

Pakistan Information Commission

Government of Pakistan

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In The Pakistan Information Commission, Islamabad

Appeal No. 1207-07/21

Amir Shahzad

(Appellant)

Vs.

Federal Government Employees Housing Authority

Through its Public Information Officer

(Respondent)

Order

Date: December 03, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The commission received complaint of the Appellant through PM Portal in which he stated that on July 15, 2021, he sought information from FGEHA:
2. The requested information in the complaint is as under:
"I have taken test of Computer Operator BS-16 on June 10, 2021. A week after, the result was uploaded to <https://hiring.fgeha.org.pk/> but merit list has not been uploaded publicly. I have tried to contact them on the phone number provided with the advertisement 0519106075 but this number never answered except for one or two times. The answering person informed of call letter issuance but not the merit list. I have tried to contact officials through contacts at their website <http://www.fgeha.gov.pk/our-management/> and on of person promised the merit display within a week but that was no fulfilled. Online complaint system at <https://hiring.fgeha.org.pk/> was also not working. As a last resort, I filed a complaint at Citizen Portal under the category "Right to Information". I clearly stated the issues I had while contacting them. It was on July 02, 2021, but today on July 14, 2021, my complaint has been closed indirectly denying my request. Requested was the display of full merit list ranking applicants w.r.t to obtained test marks so that each applicant may know his/her position"

B. Proceedings

3. Through a letter dated August 03, 2021, the response was submitted by the Respondent, relevant portions are as under:
*"Kindly refer to Pakistan Information Commission Appeal No. 1207-07/21 dated 27-07-2021 on the subject cited above.
With due respect, it is stated that Amir Shahzad had submitted the complaint No ISO20721-88646068 dated 02-07-2021 received in FGE Housing Authority on 05-07-2021 via PMDU. The same has been replied on 14-07-2021 within 20 days (as prescribed in PMDU complaint resolution manual). However, the status of his case is enclosed"*

4. The Appellant submitted the rejoinder on October 19, 2021 and its relevant parts are as under:
“in my last request for information, FGEHA has just shared my ranking as a whole and in KPK but it was not display a merit list on their website. Like they have shared the result at <https://hiring.fgeha.org.pk/>, they s display the whole merit list ranking candidates in different quotas so that each candidate is able to see his able to verify that the recruitment process is transparent. Moreover, result should stay at <https://hiring.freha.org.pk/> and merit list should mention CNIC of each candidate so that it could be ver from <https://hiring.fgeha.org.pk/>”

C. Issues

5. This Appeal has brought to the fore following issue:
Should the merit list pertaining to the test of Computer Operator BS-16 conducted on June 10, 2021 be published on the web site of FGEHA along with CNICS of the candidates?

D. Discussion and Commission’s View on Relevant Issues

6. The right of access to information in matters of public importance is guaranteed protection under the Constitution of the Islamic Republic of Pakistan through Article 19-A which states:
“Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law”.
Our ability to exercise our fundamental right of access to information enables us to attain our other fundamental rights such as gainful employment, right to life, right to clean drinking water, right to breathe in in clean air and right to healthcare services etc. In fact, the constitutional right of access to information helps citizens in the exercise of right of access to justice as well by having access to records/information to effectively present their cases in the court of law.
7. This commission maintains that both the letter and spirit of the Right of Access to Information Act 2017 dictate the publication of the merit list pertaining to the test of Computer Operator BS-16 conducted on June 10, 2021 on the web site of FGEHA.
8. This commission maintains that the CNICs of the candidates should not be uploaded publicly as it is private information.
9. This commission maintains that the disclosure of the requested information is not only in accordance with both the letter and the spirit of the right of Access to Information Act, 2017, but its disclosure will also help achieve the stated objectives of this Act which are as under:
Making government more accountable to citizens’;
Greater level of participation of citizens in the affairs of the government’;
Reducing corruption and inefficiency’;
Promoting sound economic growth’; and
Promoting good governance and respect for human rights.
10. This commission is of the view that public participation, one of the stated objectives of this Act, through the exercise of the right to information, will not only help in improving

the performance of federal public bodies but will also bridge the trust-gap between citizens and their institutions.

11. This Commission has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.
12. This Commission maintains 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. 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 web sites 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”.

E. Order

13. The appeal is allowed. The Public Information Officer, Federal Government Employees Housing Authority is directed to publish the merit list pertaining to the test of Computer Operator BS-16 conducted on June 10, 2021 on the web site of FGEHA at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
14. The Respondent is directed to proactively publish all categories of information through its web site as required under Section 5 of the Act and submit the compliance report to the commission in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017'. This template is available under 'Information Desk' category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission at the earliest but not later than 10 working days of the receipt of this Order.
15. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist is available under 'Information Desk' category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission at the earliest but not later than 10 working days of the receipt of this Order.

16. Copies of this order be sent to the Public Information Officer, Federal Government Employees Housing Authority and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on: December 08, 2021

This order consists of 4 (four) pages, each page has been read and signed.