



Assessment of Right to Information Implementation via FOIANet Methodology (Bureaucratic Hurdles)

December 2021

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Abbreviations

AGPR	Accountant General Pakistan Revenues
BISP	Benazir Income Support Program
BPS	Basic Pay Scale
CAA	Civil Aviation Authority
CBN	Cantonment Board Nowshera
CDA	Capital Development Authority
DHA	Defence Housing Authority
EOBI	Employees Old Age Benefit Institute
FDE	Federal Directorate of Education
FIA	Federal Investigation Agency
FIO	Federal Insurance Ombudsman
FPSC	Federal Public Service Commission
FSC	Federal Shariah Court
HEC	Higher Education Commission
HR	Human Resource
IB	Intelligence Bureau
ICs	Information Commissioners
ICT	Islamabad Capital Territory
IGP	Inspector General Police
IHC	Islamabad High Court
ISA	Information Services Academy
LESCO	Lahore Electric Supply Company
MCI	Metropolitan Corporation Islamabad
MEPCO	Multan Electric Power Company
MoFA	Ministry of Foreign Affairs
MoFEPT	Ministry of Federal Education and Professional Training
MoHR	Ministry of Human Rights
MoHW	Ministry of Housing and Works
MolB	Ministry of Information and Broadcasting
MoRA	Ministry of Religious Affairs and Interfaith Harmony
NADRA	National Data Base and Registration Authority

NBP	National Bank of Pakistan
NEPRA	National Electric Power Regulatory Authority
NGOs	Non-government Organizations
NHA	National Highways Authority
OGRA	Oil and Gas Regulatory Authority
PEC	Pakistan Engineering Institute
PEMRA	Pakistan Electronic Media Regulatory Authority
PESCO	Peshawar Electric Supply Company
PDI	Proactive Disclosure of Information
PHA	Pakistan Housing Authority
PIA	Pakistan International Airlines
PIC	Pakistan Information Commission
PIMS	Pakistan Institute of Medical Sciences
PIO	Public Information Officer
PMC	Pakistan Medical Commission
PTA	Pakistan Telecommunication Authority
PTCL	Pakistan Telecommunication Company Limited
PTI	Pakistan Tehreek-e-Insaf
RTI	Right to Information
SC	Supreme Court
SECP	Securities and Exchange Commission of Pakistan
SEPCO	Sukkur Electric Power Company
SNGPL	Sui Northern Gas Pipelines Limited
WCAG	Web Content Accessibility Guidelines
W3C	World Wide Web Consortium

About CPDI

Centre for Peace and Development Initiatives (CPDI) is an independent, non-partisan and a not-for-profit civil society organization working on issues of peace and development in Pakistan. It is registered Under Section 42 of the Companies Ordinance, 1984 (XLVII of 1984). It was established in September 2003 by a group of concerned citizens who realized that there was a need to approach the issue of peace and development in an integrated manner. CPDI is a first initiative of its kind in Pakistan. It seeks to inform and influence public policies and civil society initiatives through research-based advocacy and capacity building in order to promote citizenship, build peace and achieve inclusive and sustainable development. Areas of special sectoral focus include promotion of peace and tolerance, rule of law, transparency and access to information, budget watch, media watch and legislative watch and development.

About The Program

Centre for Peace and Development Initiatives (CPDI) has initiated a project in January 2020, titled “Civil Society for Independent Media and Expression” (CIME) along with two other implementing partners namely Media Matters for Democracy (MMfD) and Pakistan Press Foundation (PPF) funded by European Union. The overall objective of this project is to protect and promote Freedom of expression (FoE) offline & online and to facilitate citizen’s right of Access to Information (ATI) as stipulated in articles 19 and 19-A of the constitution of Pakistan respectively. The target beneficiaries of this project include human rights defenders especially freedom of expression activists, media rights activists and digital rights activists, women’s rights activists and feminists working on issues of inclusion of women working journalists, editors and media managers, internet users who are individually engaged in digital journalism and advocacy, human rights lawyers, concerned legislators and parliamentary committee members and state institutions like National Commission on Human Rights (NCHR), National Commission on Status of Women (NCSW), Parliamentary Commission on Human Rights (PCHR) and Pakistan Institute of Parliamentary Studies (PIPS). This initiative has been designed to respond to the EU’s priority of promoting freedom of expression (online and offline) and access to information. The project design includes activities geared to enable specific changes to advocacy for enactment of these policies at the national level while further paving the way for introduction of second generation RTI laws at the provincial level in Balochistan. The proposed action is a step forward towards ensuring transparency and accountability in governance via access to information, journalists’ safety by delivering holistic security training and ensuring FoE, legal support to journalists, and advocacy for an independent media regulation that will collectively lead to development, strengthening democratic institutions and citizens access to viable information.

Executive summary

This research report aims to assess the quality of implementation of the Right of Access to Information Act 2017, including major impediments such as administrative loopholes inherited in the system, lack of required resources and ability to digitize the internal reporting and evaluation systems that make PIOs answerable to the head of departments and other systematic challenges. In order to undertake this assessment, this qualitative research uses mixed method consisting of desk-based research and key informant interviews. Given that the Federal Right of Access to information Act 2017 (hereinafter referred to as “the Act”) is applicable only to the federal public bodies, a set of these bodies covering federal ministries, regulatory bodies, and departments of federal capital was selected as sample for this study.

Chapter two of the report provides a detailed overview of the impediments and challenges – highlighted by the Pakistan Information Commission (PIC) and reported in the media – in effective implementation of the Act. According to the media report, the PIC has face administrative, procedural and legal challenges since its establishment in November 2018. Administrative challenges include non-availability of required administrative, human resource, financial and technical – equipment – support from the government for day-to-day business of the PIC. On procedural side, public bodies remained sluggish in compliance of statutory obligations under the Act. Particularly, most of these public bodies failed to proactively disclose information on their websites as required by section 05 of the Act. In legal terms, government authorities showed reluctance in implementation of orders of the PIC. Several bodies include Senate of Pakistan, Secretariat of President of Pakistan or Prime Minister Secretariat challenged orders of the Commission in the high courts through writ petitions.

The chapter also covers efforts of the Pakistan Information Commission in making the public bodies to effectively implement the provisions of the Act. The Commission has issued circulars to public bodies for the designation of PIOs and for the implementation of the Right of Access to Information Act 2017 including the provision of section 05 – proactive disclosure of information. The Commission also issued directions to the public bodies to ensure that the information on their websites is ‘accessible’ for all citizens including people with disabilities. Nevertheless, it appears that several federal public bodies have not fulfilled their legal obligation of the designation of PIOs as well as the implementation of Section 5 of the Act. There is a lack of follow-up action on other part with reference to the compliance reports, sought by the Commission.

Chapter three of the report provides assessment of proactive disclosure of information by selected public bodies. These bodies include: (i) Federal Ministry of Education; (ii) Federal Ministry of Interior; (iii) Federal Ministry of Housing and Works; (iv) Federal Ministry of Information and Broadcasting; (v) Federal Ministry of Human Rights; (vi) Islamabad Police Department; (vii) Capital Development Authority (CDA); (viii) Metropolitan Corporation Islamabad (MCI); (ix) Pakistan Electronic Media Regulatory Authority (PEMRA); (x) Pakistan Telecom Authority (PTA); (xi) Oil and Gas Regulatory Authority (OGRA); and (xii) National Electric Power Regulatory Authority (NEPRA). According to the assessment, based on the template developed by the PIC, majority of the information (53%) required under section

05 of the Act were missing from half of the websites of selected public bodies. From amongst the selected ministries, Federal Ministry of Information and Broadcasting was the highest compliant with 53% of compliance. Federal Ministry of Housing and Works was the least compliant with only 27% of compliance. Out of three selected departments of the federal capital, CDA was the highest performer with 53% of compliance in disclosing information on its website proactively. MCI was the least performer with only 13% of compliance. NEPRA, among the regulators, has shown 56% of compliance by displaying 17 out of 30 sub-categories of information as required by section 05 of the Act. PEMRA was the least compliant with 43% of compliance.

Chapter four of the report provides results of the key informant interviews with the designated information officers with reference to the implementation of the Act. Limitations of technical capacity, scarcity of required human resource, lack of staff trainings, non-availability of technical equipment including specialized software and hardware and dismal state of record management have emerged as serious challenges hampering the effective implementation of the Act. Chapter five describes the views of the information commissioners about the implementation of the Act. The Commissioners have highlighted bureaucratic mindset, lack of understanding and acknowledgments by officials, culture of secrecy and inadequate resources – financial, legal and administrative – as major challenges in this regard.

Chapter 1: Introduction

The Federal Right of Access to Information Act, enacted in 2017, hereinafter referred to as “the Act”, is aimed at providing “right of access to information in a transparent and effective manner.”¹ The act provides for establishment of ‘the Pakistan Information Commission on Access to Information’ to, among several other functions, ensure implementation of the provision of the Act and access of record to be made public under the Act.² The Act requires all public bodies – as defined in Section 2 (ix) of the Act – to ensure that the record held by that body is properly maintained so as to enable it to comply with its obligations under the Act.³ Section 05 of the Act is highly significant provision as it requires each of the public bodies to publish and upload on internet – website of the public bodies – 30 sub-categories / kinds of information and record in a manner which best ensures that these are accessible to the public. Similarly, all public bodies are under a statutory obligation to notify one or more designated officials – not below the rank of an officer in Basic Pay Scale-19 or equivalent – to facilitate the access to information to the applicants.

Rationale

Nevertheless, it appears that there are serious challenges in the effective implementation of the Act across jurisdictions due to multiple factors. Not all public bodies have so far notified designated officials, though a large number of these bodies have done so.⁴ Since its establishment in November 2018, the members of the Pakistan Information Commission had been striving for adequate financial, technical and human resources for effective performance of its statutory functions. The Commission has, time and again, highlighted through its judgments the lack of cooperation on the part of bureaucracy in implementation of the Act. The dismal state of compliance of proactive disclosure of information is evident from IRADA’s research of 2019 that “33 federal ministries including Cabinet Division failed to provide half of the minimum categories of information – as required by section 05 of the Act – on their websites.”⁵ Moreover, there is a general lack of awareness among the public about the Act, the Commission and process to get access to information under the Act. This situation calls for a systematic assessment of implementation of Right of Access to Information Act 2017 to understand and highlight/identify these challenges.

Objective

The objective of the assessment is to assess the quality of implementation of the Right of Access to Information Act 2017, including major impediments, identify the administrative loopholes inherited in the system, the lack of required resources and ability to digitize the internal reporting and evaluation systems that make PIOs answerable to the head of departments and other systematic challenges. These challenges are not linked to lack of

¹ Preamble of the Right of Access to Information Act, 2017.

² Section 18 (2)(e) of the Act.

