



Training on Implementation of Right to Information Act (RTI) 2013

<http://www.pmdfc.punjab.gov.pk>

MACs & PMs related to MC's Website



Result Area	Performance Measure	Performance Indicator	Documented evidence
6.Accountability and Transparency (05 points)	6.3 MC responds to citizens' requests per Right-to-Information Act (02 points)	MC has put in place a system to respond to citizen requests for access to information: 2 points	Evidence that MC has responded to requests for access to information MCs Annual Report placed on MCs' websites Vetting of MC Annual report Collection of Data / Record of requests received from Citizens regarding RTI Act

MACs & PMs related to MC's Website..



Result Area	Minimum Access Condition	Documented evidence & other tasks
MAC-6 Transparency and Accountability	6.1 MC has an operational Website	Websites' URLs for developed websites Updation of all links of website i.e. administrative set up, News, events, incumbency statement, service delivery templates, development projects, budget abstract,

MACs & PMs related to MC's Website..



Result Area	Performance Measure	Performance Indicator	Documented evidence
6.Accountability and Transparency (05 points)	6.1 Information available to citizens on MCs website (03 points)	MC has published the following information on its website: Summary of annual budgets, approved sub-projects, expenditures (per Punjab Local Government Act 2013 Section 107 (10)): 1 point	<ul style="list-style-type: none"> • Websites URLs for developed websites • Service delivery Templates information related to annual budgets, sub-projects (investments), and expenditures in relation to ADP budget categories. available on MCs websites • Updation of service delivery templates
		MC has disseminated and updated on its website, information from CTS and PMS (quarterly updates): 2 points	<ul style="list-style-type: none"> • Uploading of periodic CTS & PMS information on websites • Updation of PMS & CTS report on service delivery templates

Right to Information

- Under Article 19 of the Universal Declaration on Human Rights and the ICCPR, everyone, that is all persons, have an equal right to information.
- Article 13 of the UN Convention against Corruption (UNCAC) provides that “all state parties must take measures ensuring that the public has effective access to information”. In particular, the Convention specifically promotes the importance of civil society having access to information.
- Article 19-A of Constitution of Pakistan, 1973 states that “every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law”.

Objectives of RTI Law

- To bring Transparency and right to have access to information to ensure that the people have improved access to records held by public authorities.
- To improve the participation by the people in public affairs, reduce corruption and inefficiency in government.
- To bring Government more accountable.

Benefits of RTI Law

- The level of Access to Information empowers the people to attain their fundamental human rights and vice versa.
- If the people have the information they can improve the quality of development works carried out by the government.

Type of information

Information not exempt from disclosure:

- Laws, rules, bye-laws and regulations
- Budget- both allocated funds and actual expenditure
- Tenders and contract awards
- Annual or other reports

Function of Commission

- Can conduct enquiry and direct a public body to disclose information
 - To applicant
 - In Proactive disclosure
- Determine the public interest
- Resolve any inconsistencies in application within 30 days or for good reason within 60 days.

Powers of Commission

- Commission may exercise the power of civil court to
 - Summon and enforce attendance
 - Can take oral or written evidence
 - Examine or inspect information
 - Receive evidence on affidavit
 - Requisite information from any office
 - Issue summon for witnesses or documents

