



**Commonwealth Human Rights Initiative**

# **Entrenching Openness in Uganda**

**Implementing**

***The Access to Information Act, 2005***

by

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## Difference Between ATIA and other laws

- ✓ Ordinarily, laws are made by people's representatives, implemented by the Government and obeyed by the people
- ✓ Access to Information Act is made by people's representatives, implemented by the people & obeyed by the Government

**Access to information has the potential to change power equations between the rulers and the ruled**



# Prioritising Implementation

- ✓ If resources pose a constraint start implementation in those public bodies that have greatest public interaction
- ✓ Set up a committee of senior civil servants from these public bodies to supervise compliance
- ✓ Lay down timelines for implementation of various provisions (details on the next slide)
- ✓ Build into budget estimates expected expenditure on implementing various provisions of the Act



# Setting up Systems

- ✓ Identify public bodies at various levels of govt.
- ✓ Designate Information Officers and publish contact details in public directories
- ✓ Make regulations for implementation
- ✓ Prepare Section 7 manuals
- ✓ Publish categories of records to be proactively disclosed under Section 8
- ✓ Lay down a uniform internal appeals mechanism
- ✓ Publish guidelines for Information Officers, officers handling internal appeals and Courts



# Setting up Systems

- ✓ Review existing laws that impede access to information
- ✓ Overhaul records maintenance and management systems – use electronic means for information storage and retrieval
- ✓ Review and revise security classification of records in light of the exemptions. Ensure time bound declassification and archiving
- ✓ Lay down procedures for inspection, granting copies of records on request
- ✓ Develop registers and reporting formats

**Do not make pre-printed application forms compulsory**



# Some critical issues - pitfalls

## Gateway Issues:

- ✓ Information Officer refuses to accept information requests
- ✓ Information Officer refuses to transfer request to concerned public body – 21 days - too long
- ✓ Information Officer demands reasons from requestor for seeking information
- ✓ Give access to records but deny information – compilation, collation, giving opinions, answering questions

**Solution:** Make these offences liable for penalty under the Act – through regulations – Section 47(3)



# Some critical issues - pitfalls

## Other Issues:

- ✓ Fees charged must be reasonable - no search, collation, computer and human resource charges. Only actual reproduction costs should be charged - **He/she is taxpayer – remember?**
- ✓ Waive fees for poor people, information that is sought in the public interest and delayed access
- ✓ Requester should have a role in third party proceedings – quasi-judicial procedure
- ✓ If Information Officer fails to furnish information despite paying fee or upon court's direction – penalise him/her



# Increase Awareness about ATIA

## Supply side:

- ✓ Develop training curriculum for information officers
- ✓ Mainstream ATIA into regular training programmes and refresher courses for officers

## Demand side:

- ✓ Develop educational materials for CSOs and media
- ✓ Develop public education resources for use at the community level
- ✓ Educate people about the law – especially drafting information requests





# ATIA – role of civil society and the media

✓ **Potential educator** → Spread awareness about ATIA amongst people.....focus on disadvantaged groups

✓ **Potential requestor** →

Use ATIA to –

- make public authorities accountable
- expose corruption & malgovernance
- ensure participatory governance, planning & implementation of govt. schemes
- become repository of information for the people



# ATIA – role of civil society and the media

## ✓ Potential advisor



Advise & assist citizens to access information from public authorities –  
**trouble shooter role**

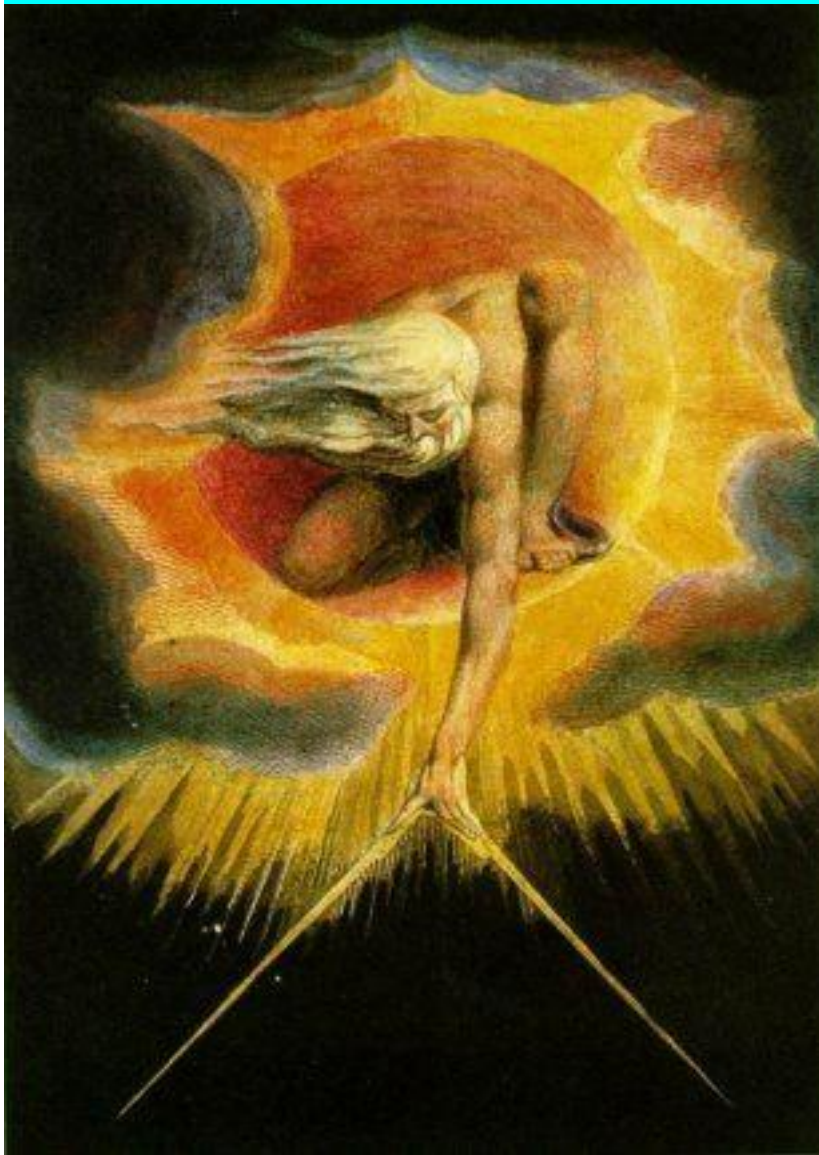
## ✓ Potential monitor



- Monitor public bodies for compliance
- Design, conduct and publicise results of implementation audits
- Advocate with govt. and public bodies for better implementation



# The Almighty and Openness



**"Ask,**  
and it shall be given to you;  
**seek,**  
and you shall find;  
**knock,**  
and it shall be opened unto you.  
**For every one that asketh**  
receiveth;  
**and he that seeketh**  
findeth;  
**and to him that knocketh**  
it shall be opened "



*(William Blake – early 19<sup>th</sup> Cent.)*

*(Matthew 7:7-8)*

