

**Pakistan Information Commission
Government of Pakistan**

1st Floor, National Arcade, 4-A
Plaza F-8 Markaz, Islamabad
Website: www.rti.gov.pk
Phone: 051-9261014
Email: appeals@rti.gov.pk
@PkInfoComm



In The Pakistan Information Commission, Islamabad

Appeal No 1391-10/21

Dr Usman Ghani Khattak

(Appellant)

Vs.

Ministry of Religious Affairs and Interfaith Harmony

(Respondent)

ORDER

Date: March 08, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated October 12, 2021, to the Commission, stating that he submitted an information request to Secretary, Ministry of Religious Affairs and Interfaith Harmony on September 28, 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. *“List of Short Listed candidates*
 2. *Copy of notifications of the selections Committee*
 3. *Invitation letter to the Committee number on 30-8*
 4. *Minutes of the meeting held on 30-8-2021*
 5. *Evaluation list of the candidates finalized on 30-8-2021*
 6. *Copy of the SRO No 691(1)/2021, dated*
 7. *Invitation letter to the Committee numbers for second meeting of the committee held on 22-23 September, 2021*
 8. *Revised Minutes of the Committee meeting*
 9. *Revised Evaluation short/list of the candidates.*
 10. *CVs of all candidates*
 11. *Academic/ Education of credentials, of the Selected Candidate.*
 12. *Copy of the notifications of the selected candidate*
 13. *Copy of the approval of the authority of selected candidates”.*
3. The Appellant also filed another appeal on October 12, 2021 to the commission stating that he sought information from the same Respondent on September 29, 2021 but did not get any response. He sought the following information:

*“I need CCTV video / footage of the gallery leading to worthy secretary’s office and sub Committee room for the days, dated 30-08-2021 and 23-09-2021.
It is therefore, requested that video footage of CCTV, and dated 30-08-2021 and 23- 09-2021 may be CCTV, dated 30 -08— 2021 and 23-09-2021 may be provided to me of the earliest”*

B. Proceedings .

4. In response to the notice of the commission, the Respondent through letter dated November 05, 2021 submitted its response which is as under:

*“The matter of provision of information / documents was dealt with by interfaith harmony wing of ministry of Religious Affairs & Interfaith Harmony. Being custodian of the record and record/ documents permissible under Right of Access to information Act, 2017 were provided to the applicant (Mr. Usman Ghani Khattak) within the stipulated time, receiving of which is available in record and a copy is enclosed for ready reference. However, the matter of provision of CCTV video Footage related to the main Ministry located at 1st Floor, Kohsar Block where the CCTV cameras were installed. The said office / facility operates as a separate unit having its separate focal person, duly notified and posted on the website of the honorable Pakistan Information Commission under the Access to Information Act, 2017, therefore, the matter was referred to the main Ministry for its disposal by the concerned PIO. Any Feedback/ reply in that regard may very kindly be sought from the end
The issues with the approval of Joint Secretary (IH) ”.*

5. The Appellant submitted rejoinder on November 16, 2021 which is as under:

“The Undersigned submitted two applications to authorities of Ministry of Religious Affairs (MORA) & IH (copies enclosed) on 28-09-2021 and 29-09-2021 but they flatly refused to provide the requisite information. Now, they have responded only for video footage request. The authorities have endorsed their mala-fide intentions for nor providing the information to cover their illegal & unlawful acts done in depriving me from the post of the Secretary, Evacuee Trust Property Board (ETPB).

Now in a letter dated 15th November, 2021, it is stated that footage/ video recording remains for 18 days. The undersigned have submitted application on 29-09-2021 then footage/ video of the last 18 days was not shown to the undersigned till the date so that the recording of 23th September 2021 is destroyed. It is pertinent to mention that the selection / Evaluation Committee held a second meeting on 23-09-2021 and changed/ revised the merit list/ minutes of the meeting That’s why vide recording of 23-09-2021 is important

3. Authorities of MORA & IH in general and Joint Secretary (IH) in particular are responsible for violation of the Right to Access of Information Act, 2017, Section 3 (1) as they deliberately delayed and denied provision of the requisite information. It is added that remaining documents as requested through applications dated 28-09-2021 have not been provided yet. Joint Secretary (IH) is responsible for the entire episode of changing the minutes/ hiding the facts and denied to provide the requisite documents.

4. It is, therefore, requested that;

- i. Strict action may be taken against all these involved in not providing/ showing the video footage of 23-09-2021 despite the fact that the request was submitted & received by them on 29-09-2021.*
- ii. Joint Secretary (IH) may be directed to provide the remaining documents as requested on 28-09-2021.*

Section Officer (C&C) has forwarded an application in which provision of CCTV Video footage of the gallery leading to Federal Secretary's Office and Sub-Committee Room for the days dated: 30-Aug-2021 and 23-Sep-2021 has been demanded by the applicant (Dr. Usmas Ghani Khattak, Deputy Secretary) ”.

6. The commission sent hearing notice on February 02, 2022 and hearing was held on February 17, 2022. The hearing was attended by Imran Rashid, Deputy Secretary,

Ministry of Religious Affairs and Interfaith Harmony and the Appellant. The Appellant submitted in the hearing that he had received all requested information other than mentioned in items numbers 4,5, 10,11 and 13. Mr. Imran Rashid, Deputy Secretary, Ministry of Religious Affairs and Interfaith Harmony submitted before the commission that minutes of the meetings and personal documents were exempted from disclosure.

C. Discussion and Commission's View on Relevant Issues:

7. This commission is of the view that disclosure of the requested "Minutes of the meeting held on 30-8-2021" is warranted by Section 7 (a) of the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017. This commission also holds that the disclosure of "Evaluation list of the candidates finalized on 30-8-2021" is also warranted under the provisions of the Act, 2017.
8. Even plain reading of Section 7 (a) and (b) suggests that 'noting on the files' and 'minutes of the meeting' are given qualified and not absolute exclusion from disclosure. Exclusion of 'noting on the file' and 'minutes of the meetings' is subject to a final decision. As such, 'noting on the file' and 'minutes of the meeting' cannot be shared during the deliberative process.
9. The disclosure of 'minutes of meetings' and 'noting on the file' during the deliberative process is protected to ensure that outside influence does not create hindrances in the deliberative process.
10. However, once a public body has taken a final decision, as is the case in the instant appeal, noting on the files and minutes of the meetings cannot be treated as excluded records.
11. 'Noting on the file' and 'minutes of the meeting', once final decision has been taken become public documents as these reflect the quality of input by different officers which become basis for the final decision.
12. This commission maintains that while CVs of all candidates cannot be provided to the Appellant, both the letter and spirit of the Right of Access to Information Act 2017 dictate the disclosure of certified copy of the CV of the candidate selected for the advertised post. Ppublic interest dictates certified copy of the CV submitted by the candidate selected for the post cannot be withheld on the grounds of privacy as it this information is critical to determine the level of transparency and fairness adopted in the recruitment process. Therefore, none of the provisions of this Act, including Section 7 (g) can be attracted to withhold the disclosure of the requested information. 9. This commission also maintains that educational/academic credentials of the selected candidate are public documents so that the public could know how these credentials are in accordance with the requirements of the post. The personal/private information means CNIC details, residential addresses, telephone numbers, bank accounts/financial details and health conditions which can be withheld by the public body while providing any record including certified copy of the CV.
13. This commission also holds that document indicating 'approval' of the selected candidate is also a public document.

D. Order

14. Appeal is allowed. The Respondent, Ministry of Religious Affairs and Interfaith Harmony is directed to provide remaining information requested by the Appellant 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 the commission.

15. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on: March 08, 2022

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