³ Section 4 of the Act

⁴ <http://rti.gov.pk/view-authorities/>

⁵ <https://irada.org.pk/wp-content/uploads/2019/10/Annual-Proactive-Information-Disclosure-Status-Report-2019.pdf>

political will or culture of secrecy, but are rather inherited in the system. This research will map such issues and recommend corrective actions where necessary.

Research Methodology

This systematic assessment of implementation of Right of Access to Information Act, 2017 has been undertaken through following methodology:

Desk research

- Review of relevant literature including decisions of the Pakistan Information Commission, media reports, responses by the public bodies and any other relevant material;
- Assessment of the proactive disclosure of information by visiting websites of:
 - o Federal ministries such as (i) Federal Education, (ii) Interior, (iii) Housing and Works, (iv) Information and Broadcast, and (v) Human Rights;
 - o Islamabad Police Department;
 - o Capital Development Authority (CDA);
 - o Metropolitan Corporation Islamabad (MCI);
 - o Pakistan Electronic Media Regulatory Authority (PEMRA);
 - o Pakistan Telecom Authority (PTA);
 - o Oil and Gas Regulatory Authority (OGRA);
 - o National Electric Power Regulatory Authority (NEPRA).

Key informant interviews

- Key informant interviews of PIOs of the above proposed federal ministries and line departments including regulatory bodies for identifying the challenges to the implementation of RTI law
- Key informant interviews with the Information Commissioners (03) at the Pakistan Information Commission.

Research Limitations

This research aims at providing an overview of the compliance / implementation of the Federal Right of Access to Information Act, 2017. Given the enormity of the public bodies as defined in the Act and limited time and resources for this research, a sample of 12 public bodies consisting of five federal ministries, three departments and four regulatory bodies was selected. Since a major part of the report is based on the data available of the websites of selected public bodies – and information; therefore, it was important to fix a timeframe for assessment of these websites. For this purpose, months of September and October of 2021 were selected as research period.

Chapter 2: Impediments and challenges in effective implementation of Right of Access to Information Act, 2017: media reports and decisions of Information Commission

Media reports on impediments and challenges

Since the enactment of Federal Right of Access to Information Act in 2017, media has reported on a number of occasions about the impediments and challenges in the implementation of the Act. In most of these reports, the media has mentioned about administrative, procedural and legal hurdles created by the government.

Administrative challenges

The Federal Right of Access to Information Act was passed by the parliament on 12th of October 2017. Section 18 of the Act requires “the Prime Minister to establish” Pakistan Information Commission “within six months of the commencement of the Act.” However, this could happen after more than a year when, in November 2018, the government notified members of the Commission.⁶

Nevertheless, in June 2019, it was reported that despite the establishment of the Pakistan Information Commission in November 2018 the Commission was neither given any dedicated office space nor any support staff to operate effectively.⁷ Similarly, on 29th of September 2019, it was reported that Pakistan Information Commission still “was not getting administrative support from the government” to run its day-to-day business.⁸

Moreover, in a press conference, the Chief Information Commissioner mentioned that “[w]e are operating from one room in the Information Services Academy without any staff and support.”⁹ He further stated that “[t]here are inordinate delays in providing office space, budget and staff to the commission.”¹⁰ Early in 2019, petitions were filed in the Islamabad High Court for seeking directions for the government to make the information commission fully functional by allocating annual budget, assigning separate office space and providing required human resource.¹¹

Procedural Challenges

In December 2020, according to the daily times, one of the Federal Information Commissioners said that “during two years of inception of Pakistan Information Commission, we [have] faced multi-dimensional challenges with regards to the implementation of the commission orders and Right to Information law, ranging from meagre resources and unavailability of funds to the implementation of commission’s orders.”¹²

⁶ <https://dailytimes.com.pk/320633/federal-information-commission-notified/>

⁷ <https://www.thenews.com.pk/print/491260-implementation-of-rti-laws-not-ideal-in-pakistan>

⁸ <https://www.dawn.com/news/1507977>

⁹ [Ibid](#)

¹⁰ <https://www.thenews.com.pk/print/534040-support-pakistan-information-commission>

¹¹ <https://www.thenews.com.pk/print/468026-as-rti-commission-is-dysfunctional-complainants-move-court>

¹² <https://dailytimes.com.pk/708235/two-years-of-pakistan-information-commission-issues-challenges/>

In September 2018, The News reported that a “research have made shocking revelation that in this age of internet, as many as 17 federal ministries did not even have a functioning website to facilitate the general public.”¹³ Daily Dawn also reported that, according to the study, the “Federal ministries have not provided 39 categories of information required under the 2017 Federal Right of Access to Information Act. As per the Dawn report, [m]ost of the federal ministries did not provide more than half the categories of information on their websites; only five of the 39 categories of information are provided by a majority – around 80pc – of the 29 ministries.”¹⁴

Veteran journalist and human rights champion, late Mr. I A Rehman, wrote in his weekly op-ed that “the failure of the federal ministries to properly comply with the Right of Access to Information Act, 2017, by making public basic information about their organisations and functions, must be taken seriously by the government as otherwise it would constitute a denial of not only citizens’ right to know but also the fundamental requisites of transparency and good governance.”¹⁵

Similarly, The News wrote an editorial on the issue of non-implementation of the Federal Right of Access to Information Act, 2017. The editorial mentioned that “[m]uch of the [PTI] commitment to transparency remains only on paper. For a government committed to transparency in governance, the most crucial aspect is to ensure that the public has access to how the government makes decisions. However, it is clear that transparency is not much of a priority.”¹⁶

Legal Challenges

Reluctancy of the government in provision of access to information under the Act and defiance of the orders of the information commission is becoming a norm. Whether it is Senate of Pakistan or Secretariat of President of Pakistan or Prime Minister Secretariat, most of these top government offices seem to avoid their obligations under the Act. These top-level public bodies have started challenging orders of the Information Commission in the high courts through writ petitions. Most of these bodies claimed exemptions under the law.

On one such petitions in the Islamabad High Court (IHC), the Court suspended the decision of the Pakistan Information Commission (PIC) to provide information about the employees of the Presidency to a citizen.¹⁷ Similarly, Cabinet Division challenged the Information Commission’s order seeking details of the gifts presented to Prime Minister Imran Khan. The petition claimed that the disclosure of any information related to Toshakhana jeopardises international relations.¹⁸

In October 2021, The News reported that “[m]ajority of government institutions and departments have declined to respond to hundreds of queries sent under the right to

¹³ <https://www.thenews.com.pk/print/373760-17-federal-ministries-do-not-have-websites>

¹⁴ <https://www.dawn.com/news/1435213>

¹⁵ <https://www.dawn.com/news/1436747>

¹⁶ <https://www.thenews.com.pk/print/533517-transparency>

¹⁷ <https://tribune.com.pk/story/2235594/1-islamabad-high-court-stays-pic-decision-information-presidency-staff>

¹⁸ <https://www.dawn.com/news/1647463?ref=whatsapp>

information laws, indicating that access to public information remains a pipe dream in Pakistan.” According to that news item, “[t]he Geo News sent approximately 400 different queries to 36 key institutions in the past nine months but 90 percent of them were either not responded to or simply declined by them.”¹⁹ The report further stated that “some of the institutions took refuge behind their autonomous status while others used self-defined privacy, secrecy and national security as a smokescreen to decline the public information.”²⁰

Decisions of the Pakistan Information Commission

Successive reports published by civil society organisations have highlighted gaps with regard to the implementation of Section 5 of the Right of Access to Information Act 2017. Following questions need to be answered if categories of proactive disclosure of information mentioned in the Act are to be ensured:

1. Who is responsible for ensuring proactive disclosure of information?
2. What steps have been taken by Pakistan Information Commission, (PIC) for proactive disclosure of information?
3. What are the powers of PIC to ensure proactive disclosure of information and to what extent and effect these powers have been used?
4. What hurdles are faced by public bodies in ensuring proactive disclosure of information?

Responsibility for the Proactive Disclosure of Information

The Right of Access to Information Act 2017 was enacted on October 16, 2017. Section 5 (1) of the Act states that “principal officer of each public body shall, within six months of the commencement of this Act, ensure” that categories of information mentioned in Section 5 of the Act are “duly published including uploading over the internet or in a manner which best ensures that these are accessible”. Therefore, the responsibility for proactive disclosure of information lies with the heads of federal public bodies. As far as federal public bodies are concerned, these are as under:

- All Administrative Secretaries of the Federal Government
- All Heads of Attached Departments of Federal Ministries
- All Heads of Autonomous Bodies
- Secretary, National Assembly, Pakistan
- Secretary, Senate of Pakistan
- Commissioner, Islamabad
- Inspector General Police, Islamabad
- All Executive Officers of the Cantonment Boards
- All Administrative Secretaries of Local Government, Islamabad Capital Territory
- All Heads of Statutory Bodies Established under Federal Law
- All Registrars of Islamabad High Court, Federal Shariat Court, Supreme Court and ICT courts

¹⁹ <https://www.thenews.com.pk/print/898549-90pc-institutions-decline-rti-requests>

²⁰ Ibid

- All heads of Boards, Commissions, Councils, Special Institutions, NGOs, Companies Substantially Funded by Federal Government.

Pakistan Information Commission (PIC) Initiatives for Proactive Disclosure of Information

Analysis of the website of the PIC reveals following initiatives undertaken by the commission to ensure proactive disclosure of information:

Issuance of circulars to public bodies

According to the information available on website of the Commission, it has been issuing circulars to public bodies for the designation of PIOs and for the implementation of the Right of Access to Information Act 2017.

- On June 18, 2019, the Commission sent a circular to federal ministries for the designation of PIOs and on July 16, 2019, the Commission sent reminders for the designation of PIOs.
- On November 16, 2020, the Commission sought from public bodies' compliance report pertaining to the implementation status of the Act.
- On October 5, 2021, the Commission sent another circular to PIOs and heads of public bodies seeking compliance report pertaining to the information requests filed with the public bodies and steps taken to implement Section 5 of the Act.

Analysis of the Directions of the commission through its Orders

According to its website, the PIC has issued over a total of 336 Orders against different federal public bodies. The key features that emerge from the analysis of the Orders of the commission are as under:

Directions to public bodies seeking compliance reports through template for the proactive disclosure of information

The Commission has developed, available on its website, a template for proactive disclosure of information which states that the implementation of Section 5 of the Act can only be ensured if federal public bodies continuously juxtapose categories of information enlisted in section 5 with the information provided on the websites.

Out of total 336 detailed Orders issued so far by the Commission, in following 70 Orders against different federal public bodies, the Commission has issued directions to federal public bodies to submit compliance report to the commission in the format provided in the template.

