

## **Implementation after consultations demanded**

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By Noor Aftab

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Participants of a consultation programme on Monday demanded of the government that proposed Freedom of Information Bill 2008 should come into force after holding detailed consultation with all the stakeholders.

The consultation programme on 'Freedom of Information Bill 2008: Analysis and Recommendations,' was organised by the Consumers Rights Commission of Pakistan (CRCP) here.

Those who participated in the consultation included Abrar Hafeez and Mazhar Siraj (CRCP), David Banisar (Privacy International), Zafarullah Khan (CCE) and Zahid Abdullah (CPDI). The participants said there are number of provisions in the proposed Bill that entail serious implications including inclusion of correspondence, summaries and notes in the definition of 'public record' and summary conviction of a designed official, who without any reasonable excuse fails or refuses to provide inspection.

They said some definitions given in the Bill are very restrictive e.g the definition of 'complainant' includes only a requester or any person acting for and on behalf of a requester.

Some of them pointed out that the Bill does not provide a better mechanism for processing of information requests and complaint redress due to which procedure for accessing information would continue to remain cumbersome.

"A matter of concern is that the provision of whistleblower protection has been taken out in the 2008 Bill and indemnity has been provided to the government officials for any act done in good faith under this law, without providing a test to determine the good faith," he said.

The participants said there are a number of issues on which the Bill is silent that include the definition of 'requester; public interest test; what would happen to the provincial FOI laws after the Bill is enacted by the Parliament; and time within which the head of the public body should respond to the complaint.

During the final session of the consultation programme various recommendations were presented in the light of the views expressed by the participants during the discussion.

It was recommended that the reference to the disclosure of personal information should be qualified by adding 'third party' and a document or record that may infringe upon the right of privacy of any individual should not be disclosed to it.

The powers to handle the complaints should be delegated to the provincial as well as district ombudsmen, where these forums are available. Keeping in view the fiscal space available, other complaint redress mechanisms may also be considered such as independent

information commissioners (such in India) or a dedicated FOI ombudsman (such as in Tasmania). It was also recommended that the definition of 'public record' should also include the reasons for exclusion and classification of a certain record and the guidelines for the government officials to classify a document titled as 'Security of Classified Matter in Government Departments'.

The law should be applicable to those private sector companies that are involved in delivery of public services and where larger public interest is involved such as commercial banks, insurance companies, private hospitals, food companies etc.

The Bill should provide for multiple and convenient options for deposit of prescribed fee in the rules to be made for the law and should clearly provide that photocopying charges per page should not exceed, in any case, than the market rates.

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