

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 1816-03/22

Salman Shabbir

(Appellant)

Vs.

Pakistan Bureau of Statistic

(Respondent)

ORDER

Date: July 27, 2022

A. The Appeal

1. The Appellant filed an appeal, dated March 11, 2022 to the Commission, stating that he submitted an information request to the Pakistan Bureau of Statistic on February 12, 2022 under the Right of Access to Information Act 2017 but did not receive any response from the public body.
2. The information sought by the Appellant is as follows:

In pursuance of Article 19-A of the Constitution-1973, with, Sections-3 & 11 of Right of Access to Information Act-2017. I request PBS to provide me with the following information Scope of Request

1. Bloc level Maps and Data
 - a. Nomenclature
 - b. Geo codes including block boundary geo codes (that encapsulated the whole area/polygon)
 - c. All available layers
 - d. All relevant data
 2. Districts level Data
 - a. Nomenclature
 - b. Geo codes including block boundary geo codes (that encapsulated the whole area/polygon)
 - c. All available layers
 - d. All relevant data
 3. Province/Territories level data
 - a. Nomenclature
 - b. Geo codes including block boundary geo codes (that encapsulates the whole area/polygon)
 - c. All available layers
 - d. All relevant data
- I am working on making a proposal to streamline the data from Census to NADRA to ECP Please share any other data you feel may be helpful in this regard.

B Proceedings

- 3 Hearing on this Appeal was held on June 02, 2022 vide letter dated May 18, 2022. Syed Abdul Kalim, ACC and Muhammad Sarfraz, CSO represented the Respondents in the hearing.

- 4 The representatives of the Respondent reiterated the following response in the hearing which they also submitted in writing:
“It is submitted that Pakistan Bureau of Statistics (PBS) being National Statistical Office is the custodian of Sampling Frame and cannot share complete frame with data users as per policy. The designed maps using ARC GIS Techniques & GPS devices are being used for official purpose only. It is not the mandate of PBS to share or sale the shape files/ GEO-Coordinates of the maps to the data users. Maps are shared in hard form/JPEG/PDF formats for conduct of study/adhoc-survey in a certain domain by developing the sample design on advance payment basis as per approved policy of sale of maps to facilitates its data users (Annex-1).
PBS received the request for census data and maps from appellant ie. Mr. Salman Shabir on 13-02-2022 for the first time and PBS. responded to all his queries from time to time through E-communication. PBS is committed to facilitate its data users under the guidelines of its data dissemination and has been facilitating to various government departments/national and international organization on advance payment basis, including Benazir Support Programme, Election Commission of Pakistan. World Bank, NESPAK and UNDP etc. The amount / charges against the requisite data/maps are deposited in the government treasury by the users and a copy of the challan / receipt is to be provided to PBS.
In this context PBS made detailed correspondence to facilitate the intender as per the existing data dissemination policy of sale of urban / rural area maps and other documents related to Population & Housing Census. The intender was communicated the approved rates of the rural/urban maps and their descriptions PBS always entertained the data requests in the light of said policy and the intender's request”.
- 5 During the hearing, the counsel for the Appellant Mr. Muhammad Usman Sami argued that the disclosure of the requested information was warranted under the provisions of the Right of Access to Information Act, 2017. They also submitted before the commission that its disclosure was in public interest and that its disclosure would cause no harm whatsoever to national security. During the hearing, the commission asked the Respondent as to how the disclosure of requested information in digital format as requested by the Appellant would harm national security and submit its arguments in next hearing.
- 6 During the hearing held on June 9, 2022, the representatives of the Respondent argued that the Shape files maintained by the Respondent contained Points of Interests about sensitive location and its disclosure would cause harm to the national security. The representatives of the Appellant maintained that the Respondent could remove layers containing Points of Interest and provide the rest of the information in digital format.
- 7 Through E-mail dated June 10, 2022, the Appellant also submitted the following response:
“I understand there are security concerns around POI, and the Pakistan Bureau of Statistics suggested this information is Secret.
"A point of interest (abbreviated POI) is a specific place or location point on a map that someone might find interesting or useful".
Is POI Secret?
Pakistan's POI data is publicly available on various platforms such as Google Maps. PBS cannot classify something publicly available as secret. Anyone can find the exact Geo-Coordinates of the Prime Minister's Office, Supreme Court, Pakistan Airforce bases, GHQ and many other sensitive installations with a few clicks on Google Maps.
Descoping POI from Request
I would like to categorically re-iterate what my lawyer mentioned during the hearing. We are happy to descope POI from the request.
Ease of removing POI

I believe all agreed during the hearing that PBS can easily and quickly remove the POI data.