Table 1: List of PIC orders asking for compliance of section 5 of the Act

No	Appeal No	Title of the Order
1	958-03/21	Pervaiz Iqbal vs Sukkur Electric Power Company
2	1018-04/21	Salman Yousuf vs Shaheed Zulfiqar Ali Bhutto Medical University
3	887-02/21	Syed Hammad Hussain vs Comsats university
4	734-11/20	Sharafat Ali Zia vs Chief Commissioner

No	Appeal No	Title of the Order
5	E96-03/21	Farhat shah vs Cantonment board Nowshera
6	1072-05/21	Murtaza Hashim vs Secretariat senate of Pakistan
7	996-04/21	Zahid Hussain Waseem vs Defence Housing Authority ICT
8	512-08/20	M. Tariq Mansoor vs Ministry of Privatization
9	998-04/21	Zahid Hussain Waseem vs Defence Housing Authority Bahawalpur
10	427-07/20	Kashid Zubair Ahmad vs Securities and exchange commission of Pakistan
11	1011-04/21	Nadeem Omer vs Social Security Islamabad
12	1005-04/21	Muhammad Aman Ullah vs Federal Public Service Commission
13	942-03/21	Abdullah Rashid Waraich vs Pakistan Housing Authority Foundation
14	972-04/21	Boota Imtiaz vs Karachi Port trust
15	997-04/21	Zahid Hussain Waseem vs Defence Housing Authority
16	936-03/21	Muhammad Nawaz vs Survey of Pakistan
17	689-11/20	Inam Akbar vs Accountant General Pakistan Revenues
18	978-04/21	Nadeem Umar vs Accountant General Pakistan Revenues
19	E70-01/21	Murtaza Hashim vs Ministry of Foreign Affairs
20	774-12/20	Yaqeen Baig vs K-Electric
21	814-01/21	Nadeem Umar vs National Highways authority
22	755-12/20	Dewan Adnan amlak vs Pakistan Railways
23	912-2/21	Bilal Asghar vs Ministry of Water Resources
24	731-11/20	Moon Haroon vs Airport security force
25	761-12/20	Dr. Syed Raza Ali vs Cantonment board Clifton
26	813-12/20	Hamid Khwaja vs Military lands and cantonment Department
27	825-01/21	Nadia Omer Hayat Malik vs Pakistan International Airlines
28	966-03/21	Syed Raza Ali Shah vs Pakistan Institute of Medical Sciences
29	954-03/21	Muhammad Rehan Paracha vs Pakistan Telecommunication Company Limited
30	908-02/21	Naeem Ali vs Peshawar Electric Supply company
31	685-10/20	Raja Khuram Shehzad vs Pakistan Railways
32	813-12/20	Amir Ejaz vs Comsats university Islamabad

No	Appeal No	Title of the Order
33	773-12/20	Shazia Mehboob vs Federal Investigation Agency
34	E001-10/20	Umair Ismail vs Cantonment Board Malir
35	438-07/20	Moon Shehbaz vs Ministry of Religious Affairs and Interfaith Harmony
36	670-10-20	Taimur Khan vs Naya Pakistan Housing and Development Authority and National Data Base and Registration Authority
37	264-01/20	Nadeem Omar vs National Highways Authority
38	345-03/20	Syed Abu Ahmad Akif vs Civil Aviation Authority
39	360-03/20	Naveed Ahmad vs Benazir Income Support Program
40	E003-11/20	Nadeem Omar vs Pakistan Telecommunication Authority
41	322-02/20	Fiza Mazhar vs Capital Development Authority
42	243-01/20	Dewan Adnan Malik vs Sui Northern Gas Pipelines Limited
43	632-09/20	Taimor Khan vs National Assembly Secretariat and Senate Secretariat
44	646-09/20	Naim Saddiq vs Defence Housing Authority Karachi
45	554-09/20	Taimor Khan vs Pakistan Environmental Protection Agency
46	533-08/20	Muhammad Noman UI Haq vs Multan Electric Power Company
47	667-10/20	Shahzia Mehboob vs Higher Education Commission
48	673-10/20	Shahzia Mehboob vs Ministry of Information and Broadcasting
49	458-08/20	Pervaiz Said vs Cantonment Board Clifton
50	309-02/20	Muhammad Waseem Elahi vs Election Commission of Pakistan
51	483-08/20	Usman Maqbool vs Intelligence Bureau
52	437-07/20	Rana Asad Ullah Khan vs National Accountability Bureau
53	641-09/20	Pervez Said-Vs-DHA Karachi
54	633-09/20	Nadeem Umer-Vs-Deputy Commission Islamabad
55	507-08/20	Khurram-Iqbal-Vs-Lahore-Electric-Supply-Company
56	671-10/20	Shazia-Mehboob-Vs-Ministry-of-Information-and-Broadcasting
57	474-08/20	Tanwir-Ahmed-Vs-Federal-Directorate-of-Education
58	756-12/20	Dewan-Adnan-Amlak-Vs-Pakistan-Railways
59	549-09/20	Muhammad-Nauman-UI-Haq-Vs-National-Bank-of-Pakistan
60	E58-01/21	Taimoor-Khan-Vs-Ministry-of-Information-and-Broadcasting

No	Appeal No	Title of the Order
61	E25-01/21	Ahsan-Akbar-Vs-Cantonment-Board-Walton-Lahore
62	1006-04/21	Hidayat-Ullah-Khan-Gandapur-Vs-Peshawar-Electric-Supply-Company
63	175-11/2019	Ms.-Nadia-Naeem-Vs-Pakistan-Medical-Commission
64	762-12/20	Muhammad-Tahir-Zia-Vs-Capital-Development-Authority-
65	199-12/2019	Major-Farooq-UI-Hassan-Vs-Military-Accounts
66	1058-05/21	Shazia-Mehboob-Vs-Ministry-of-Narcotics-Control
67	985-04/21	Asif-Mehmood-Butt-Vs-Employees Old-Age Benefit Institute (EOBI)
68	892-02/21	Zahid-Hussain-Waseem-Vs-Pakistan Engineering Council (PEC)
69	1130-6/21	Ministry of Finance Vs Faisal Manzoor Anwar
70	1134-6/21	Ministry of Finance Vs Faisal Manzoor Anwar

Directions for designation of Public Information Officers (PIOs)

In many of its orders, the Commission directed public body, where it has not designated PIO, for the designation of the PIO through its Orders. Furthermore, the commission directs the public bodies to submit compliance report within a specific time period, generally one month from the receipt of the Order.

Ensuring Accessibility of Published Information for All Citizens

Through its different Orders, the Commission has held that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be 'accessible' for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. The commission has maintained that apart from the interpretation of 'accessible' in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of websites to the special needs of persons with disabilities and it is as under:

"The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities".

The Commission also directed public bodies to ensure incorporation of web accessibility standards in the design of their websites. In this connection, the commission has developed 'Web Accessibility Checklist' which is available on its website and the commission has been directing federal public bodies to ensure accessibility of their websites for persons with disabilities as well. The commission has also required that federal public bodies should start taking seriously the accessibility of the websites as well. The websites of public bodies should be accessible to level AA of Web Content Accessibility Guidelines (WCAG) 2.1 (of W3C).

In following 25 Orders against different federal public bodies, the Commission has issued specific directions to federal public bodies to incorporate web accessibility standards and follow 'Web Accessibility Checklist'.

Table 2: List of PIC orders requiring incorporation of web accessibility standards by public bodies

No	Appeal No.	Title of the Order
1	Appeal No 755-12/20	Dewan-Adnan-Amlak-Vs-Pakistan-Railways
2	Appeal No 761-12/20	Dr-Syed-Raza-Ali-Vs-Cantonment-Board-Clifton
3	Appeal No 813-12/20	Hamid-Khawaja-Vs-Military-Lands-and-Cantonment-3
4	Appeal No 825-01/21	Nadia-Umar-Hayat-Malik-Vs-Pakistan-International-Airline
5	Appeal No 685-10/20	Raja-Khurram-Shahzad-Vs-Pakistan-Railways
6	Appeal No 773-12/20	Umair-Ismail-Vs-Cantonment-Board-Malir
7	Appeal No E001-10/20	Moon-Shahbaz-Vs-Ministry-of-Religious-Affairs
8	Appeal No 670-10/20	Taimoor-Khan-Vs-Naya-Pakistan-Housing-Authority-and-NADRA
9	Appeal No 264-01/20	Nadeem-Umer-Vs-National-Highways-Authority
10	Appeal No 345-03/20	Syed-Abu-Ahmad-Akif-Vs-Civil-Aviation-Authority
11	Appeal No 360-03/20	Naveed-Ahmed-Vs-Benazir-Income-Support-Program
12	Appeal No E003-11/20	Nadeem-Umer-Vs-Pakistan-Telecommunication-Authority
13	Appeal No 679-10/20	Arshad-H-Siraj-Vs-Defence-Housing-Authority
14	Appeal No 322-02/2020	Fiza-Mazhar-Vs-Capital-Development-Authority
15	Appeal No 243-01/20	Dewan-Adnan-Amlak-Vs-Sui-Northern-Gas-Pipeline-Limited Taimoor-Khan-Vs-NA-Secretariat-and-Senate-Secretariat
16	Appeal No 646-09/20	Naeem-Sadiq-Vs-DHA-Karachi
17	Appeal No 554-09/20	Taimoor-Khan-Vs-Environmental-Protection-Agency
18	Appeal No 533-08/20	Nauman-UI-Haque-Vs-MEPCO
19	Appeal No 667-10/20	Shazia-Mehboob-Vs-HEC
20	Appeal No 673-10/20	Shazia-Mehboob-Vs-Ministry-of-Information-and-Broadcasting
21	Appeal No 458-08/20	Pervez-Said-Vs-Cantonment-Board-Clifton

No	Appeal No.	Title of the Order
22	Appeal No 309-02/20	Muhammad-Waseem-Elahi-Vs.-Election-Commission-of-Pakistan
23	Appeal No 483-08/20	Usman-Maqbool-Muhammad-Sabir-Vs-Intelligence-Bureau
24	Appeal No 437-07/20	Rana-Asadullah-Khan-Vs-National-Accountability-Bureau
25	Appeal No 234-12/19	Schehr-Yar-Ahmed-Vs-Federal-Insurance-Ombudsman

Directions on appeals pertaining to proactive disclosure of information

Using template developed by the Commission, a citizen filed requests for information to federal public bodies seeking information proactively published on their websites as required under Section 5 of the Act.

On the appeals lodged by this citizen, the Commission has issued 9 detailed Orders against the federal public bodies pertaining to the proactive disclosure of information. The following table contains details of these Orders.

