



**In the Pakistan Information Commission, Islamabad**

**Appeal No 1270-08/21**

**Syed Raza Ali Shah**

(Appellant)

Vs.

**Ministry of National Health Services, Regulations and Coordination**

(Respondent)

**ORDER**

**Date:** December 14, 2021

**Mohammad Azam:** Chief Information Commissioner

**A. The Appeal**

1. The Appellant on August 16, 2021 filed Appeal to the Commission, stating that “According to section 14 (1) of the RAI Act 2017. public body is obliged to respond to the request within 10 working days but the required information have not shared yet and demanding proposal, methodology and expected results/outcomes of your research study. Initially, he asked "As the information/ data is a matter of confidentiality and secrecy, we would like to know the objective / purpose of the requested information and how the material would be used?" through email. Please find enclosed my correspondence with the Public body. You are requested to take measures to help me in getting the required information.”
2. The Appellant through an email dated August 02, 2021 requested following information from the respondent:
  1. Certified information about gender and age disaggregated data on COVID-19 infections (morbidity) and deaths (mortality) from the first reported case to date in Pakistan (province wise breakup).
  2. Certified Information about gender and age disaggregated data on COVID-19 vaccination from the first administrated dose of COVID-19 vaccine to the current date (province wise breakup).
  3. Certified information about the total number of fully vaccinated and partially vaccinated person data from the first administrated dose of COVID-19 vaccine to the current date (province wise and Gender breakdown).”

**B. Proceedings**

3. Through a notice dated August 24, 2021, sent to Deputy Secretary (Coord) / Public Information Officer, Ministry of National Health Services, Regulations and Coordination 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 notice dated September 28, 2021 sent to Deputy Secretary (Coord) / Public Information Officer, Ministry of National Health Services, Regulations and Coordination the Respondent was directed to submit written reply and arguments to Pakistan Information Commission within 15 days, otherwise the appeal will be decided Ex-Parte in the light of the record available on file and the Right of Access to Information Act, 2017.
5. The Appeal was fixed for hearing on November 16, 2021 and both parties were informed through notices sent on November 01, 2021.
6. The Respondent neither submitted written response in the instant appeal, nor attended the hearing held on November 16, 2021.

### **C. Discussion and Commission's View on Relevant Issues**

7. The commission has to decide that whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred to as the "Act".
8. The information requested by the appellant belongs to the Section 5 (a) of the Act, which is as under:

*"a) 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 that these are accessible subject to reasonable restrictions based on limited resources;"*
9. This Respondent has created a dedicated website i.e. <https://covid.gov.pk> to keep the citizen update from the situation of the Covid-19 in the country. The said website contains similar kind of information that is requested by the Appellant. The Appellant has sought the gender wise breakup of the data that is almost available on the website of the Government of Pakistan maintained by the Respondent.
10. The public body in response to the information request of the Appellant has asked to provide the reasons for obtaining the information. According to Section 11(5) of the Act, the appellant can't be asked to provide reasons and objectives of the information. Section 11(5) of the Act is as under:

*"(5) In no case shall an applicant be required to provide reasons for his request."*
11. The public body is failed to the respond to the notices of commission and also did not attend the hearing held on November 16, 2021.
12. This commission has observed that the public bodies are reluctant to share the basic information to the citizen which should be available on their website under the Section 5 of the Act, the citizens have to approach the commission for information due to the the wilful delay or denial by the public which causes undue cost to citizens and the commission.
13. 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”.*

#### **D. Order**

14. Appeal is allowed. Deputy Secretary (Coord) / Public Information Officer, Ministry of National Health Services, Regulations and Coordination is directed to provide complete information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
15. Deputy Secretary (Coord) / Public Information Officer, Ministry of National Health Services, Regulations and Coordination is also directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to Information Act 2017 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](http://www.rti.gov.pk). The compliance report be submitted to this commission within 30 days of the receipt of this Order.
16. Copies of this order be sent to Deputy Secretary (Coord) / Public Information Officer, Ministry of National Health Services, Regulations and Coordination and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on: December 14, 2021

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