

**Pakistan Information Commission**

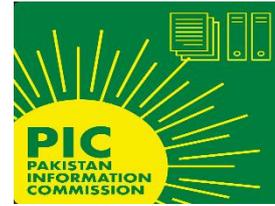
National Arcade, A-4 Plaza, 1<sup>st</sup> Floor

Near PSO

F-8 Markaz, Islamabad

Website: [www.rti.gov.pk](http://www.rti.gov.pk)

Phone: 051-9252362



**In Pakistan Information Commission**

**APPEAL NO. 351-03/2020**

Amer Ejaz  
Vs  
Ministry of Finance

**ORDER:**

**Date:** July 22, 2020

**Zahid Abdullah:** Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated March 04, 2020, to the Commission, stating that he Submitted an information request to the Secretary, Ministry of Finance, Islamabad dated February 12, 2020 under the Right of Access to Information Act 2017,

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

1. *“Provide a certified copy of Budget Strategy Paper scheduled to be issued in the second week of February 2020 by the Finance Division”.*

**B. Proceedings**

3. Through a notice dated March 16, 2020, the Commission called upon the Respondent to submit reasons for not providing the requested information within 7 working days.

4. The Appellant through telephonic conversation with the commission on July 14, 2020 informed that some official from the Ministry of Finance had contacted him in April and told him that the *Budget Strategy Paper will be made available on the web site. The Appellant said that not only the Budget Strategy Paper has not been shared with him, it has not been uploaded on the web site of the Ministry of Finance as yet.*

**C. Discussion and Commission’s View on Relevant Issues**

5. The questions before this commission are as under:

- i. Should a citizen have access to requested information in accordance with the provisions of the Right of Access to Information Act 2017, hereafter referred as Act? and
  - ii. What steps have been taken by the Respondent to implement the Act?
6. The requested information belongs to the category of information which public bodies are legally bound to proactively disclose under Section 5 (1) (d) of the Act which is as under:
- “Relevant facts and background information relating to important policies and decisions which have been adopted, along with a statement of policies adopted by the public body and the criteria, standards or guidelines upon which discretionary powers are exercised by it;”.
7. The Respondent has neither proactively published through its web site the requested information as required under sections 8 and 5 (1) (d) of the Act nor provided it to the Appellant within stipulated time. As the Respondent has not provided requested information within a maximum of 20 working days of the receipt of the information request, it has failed to comply with Section 14 (1) and (2) of the Act.
8. Such is the significance of proactive disclosure of information that the Respondent would have only been required to guide the Appellant to the link where the requested information was available on the web site if the Respondent had implemented Section 5 of the Act. It would have saved time and resources of both the commission, the Appellant and those of the Respondent.
9. Each federal public body was obligated to designate Public Information Officer, (PIO) within 30 days of the commencement of the Act. The commission notes with concern that the Respondent has not designated Public Information Officer, (PIO) as required under Section 9 of the Act to ensure that the Respondent public body carries out its legal obligations under the Act. The complete text of Section 9 of the Act is reproduced here:
- “Designated Official-- Each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent;  
 Provided that where no designated official has been notified or he is absent or not available, principal officer of the public body shall be the designated official:  
 Provided further that in case of non- government organization, it may designate a senior officer as per its organizational structure”.
10. The Respondent is also required to publish on its web site, name, designation and contact details of designated Public Information Officer, (PIO) as required under Section 5 (1) (h) of the Act which is as under:
- “The methods whereby information in the possession or control of the public body may be obtained and the prescribed fee required along with the name, title and contact details of the designated officials;”.
11. The commission notes with concern that the Respondent has not designated Public Information Officer, (PIO) as required under Section 9 of the Act to ensure that the Respondent public body carries out its legal obligations under the Act.

12. This commission expects the Respondent being the Ministry of Finance to be a trailblazer for other federal public bodies in ensuring proactive disclosure of information to facilitate citizens' constitutional right of access to information in matters of public importance.

### **D. Order**

13. Appeal is allowed. The Respondent is directed to share the information with the Appellant with intimation to the commission within 7 working days of the receipt of this Order.

14. The Respondent is directed to designate Public Information Officer as required under Section 9 of the Act, put contact details on its web site as required under Section 5 (1) (h) of the Act and submit notification to this effect to this commission within 10 working days of the receipt of this Order.

15. 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 Act and submit the compliance report to the commission by 22/08/2020.

16. Copies of this order be sent to Secretary, Ministry of Finance and the Appellant for information and necessary action.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on:  
July 22, 2020

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