Table 3: List of PIC orders relating to the proactive disclosure of information

No.	Appeal No.	Title of the Order
1	Appeal No 786-12/20	Syed-Kausar-Abbas-Vs-Ministry-of-Planning-Development-and-Reforms
2	Appeal No 784-12/20	Syed-Kausar-Abbas-Vs-Ministry-of-Interior
3	Appeal No 793-12/20	Syed-Kausar-Abbas-Vs-National-Highways-Authority
4	Appeal No 796-12/20	Syed-Kausar-Abbas-Vs-Ministry-of-Law-and-Justice
5	Appeal No 787-12/20	Syed-Kausar-Abbas-Vs-Ministry-of-Industries-and-Production
6	Appeal No 781-12/20	Syed-Kausar-Abbas-Vs-Ministry-of-Religious-Affairs
7	Appeal No 798-12/20	Syed-Kausar-Abbas-Vs-Ministry-of-Science-and-Technology
8	Appeal No 788-12/20	Syed-Kausar-Abbas-Vs-Ministry-of-Narcotics-Control
9	Appeal No 801-12/20	Syed-Kausar-Abbas-Vs-Ministry-of-Railways

The key features that emerge from these Orders are as under:

Observations about the benefits of proactive disclosure of information

Through these Orders, the Commission has dwelt upon the benefits of each category of information to be proactively disclosed through website. These include:

- resolving the issue of under-staffing

- Improving availability of information about licenses, permits, consents, approvals, grants, allotments, agreements and contracts, recipients of concessions, permits, licenses or authorizations granted by public bodies, budgetary allocations and spending and reports of enquiries, investigations, evaluation and all other finalised reports to citizens at their doorstep.
- Improving public participation in decision making processes

Explanation of the categories of proactive disclosure of information

Through these Orders, the Commission has also further explained to officers of the federal public bodies the categories of information under Section 5 to be proactively published through websites. For example, the commission has clarified that the directory of officers should contain information about total sanctioned posts, filled/vacant posts, and the responsibilities of officers of the public body. About the recipients of the benefits from the public body, the commission has explained that the website should contain list. Regarding the prescribed fee to be charged for providing information to citizens, the commission has explained that the federal bodies should publish on their websites the Schedule of costs, developed by Pakistan Information Commission, (available on the commission's website) for seeking information from federal public bodies. Regarding the particulars of the Public Information Officer, the commission has clarified that the federal public bodies should put name, designation, title, E-mail and telephone number of the PIO on its website.

Proactive disclosure of records/reports older than 20 years

In Appeal No. **784-12/20, in the case of Syed Kausar Abbas Vs Ministry of Interior**, the Commission has held that all reports that are more than 20 years old are public records. The commission also held that while all federal public bodies are required to proactively publish all finalised reports, some of these reports, or, some parts thereof may be exempted from disclosure on legitimate security or other concerns. However, these concerns need to be articulated through the recorded reasons of the Minister-in-Charge and submitted before this commission to determine that the harm from disclosure outweighs public interest. Moreover, there is no blanket exemption to any finalised report.

Hurdles in Implementation of the law

Following hurdles in the proactive disclosure of the information emerge from the analysis of the website of the Commission:

- Heads of several federal public bodies have not fulfilled their legal obligation of the designation of PIOs as well as the implementation of Section 5 of the Act. As such, the heads of federal public bodies are the major stumbling block with regard to the implementation of the proactive disclosure of information.
- Lack of Follow-up Action on Compliance Reports: The commission has been seeking compliance reports from public bodies regarding the designation of PIOs, implementation of Section 5 and ensuring accessibility of the websites of federal public bodies for all citizens including persons with disabilities. Furthermore, it has developed template for proactive disclosure of information and web accessibility checklist as well. However, the fact that only 180 PIOs have been designated by public bodies and there is marginal improvement in the proactive disclosure of

information by some of the federal public bodies demonstrates that a great deal needs to be done by both the commission and federal public bodies to ensure proactive disclosure of information as required under the Act.

Chapter 3: State of Proactive Information Disclosure

The implementation of Section 5 of the Act can only be ensured if federal public bodies continuously juxtapose categories of information enlisted in section 5 with the information provided on the websites. The Pakistan Information Commission has developed a specialized template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017.²¹ In this template, the Pakistan Information Commission has explained as to how each category of information is to be proactively disclosed through websites. All federal public bodies are required to use this template to ensure proactive disclosure of information on their respective websites.

List of Selected Ministries / Departments / Bodies for Assessment of Proactive Information Disclosure

Federal ministries:

- Federal Education
- Interior
- Housing and Works
- Information and Broadcasting
- Human Rights

Departments:

- Islamabad Police Department
- Capital Development Authority (CDA)
- Metropolitan Corporation Islamabad (MCI)

Regulatory Authorities:

- Pakistan Electronic Media Regulatory Authority (PEMRA)
- Pakistan Telecom Authority (PTA)
- Oil and Gas Regulatory Authority (OGRA)
- National Electric Power Regulatory Authority (NEPRA).

Overview of the Indicators

Section 5 of the Federal Right of Access to Information Act 2017 requires all public bodies to proactively disclose certain categories of information on their websites. For this purpose of this research, provisions of Section 5 of the Act are divided into 11 categories of information or indicators, which are further divided into 30 measurable sub-categories or sub indicators.²² Each sub-indicator carries equal weightage i.e., ONE (01) for compliance and ZERO (00) for non-compliance.

²¹ Template for Proactive Disclosure of Information": <http://rti.gov.pk/proactive-disclosures/>

²² This list of indicators is derived from the "Template for Proactive Disclosure of Information" as developed by the Pakistan Information Commission: <http://rti.gov.pk/proactive-disclosures/>

Indicators-Wise Scorecard of the Selected Federal Ministries, Regulatory Bodies and ICT Departments

Following table provides detail of indicator-wise proactive disclosure of information by the five federal ministries, four regulatory bodies and three departments of Islamabad Capital Territory (ICT). Under this assessment, a sub-indicator can achieve maximum score of 12 points. This means that the sub-indicator – having 12 points – corresponds to proactive disclosure by the websites of all 12 selected public bodies. A zero score for a sub-indicator means that none of the websites of these 12 selected public bodies have this information.

Table 4: Indicator-wise compliance scorecard

Sr. No	Indicators	Score (Maximum 12)	Percentage
1.	Description of the public body's organization and functions, duties, powers and any services it provides to the public, including a directory and any services it provides to the public, including a directory of its officers and employees, indicating their duties Remuneration, perks and privileges.		
	- Organogram	11	91.67%
	- Functions, duties, powers	12	100%
	- Detail of services it provides to the public	12	100%
	- Directory of its officers and employees, indicating their duties and functions	12	100%
	- Remuneration, perks and privileges.	01	8.33%
2.	Statutes, statutory rules, regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect.		
	- Statutes (Acts, Ordinances),	08	66.67%
	- Statutory rules,	09	75%
	- Regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect	09	75%
3.	Substantive or procedural rules of the general application evolved or adopted by the public body, including any manual or policies by its employees.		
	Substantive or procedural rules of the general application evolved or adopted by the public body, including any manual or policies by its employees	09	75%
4.	Relevant facts and background information relating to important policies and decisions which have been adopted, along with a statement of policies adopted by the public body and the criteria, standards or guidelines upon which discretionary powers are exercised by it		
	- Facts and background information relating to important policies and decisions which have been adopted, along with a statement of policies adopted by the public body	04	33.33%
	- Criteria, standards or guidelines upon which discretionary powers are exercised by it	03	25%
5.	The conditions upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and		

Sr. No	Indicators	Score (Maximum 12)	Percentage
	contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body		
	- The conditions upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body,	11	91.67%
	- Particulars about the recipients of any concession, permit, license or authorization granted by the public body	05	41.67%
6.	A description of its decision-making processes as defined in the Federal government's secretariat instructions, 2004 and any instructions for the time being in force for the public to provide any input into or be consulted about decision.		
	- Description of decision-making processes as defined in the Federal government's secretariat instructions, 2004	00	00%
	- Instructions for the time being in force for the public to provide any input into or be consulted about decision	07	58.33%
7.	Detailed budget of the public body; including proposed and actual expenditures, original or revised revenue targets, actual revenue, receipts, revision in the approved budget and the supplementary budget.		
	- Proposed and actual expenditures	05	41.67%
	- Original or revised revenue targets	00	00%
	- Actual revenue, receipts	00	00%
	- Revision in the approved budget	00	00%
	- Supplementary budget	00	00%
8.	The methods whereby information in the possession or control of the public body may be obtained and the prescribed fee required along with the name, title and contact details of the designated officials.		
	- The methods whereby information in the possession or control of the public body may be obtained	02	16.67%
	- Prescribed fee required	01	8.33%
	- Name, title and contact details of the designated officials	06	50%
9.	Reports including performance reports, audit reports, evaluation reports, inquiry or investigative reports and other reports that have been finalized.		
	- Performance reports	07	58.33%
	- Audit reports	00	00%
	- Evaluation reports	01	8.33%
	- Inquiry or investigative reports	01	8.33%
	- Other reports that have been finalized	04	33.33%

Sr. No	Indicators	Score (Maximum 12)	Percentage
10.	Such other matters which the principal officer of the public body deems fit to be published in the public interest.		
	Such other matters which the principal officer of the public body deems fit to be published in the public interest	10	83.33%
11	Camera footages at public places, wherever available, which have a bearing on a crime.		
	Camera footages at public places, wherever available, which have a bearing on a crime	00	00%

OVERALL INDICATOR-WISE FINDINGS:

The review of websites of the selected federal ministries, Islamabad Capital Territory (ICT) departments and regulatory bodies shows that:

- Majority of sub-indicators (16 out of 30 – or more than 53% of required information) were not available on more than 50% of the selected websites.
- Three out of 30 sub-indicators – information about: (i) Instructions for the time being in force for the public to provide any input into or be consulted about decision; (ii) performance reports; and (iii) name, title and contact details of the designated officials – were mentioned by 50% - 60% of the websites.
- Four out of 30 sub-indicators – information about: (i) statutory rules; (ii) regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect; (iii) substantive or procedural rules of the general application evolved or adopted by the public body, including any manual or policies by its employees; and (iv) Statutes (Acts, Ordinances) – were present on 09 out of 12 (75%) websites.
- One out of 30 sub-indicators – information about such other matters which the principal officer of the public body deems fit to be published in the public interest – was given by 10 out of 12 (83%) of websites.
- Two out of 30 sub-indicators – information about: (i) Organogram; and (ii) the conditions upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with – were mentioned by 11 out of 12 (92%) websites.
- Only three out of 30 sub-indicators – information about: (i) functions, duties, powers, detail of services it provides to the public; (ii) directory of its officers and employees; and (iii) indicating their duties and functions - were present on all 12 websites.

Following table provides detail of highly complied and least complied sub-indicators by the selected public bodies. A sub-indicator is highly complied when it is available on all 12 selected websites. A sub-indicator is least complied when it is not available on any of the selected websites.

