



**In the Pakistan Information Commission, Islamabad**  
**Appeal No 1883-04/22**

**Muhammad Asif**

**(Appellant)**

Vs.

**National Tariff Commission**

**(Respondent)**

**ORDER**

**Date:** August 02, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated April 23, 2022 to the National Tariff Commission, on June 06, 2022, Commission, stating that he submitted an information request to the under the Right of Access to Information Act 2017 but is not satisfied with the response of the public body.

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

*“Request for provision of following attested copies of the recruitment process for the post of assistant private secretary (BPS-16) in National Tariff Commission under right to information act 2017*

- i. *“Complete Written test result of all candidates (Merit Wise) conducted on 08-12-2021 which is still not announced by NTC.*
- ii. *Skill test result of all candidates (Merit Wise) conducted on 29-12-2021 which is also still not announced by NTC.*
- iii. *Final merit list of interviews of all candidates with marks conducted on 14-02-2022.*
- iv. *Copy of appointment letter of Mr. Junaid Akbar Pitafi*
- v. *Copy of nomination of Mr. Junaid Akbar Pitafi as invigilator”.*

**B. Proceedings**

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on July 05, 2022 and its text is as under:

*“The undersigned is directed to refer to notice bearing date 14-06-2022 received on 20-06-2022 from Pakistan Information Commission, Islamabad in Appeal No.1883-04/22 on the above subject along with enclosure.*

*It is informed that in response to request dated 06-04-2022 by applicant (Mr. M. Adnan Asif), it has already been informed that copies of requisite documents (i)written test/skill test results of APS (1) merit list (ii) appointment & nomination letters of Mr. Junaid Akbar Pitafi cannot be provided in terms of section 7(g) of Right of Access to Information Act, 2017 (Copy enclosed).*

2. *It is submitted that the needed copies of documents containing noting on the files, minutes of the meeting, recommendations and record/information relating to personal*

*privacy to other individual(s) are not subject to application of section 6 of the Act in terms of provisions of section 7 (a), (b), (c), and (g) of Right of Access to Information Act, 2017.”*

3. *The above issues with the approval of Chairperson, NTC.”*

4. Hearing on the instant Appeal was fixed for July 28, 2022 vide letter dated July 18, 2022. Legal Assistant, Mr. Azhar, representing the Respondent maintained that the Appeal should be dismissed being time-barred. He also said that he did not know whether the requested information which should be otherwise be made available on the web site of the Respondent has been made available. He also contended that the requested information contained private/personal information pertaining to identifiable individuals and should not be disclosed.

**C. Issues**

5. The instant appeal has brought to the fore the following issues:
  - (a) Can requested information which should have been otherwise been made available on the web site of the Respondent be denied on the technicality that the Appeal is time-barred under the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?
  - (b) Has the Respondent followed the procedure enunciated in the Act, 2017 for responding to the information request?

**D Discussion and commission’s views on relevant issues:**

6. 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.
7. The instant Appeal, yet again demonstrates lack of understanding on the part of public bodies about their obligations with regard to the implementation of the Act, 2017.
8. In the instant Appeal, the Respondent has invoked time-barred clause of the Act, 2017 for not providing the requested information to the Appellant which should have been proactively made available on its web site, had the Respondent carried out its obligation of implementing Section 5 of the Act, 2017. In other words, the Appellant would not have needed to file request for information and the Appeal had the Respondent carried out its legal obligation.
9. The Respondent has also invoked Section 7 (g), privacy clause of the Act, 2017 for denying access to information to the Appellant.
10. This commission has observed that public officials have limited understanding about right to privacy when juxtaposed with the right of access to information held by public bodies. Privacy/personal information is understood to be, broadly speaking, information/data pertaining to access control (username and/or password), financial information such as bank account, credit card, debit card, or other payment instruments, and, passports, biometric data, and physical, psychological, and mental health conditions, medical records, and any detail pertaining to an individual's ethnicity, religious beliefs etc.
11. The Act, 2017 envisages a situation wherein a document, which should be otherwise be made public but its parts may contain private information. In such an eventuality, the part

containing private information can be severed from the document as mentioned in Section 16 (1) (i) of the Act, 2017.

12. This commission holds that the access to the requested information in the instant Appeal is a matter of public importance. In fact, this commission issued a detailed Order in Appeal No. **942-03/21**, Abdullah Rashed Waraich Vs. Pakistan Housing Authority Foundation which was upheld by the Honourable Islamabad High Court. In this Order, the commission held that information such as regional quota roster maintained by a public body, consolidated result of written test of the posts, attendance sheet of written tests, online applications submitted by candidates who were shortlisted for interview, educational certificates/degrees of the candidates who were shortlisted for interview, answer sheets of all candidates who were called for interview, attendance sheet of interviews, evaluation Proforma containing detail of academic records, marks obtained in written as well as in interviews by the candidates shortlisted for interview, duly signed by Departmental Selection Committee, recommendations of the Departmental Selection Committee regarding selection of candidates is a matter of public importance.
13. This commission holds that the disclosure of the requested information would shed light on the level of transparency adopted in the entire recruitment process and hence help achieve stated objectives of the Act enunciated in its Preamble which are as under:
  - a) Making government more accountable to citizens’;
    - a. Greater level of participation of citizens in the affairs of the government’;
    - b. ‘Reducing corruption and inefficiency’;
    - c. Promoting sound economic growth’; and
    - d. Promoting good governance and respect for human rights.
14. This Commission has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 of the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.
15. This commission has also noticed that even when Public Information Officer, (PIO) is designated under the Act, information to this effect is either not provided on the web site, or, if it is provided, it is not displayed at a prominent place on the web site.
16. This commission holds that the federal public bodies should ensure that the name, designation, telephone number and E-mail of the PIO is placed at top right corner of the home page of their web sites. Furthermore, as a PIO is designated by post, any change to this effect should be immediately updated on the web site.
17. 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”.*

## **E. Order**

18. The Appeal is allowed. The Respondent is directed to provide the Appellant information requested in para 2 of this Order at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
19. The Respondent is directed to put name, designation, telephone number and E-mail of the PIO at top right corner of the home page of its web site and submit compliance report to this effect to this commission within 10 working days of the receipt of this Order.
20. The Respondent is 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 10 working days of the receipt of this Order.
21. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist 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 at the earliest but not later than 10 working days of the receipt of this Order.
22. 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 02, 2022

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