

**Pakistan Information Commission
Government of Pakistan**

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**In the Pakistan Information Commission, Islamabad
Appeal No 2231-09/22**

Muhammad Husnain Asif

(Appellant)

Vs.

Pakistan Telecommunication Authority

(Respondent)

ORDER

Date: October 25, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated September 26, 2022 to the Commission, stating that he submitted an information request to the Director, (Government and External Affairs), Pakistan Telecommunication Authority on August 04, 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:

“Reference to application for the post of Assistant Director Legal at the Pakistan Telecommunication Authority, and subsequent interview conducted by PTA on 13 July, 2022 need the certified copies of the information mentioned below:

- i. List of the Complete Final Merit list of Candidates (as per merit no) for the post of Assistant Manager Legal.*
- ii. Merit formula (Procedure of Making Final Merit List etc. %% Of Academic, Written and Interview Marks).*
- iii. Final consolidated merit list.*
- iv. Detail of the Marks Obtained in Interview by the Candidates interviewed for the Post of Assistant Manager Legal.*
- v. Interview Evaluation Sheet.”*

B. Proceedings

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

“Reference is made to your application dated 4th August, 2022, for provision of certain information relating to the recruitment of Assistant Director (Law) under the Right of Access to Information Act 2017.

In this connection, it is conveyed that in accordance with Section 7(g) of the "Right of Access to Information Act 2017" (under the caption 'Exclusion of Certain Record') the requisite information falls within the meaning of "record relating to the personal privacy of an individual" and hence the same cannot be provided.

This letter is issued with approval of the Chairman, please.”

4. The Respondent submitted his response on October 17, 2022 and its text is as under:

“Reference PIC letter Appeal No 2231-09/22, dated 10 October 2022.

Reference is made to letter referred above received in this office on 14-10-2022 In this regard, it is submitted that reply to Mr. Muhammad Husnain Asif (Appellant) has already been office letter of even number, dated 5 October 2022 (Copy enclosed) Submitted for your information, please. ”

C. Issues

5. The instant appeal has brought to the fore the following issues:
- (a) Can the requested information be denied under Section F (g) of the Right of Access to Information Act, 2017, henceforth referred to as “the Act, 2017”?
 - (b) What is distinction between personal information of an identifiable individual and records submitted/generated during the process of recruitment against government posts?

D Discussion and commission’s views on relevant issues:

6. This commission holds that the requested information about records submitted/generated during the recruitment process are not hit by any of the exemption clauses of “the Act, 2017”, including its Section 7 (g).
7. 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.
8. This commission holds that the disclosure of marks assigned by each member of the Selection Board to Each candidate, appeared for interview for the post of Assistant Director Legal at the Pakistan Telecommunication Authority 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’;
 - b) Greater level of participation of citizens in the affairs of the government’;
 - c) ‘Reducing corruption and inefficiency’;
 - d) Promoting sound economic growth’; and
 - e) Promoting good governance and respect for human rights.
9. 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.
10. 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.
11. 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.

12. 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

13. The Appeal is allowed. The Respondent is directed to provide the Appellant the 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.
14. 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. The compliance report be submitted to this commission within 10 working days of the receipt of this Order.
15. 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. The compliance report be submitted to this commission at the earliest but not later than 10 working days of the receipt of this Order.
16. 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: October 25, 2022

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