Table 5: Highly and least performed sub-indicators

Sub-indicator (sub-category of information)	Score (number of websites having the information)	Percentage
Functions, duties, powers	12	100%
Detail of services it provides to the public	12	100%
Directory of its officers and employees, indicating their duties and functions	12	100%
Organogram	11	91.67%
The conditions upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body	11	91.67%
Such other matters which the principal officer of the public body deems fit to be published in the public interest	10	83.33%
Statutory rules	09	75%
Regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect	09	75%
Substantive or procedural rules of the general application evolved or adopted by the public body, including any manual or policies by its employees	09	75%
Statutes (Acts, Ordinances)	08	66.67%
Instructions for the time being in force for the public to provide any input into or be consulted about decision	07	58.33%
Performance reports	07	58.33%
Name, title and contact details of the designated officials	06	50%

Sub-indicator (sub-category of information)	Score (number of websites having the information)	Percentage
Particulars about the recipients of any concession, permit, license or authorization granted by the public body	05	41.67%
Proposed and actual expenditures	05	41.67%
Facts and background information relating to important policies and decisions which have been adopted, along with a statement of policies adopted by the public body	04	33.33%
Other reports that have been finalized	04	33.33%
Criteria, standards or guidelines upon which discretionary powers are exercised by it	03	25%
The methods whereby information in the possession or control of the public body may be obtained	02	16.67%
Remuneration, perks and privileges	01	8.33%
Prescribed fee required	01	8.33%
Evaluation reports	01	8.33%
Inquiry or investigative reports	01	8.33%
Description of decision-making processes as defined in the Federal government's secretariat instructions, 2004	00	00%
Original or revised revenue targets	00	00%
Actual revenue, receipts	00	00%
Revision in the approved budget	00	00%
Supplementary budget	00	00%
Audit reports	00	00%
Camera footages at public places, wherever available, which have a bearing on a crime	00	00%

Ministry-Wise Scorecard

The table below provides details of ministry-wise scorecard of compliance of obligations – to proactively disclose information – under Section 5 of the Act.

Table 6: Proactive information disclosure by selected federal ministries

S/No	Name of Ministry	Score Achieved (Out of 30)	Percentage	Ranking
1	Ministry of Federal Education and Professional Training	13	43.33%	3 rd
2	Ministry of Interior	11	36.67%	4 th
3	Ministry of Housing and Works	08	26.67%	5 th
4	Ministry of Human Rights	14	46.67%	2 nd
5	Ministry of Information, Broadcasting	16	53.33%	1 st

The data shows that only one (Ministry of Information and Broadcasting) of the selected five federal ministries has put 16 out of 30 (53%) sub-categories of information or sub-indicators – as required under the provisions of section 5 of the Act – on its website. Proactive disclosure of information by rest of the selected websites – of federal ministries – remained below 50%. Ministry of Housing and Works, nonetheless, has least number (only 08 out of 30 or 26%) of sub-indicators of required information.

Departments-Wise Scorecard (Islamabad Capital Territory)

Below table provides detail of performance of selected departments of Islamabad Capital Territory (ICT).

Table 7: Scorecard of ICT departments

S/No	Name of Department	Score Achieved (Out of 30)	Percentage	Ranking
1	Islamabad Capital Territory Police	07	23.33%	2 nd
2	Capital Development Authority (CDA)	16	53.33%	1 st
3	Metropolitan Corporation Islamabad(MCI)	04	13.33	3 rd

As per the assessment, the website of Capital Development Authority (CDA) carried 16 out of 30 (53%) sub-indicators of information required under section 5 of the Act. However, the webpage²³ of the Metropolitan Corporation Islamabad (MCI) provided only 04 out of 30 (13%) sub-indicators categories of the required information.

²³ Metropolitan Corporation Islamabad (MCI) does not have any separate website. There is one page on CDA's website providing information about the MCI.

Regulatory Bodies-Wise Scorecard

Following table carries data about the compliance of section 5 of the Act by four public services related regulatory bodies.

Table 8: Compliance scorecard of regulatory bodies

No	Name of Regulatory Body	Score Achieved (Out of 30)	Percentage	Ranking
1	Pakistan Electronic Media Regulatory Authority (PEMRA)	13	43.33%	4 th
2	Pakistan Telecom Authority (PTA)	15	50%	3 rd
3	Oil and Gas Regulatory Authority (OGRA)	16	53.33%	2 nd
4	National Electric Power Regulatory Authority (NEPRA)	17	56.67%	1 st

According to the assessment, 03 out of 04 (75%) of the regulatory bodies managed to have 50% compliance of section 5 of the Act. Interestingly, the Pakistan Electronic Media Regulatory Authority (PEMRA), which has statutory obligation to “improve standards of information, education, and entertainment”, appears to be the least performing regulatory body having only 13 out of 30 (43%) of the required information on its website. Pakistan Telecommunication Authority (PTA), which is responsible to, among other functions, “promote the availability of a wide range of high quality, efficient, cost effective and competitive telecommunication services throughout Pakistan”, has put 15 out of 30 sub-indicators of required information on its website. The compliance by the Oil and Gas Regulatory Authority (OGRA) and National Electric Power Regulatory Authority (NEPRA) is slightly higher than 50%.

Chapter 4: Assessing implementation of Right of Access to Information Act, 2017 by public bodies

To understand the status of implementation of the Right of Access to Information Act, 2017, key informants – designated / public information officers (PIOs) – were interviewed using a semi-structured questionnaire. The research sample include: PIOs of five selected federal ministries; PIOs of four selected regulatory bodies; and PIOs of three selected departments of Islamabad Capital Territory (ICT). Following key issues were discussed during the key informant interviews with the PIOs.

- Experience as Designated Public Information Officer (PIO)
- Capacity Building of PIOs
- Capacity of Human Resource
- Departmental Circulars and Instruction for Implementation of the Act
- Internal procedures and mechanism for provision of access to information
- Record Management
- Technical Equipment, websites and Specialized Software

Experience as Designated Public Information Officer (PIO)

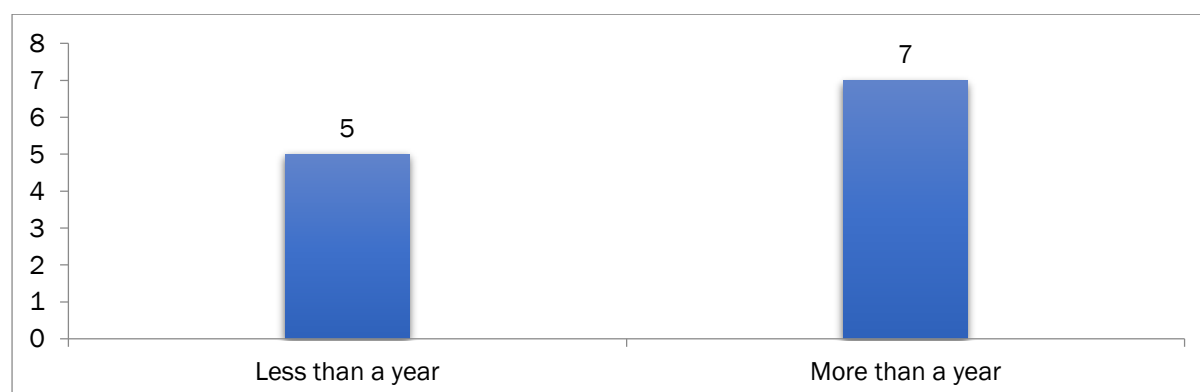
The Right of Access to Information Act, 2017, in section 9, requires each public body to notify one or more designated officials – not below the rank of an officer in Basic Pay Scale (BPS-19) or equivalent – within 30 days of commencement of this Act. The Act further states that where there is no designated official or he is absent or not available, principal officer of the public body shall be the designated official.

Current Experience

In response to the question relating to their experience as ‘designated officials’, 7 out of 12 respondents shared that they have been working at this post for more than a year. However, remaining five had served in this position for less than a year.

- Among 7 respondents (served as PIO more than a year), 4 belongs to regulatory bodies and remaining 3 were from ministries
- Among 5 respondents (worked as PIO less than a year), 3 belongs to Islamabad Capital Territory agencies and remaining 2 were from ministries.

Figure 1: Relevant experience of designated officials



Previous Experience

When asked about their previous experience in any information related position before appointment as PIO, 9 out of twelve respondents said that they have not served in any information related position. Only 3 PIOs informed that they have had opportunity of working in an information related position. Amongst 3 who served information related job, 1 each related to ministry, regulatory body and departments of Islamabad Capital Territory.

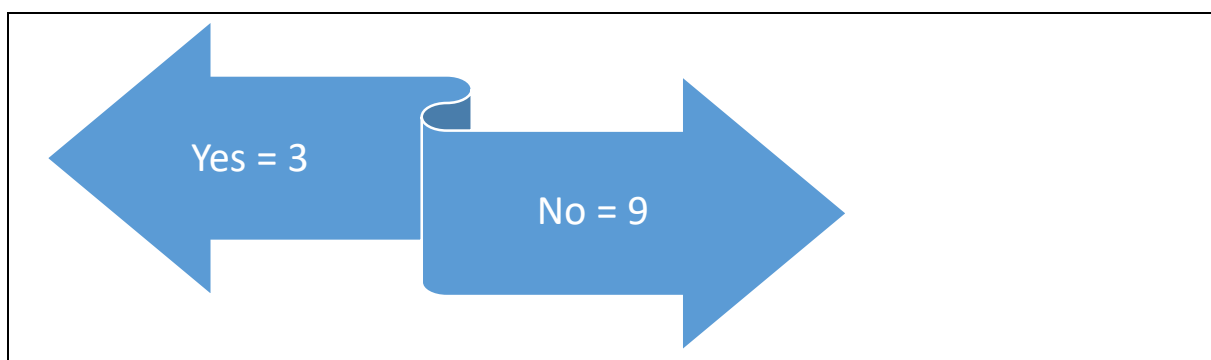
Capacity Building of PIOs

Information management and provision of access to information is a technical task. This requires continuous learning of new techniques and skills by the concerned officials.

Basic orientation on implementation of the Act

While responding to the question whether they have received any orientation on the implementation of the Act, 9 out of 12 replied in negative. Only 3 said that they have received basic orientation. Among 03 who received orientation, 02 belong to regulatory authorities, and 01 was from the Ministry.