Standard Operating Procedures

01 Nomination of Public Information Officer (PIO)

02 Training of PIO

03 Proactive disclosure of information

04 Responding to Requests

05 Information that can be refused

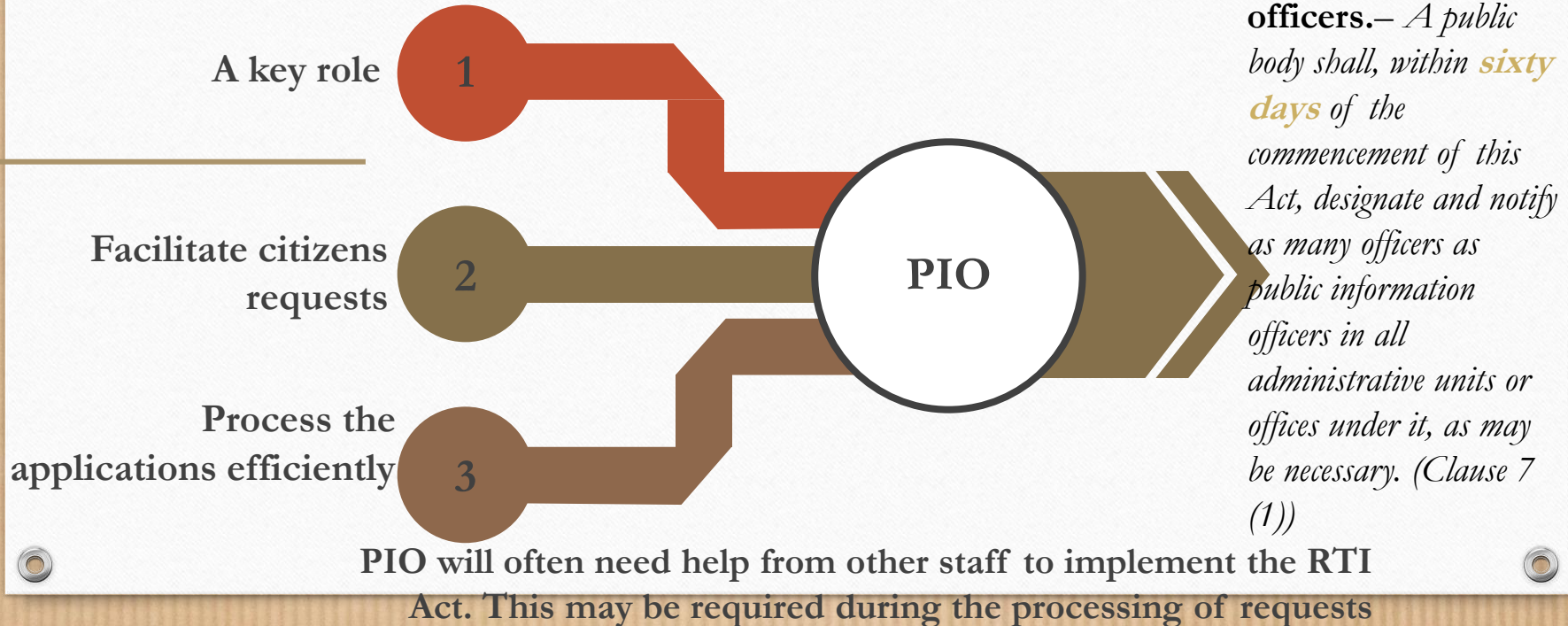
06 Reporting

07 Record Management

08 Public Outreach

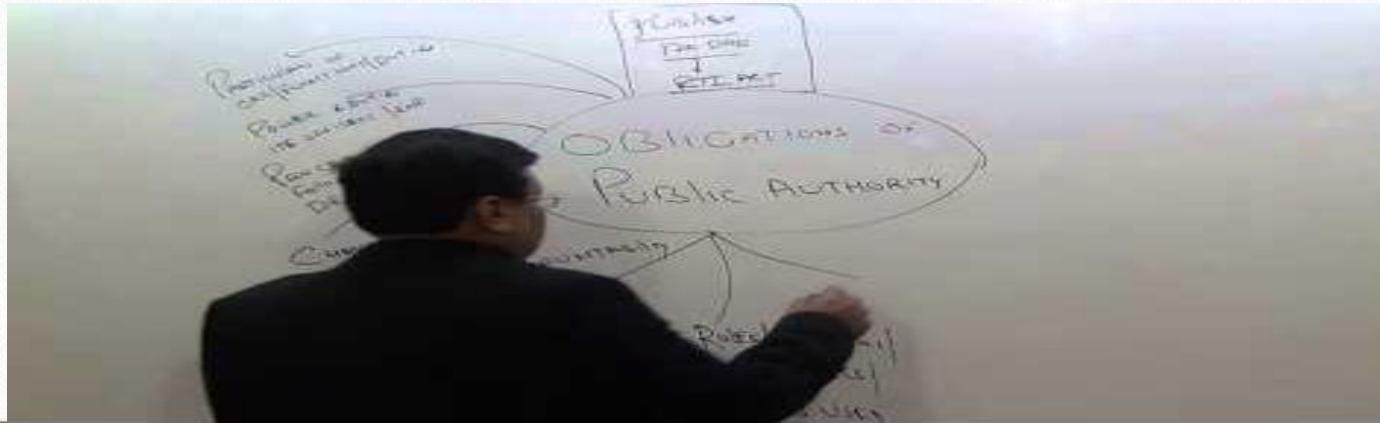
Nomination of Public Information Officer (PIO)

An official with dedicated responsibilities for ensuring that the public body meets its obligations under the law.



