

Press Release

CPDI-Pakistan Calls for Designated Officers to Take Effective Steps to Implement the Freedom of Information Ordinance 2002

Islamabad, March 30, 2006: Designated officers, who have been appointed by various ministries to deal with information requests under the Freedom of Information Ordinance (FOIO) 2002, must implement effective steps to create awareness and provide information required by citizens in a timely and cost-effective manner. At present, many designated officers are not fully aware of their roles and responsibilities under the FOIO 2002; nor have they been provided with clear guidelines by their respective ministries. The designated officers need to develop deeper understanding of the significance of right to information, and actively contribute to efforts aimed at eliminating the culture of secrecy and promoting transparency and public accountability in governance. Designated officers must work to steer the cause of transparency in government. Experts and participants expressed these views in a workshop organized by the Cabinet Division and Centre for Peace and Development Initiatives, Pakistan (CPDI-Pakistan). About 40 designated officers, including deputy and joint secretaries from different ministries, participated in the workshop. Mr. Mukhtar Ahmad Ali, Executive Director, CPDI and Mr. Hamid Sharif, Country Representative, The Asia Foundation, made presentations.

Mr. Ali pointed out that implementation of FOIO 2002 requires a major cultural and attitudinal shift on the part of government officials. It is, therefore, important that the government improves the legislative framework, organizes training and sensitization workshops, and provides clear and detailed guidelines to designated officers about dealing with information requests. All ministries must also prepare lists and indexation of records held by them and put the same on websites, so that members of media and civil society could easily find out what information and records they can access under the FOIO 2002.

He demanded amendments in the FOIO 2002, which is extremely restrictive in its current form as it declares most of government records as exempt or excluded. He also pointed out serious problems in the Rules for the FOIO 2002.

He noted, for instance, that under the current Rules, citizens requesting information have to pay a fee of RS. 50/- for each request with the entitlement to receive information only up to 10 pages. If the requested information exceeds 10 pages, the requester has to pay additional fee @ RS. 5/- per page. In his view, these fee and photocopying charges were restrictive and unfair. He demanded substantial downward revision of the fee and photocopying charges in order to encourage citizens to make easy and cost effective use of the FOIO 2002. He noted that existing fee/ photocopying charges were in violation of Article 3 of the Ordinance, which explicitly provides that it will be interpreted so as to "facilitate and encourage, promptly and at the lowest reasonable cost, the disclosure of information". Mr. Sharif, Country Representative, The Asia Foundation, was of the view that some cost recovery should be there. However, exemptions should be made for requesters such as journalists who need the information in the public interest and the very poor should also be exempted. Mr. Mukhtar also pointed out that the cost also deters frivolous requests.

Mr. Sharif noted that the format given in the Rules for information requests requires citizens to describe the purpose of the information request. In addition, the declaration part of the format requires requesters to declare that the "information obtained would not be used for any purpose other than specified above." He said that this requirement was against the spirit of FOIO 2002, and amounted to putting additional restriction on citizens' right to information.

He urged the Cabinet Division to remove these anomalies to save the government any embarrassment, which it may have to face if courts took action in this regard.

Mr. Sharif emphasized that in the spirit of FOIO 2002 each ministry should have a clear communication strategy. Ideally all relevant information should be available on websites so that the public didn't have to ask for even routine information. Pending this each Ministry should communicate to the public the name of its designated officer and the type of records and information that are open to the public. Ministries should also put out consolidated and fully amended notifications and laws rather than piecemeal amendments that are difficult to follow even for trained lawyers.

Participants also discussed that the designated officers should be authorized to waive fee and photocopying charges in special circumstances involving requests from (a) the poor; and (b) groups working in public interest like journalists and non-profit organizations. This would encourage the poor to use FOIO 2002 to protect their rights; whereas journalists and civil society groups would be able to take initiatives towards the creation of an information society and transparent governance without worrying about financial implications. Many good FOI laws around the world, including in the USA and India, include such provisions.

It was further emphasized that, in special circumstances, the designated officials should be required to provide the requested information as soon as possible, without waiting for the 21 days limits prescribed in the FOI Ordinance 2002. The special circumstances may be determined from case to case basis, but could involve situations where delayed provision of information could result in irretrievable loss or injury to the requesting party or other individuals/ groups of populations in the society.

Lastly, Mr. Saleem Ullah Khan, emphasized that all ministries must proactively provide information about how citizens could submit information requests including (a) contact details of designated officers, (b) procedure of filing information requests, (c) relevant forms, and (d) complaint procedure if the information requested is denied. All such information may be made available on the websites as well as on the main notice boards in the offices and sub-offices of federal ministries.

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