Possibility of adding POI back

I understand there was concern that even if PBS removes the POI layer, it can easily be added back. I want to assure you that is not possible. To elaborate, let's discuss how POI is generated in the first place.

A POI generation requires physical inspection through boots on the ground or satellite. No neat trick in any software can generate POI out of thin air with a few clicks. The software can only facilitate referring to POI already available in the public domain.

Let us take the analogy of a house. Someone takes the outer boundaries of their home, including exterior walls and roof and makes it public as a shape file. Something that is already visible from the streets.

Now, no software can generate the internal architecture of that house with a few clicks; it is just not possible. A physical inspection is required to know the house's internal "POIs". Is anyone claiming that they can add the non-public POI to the census boundaries with a few clicks?

If so, I would trust the Commission would challenge them to prove their assertion.

list of 1 items

- There must be some articles or documentation that exists to show this "easy" process?

If such evidence is furnished, I would like an opportunity to review the evidence and respond.

World Best Practices

It is pertinent to know how the data I am requesting is treated in different countries worldwide. It is a common practice now across the world for Governments to release data for public use. Boundaries data is no exception. Pls note a few examples:

1. 2021 Census – Boundary shape files - Made Available for Download by Bureau of Statistics Canada: <https://www12.statcan.gc.ca/census-recensement/2021/geo/sip-pis/boundary-limites/index2021-eng.cfm?year=21>

2. Many types of Digital shape files - Made Available for Download by Bureau of Statistics

Australia:

<https://www.abs.gov.au/statistics/standards/australian-statistical-geography-standard-asgs-edition-3/jul2021-jun2026/access-and-downloads/digital-boundary>

files downloads-for-gda2020-digital-boundary-files

3. Many types of Digital shape files - Made Available for Download by Bureau of Statistics

New Zealand: <https://datafinder.stats.govt.nz/data/category/annual-boundaries/>

4. Census Geographic Digital shape files - Made Available for Download by Bureau of Statistics UK:

<https://statistics.ukdataservice.ac.uk/dataset/2011-census-geography-boundarieswards-and-electoral-divisions/>

5. Administrative Boundaries shapefiles – Made Available for Download by German's Relevant Federal Agency:

<https://gdz.bkg.bund.de/index.php/default/open-data/verwaltungsgebiete-1-5-000-000-ebenen-stand-01-01-vg5000-ebenen-01-01.html>

6. Census and many other Digital Boundary shapefiles – Made available for download by United States Census Bureau:

<https://www.census.gov/geographies/mapping-files/time-series/geo/cartographic-boundary.html>

7. Administrative Boundaries Shapefiles made available for download by Swiss Federal Statistics Office:

<https://www.bfs.admin.ch/bfs/en/home/services/geostat/swiss-federal-statistics-geodata/administrative-boundaries/generalized-boundaries-local-regional-authorities.html>

You may notice that these countries do not only make the source file shapefiles available to their citizens but anyone across the world. As a trial,

I could download the shapefiles for New Zealand, Switzerland, and Germany.

Format: PDF vs Digital Benefits

It is vital to know that the requested data must be provided in the format requested, such as shapefiles and should not be in PDF.

To explain, let's take the example of a Word document with 100 pages of content. Now let us take pictures of all those pages on my mobile. Now you have the same information available in two formats

- 1 Word Document
- 100 pictures

Now, if someone wants to review the document, I furnish them with 100 pictures. They would be severely limited and inconvenienced in how they can benefit from that information. e.g., they cannot do basic operations such as

1. Use accessibility applications such as text to speech to read the information
2. Do a word count of the document
3. Search for the recurrence of a particular word in that document
4. Leave a comment for the author on a word/section of the document

Similarly, suppose any numerical data is shared in a PDF format. In that case, the recipient cannot use it properly unless it is available in the correct data processable format, such as a spreadsheet format.

Hence, the shapefile's purpose is not served by having it in a PDF format. It is just not beneficial/usable in the manner it should be. I later explain the benefits with a real-life example in the letter under One Fundamental Rights Use Case of Data.

Use of Data

I understand there were questions around commercial use of the data and manipulation of the source files once in the hands of the citizens.

With respect, it is not the mandate of the Commission to speculate or regulate how the citizen uses the information once it is released. Other laws in Pakistan govern the use of data. Having said that I am happy to address the concerns

Source File Manipulation

Once in my possession, any manipulation to my copy of the files would be changed to my local copy. The original version of the files would remain intact and in control of PBS. Any changes to my local document cannot compromise the integrity of PBS data which would be considered the source of truth.