Training of PIO

The PIO and other staff should have a very reasonable knowledge about RTI generally, the RTI Act, the proactive disclosure of information and the Request Management System (RMS). Arrange training sessions for PIO on RTI Act and responding to the requests of the Citizens application.



Proactive Disclosure of Information

Maintenance and indexing of information.— a public body shall maintain information relating to the body in an easily accessible form. (Clause 8 (1))

Through its website, provide information about functions, services, budgets and staff at one place and give a clear picture of services provided to the citizens and answers to common questions

According to the RTI Act, all public bodies must disclose the following types of information on a proactive basis:

(a) functions and duties

(b) powers and functions of its officers and employees;

(c) norms and criteria set by the public body for the discharge of its functions;

(d) Acts, Ordinances, rules, regulations, notifications, circulars and other legal instruments being enforced, issued or used by the public body

(e) a statement of categories of information being held by the public body;

(f) a description of its decision-making processes;

(g) a directory of its officers and employees with their respective remuneration;

(h) budget of the public body including details of all proposed and actual expenditures;

(i) amount of subsidy and details of beneficiaries if the public body provides any subsidy;

(j) particulars of the recipients of concessions, permits or authorizations granted by the public body;

(k) facilities available with the public body for obtaining information held by it;

(l) name, designation and other particulars of the public information officer of the public body; and

(m) any other information that the Government may notify in the official Gazette

Responding to Requests

Application



- Any Pakistani citizen or legal entity can submit a request for information or RTI application.
- They need to provide their contact details, the name of the concerned public body and describe the information they are seeking.

Receipt



- After receiving an RTI application, the PIO should provide an acknowledgment of its receipt to the requester.
- No fee may be charged for the form or for processing the application (section 10(6))



Better practice at this point is to record the application in a central registry.



Response

- *Proactive response within **02 days** if life & liberty of a person involved*
- *Within **14 days** if data has to gather*
- *Further **extension of 14 days** can be availed if heavy documentation is involved*

(Clause 10 (7))

Analysis of information

1st Step

- Assess if the public body holds the information
- Analysis on who holds the information
- If no information lies within public body, transfer the application to that public body and inform the requester about this
- If PIO does not know about such other public body, he may return the application to the requester.

Provision of information

3rd Step

- To inform the requester that the information is already available and where to find it.
- Where all or part of the information is being refused, the requester should be informed about this, about the exact clause of section 13 which is being relied upon, and his or her right to appeal against that decision

2nd Step

Resolving complexity on information

- If the public body does hold the information, the second step is to determine whether or not it is exempt
- Where the exemption is not clear, the PIO should consult with the official who is responsible for the information to come to a decision on this.
- In more complex or sensitive cases, there may be a need to refer the matter to a higher officer.
- To assess whether or not the information has already been disclosed proactively.

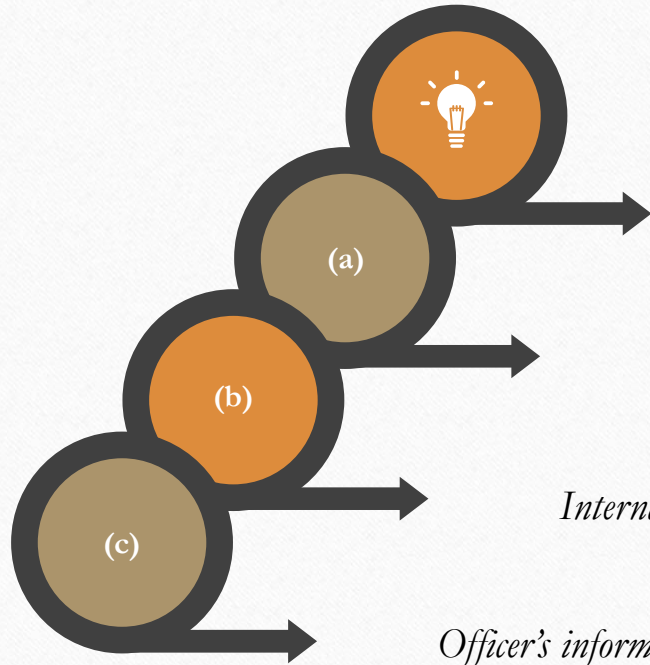
Information that can be refused

Exceptions.– (1) A Public Information Officer may refuse an application for access to information where disclosure of the information shall or is likely to cause harm to:

