

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1693-01/2022

Rana Abrar Khalid

Vs

State Bank of Pakistan

Date: 15.06.2022

Fawad Malik: Information Commissioner

Present: Mr. Mehmood Nazir and Mr. Syed Ansar Hussain on behalf of the State Bank of Pakistan. Appellant in person.

A. APPEAL

1. Mr. Rana Abrar Khalid filed an application under the Right of Access to Information Act, 2017, before the State Bank of Pakistan. Through the application dated 3-1-2022 the applicant has requested the following information:
 - a. *“Please provide the list of officers (working in the & with the State Bank of Pakistan) who are holding dual citizenship?”*
 - b. *“Please provide the list of officers (working in the & with the State Bank of Pakistan) who got marriage to a foreign national?”*
 - c. *“Please provide the list of officers (working in the & with the State Bank of Pakistan) who are providing their services or consultancy (temporary / regular / part time) to the local or international (or both) NGOs. Community Development Organizations, Community Development Corporations, Non-profit Organization’s, think tanks, research Organizations/centres, consultancy firms / Organizations?”*
 - d. *“What action has the State Bank of Pakistan taken against many officer who have foreign citizenship or are married to a foreign national or are providing their services or consultancy (temporary/regularly/part time) to the local or international (or both) NGOs, Community Development Organizations, Community Development Corporations, Non-profit Organizations, think tanks, research organizations/centres, consultancy firms/organizations?”*

2. Feeling aggrieved for the non-provision of the information within the stipulated period provided under the Act. He has filed the appeal before the Pakistan Commission on the Access to the information, Islamabad.

B. PROCEEDINGS

3. The Designated Officer, State Bank of Pakistan vide letter dated March 03, 2022, has denied the provision of the requested information and record on the stance that the required information doesn't fall under the ambit of section 5 & 6 of the Act.
4. The appellant feeling dissatisfied with the reply submitted by the respondent has filed objections in the rejoinder to his appeal.
5. Mr. Mehmood Nazir and Mr. Syed Ansar Hussain appearing on behalf of the State Bank of Pakistan argued that the requested information doesn't fall under section 5 of the Act, that under section 7 (g) and 16 (g) the requested information is exempted from disclosure. Whereas the appellant present in person has argued that dual nationality of any officer or the list of officers who got married to a foreign national doesn't fall within the ambit of information exempted from disclosure or penetration into private privacy of the Officer.

C. COMMISSION'S VIEWS

6. The appellant has desired the list of officers working in or with the State Bank of Pakistan who are holding dual citizenship or got married to a foreign national and are providing their services or consultancy (temporary / regular / part time) to the local or international (or both) NGOs., Community Development Organizations, Community Development Corporations, Non-profit Organization's, think tanks, research organizations/centres, consultancy firms / organizations and further inquired whether any action against such officers has been initiated by the State Bank of Pakistan.
7. The respondent public body has refused to share the requested information quoting that it doesn't fall under section 5 of the Act and that under section 7 (g) and 16 (g) of the Act, the requested information will amount to stepping into the personal privacy hence is exempted from disclosure.

8. The Commission is of the considered view that the appellant being a citizen of Pakistan reserves the right to have access to the desired information and record under article 19A of the Constitution of Pakistan read with the Right of Access to Information Act, 2017 amongst others for the following reasons:
- a. That recently in a report submitted before the Hon'ble Supreme Court of Pakistan in a case on dual nationality revealed that more than 22,000 top government officers are dual nationals. According to the report, 11000 officers belong to police and bureaucracy, the media report said. It further revealed that the dual nationality holding officers are currently working in interior division, power division, aviation division, finance division, petroleum, commerce ministry, establishment division, information ministry, railway and others. The report or document which makes part of the judicial file before the court becomes a public document as mentioned in article 85 of the Qanun-e-Shahadat Ordinance, 1984. The requested information is public record under section 5(i) of the Act of 2017 as it is available in the shape of report already submitted before the Hon'ble Supreme Court of Pakistan.
 - b. That the public body has claimed exemption from disclosure of the desired information and record w.r.t section 7 (g) and 16 (g) of the Act stating that it will amount to stepping into the personal privacy hence is exempted from disclosure and that the requested information is not covered under section 5 of the Act. Suffice to say that the submission of the report before the Hon'ble Supreme Court is sufficient to prove that disclosure of the desired information does not amount to penetrating into the personal privacy of the individuals hence is not exempted from disclosure and that the requested information is covered under section 5 of the Act.
 - c. One can acquire dual citizenship by either:
 - i. Having a parent who is a national of that country (citizen by descent).
 - ii. Marrying a national of that country.
 - iii. Applying for and receive citizenship of another country.
 - iv. Was born overseas.

Whatsoever be the mode of acquiring dual nationality every office holder is under obligation to disclose his nationality at the time of applying for any government employment/office. This is the basic and compulsory requirement/information to be filled in the application form. This information must be readily available with the public body and ought to have been made available on the official website of each public body.

- d. Sub Section (a) of Section 5 of the Act mandates proactive disclosure of all the officers and employees, indicating their duties, functions and their respective remunerations, perks and privileges and sub section (b) encompasses the contracts including the contracts of employment on the website of the organization to the access of the citizens.
- e. Section 7(g) of the Act relates to the personal privacy of an individual. The eligibility, suitability and the record contributory towards the selection of the successful candidate for any office is not a matter of privacy rather make a public record as defined under the Act. The disclosure of nationality or dual or multiple nationalities is not private record rather prerequisite for applying or joining the government office or employment.
- f. Section 16(g) of the Act pertains to the information obtained from the third party related to the commercial or financial interests is not relevant in the case in hand.
- g. Since a very important matter of public importance has been raised by the appellant therefore the appellant has the fundamental right under article 19A of the Constitution of Islamic Republic of Pakistan, 1973 to have the knowledge that how many officers are working in or with the State Bank of Pakistan who are holding dual citizenship or got married to a foreign national and are providing their services or consultancy to the local or international NGOs., Community Development Organizations, Community Development Corporations, Non-profit Organization's, think tanks, research Organizations/centres, consultancy firms / Organizations and further inquired whether any action against such officers has been initiated by the State Bank of Pakistan.
- h. It is right of every citizen see whether the office held by a dual National was advertised as such or the person in office has been favored against the others. The eligibility and suitability of the successful candidate for any office is not a matter of privacy rather make a public record as defined under the Act.
- i. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism, favoritism and inefficiency in the governance.

D. ORDER

The appeal is allowed. The Designated Officer, State Bank of Pakistanis directed to provide the appellant all the requested information mentioned in para 1 of this order, forthwith, but in any case not later than seven days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 29.06.2022

Certified that this order consists of 05 pages, each page has been read and signed