Figure 2: State of orientation about the Act



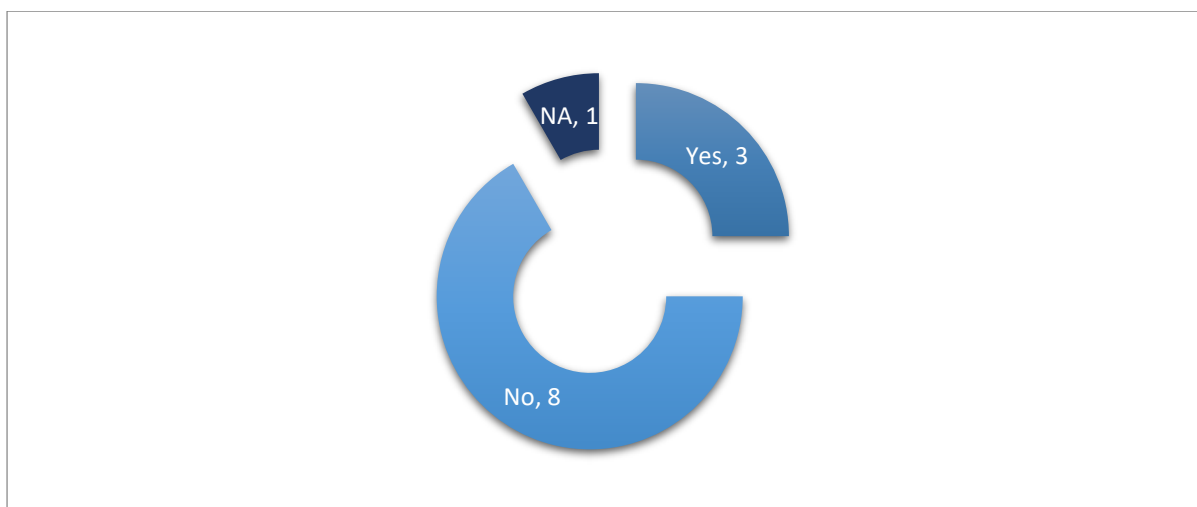
Training on implementation of the Right of the Access to Information Act, 2017

In response to the question that whether you received any training on implementation of the Act, 08 respondents mentioned that they didn't receive any training on implementation of the Act. 03 respondents stated that they have received partial training on the subject matter. One respondent did not answer this question.

Those who replied in positive include:

- two were trained in-house data/ information/ record management by their own respective department/ Ministry, and one responded was trained on dealing with the information commission.
- Amongst 04 who receives training
 - 02 belong to ministries
 - 02 are from the regulatory bodies

Figure 3: Trained or not trained about the Act



Capacity of Human Resource

When asked “how many staffers do you have in your section to deal with information requests?”

- 02 respondents replied they have none.
- 03 said they have only 01
- 02 respondents mentioned that that they have only 02 staffers
- 02 said they have 04 staffers
- 01 said that he has 05 staffers
- 01 respondent informed that he has 06 staffers.

Those, who have no staffer, are from a ministry and ICT department.

Those, who have staffers, are the following:

- Two ministries and one ICT department have one staffer
- One ministry and one regulatory body, each, have two staffers
- One regulatory body has three staffers
- One regulatory body has five staffers
- One regulatory body has six staffers
- One regulatory body and one ministry, each, have four staffers

In-house orientation

In response to a question ‘whether you conduct in-house orientation on implementation of the Act, 10 respondents said that their departments didn’t have in-house orientation on implementation of the Act. Only two respondents, one regulatory body and one ICT department mentioned that they have in-house orientations. Amongst remaining 10 respondents, 05 belong to ministries, 03 from regulatory bodies, and 02 from Islamabad capital territory bodies.

Staff training

In response to the question whether “your staffers are trained on the implementation of the Act.

- 07 replied that their staffers are trained on the implementation on Right of Access to Information Act, 2017
- 05 mentioned that their staffers are not trained.

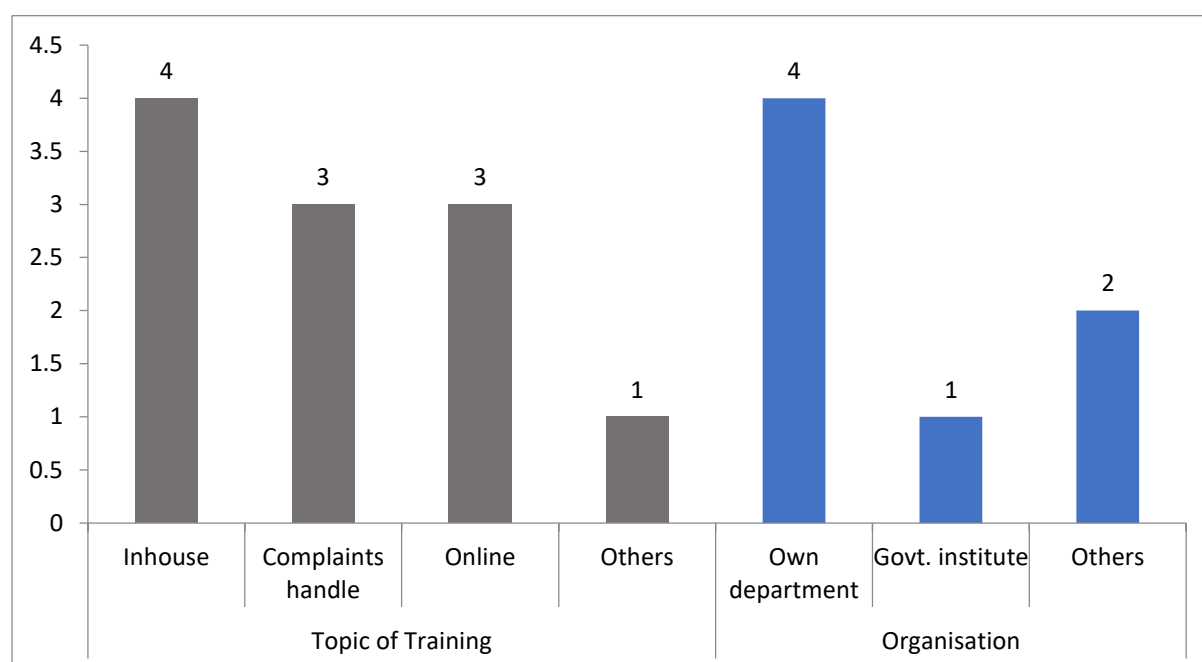
When asked about the nature of trainings, multiple answers were received. Out of the 07 respondents who answered this question in positive

- 04 mentioned that the staff has in-house training on data/ information/ record management,
- 03 shared that the staff has got training on complaints/ requests handling
- 03 said that the staff is trained on digital/ online requests management

Similarly, when asked who conducted these trainings, multiple answers were received. In response to the question about the organizers of the trainings:

- 04 mentioned that the staff was trained by the department itself (in-house)
- 01 said that National Institute of Management delivered the training
- 01 informed that they have learnt it on their own.

Figure 4: Training Themes



Training needs

When asked 'whether you or your staffers need specialized training(s) to perform their duties under the Act, 07 out of 12 respondents answered in positive. These include:

- 03 respondents from federal ministries
- 03 respondents from regulatory bodies
- 01 respondent from ICT department

Those who responded in negative include:

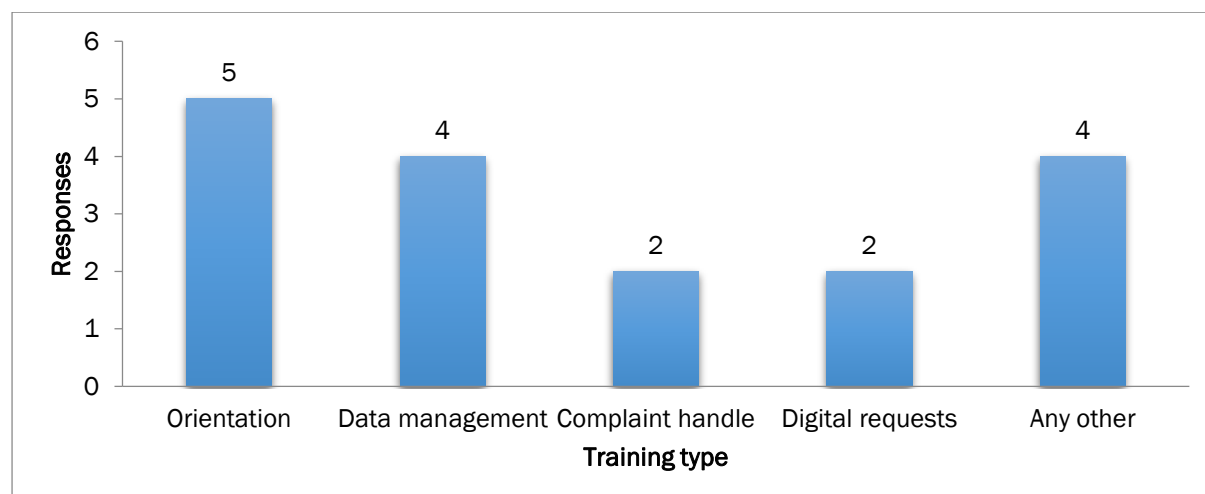
- 02 from federal ministries
- 02 from ICT departments

- 01 from regulatory bodies

Similarly, when inquired about the kind of training needed

- 05 asked for basic orientation
- 04 asked for date / information / record management
- 02 asked for complaint / request handling
- 02 asked for digital / online request management
- 04 asked for general training on access to information

Figure 5: Training needs



Departmental Circulars and Instruction for Implementation of the Act

While responding to the question ‘whether the department issued any circular / instructions to its employees with reference to the implementation of the Right of Access to Information Act 2017’ 08 out of 12 respondents shared that they have not seen any such circular or instructions to the employees. However, 04 respondents mentioned that their respective departments issued such instructions and circulars.

- Those who replied in negative were from regulatory bodies (03), ICT departments (03) and ministries (02).
- Those who answered in positive were from federal ministries (03) and regulatory bodies (01).

Internal procedures and mechanism for provision of access to information

When asked ‘whether the departments have their internal written procedures for provision of access to information under the Act,’ 09 out of 12 responded that their respective bodies have internal written procedures for provision of access to information under the Act.

- Among 9 who replied in positive, 05 belong to ministries, two each from regulatory bodies and capital territory agencies.
- Amongst remaining 03, two belong to regulatory bodies and 01 from Islamabad capital territory agency.

