

Draft

**GOVERNMENT OF PAKISTAN
CABINET DIVISION
ISLAMABAD
FREEDOM OF INFORMATION RULES, 2003**

F.No_____ In exercise of the powers conferred by section 25 of the Freedom of Information Ordinance 2002 (No. XCVI of 2002), the Federal Government is pleased to make the following rules:-

**PART-I
GENERAL PROVISIONS**

1. These rules may be called the “Freedom of Information Rules, 2003” and shall apply to all Public Bodies as defined in the Freedom of Information Ordinance 2002.
2. These Rules shall come into force at once.
3. In these rules, unless there is anything repugnant in the subject or context:-
 - a) Ordinance means “Freedom of Information Ordinance, 2002”.
 - b) Other terms given in these rules shall have the same meaning as defined in the Ordinance.

**PART II
THE DESIGNATED OFFICIAL AND HIS/HER DUTIES**

4. The head of each public body shall, with the commencement of these rules, designate and notify an official in accordance with section 10 of the Ordinance. The designated official shall be a senior official within the public body. The designated official shall be the competent authority for granting access to the requested record or information under the Ordinance.

5. The designated official may delegate his / her powers to an official in each administrative zone, region, division or, as the case may be, a district of the public body to ensure easy public access to information. The officials to whom the designated official shall delegate his/her power will be competent authorities in the areas of their respective jurisdictions.
6. The designated official shall be provided with all the necessary equipment and facilities by the public body to enable him/her to discharge his/her duties. The designated official may seek the assistance of any officer or official of the public body in the discharge of his/her duties. Other officers in the public body shall render such assistance to the designated official, as he/she may require from time to time, for the discharge of his/her duties.
7. The designated official shall:
 - a. Be responsible for the preparation and maintaining of a manual of records¹ of the public body as contained in section 8 of these rules;
 - b. Be responsible for processing the applications submitted by the requesters for access to the record of the public body, and the granting or otherwise of the record;
 - c. Render assistance to the requester, in accordance with section 9 of the Ordinance, to facilitate the requester to comply with the provisions of the Ordinance;
 - d. Inform the general public about the Freedom of Information Ordinance 2002 and how they can exercise their right to information in accordance with the Ordinance;
 - e. Deal with the complaints and appeals filed by a requester under section 19 of the Ordinance, as a follow up regarding the requests for access to the record of the public body;
 - f. Prepare, and submit to the head of the public body, an annual report² mentioning the number of requests received, the number of requests considered and information granted, the number of

¹ The South African Promotion of Access to Information Act 2000 makes detailed provisions about the preparation of the manual and its dissemination. The Canadian Freedom of Information legislation requires the government to make it public what record it holds. The Canadian government does it through a publication called 'InfoSource'. The Australian Freedom of Information Act mandates all departments to update record every three months for public use.

² The Rules of Business of the Federal Government, as amended in 1988 [section 25(2)] require each Division to prepare a report at the end of each financial year, which should describe activities, achievements, projects and progress of the Division. The report suggested here shall be prepared by the designated official and shall exclusively focus access to information.

requests rejected, the problems faced by the designated official during the disposal of requests under the Ordinance, and suggestions for improving and streamlining the system.

PART III
RECORDS OF THE PUBLIC BODY

8. In accordance with sections 4 and 5 of the Ordinance, each public body shall, within six months of the commencement of these rules, compile and maintain records held by the public body, except the records exempted under section 8 of the Ordinance, and publish such details in the manual to be prepared under section 7 (a) of these rules. The manual shall contain:
 - a. A description of the organization, responsibilities, powers and functions of the public body.
 - b. Description of subjects on which the public body holds the record.
 - c. A description of the services available to the public from the public body and how to access these services.
 - d. A description of the record of the public body categorized as classified or otherwise;
 - e. Address(s), telephone and fax numbers along with e-mail address(es) of the designated official (s).
 - f. A description of the record of the public body.
9. The public body shall, in accordance with section 6 of the Ordinance, carry out and complete the computerization of record, and networking of computers across offices of a government department or a public body within one year of the commencement of these rules.
10. The public body shall ensure that the records and the manual are updated on a yearly basis, and the same are published on the website of the public body as well as in the print and electronic media. The annual report as provided in section 7(f) of these rules shall be made available on the website of the public body, as well as proactively distributed among relevant citizen groups.

PART IV
APPLICATION FOR RECORD

11. Subject to sub-section (2) of section 12 of the Ordinance, any citizen of Pakistan can apply on the prescribed form (Appendix-I) to obtain the required record or information held by a public body. The application shall contain particulars of the requester and the preferred form of access to information.³ This will also be accompanied by receipt of the required fee deposited under the relevant head of account in the State Bank of Pakistan, National Bank of Pakistan, the local post office⁴ or the treasury as given in the Appendix-I. When an application is made in an electronic form, the requestor will ensure that receipt of the requisite fee deposited, as suggested in section 12 of these rules, reaches the designated official within 10 days of the request sent through electronic form. If a requestor fails to do so, his/her application will be treated as withdrawn.
12. The required fee for an access to information request will be Rs.100/- (non-refundable). Receipt of the fee deposited in the relevant head of account will be attached with the application or, if the request is made electronically, it will be sent to the designated official within 10 days after the electronic request is made. An amount of Rs.1/- per page of the photocopied record or information shall be deposited in the relevant head of account for every additional page if the number of the pages of the record requested exceeds 20 pages per requisition. In case the requestor opts to access information or record in the form of a CD or a diskette or another electronic form, the requestor shall deposit a certain reasonable amount of fee as fixed and notified by the public body from time to time.

