



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

by

Charmaine Rodrigues

Commonwealth Human Rights Initiative



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

◆ 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 within 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

CHRI Contact Details

- ◆ Ph: 91+11+ 2652-8152, 2685-0523
- ◆ Fax: 91+11+ 2686-4688
- ◆ Email: chriall@nda.vsnl.net.in or
Charmaine@humanrightsinitiative.org
- ◆ Website: www.humanrightsinitiative.org