

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 1060-05/21

Zahid Gishkori

(Appellant)

Vs.

Federal Investigation Agency

Through its Public Information Officer

(Respondent)

ORDER

Date: August 09, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal via E-mail on April 30, 2021, to the Commission, stating that he had submitted information requests to the Director General, Federal Investigation Agency, (FIA) on March 31, 2021 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:
 - 1) *How many inquiries/cases are being pleaded by FIA currently? Can you provide a brief profile of top three cases/inquiries?*
 - 2) *How many inquiries link to financial crimes are being pleaded currently?*
 - 3) *How many requests have been generated by the FIA to the International Police in the past ten years? How many requests were responded by Int. Police during this period?*
 - 4) *Is there any update into the Khanani and Kalia money laundering case? Did the US respond to the FIA request on Altaf Khanani?*
 - 5) *What is updated into the Asghar Khan case? Did FIA take action and record statements of all accused in this case?*
 - 6) *What progress into investigation FIA started against those officials involved in issuing bogus visas to Chinese nationals?*
 - 7) *Can the FIA give us numbers of total complaints recorded in cyber related cases in the past three years? What are the total numbers and how many complaints have been addressed during this period?*
 - 8) *Why have the numbers of most wanted drug traffickers and human traffickers increased in the past three years? What are the latest human trafficking trends in Pakistan? Where does Pakistan stand in trafficking in persons' US ratings?*

9) *How many Pakistanis deported/repatriated from different countries in the past five years? Can you give us a country-wise break up?*

10) *How many persons have been appointed in FIA in the past three years?"*

B. Proceedings

3. Through a notice dated May 25, 2021, sent to Director Law / Public Information Officer, Federal Investigation Agency, the Commission stated that “Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.
4. Through a letter dated May 31, 2021, the PIO, FIA shared with the commission letters sent to different departments to collect the requested information.
5. The Respondent through a letter vide No HQ/DL/PIC-05/21/3727-28 dated June 07, 2021 responded to Question No 1, 2 and 8 of the information request, the same was shared with the appellant on June 14, 2021.
6. The Respondent through letters vide No HQ/DL/PIC-05/21/3794-095 and HQ/DL/PIC-05/21/3802-03 dated June 14, 2021 and June 15, 2021 respectively responded to Question No 3,4,5,7, 9 and 10 of the information request, the same was shared with the appellant on June 25, 2021.
7. The Respondent through a letter vide No HQ/DL/PIC-05/21/5163-64 dated July 16, 2021 responded to Question No 6 of the information request, which is as under:

“2. The information requested vide Question No. 6 of your application i.e. "What progress into investigation FIA started against those officials involved in issuing bogus visas to Chinese Nationals?", relates to ongoing proceedings of an enquiry.

3. Provision of any information relating to ongoing enquiries is excluded from category of Public Record under Section 7 (c) of Right of Access to Information Act, 2017. Their disclosure is also exempted under Section 16 b-(ii), 16 i-(v), 16 j-(i) & 16 j-(ii) of Right of Access to Information Act, 2017.”
8. The response of the Respondent dated July 16, 2021 was shared with the appellant on July 27, 2021.

C. Issue:

9. Can access to requested information pertaining to the investigation FIA started against those officials involved in issuing bogus visas to Chinese nationals be made public under the provisions of the Right of Access to Information Act 2017, henceforth referred to as Act?

D. Discussion and Commission’s View on Relevant Issues

10. The Respondent, FIA has provided all the requested information after the intervention of this commission other than the requested information pertaining to the investigation FIA started against those officials involved in issuing bogus visas to Chinese nationals. The Respondent, FIA maintained that this information is exempted from disclosure citing Section 16 (1) (b) (ii) of the Act which exempts any information which may “Harm the detection, prevention, investigation or inquiry in a particular case “.
11. The Respondent, FIA maintained that the information is exempted from disclosure citing Sections 16 (i) (v) of the Act which is as under:

“Information may be exempt if its disclosure is likely to;

- i. Result in the commission of an offense;
- ii. Harm the detection, prevention, investigation or inquiry in a particular case;
- iii. Reveal the identity of a confidential source of information
- iv. Facilitate an escape from legal custody; or

Harm the security of any property or system, including a building a vehicle, a computer system or a communication system”

12. The Respondent, FIA has also cited Sections 16 (i) (j) (i) (ii) of the Act which are as under:
“Information in respect of a crime may not be exempt, except information relating to-
 - i. The prevention or detection of crime;
 - ii. The apprehension or prosecution of offenders”
13. This commission concurs with the arguments raised by the Respondent that the disclosure of requested information pertaining to the investigation FIA started against those officials involved in issuing bogus visas to Chinese nationals is not warranted by the cited provisions of the Act and its disclosure may harm an on-going investigation rather than serving any public interest.
14. This commission also holds that while the Respondent, FIA is not legally bound to disclose information about the on-going investigation into FIA started against those officials involved in issuing bogus visas to Chinese nationals, it is legally bound to publish on its web site finalised enquiry report pertaining to this matter as required under Section 5 (1) (i) of the Act.

E. Order

15. Appeal is disposed of with direction to Public Information Officer, FIA to publish on its web site finalised enquiry report of the investigation FIA started against those officials involved in issuing bogus visas to Chinese nationals.
16. Copies of this order be sent to Public Information Officer, FIA and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

August 09, 2021

This order consists of 3 (three) pages, each page has been read and signed