Commercialization of data

I have no intention of using the data for commercial purposes. I have filed this RTI purely in the interest of the public. My history as a Civil Rights /Electoral Reforms Activist is well documented. I wish to cite some examples:

list of 4 items

1. My research, spanning multiple years, in collaboration with NUST University team, on Electoral Arithmetic was published as a cover story of the Dawn Sunday Magazine.

I had to file multiple RTIs to get the data behind the report. An interesting excerpt from the Article:

- "Overall, we filed 7 Right to Information (RTI) requests to various bodies to obtain this necessary data. We are indebted to the Pakistan Information Commission for facilitating this process."

2. It took hundreds of person-hours and dollars of my money to process and publish the data in an interactive dashboard. I have made this Dashboard available free of charge for the public's benefit. [Link to the Dashboard here](#)

3. Dawn covers my fight for fair voting rights.

4. [Link to video of my meeting with Chairman Senate Parliamentary Affairs Committee, Senator Taj Haider for Electoral Reforms](#), where I presented him my paper on electoral reforms for fair voting rights.

One Fundamental Rights Use Case of Data

There are many use cases for getting the boundaries shape files. However, I would like to highlight one such contemporary use case.

The Election Commission of Pakistan has recently asked people to verify their votes by sending their CNIC to 8300. As a response, the system sends you details of your vote, including the census block of your address.

I WAS STUNNED BY THE RESULTS when I completed the exercise for myself and my family members. The three adults in the family, who have only the same address on their CNICs, had different census block codes returned by ECP.

How is this possible? It must be some data error.

- As a citizen of Pakistan, do I not have a right to know and independently verify what census block my home physically falls in?
- Searching and finding this information is almost impossible at scale for the public if the census blocks data are shared in PDF format.
- It is the Commission's responsibility to protect my right to this information.

Implications of allowing our request

Just like fiber is the building block of fast internet that enables the fourth industrial revolution. Maps are the building blocks of a progressive digital economy.

At a bare minimum, we are asking for census blocks boundary shapefiles, a common practice worldwide.

The details PBS withholds are one of the critical building blocks of a digital economy. Citizens of Pakistan will benefit from the innovative applications enabled by this data.

I urge the Commission to consider this case holistically. It has far-reaching implications for Pakistan's (digital) economy. Digital Data availability is an equalizer that unlocks potentials that benefits the disadvantaged, middle and lower-middle-class citizens the most.

Modus Operandi of Exchange of Information.

I request the Commission to give a landmark judgment, directing PBS to:

1. Share the files with the petitioner in the requested processable format, free of cost
2. Make mechanism for future updates to be gathered easily
3. Do not hold the whole data. If some data is not ready. Start sharing the one that is readily available/shareable.
4. Please work with us in good faith, keeping in mind the spirit of the request, not technicalities.
5. Appoint a technical/GIS contact person for our team to work with to exchange data within a week.

A landmark judgement would not only help the cause at hand but can also lay the foundation for any future data policies in Pakistan”.

C. Discussion and Commission’s View on Relevant Issues

Views of Mohammad Azam, Chief Information Commissioner

The shapefile format is a geospatial vector data format for geographic information system (GIS) software. The shapefile format stores the data as primitive geometric shapes like points, lines, and polygons. These shapes, together with data attributes that are linked to each shape, create the representation of the geographic data.

These Shapefiles provide detailed information that can be useful in gaining sensitive insights into locations that may jeopardise the country's national security. The Commission's mandate is to facilitate the citizen of Pakistan to get access to information which is not exempted under RAI 2017. The information requested by the appellant, in the form of shapefile may, prima-facia, facilitate the commercial interests of the appellant at the cost of national security. Furthermore, using PIC platform for obtaining information which is already available in other formats and at a published government rate is not allowed.

The Commission hereby directs the public body to provide the desired information only in the form of PDF on a storage device like USB or hard drive provided by the appellant and that too, after removing sensitive information. The public body may charge the appellant prescribed rates as schedule of charges notified by PIC regulations for the provision of such information, if any.

Views of Fawad Malik, Information Commissioner

The appellant has desired the Nomenclature, Geo codes including block boundary geo codes (that encapsulated the whole area/polygon), all available layers and all the relevant data of the Bloc level Maps and Data, Province/Territories level data and Districts level Data from the Pakistan Bureau of Statistics under the Right of Access to Information Act, 2017.

