



In the Pakistan Information Commission, Islamabad

Appeal No 996-04/21

Zahid Hussain Wasim

(Appellant)

Vs.

Defence Housing Authority, Islamabad

(Respondent)

ORDER

Date: July 06, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal on April 12, 2021, to the Commission, stating that he had submitted information requests to Administrator, Defence Housing Authority, Islamabad on January 04, 2021 under the Right of Access to Information Act 2017 but did not received any response from the public body.
2. The information sought by the Appellant is as follows:
“That, M/s EPCS (Private) Limited, Lahore has submitted its request to your good office to register as consultant company. Please provide all bidding documents along with qualification experience and experience certificates etc. that was submitted by M/s EPCS (Private) Limited, Lahore for registration as consultant”.

B. Proceedings

3. Through a notice dated April 27, 2021, sent to Administrator, Defence Housing Authority, Islamabad, 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. On May 25, 2021, the commission sent another notice to Administrator, Defence Housing Authority, Islamabad but no response was submitted to this commission.
5. Through a letter dated May 26, 2021, the Respondent stated that “Mr. Zahid Hussain Wasim visited office of DHA, Islamabad and he was asked (orally) to establish his ‘locus standi’ for asking of the information of private person (company) which is not warranted by Right to Information Act 2017. He did not satisfy this office regarding getting information of a private person”.
In the view of the above, you are requested to direct Mr. Zahid Hussain Wasim to establish his locus standi for demanding information of private person which is not warranted by Right to Information Act 2017”.

6. On June 08, 2021, this commission received another letter from the Respondent and its text is as under:
“1. That the respondent has already forwarded reply of Commission letter dated 27 April 2021 vide letter dated 26 May 2021 [An-A] which may be considered as integral part of the comments.
2. That the appellant has no locus standi to demand for asking of information of private person (company).
3 That the appellant asking for information are not covered by Section 6 of The Right of Access to Information Act 2017 and excluded by Section 7 by the Act ibid.
4. That the appellant is demanding documents, qualification, and experience certificate of third party without their consent. document is neither held by the respondent not its provision is warranted by the law.
5.
That this appeal is badly time barred as the appeal was filed before the Commission on 12.04.2021 in pursuance of application dated 4th January 2021 by the appellant. Limitation provided in section 17 of the Act of 2017, for filing of appeal against the decision of the public body is within thirty days. The appeal is therefore barred by time. In view of the above the instant appeal may dismissed, in the interest of justice”.
7. The response was shared with the Appellant on June 14, 2021. Through an E-mail dated June 22, 2021, the Appellant shared with the commission that he was dissatisfied with the response of the Respondent and that the requested information was not provided to him.

C. Issues

8. The instant appeal has brought to the fore following issues:
- (a) Does the Right of Access to Information Act 2017, henceforth referred to as Act, require an applicant to establish ‘locus standi’ for exercising constitutional right of access to information?
 - (b) Can the documents submitted by firms/individuals to a public body for contracts be declared as public documents?
 - (c) Can the instant appeal be dismissed on the technicality of being time-barred?

D. Discussion and Commission’s View on Relevant Issues

9. This commission holds that a citizen is not required to establish ‘locus standi’ to exercise the constitutional right of access to information. In fact, Section 11 (5) of the Act specifically mentions that an applicant is not required to provide reasons for seeking information from a public body.
10. This commission has already held in different appeals that documents submitted by firms/individuals to a public body for contracts are public documents as these documents reveal level of competence of the firms/individuals to carry out tasks funded by the taxpayers of the country.
11. The ‘Profile’ of an organisation may or may not indicate level of competence for the execution of projects, bidding documents along with qualification, experience and experience certificates surely help officials in deciding awarding or otherwise of projects to a firm. That is why, the disclosure of these documents is warranted by the letter and spirit of the Right of Access to Information Act 2017 to achieve the stated objectives of 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.

12. The contracts are public documents under Section 6 (b) of the Act which should be provided to the applicant on request. Furthermore, federal public bodies are required to proactively publish all contracts through their web sites as required under Section 5 (1) of the Act.
13. In the instant appeal, the requested information cannot be exempted on the grounds of privacy as it involves public funds. The documents submitted as a part of process to determine qualification and level of competence for the award of government contracts cannot be declared private information. However, telephone numbers, CNIC, home addresses, health condition etc. is private information and it should be withheld.
14. The instant appeal is not time-barred as the appeal was filed on 1. The Appellant filed Appeal on April 12, 2021, whereas he filed request for information to the Respondent on January 04, 2021 under the Right of Access to Information Act 2017 but his request for information was not acknowledged by the Respondent as required under the Act. Hence, it cannot be termed as time-barred.

E. Order

15. Appeal is allowed. Administrator, Defence Housing Authority, Islamabad is directed to provide complete information mentioned in para 2 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.
16. Administrator, Defence Housing Authority, Islamabad is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
17. Administrator, Defence Housing Authority, Islamabad 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 30 days of the receipt of this Order.
18. Copies of this order be sent to Administrator, Defence Housing Authority, Islamabad and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

July 06, 2021

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