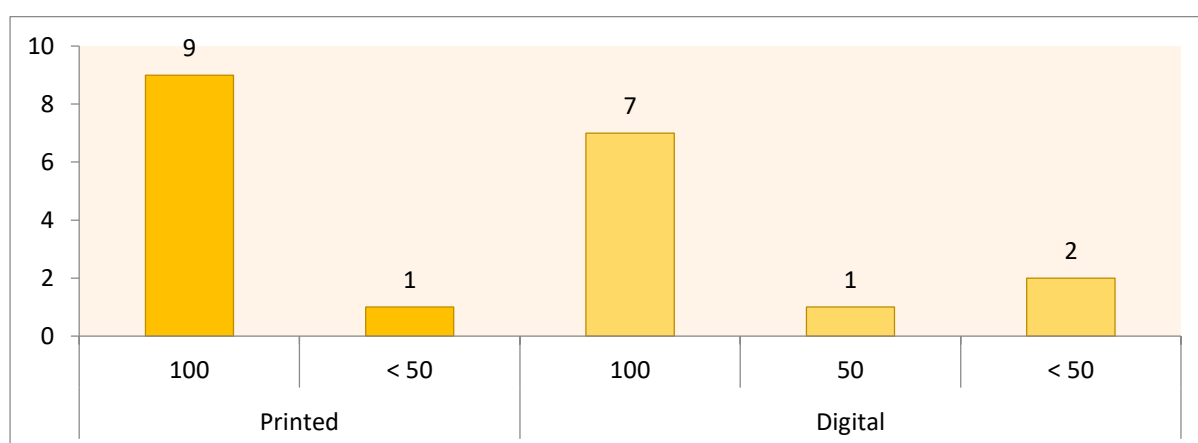
Record Management

Maintenance of record

Maintenance of record is another statutory obligation on public bodies. Under section 5 of the Act, all public bodies are required to upload 11 categories of information (indicators), which are further divided into 30 sub-categories / sub-indicators of information on their websites. Therefore, a large quantity of data and record is required to be in digital format. In this context, when asked; how do they maintain record / data / information – digital or printed:

- 09 out of 12 respondents mentioned that they maintain their entire data in printed form
- 07 of them said that they maintain their data in digital format as well
- 01 respondent mentioned that they maintain less than 50% data in print form
- 02 respondents stated that they maintain less than 50% in digital form
- 01 answered that they maintain 50% data/ information in digital form
- 02 respondents didn't reply about maintaining records in printed and digital forms

Figure 6: Record management



Indexing and cataloging

Preparation of directory of information, Indexing and cataloguing is another statutory responsibility of public bodies. In response to the question whether they maintain any index / catalogue / directory of information, as required by the Act:

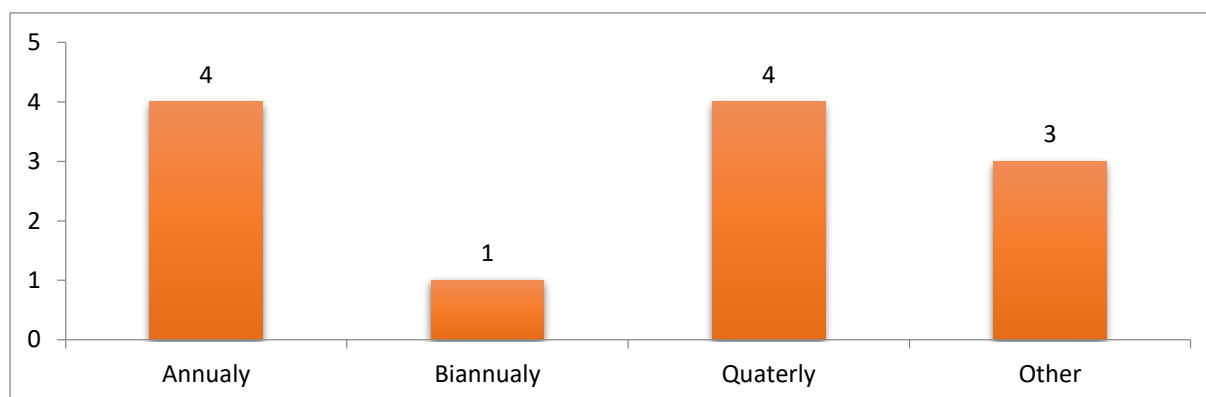
- 11 respondents mentioned that their respective bodies index/ catalogue/ directory of information
- One respondent that belonged to a Ministry (interior) said, his office doesn't maintain such indices.
- Amongst 11 respondents who confirmed that their office maintain index etc.
 - 04 were from Ministries
 - 04 were from regulatory bodies
 - 03 were from Islamabad Capital Territory agencies

Periodical publications

When asked about periodical frequency of publication of the record:

- 04 respondents replied that their organisation/ department publish it annually
- 01 replied that they publish it biannually
- 04 answered that they publish it on quarterly basis
- 03 mentioned that they have no practice of periodical publication and they publish it as per the needs.

Figure 7: Periodical record publication



Maintenance of record of information requests

Maintenance of record of information request is a key element for timely response to the queries. In response to the question whether they keep record of information requests received:

- 11 respondents replied that they maintain record of information requests received by them
- 01 did not respond to this question

Following is breakdown of information requests received by those who answered this question in positive. However, two of the 11, who responded in positive for above question, did not provide any data of information requests they have received.

Table 9: Number of information requests received by public bodies

SN	Organisation	Requests received	Responded	Pending
	Ministry	40 – 50	Responded to all	Some are under-process
	Ministry	20 – 25 + (as my appointment)	Responded to all	3 cases
	Ministry	18 – 20	Responded to selected cases	2 – 3
	Ministry	No data available	No secret information, everyone has the right to know	No reply

SN	Organisation	Requests received	Responded	Pending
	Regulatory body	11- 14	All responded	Noting pending
	Regulatory body	15	Responded (within 2 – 3 days)	1
	Regulatory body	960	Responded to all	If any issues, we send back
	ICT Department	30	All	Some in process
	ICT Department	4 – 5	No reply	No reply
	Ministry	No data available		
	Regulatory Body	No data available		

Record Keeping – of information requests

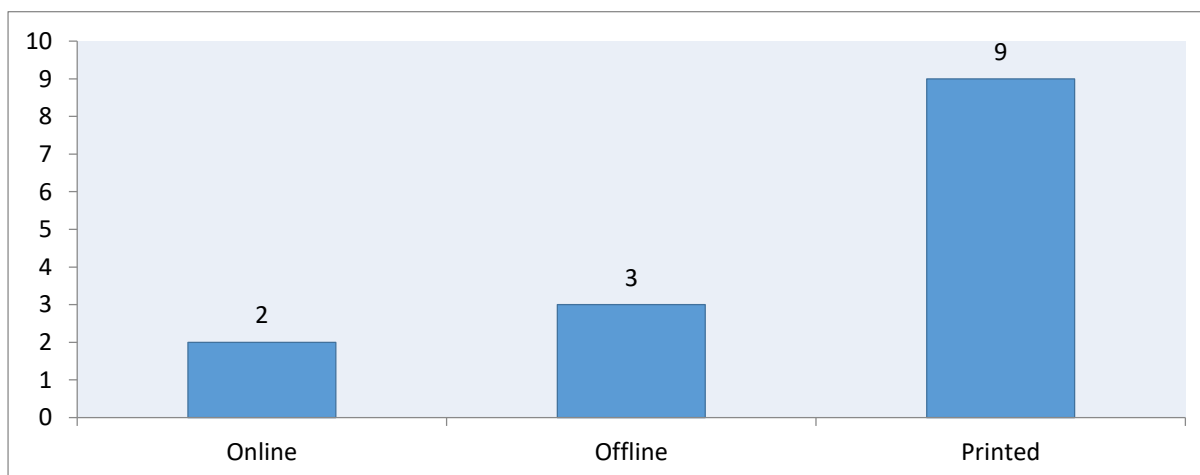
When asked about the format in which they keep record of the requests:

- 09 respondents out of 12 mentioned that they keep record of information requests in print form only
- 02 respondents (out of 12) stated that they maintain the record (digitally) online
- 03 said that they keep the record (digitally) offline
- 02 respondents didn't reply to this question

Those who mentioned that they keep the record in print form:

- 05 belonged to ministries
- 03 were from regulatory bodies
- 01 was from ICT departments

Figure 8: Record keeping of information requests



Technical Equipment, websites and Specialized Software

Technical equipment to prepare information / record requested

When asked, whether the public body had required technical equipment such as photocopier, printer, CD writer, scanner, camera, etc., to prepare information / record / data requested under RTI law:

- 10 respondents mentioned that they have such equipment
- 01 respondent stated that they do not have such equipment
- 01 respondent did not reply

Amongst 11 respondents who answered the above question in positive:

- 05 belonged to ministries
- 04 were from regulatory agencies
- 02 were from Islamabad capital territory departments

Online Information Request Tracker

In the age of digital / online technologies, presence of online requests tracking system can help track the application without any need to physically visit the concerned office. However, when asked, whether public bodies have online tracking mechanism for the status of information requests:

- 10 respondents mentioned that there is no such system in their departments / ministries and bodies;
- 02 respondents (one from regulatory bodies and one from ICT departments) said that they are in process of developing such system

Those who mentioned that there is no such tracking system:

- 05 were from the ministries
- 03 from regulatory bodies
- 02 from Islamabad capital territory agency

Specialized software to provide information access to disable persons

Pakistan Information Commission has held that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be 'accessible' for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Furthermore, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of websites to the special needs of persons with disabilities. In this respect, it is important to know whether the public bodies have such software or not.

In response to this question:

- 09 respondents said that they do not have such software
- 01 respondent mentioned that they have such software
- 02 respondents did not answer this question.

Facilitation for uneducated and disable persons

In response to the question relating to assistance and facilitation of uneducated and disable persons for filing information request or provision of information:

- 04 respondents mentioned that they have facilitation centres
- 04 respondents said that they have dedicated space and staff to facilitate such requesters
- 02 respondents stated that they assist such requesters through personal assistance
- 01 respondent informed that they have disabled-friendly buildings
- 01 respondent didn't answer to this question

Specific Budgetary Allocations

When asked, whether the public body allocate specific budget for the section dealing with information requests:

- 08 of them replied that their department/ ministry has specific budget, which is adequate for their section to handle information requests
- 03 of them said that they do not have specific budgetary allocations
- 01 respondent didn't reply to this query/question.

Among those who responded in positive:

- 03 were from the ministries
- 03 were from regulatory bodies
- 02 were from ICT departments

Among those who responded in negative:

- 02 were from ministries
- 01 was from regulatory body

Chapter 5: Pakistan Information Commission and implementation of Right of Access to Information Act, 2017

In order to assess the challenges and barriers, being faced by the Pakistan Information Commission (PIC), detailed interviews were conducted with three information commissioners. These interviews were conducted using a predesigned set of questions covering following key issues and areas:

- Overall implementation of the Act:
- Performance of public bodies
- Maintenance and indexation of public record
- Responsiveness of public bodies
- Internal management, resources, decision making
- Decision making / disposal of appeals
- Capacity building programmes for public information officers (PIOs)

External Issues

1. Overall Implementation of the Act:

When asked, how do you rate overall implementation of the Right of Access to Information Act, 2017 since its enactment, two Information Commissioners (ICs) replied that there is a room for improvement in the overall implementation of the Right of Access to Information Act, 2017. One of the Information Commissioner however said that he was satisfied with the overall implementation status of the Act.

2. Performance of Public Bodies

In response to the question relating to the rating of public bodies in terms of proactive disclosure of information as required under section 5 of the Act, two Information Commissioners were unsatisfied with the performance rate of public bodies in terms of proactive disclosure of information as required under section 5 of the Act. However, 01 Commissioner was of the view that he was totally satisfied with the performance of public bodies.

3. Maintenance and Indexation of Public Record

Two of the commissioners expressed some level of satisfaction about the maintenance and indexation of record however they added that compliance of public bodies can be improved further in terms of maintenance and indexation of record as required. Nevertheless, one of the commissioners was unsatisfied with the performance of public bodies with reference to the maintenance and indexation of record.

4. Responsiveness of Public Bodies

The feedback from Information Commissioners shows that ‘responsiveness of public bodies’ in terms of compliance with the orders of the Commission and implementation of the Act is not up to the mark. Therefore, there is a need and room for improvement in the responsiveness of the public bodies.