Pakistan Bureau of Statistics being National Statistical Office is the custodian of Sampling Frame and has regretted to share complete frame with data users as per policy as the designed maps using ARC GIS Techniques & GPS devices are being used for official purpose only, however access in hard form/JPEG/PDF formats for conduct of study/adhoc-survey in a certain domain by developing the sample design is offered to the appellant. During the course of hearing the representatives appearing on behalf of the Pakistan Bureau of Statistics vehemently argued that the Shape files maintained by the Respondent contained Points of Interests about sensitive locations and its disclosure might cause harm to the national security.

The appeal before the Commission is since being dealt with under the Right of Access to Information Act, 2017 therefore the matter needs to be resolved under the Provisions of the Act, *ibid*. The respondent organization has apprehended the risk/harm that might cause to the contained Points of Interests about sensitive locations and to the national security, since Point of Interest is a specific point location that someone may find useful.

In my humble view the the Nomenclature, Geo codes including block boundary geo codes (that encapsulated the whole area/polygon), all available layers and all the relevant data of the Bloc level Maps and Data, Province/Territories level data and Districts level Data cannot be shared with the appellant amongst others for the following reasons:

- a. These shapefile contains in-depth information which can be helpful for getting sensitive insights regarding places that may compromise security of government departments, military installations and facilities relating to national security of the country. Moreover, block file owner may use maps to their advantage in carrying out commercial activities such as building various computer/mobile applications, geo tracking based ad-campaigns, Vehicle tracking and monitoring apps, taxi apps, Individual tracking systems and GIS solutions etc.
- b. The appellant in his response under "use of data" mentioned that it is not the mandate of this Commission to speculate or regulate how the citizen uses the information. Be that as it may, it is prime responsibility of the Commission to evaluate the accessible and exempted information according to the provisions of the Act. The mandate of the Commission is achieved if the accessible information is provided to the Citizens and in case of exemption, denied in accordance with the rules and regulations provided in the Act and article 19A of the Constitution of Islamic Republic of Pakistan, 1973. Article 19A of the Constitution of Pakistan provides the right of access to information and record

held by the public bodies but it is not absolute rather subject to rules and reasonable restrictions imposed by law. These restrictions are detailed in sections 7 & 16 of the Act of 2017.

- c. While allowing a fundamental right to a citizen the Commission should be mindful and careful to refrain from penetrating into the other fundamental rights of the rest of the citizens guaranteed by the Constitution of Pakistan. Polygon is a decentralised Ethereum scaling platform that enables developers to build scalable user-friendly dApps with low transaction fees without ever sacrificing on security.
- d. Fundamental rights also protect the lawful trade and business of the citizens and I am afraid lest the trade and business of the other investors carrying out commercial activities such as building various computer/mobile applications, geo tracking based ad-campaigns, Vehicle tracking and monitoring apps, taxi apps, Individual tracking systems and GIS solutions etc. might not be infringed. Although the appellant in his rejoinder through E-mail dated June 10, 2022 has assured that he has no intention towards the commercial use of the data. The intention of the appellant is never doubted but the Commission cannot leave the government departments at the mercy of the individuals by creating a precedent.
- e. Examples of countries like Canada, UK, US, Australia, New Zealand, Germany and Switzerland referred by the appellant may not be relevant argument for the reason that every country has its own laws on the subject according to their circumstances, customs and sources and abilities to counter the situation while the Commission has to decide the matter in hand in accordance with the provisions of the RTI Act of 2017, law of the land.
- f. It is apprised by the PBS that it is committed to facilitate its data users under the guidelines and policy of its data dissemination and has been facilitating to various government departments /national and international organizations e.g. Benazir Support Programme, Election Commission of Pakistan. World Bank, NESPAK and UNDP etc. The appellant has failed to point out any case where the sort of information / record has been shared by the PBS to any particular citizen or individual.
- g. Last but not the least the requested information and record cannot be shared by the PBS with any individual, other than the government organization, without seeking the consent of the concerned institution whose contained Points of Interests about sensitive locations may cause prejudice to the defence or security of Pakistan or in any manner the capabilities of the armed forces or the law enforcement agencies.

For the reasons recorded above, I do not agree with the views recorded by my learned brother Commissioner Mr. Zahid Abdullah. *Inter alia* the reasons recorded by learned brother Chief Commissioner Mr. Mohammad Azam I too, humbly differ with the views recorded by my learned brother Commissioner Mr. Zahid Abdullah.

The appellant may however, can have access in hard form/JPEG/PDF formats for conduct of study/adhoc-survey in a certain domain by developing the sample design.

Disenting Note: Zahid Abdullah, Information Commissioner:

I respectfully disagree with my learned colleagues on following grounds:

There is no nexus between the disclosure of requested information in digital form with neither the question of commercial interests of Pakistan Bureau of Statistics nor with the security of the country.