- (a) national defense or security, public order or international relations of Pakistan;*
- (b) a legitimate privacy interest, unless the person concerned has consented to disclosure of the information;*
- (c) the protection of legally privileged information or of the rules relating to breach of confidence;*

- (d) the legitimate commercial interests of a public body or a third party, including information subject to third party Intellectual Property Rights;*
- (e) the life, health or safety of any person;*
- (f) the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice;*
- (g) the ability of the Government to manage the economy; or*
- (h) the effective formulation of or success of a policy either by its premature disclosure or by restraining the free and frank provision of advice within the Government. (Clause 13 (1))*

In case of Refusal of Information



Where the information is refused, the public information officer shall, within the time-limit specified under section 10, inform the applicant specifying-

Reasoning to refuse the information;

Internal review or complaint against the decision;

*Officer's information who may provide full or limited access to the exempted information
(Clause 13 (4))*

Reporting

Annual report is mandatory

Pursuant to section 9 of the RTI Act, each public body is required to publish an “*Annual Report of its activities during the previous financial year by 31 August of each year*”. The report needs to follow any rules adopted by the government in this regard, and to be made available for inspection for free and for purchase at a reasonable cost.



Maintenance of database on RTI applications

An important part of these annual reports is to provide information about the RTI applications that the public body has received

Annual Report

Pursuant to section 9 of the RTI Act, each public body is required to publish an “Annual Report of its activities under this Act during the previous financial year **by 31 August of each year**”.

The report should contain the following:

- Back ground
- Introduction
- Annual budget; expenditure & income statements
- Service delivery detail
- ADP Projects (No. of projects initiated with their gestation period, approved cost, status, physical progress etc.)
- Response to citizens regarding RTI requests

Maintenance of Database on RTI application

- The number of RTI applications received;
- The number of times assistance was provided to requesters;
- The number of RTI applications which were granted or refused, in full or in part;
- The average time taken to process RTI applications and the number of times an extension was required;
- Information about the format in which access was provided (i.e. a paper copy, an electronic copy and so on);
- Information about any fees charged;

- For RTI applications which were refused, in full or in part, information about the grounds for the refusal, including the number of times each exception was relied upon;
- The number of RTI applications for information which was not held by the public body
- The number of RTI applications transferred to other public bodies
- the number of requesters referred to information which was already published; and
- The number of applications for internal review and complaints to the Commission and outcome of these reviews and complaints.

It should also include the following:

- A general overview of the extent to which the public body has met its RTI targets;
- Whether or not the public body has established a website and, if so, a description of the types of information that are disclosed via the website;
- The extent to which the public body has made information available on a proactive basis in other ways than via its website, including the main types of information published and the key ways in which it was disseminated;
- A description of the steps taken to improve records management practices;
- A description of any training provided to officials; and
- A description of challenges and recommendations regarding RTI implementation.

Records Management

It is clear that a public body cannot provide access to information or records it cannot find.

Furthermore, if its records are not managed properly, it will waste time looking for information which is the subject of a RTI application, thereby delaying its responses to applications. According to section 8 of the RTI Act, public bodies are required to maintain their information in an easily accessible manner and to progressively digitize their information



**RECORDS
MANAGEMENT**

Public Outreach

It is clear that if the general public is not aware of its right to information, the rate of RTI applications will be low. Experience across many countries shows that where the number of requests is low, implementation in general is weak. Put differently, it is hard to expect public bodies to make a huge effort to implement a law which only a small number of citizens appear to benefit from.



Effective Management of Information

- Overview of MAC and PMs relating to transparency and Accountability
 - Regular updation of MC Website
 - Functionality of PMS
 - Functionality of CTS
- Implementation of RTI Act
 - Proactive disclosure of information on website
 - Development of mechanism for recording and registration of Citizens requests
 - Development of MCs Annual Reports

A 3D rendered scene of a desk setup. In the center, a large, semi-transparent teal circle is overlaid on the desk. The desk is white and features a large black monitor on the right, a white keyboard, and a white mouse. On the left side of the desk, there is a teal desk lamp with a circular shade and a spherical base. Next to the lamp is a small green succulent plant. The background is a plain white surface.

Thank you