



In the Pakistan Information Commission, Islamabad

Appeal No 2229-09/22

Saddia Mazhar

(Appellant)

Vs.

National Database and Registration Authority

(Respondent)

ORDER

Date: November 07, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal through an email from Saddia Mazhar dated September 21, 2022, stating that she submitted an information request dated August 31, 2022 under the Right of Access to Information Act 2017 to the Public Information Officer, National Database and Registration Authority. The Respondent public body has not responded to her 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:
 1. *Total number of the transgender persons registered with NADRA. (Gender wise breakup)*
 2. *How many of them are those who were earlier registered as Male and having kids/children.*
 3. *How many transgenders are registered as Married in the NADRA database.*
 4. *How many people have changed their gender from Male to Female since Jan 2018 to date.*
 5. *How many people have changed their gender from Female to Male since Jan 2018 to date.*
 6. *List of the gender categories currently NADRA have to register transgender persons."*

B. Proceedings

3. Through a notice dated July 01, 2022, sent to Deputy Director (Media) / Public Information Officer, National Database and Registration Authority the Commission stated that "Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working

days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.

4. The appeal was fixed for hearing on November 01, 2022 and both parties were informed through notices sent on October 19, 2022.

C. Discussion and Commission’s View on Relevant Issues

5. The commission has to decide:

- Whether the required information falls within the ambit of the public record under the Right of Access to Information Act, 2017, hereafter referred to as Act.

6. The requested information/documents requested by the Appellant in the instant appeal is 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;”

7. This Commission maintains that disclosure of this record will help lawmakers in the legislation for the protection of the rights of the transgender community. Moreover, it will also help the authorities to make necessary arrangements for the community accordingly.

8. Purpose of the Act is to ensure 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”.

9. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies demonstrates that the public bodies are not ensuring the implementation of the Act, 2017.

10. 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

11. Appeal is allowed. Deputy Director (Media) / Public Information Officer, National Database and Registration Authority is directed to provide the remaining information

mentioned in para 7 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.

12. The Respondent is also 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. The compliance report be submitted to this commission within 30 days of the receipt of this Order.
13. Copies of this order be sent to Deputy Director (Media) / Public Information Officer, National Database and Registration Authority and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on: November 07, 2022

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