5. Directions to the Public Bodies

The Commissioners shared that they have issued advices through letters, circulars and orders to the public bodies for the purpose of implementation of the Act.

Internal Management, Resources, Decision Making

1. Decision Making / Disposal of Appeals

The Commissioners informed so far more than 1,500 appeal have been filed since the establishment of the Commission. Out of these 1,500 appeals, around 350 appeals have been disposed of.

2. Maintenance of Data and Record by the Commission

The commissioners said that the Commission maintains 100% of its data and information in the printed form. However, certain information and data such as circulars, letters and orders are maintained in digital form as well.

3. Maintenance of Commission's Website

The Commissioners shared that the concerned department of the Commission updates the information on website regularly based on need and requirements. However, there is no specific weekly, monthly or yearly schedule for the upgradation / maintenance of the website.

4. Web Content Accessibility

When asked about the compliance of section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 which requires federal public bodies to ensure accessibility of websites to the special needs of persons with disabilities, the commissioners replied that the Commission has specialized software/ tools (text format) to provide access to information to disabled persons.

5. Legal Resources

Availability of adequate legal support and resources is highly pivotal for the Commission as it has to adjudicate the matters in accordance with the laws. Therefore, as per the statutory requirements, one of the commissioners is required to be a legal practitioner. However, two of the commissioners still find that they do not have adequate legal resources to perform their duties under the Act.

6. Financial Resources

In response to this question, two of the commissioners replied that their offices do not have adequate financial resources to perform their duties under the Act. Third commissioner did not answer this question.

7. Administrative Resources

All three commissioners unanimously said that the Commission has inadequate administrative resources. Inadequate number of required staff, absence of official transportation and conveyance facilities, etc., are the key shortcoming in this regard. However, the Commission is in process of recruitments to address human resource inadequacy.

8. Internal Management and Procedures

Section 27 of the Act empowers the Commission to make regulations for record management, fee to be charged for the requests and procedure for processing appeals. When asked whether the Commission has developed such regulations, the commissioners replied that they have developed their internal mechanisms and procedures as required under section 27 of the Act.

Capacity Building Programmes for public information officers (PIOs) and public awareness campaigns

The Commissioners shared that the Commission has organized:

- 6 capacity building (trainings) till 10 March 2020
- Public awareness campaigns on to RTI through physical games and public events in association with the bar councils, press clubs, educational institutions etc.

Challenges/ impediments in the effective implementation of the Act

The Commissioners have flagged out following challenges and impediments in implementation of the Act:

- Bureaucratic mindset in the public bodies
- Lack of understanding and acknowledgments by officials
- Culture of Secrecy
- Inadequate resources – financial, legal and administrative.

They make following suggestion to improve the situation.

1. Public bodies:
 - a. Study law and follow basic principle of transparency and accountability.
 - b. Must implement Section 5, allocate budget for digitalization.
2. Information Commission:
 - a. Amendments to remove ambiguities in the Act
 - b. More awareness programmes for the public and public bodies;
 - c. Impose fine to the person(s) who intentionally causes delay in provision of information to the public;
 - d. initiate contempt of court proceedings on non-compliance of the orders

Key Findings

Here are the key findings of the research.

- There is a lack of awareness among public bodies about the Act
- Information Commission, being an oversight body responsible to ensure implementation of the Act, still lacks necessary human, financial and technical resources for its effective functioning
- Public bodies are reluctant in implementation of orders of the PIC. Many have approached the high courts against the orders of the PIC, hence resulting in delay in implementation of its orders.
- The Commission, however, is endeavoring to inform and educate the public bodies about their roles and responsibilities under the Act. It has issued circulars to public bodies for the designation of PIOs and directed them to comply with the provision of section 05 – proactive disclosure of information.
- Despite being the fourth year of enactment of the Act, public bodies are still failing in putting most of the required information proactively – as required by section 05 of the Act.
- Public bodies and their concerned official lack in capacity, understanding and resources for effective implementation and compliance of the Act as well as order of the PIC
- Bureaucratic mind-set, culture of secrecy and inadequate resources – financial, legal and administrative -are major challenges

Annexure – I: Questionnaire for Information Commissioners

KEY INFORMANT INTERVIEW

Information Commissioners

Name: _____

Email: _____

Contact No: _____

Question 1: How do you rate the overall implementation of the Right of Access to Information Act, 2017 since its enactment?

- Satisfactory
- Room for improvement
- Unsatisfactory

Question 2: How do you rate performance of public bodies in terms of proactive disclosure of information as required under section 5 of the Right of Access to Information Act, 2017?

- Satisfactory
- Room for improvement
- Unsatisfactory

Question 3: How do you rate compliance of public bodies in terms of maintenance and indexation of record as required under the Right of Access to Information Act, 2017?

- Satisfactory
- Room for improvement
- Unsatisfactory

Question 4: How do you rate responsiveness of public bodies in terms of dealing with information requests under the Right of Access to Information Act, 2017?

- Satisfactory
- Room for improvement
- Unsatisfactory

Question 5: Since the establishment of the Information Commission in 2018, how many appeals have been filed so far? How many of the appeals have been decided?

Question 6: How does the Commission maintain its own record / data / information?

- Printed form
 - o 100%
 - o 50%
 - o Less than 50%
- Digital form
 - o 100%
 - o 50%
 - o Less than 50%

Question 7: How often do you update information on your website?

- Weekly

- Monthly
- Annually
- Any other option:

Question 8: Does the Commission have specialized software / tools to provide access to information to disable persons? Yes/ No

If yes, which of the following formats are available?

- Video
- Audio
- Text
- Other

Question 9: Does the Commission have adequate legal resources to perform its duties under the Act? Yes / No

If No, how do you think that the adequacy can be ensured?

Question 10: Does the Commission have adequate financial resources to perform its duties under the Act? Yes / No

If No, how do you think that the adequacy can be ensured?

Question 11: Does the Commission have adequate administrative resources to perform its duties under the Act? Yes / No

If No, how do you think that the adequacy can be ensured?

Question 12: Does the Commission have developed its internal mechanisms and procedures as required under section 27 of the Right of Access to Information Act, 2017?

If Yes, please provide the details.

Question 13: Does the Commission have issued any advices to the public bodies for the purpose of implementation of the Right of Access to Information Act, 2017?

If Yes, please provide the details.

Question 14: Have the Commission organized capacity building programmes for PIOs and public awareness campaigns for the purpose of the Right of Access to Information Act, 2017?

If Yes, please provide the details.

- Capacity building programmes
- Public awareness campaigns

Question 15: Does the commission face challenges / impediments in the effective implementation of the Right of Access to Information Act, 2017?

- What are those challenges and impediments?
- Any further suggestion for improvements in implementation of the Right of Access to Information Act, 2017.
 - o for Information Commission
 - o for public bodies

Annexure – II: Questionnaire for Public Information Officers

KEY INFORMANT INTERVIEW

Public Information Officers

Name: _____ Designation: _____

Organization/ Department: _____ Email: _____

Contact No: _____

Question 1: How long have you worked as Public Information Officer (PIO) under the Right of Access to Information Act, 2017?

- Less than a year
- More than a year

Question 2: Did you serve in any information related position before appointment as PIO?
Yes / No

If yes, which department / ministry?

Question 3: Did you receive orientation on Right of Access to Information Act, 2017? Yes / No

Question 4: Did you receive any training on implementation of the Right of Access to Information Act, 2017? Yes / No

If yes, what was this training about? (Select all relevant)

- In-house data / information / record management
- Complaints / requests handling
- Digital / online requests management
- Dealing with the information commission
- Any other (Please specify):

Who organized that training? (Select all relevant)

- Information commission
- Your own department / Ministry
- Federal / provincial training institution (e.g., National Institute of Management).

Please specify

- Private sector organization / NGO (please specify)
- International organization (please specify):
- Any other (please specify):

Question 5: How many staffers do you have in your section to deal with information requests?

- 1
- 2
- 3
- 4
- 5
- More than 5

Question 6: Have your department issued any circular / instructions to its employees with reference to the implementation of the Right of Access to Information Act 2017? Yes / No

If yes, please provide copies thereof.

Question 7: Does your department have internal written procedures for provision of access to information under the Right of Access to Information Act 2017? Yes / No

Question 8: Do you conduct in-house orientation on and implementation of Right of Access to Information, Act 2017. Yes / No

Question 9: Are your staffers trained on the implementation of Right of Access to Information Act, 2017? Yes / No

If yes, what was this training about? (Select all relevant)

- In-house data / information / record management
- Complaints / requests handling
- Digital / online requests management
- Any other (Please specify):

Who organized that training? (Select all relevant)

- Information commission
- Your own department / Ministry
- Federal / provincial training institution (e.g., National Institute of Management).

Please specify

- Private sector organization / NGO (please specify)
- International organization (please specify):
- Any other (please specify):

Question 10: Do you / your staffers need specialized training(s) to perform their duties under the Right of Access to Information Act, 2017? Yes / No

If yes, what kinds of trainings do you suggest for yourself and your staffers? (Select all relevant)

- Basic orientation on right to information
- Data / information / record management
- Complaints / requests handling
- Digital / online requests management
- Dealing with information commission
- Any other (please specify):

Question 11: How do you maintain your record / data / information?

- **Printed form**
 - o 100%
 - o 50%
 - o Less than 50%
- **Digital form**
 - o 100%
 - o 50%
 - o Less than 50%

Question 12: Does your department / ministry maintain an index / catalogue / directory of information, as required by the Act? Yes / No

If yes, how often does it publish?

- Annually
- Biannually
- Quarterly
- Monthly
- Any other option (please specify):

Question 13: Do you have record of information requests received by your department / ministry since 2017? Yes / No

- How many requests have you received since 2017?
- How many requests have been responded so far?
- How many requests are pending so far?

Question 14: How do you keep record of information requests?

- Digitally
 - o Online
 - o Offline
- Printed

Question 15: Do you have required technical equipment to prepare information / record / data requested under RTI law? Yes / No

If No, what is required? (Select all relevant)

- Computers
- Printers
- Photocopier
- CD writer
- Scanner
- Software
- Camera
- Any other option (please specify):

Question 14: Do you have online tracking mechanism for the status of information requests? Yes / No

If yes, what is the mechanism? (Select all relevant)

- SMS based service
- Email based service
- User account on a portal / website
- Any other option (please specify):

Question 17: How often do you update information on your website?

- Weekly
- Monthly
- Annually
- Any other option:

Question 18: Does your department / ministry have specialized software to provide information access to disable persons? Yes / No

If yes, which of the following formats are available?

- Video
- Audio
- Text

- Other

Question 19: How does your department assist/facilitate uneducated and disable persons for filing information request or provision of information?

- To uneducated:
- To disables:

Question 20: Does your department / ministry have specific budget for your section to handle information requests? Yes / No

If yes, please select the relevant option:

- It is adequate to cover the expenses.
- It is inadequate to cover the expenses.

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