

**Pakistan Information Commission**  
**Government of Pakistan**

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**In the Pakistan Information Commission, Islamabad**  
**Appeal No 1871-04/22**

**M. Shabir Awan**

**(Appellant)**

**Vs.**

**Ministry of Foreign Affairs**

**(Respondent)**

**ORDER**

Date: August 24, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated April 14, 2022 to the Commission, stating that he submitted an information request to the Ministry of Foreign Affairs on March 25, 2022 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. *“What mechanism has been devised by the Ministry of Foreign Affairs to provide access to its archives i. e. how public can access these archives? When reference is made to public, it may include but not limited to academicians, media fraternity, researchers, and civil society.*
  2. *Is there a bifurcation between classified and declassified archival material?*
  3. *In case of affirmative answer to the above question, which type of documents have been declassified and from which date-year?*
  4. *The archival material is in only paper form /hard copy or the soft format has also been prepared?*
  5. *Kindly provide me the certified copies of the following:*
  6. *Correspondence between Pakistan and USSR from 1948 to December 1949.*
  7. *The correspondence between Pakistan and USSR as well as Pakistan and USA related U2 incident of 1960.*
  8. *Correspondence of Pakistan with USSR, USA and China from April 1971 to October 1971.”*

**B. Proceedings**

3. The record on the file shows that the Respondent did not submit its response to the notice of this commission dated April 29, 2022.
4. Hearing on the instant Appeal was fixed for August 11, 2022 vide letter dated July 18, 2022 . The Respondent failed to attend the hearing.

**C. Issues**

5. The instant appeal has brought to the fore the following issues:

- (a) Did the Respondent follow procedure enunciated in the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?
- (b) Is the disclosure of the requested information warranted under the provisions of the Act, 2017?
6. In the instant Appeal, the record on the file shows that the Respondent demonstrated utter disregard to the provisions of the Act, 2017.
  7. In the instant appeal, the Respondent failed to provide written acknowledgement of the request for information filed by the citizen as required under Section 10 (1) of the Act.
  8. The Respondent also failed in following the procedure enunciated in the Act for acceptance and refusal of request for information laid down in Section 13 (2) of the Act.
  9. The Respondent also failed in adhering to the timeline for responding to the information requests as required under Section 14 (1) and (2) of the Act as the PIO did not respond to the information request at all.
  10. The Respondent failed to respond to notices of the commission and also failed to attend the hearing.
  11. This commission holds that the requested information pertains to a matter of public importance and its disclosure is warranted both by the letter and spirit of the Act, 2017.
  12. As Appellant has sought access to old records, the disclosure of these records is warranted under Section 16 (1) (k) of the Act, 2017.
  13. The disclosure of the requested records is of public importance on two counts. One, the 14 requested records will shed light on the factors that led to the formulation of the foreign policy of the nascent state. Two, as the requested records are more than fifty years old, retrieval of these records would show how records are maintained by the Respondent and whether or not it needs to take remedial measures with regard to the proper maintenance of its records. Furthermore, the disclosure of the requested information will demonstrate as to what mechanism the Respondent has put in place for archiving of the records as well as de-classification of old records under the provisions of the Right of Access to Information Act, 2017 as required under its Section 16 (1) (k).
  15. This commission holds that certain portions of these old records may contain sensitive information/records. There is a possibility that the disclosure of these portions may lead to a situation, where on the balance, harm may still outweigh public interest. However, it does not mean that any record can be exempted from disclosure in its entirety.
  16. The Act, 2017 envisages a situation wherein a document, which should be otherwise be made public but its parts may contain exempted information. In such an eventuality, part(s) containing information to be exempted can be severed, or, blanked out from the document as mentioned in Section 16 (1) (i) of the Act, 2017. However, in such a scenario, specific reasons will have to be recorded justifying the withholding from disclosure which will be adjudicated upon by this commission.

## **E. Order**

17. The Appeal is allowed. The Respondent is directed to provide the Appellant certified copies of the records/information requested in para 2 of this Order within 7 working days of the receipt of this Order and submit compliance report to this effect to this commission.
18. 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: August 24, 2022

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