The only reasons for not disclosing digital file containing census block data/information could be threat to national security and privacy interests of identifiable individuals.

It is digitally possible to share the requested digital files of census block data after removing all data/information which is likely to cause harm to national security and hurt privacy related interests of identifiable individuals.

Threat to national security is a serious matter and merits serious consideration it deserves. There cannot be any two opinions that data/information that may cause threat to national security should not be made public. Similarly, it is disservice to the cause of national security to withhold information having no nexus with national security by raising specter of national security. There is no nexus between the disclosure of the census block data in Shape file and threat to national security because of the following:

(a) the Appellant has withdrawn request pertaining to Points of Interest, though even the disclosure of Points of Interest is not likely to cause threat to national security given the fact that such information is already in public domain.

(b) Countries like Canada, UK, US, Australia, New Zealand, Germany and Switzerland not only make their census block data digitally accessible and downloadable for their citizens but some countries make it downloadable for everyone in the world.

With layers of Points of interests removed from census block data available with the Respondent, maps would only contain information pertaining to census blocks boundaries and this information is not hit by any of the exemption clauses of the Act, 2017.

PBS is a federal public body and collects facts and figures about citizens of Pakistan. The Respondent PBS is custodian of this information/data and not the owner of this information/data. Citizens of Pakistan are the owners of this data/information.

PBS is bound to provide/deny access to information/records to citizens of Pakistan under the provisions of the Act, 2017. The Respondent PBS, the custodian of data/information cannot deny access to data/information to citizens, the owners of this data/information on the ground that it would hurt its commercial interests.

The core function of PBS is to collect data/information and share with citizens and their representatives for policy making and research and not selling of this data/information to citizens, the owners who have already paid through their taxes for the collection of this data/information.

The Respondent PBS can only charge fee for the provision of record/data notified by Pakistan Information Commission through its Schedule of Costs.

The Act, 2017 takes precedence over all other laws with regard to what information is to be shared and how information is to be made public.

In the instant Appeal, the Appellant has described his preferred mode of access to information which is supported by Rule 4 (1) (b) of the Right of Access to Information Rules, 2019 which is as under:

“The form in which the applicant needs access to information, for such as photocopy, CD, video or audio clip”.

So far as the cost of CD, diskette, floppy, cassette, video or any other electronic device containing information is concerned, the Schedule of Costs, notified by Pakistan Information Commission In exercise of the powers conferred by Section 27 (b) of the Act 2017 states that public bodies shall only charge the actual cost of such a device, as determined on the basis of official procurement record. However, no cost is to be charged if the applicant provides his or her own device and requires only an electronic copy of the information.

The value of the data/information for public good after its disclosure cannot be sacrificed on the altar of possibility that the commercial entities can use the data/information for commercial purposes on the following grounds:

(a) commercial entities can only build their products, introduce innovations after value addition on the data-sets held by governments.

(b) had it not been data/information collected by the governments through public funds, the private sector would not have been able to introduce innovative technology and scientific developments. Writing in her acclaimed book titled “The Entrepreneurial State”, Mariana Mazzucato tells us, Apple’s Steve Jobs and Microsoft’s Bill Gates recognized that they were building on advances by government-funded organizations. In fact, she has dedicated an entire chapter ‘the State behind iPhone’ on this issue.

The utility of data/information for public good can hardly be exaggerated. Once data/information available with the government, having no nexus with national security and right to privacy of identifiable individuals is made public, citizens can use this data/information to engage national, provincial and local governments in informed and constructive manner for improved delivery of services such as availability of water, hospitals and schools in various administrative boundaries such as census blocks. That is why there is increasing realization throughout the world about the value of open data held by governments which has led to initiatives such as open government data (OGD).

The disclosure of the requested information is crucial for building trust of citizens in democratic institutions. At present, citizens use text service managed by Election Commission of Pakistan to know their voting area. Allegations abound that voting areas of citizens are changed to manipulate electoral process.

The disclosure of requested shape files of census blocks will help make the polling process more open and transparent. These shape files can be used in a manner that it would give another option to citizens and political parties to know their census blocks and their polling areas.

ORDER:

08. Keeping in view, the majority decision by two members of the Commission, the Appeal is partially allowed. The Respondent is directed to provide the requested information .pdf format on the device provided by the appellant and that too after removing sensitive information, if any.
09. Copies of this order be sent to Chief Statistician, Pakistan Bureau of Statistics and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: July 27, 2022

This order consists of 9 (nine) pages, each page has been read and signed.