
  – First consider whether any other person needs to be consulted first:
    • ie. Third parties – govt dept or individual
  – Once final decision made – issue a notice in the form required by the Act
  – Release info once additional fee paid
    • Consider form of access - if inspection: how? how much time? what charge? when? where?
Making a decision

- If PIO decides to reject
  - issue a notice in the form required by the Act

- Whether rejecting or disclosing:
  - Not enough to just say yes or no to the request!
  - Need to attach a note of justification to the internal file on the request so that it is clear why the decision was made,
    - Important if the case is appealed
    - But also so that can senior official can review files regularly and check that PIOs are properly applying the law
Thank you

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