³ Certain serving and retired officials of the Federal Government, who we consulted in the process of drafting these rules, suggested that it should be obligatory for a requestor to mention purpose of access to a particular information or record. The only argument made in favour of this suggestion is that it would discourage requestors to ‘misuse’ information thus obtained. We have considered this argument carefully and believe that, in the presence of so many exemptions of sensitive or privileged information in the Ordinance, such a provision would be absolutely unnecessary. In addition, it would not serve the stated purpose, as it would be totally legitimate and lawful to obtain information or record for one purpose and, later on, use it for other purposes, if so required.

⁴ There may be places in the country where access to the State Bank, National Bank or the treasury would be difficult. Since there exists an large network of post offices, which already perform similar functions, it will be appropriate and convenient if citizens could deposit the required fee for access to public record or information in the nearby post office. We understand that the Cabinet Division, in consultation with the Ministry of Finance, the Auditor General of Pakistan and the State Bank of Pakistan, can make arrangements to this effect.

13. The application will be in a sufficiently precise manner to enable the public body to specify the requested information or record held by the public body. If an application is not sufficiently precise, the designated officer shall ask the requester to clarify the application and shall assist the requester in doing so. If the requester fails to do so within 10 days after having received the request for clarification, the application shall be rejected and the requestor will be informed through a notice, clearly mentioning the grounds for doing so.

PART V
GRANTING ACCESS TO PUBLIC RECORD

14. The designated official shall process the application and send a notice (Appendix-II) to the requestor within three working days of the receipt of the application to acknowledge receipt of the application, and to inform him/her if the requested access will be granted. The notice will also inform the requestor whether he/ she needs to pay any additional fee for the requested form of information and, if so, how much. In case the requested record or information consists of a large document or a large number of documents, he/she will be informed about it through this notice and, if applicable, given options for easier and cheaper access.
15. If the requested access is to be provided, the designated officer will do so as soon as possible but not later than 21 days. In exceptional circumstances, such as that the requested information/record is substantial in volume or requires additional time for its preparation or collection, the time period for the grant of access may be extended by a further but not more than 15 days. The access thus granted will be under a certificate of attestation as provided in sub-section 3 of section 13 of the Ordinance.
16. If the requested record or information is not held by the public body, to which the request has been made, the designated official shall immediately inform the requester accordingly, indicating to him/her the public body which holds the requested record/ information.
17. If the requested information or record is not traceable, the designated official of that public body shall under an affidavit notify the requester that it is not possible to have access to the requested record. The affidavit must give a full account of

reasons why the requested record is not traceable and what steps were taken to find it.

18. A decision refusing the grant of public information/record shall clearly state the legal and factual grounds for the refusal under the Ordinance. The reply in such a case shall clearly mention the date of the decision and the procedure for appeal to the head of the public body or the Wafaqi Mohtasib or the Tax Ombudsman, as the case may be.
19. Failure by the public body either to grant the record or information or deny it within the specified time shall be deemed a negative reply and the requester may move a complaint in accordance with Section 19 of the Ordinance.
20. If the information or record is denied on frivolous or unsound grounds by the designated officer and it is so established by the head of the public body, the Wafaqi Mohtasib or the Federal Tax Ombudsman, as the case may be, a fine may be imposed on the designated officer up to an amount not exceeding three thousand rupees.

PART VI

FILING OF COMPLAINTS

21. In case the designated officer of a public body fails to provide the requested information/record within 21 days, the requester may, in terms of Section 19 of the Ordinance, file a complaint with the head of the public body. The head of the public body shall dispose of the complaint within 30 days of its receipt, and shall thereof provide the requested information or inform the requester of the decision.
22. In case the competent authority of the public body fails to redress the grievance of the requester within 30 days of the filing of complaint or refuses to provide him/her the requested information within the meaning of Section 19 of the Ordinance, the requester may file a complaint with the Wafaqi Mohtasib and in case of relating to Revenue Division, with the Federal Tax Ombudsman.
23. The complaint with the competent authority or with the Wafaqi Mohtasib or the Federal Tax Ombudsman, as the case may be, shall contain:-
 - a) The name and the address of the appellant and the particulars regarding the relevant designated officer or the competent authority as the case may be.

- b) The date of receipt of order, if any, of the refusal to grant information in case of a complaint against the decision of the designated officer, or of the competent authority.
- c) The grounds for appeal.
- d) The relief claimed by the requester.

Appendix-I

**APPLICATION FORM FOR OBTAINING
RECORD/INFORMATION UNDER FREEDOM OF
INFORMATION ORDINANCE 2002**

To:

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Name of requester _____

Address _____

Phone No. _____

N.I.C. No. _____

Particulars or subject matter of the record requested _____

Nature of the record required _____

DECLARATION

Application fee of Rs. ----- (non-refundable) has been deposited in -----
----- vide challan /receipt No. -----
dated ----- the original copy of which is attached.

Date

Signature of requester

F.No _____

NOTICE TO THE REQUESTER

Subject: _____

Reference your application dated _____ for the provision of record/information regarding _____

2. Your request has been considered and accepted/rejected by the competent authority.
3. You are requested to deposit an additional amount of Rs. _____ for additional _____ pages (@ Rs.1/- per page) under the head of account mentioned below:-

_____	_____
_____	_____
_____	_____

4. Your request is regretted on the following grounds:-

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

To:

Date

Signature of the Designated Official

(Name of public body)