



In The Pakistan Information Commission, Islamabad

Appeal No: 1509-12/21

Saddia Mazhar

(Appellant)

Vs.

Federal Investigation Agency (Cyber Crime Wing)

(Respondent)

ORDER

Date: July 20, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Ms. Saddia Mazhar dated December 03, 2021, stating that he submitted an information request dated November 03, 2021 under the Right of Access to Information Act 2017 to the Director, Federal Investigation Agency (Cyber Crime Wing). The Respondent public body has not responded to his information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.

2. The information sought by the Appellant is as under:

“I had lodged a complaint in Rawalpindi Circle of FIA’s Cyber Crime Wing having Complaint number 6073/21 dated 21-09-2021.

1. *I want to know the current status of my complaint.*
2. *Please provide me complete details of the action taken on my complaint so far.*
3. *Provide contact details of the investigation officer to whom this complaint is assigned.*
4. *Did the Cyber Crime Wing have the capability to trace the IP address? If yes, what action have been taken on the link given by me in my complaint.*
5. *How much time does the FIA need to conclude this type of complaint?*
6. *Total number of the complaints received under Section 20 of Prevention of Electronic Crimes Act 2016 so far, also provide total number of the complaints decided so far.*
7. *Total complaint received to FIA Cyber Crime Wing since its establishment?*
8. *Total number of FIRs registered by FIA Cyber Crime Wing, also provide copies of the FIR registered.*
9. *Total number of the complaints that are currently in progress.”*

B. Proceedings:

3. Through a notice dated December 09, 2021, sent to Director (Admin), FIA Cyber Crime Wing, the Commission called upon the Respondent to submit reasons for not providing the requested information, which was not replied within the given time.
4. Through another letter dated Jan 24, 2022, the Respondent was directed to submit written arguments within 15 working 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 April 05, 2022 and both parties were informed through notices sent on March 07, 2022.
5. The appeal was fixed for hearing on May 31, 2022 and July 05, 2022, but the respondent neither submitted any written arguments nor attended any hearing.

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

6. The commission has to decide 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 Act.
7. The information/documents requested by the Appellant in the instant appeal belong to the Section 5 (a) of the Act.
8. The information requested by the appellant is also a public record under 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. Purpose of the Act is to ensure the Transparency in the business of the Government, as the Preamble of the Act states.”
“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.
10. The Commission also expresses concerns over the non-serious behaviour of the Respondent, as despite providing multiple opportunities and conducting multiple hearing the respondent neither submitted any written argument nor attended any hearing.

11. This Commission observes that the Respondent is continuously wilfully denying the Right of Access to Information as guaranteed in the Article 19A of the Constitution of Pakistan, and the Right of Access to Information Act 2017 by not implementing the earlier passed verdicts of this Commission in multiple orders.
21. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.
22. 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

23. Appeal is allowed. Director (Admin) / Public Information Officer, FIA Cyber Crime Wing 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.
24. The Respondent is also directed to take immediate steps to proactively share through the website 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 on the website of the commission www.rti.gov.pk. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
25. Copies of this order be sent to Director (Law), Federal Investigation Agency, Director (Admin) / Public Information Officer, FIA Cyber Crime Wing and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on: July 20, 2022

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