Entrenching Openness in Uganda

Implementing

The Access to Information Act, 2005

by

Venkatesh Nayak

www.humanrightsinitiative.org
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 archivisation
- 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

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<th>Potential educator</th>
<th>Spread awareness about ATIA amongst people...........focus on disadvantaged groups</th>
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<td>make public authorities accountable</td>
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<td>expose corruption &amp; malgovernance</td>
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<th>Potential requestor</th>
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<td>Potential advisor</td>
<td>Advise &amp; assist citizens to access information from public authorities – <strong>trouble shooter role</strong></td>
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| 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 19th Cent.)

(Matthew 7:7-8)