

**Pakistan Information Commission  
Government of Pakistan**

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  @PkInfoComm



**In the Pakistan Information Commission, Islamabad**

**Appeal No E260-04/22**

**Saeed Rashid**

**(Appellant)**

Vs.

**Comsats University**

**(Respondent)**

**ORDER**

**Date:** September 15, 2022

Zahid Abdullah: Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated April 06, 2022 to the Commission, stating that he submitted an information request to the Rector, Prof. Dr. Muhammad T. Afzal, Comsats University, on March 16, 2022 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.

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

“It is submitted that Dr. Saira Azhar, Assistant Professor (TTS/19), had been working in the department of Pharmacy, Abbottabad Campus, Abbottabad. I

request to your good office that may kindly provide the following information in hard copy/copies related to Dr. Saira Azhar...

- i. “Complete tenure (From Day-Month-Year to Day-Month-Year),
- ii. Designation
- iii. Scale: BPS/TTS
- iv. Status: (Permanent/Contract).
- v. Salary: (lump sum/As per scale)
- vi. Resignation status/ leaving date
- vii. Any Ex-Pakistan leave granted/avail
- viii. Any No Objection Certificate (NOC) granted
- ix. Any Medical leave granted/avail
- x. How many students completed their MS/PhD under her supervision
- xi. Any Administrative responsibility (Dean/Chairman/HOD etc.) assigned during her stay in this institution”

## **B. Proceedings**

3 The Appellant shared with the commission through letter dated May 26, 2022 that the Respondent shared with him grounds of denying access to the requested information and gist of the arguments for denying access to requested information is as under:

That the Appellant did not rout request for information through proper channel; did not describe purpose for seeking information; did not get consent first of the employee concerned to get access to her records.

4 Hearing on the instant Appeal was fixed for August 11, 2022 *vide letter dated July 28, 2022. The Respondent was represented by M. Sarfraz, Ac (Legal) COMSATS.*

5 *Through a letter dated August 29, 2022, the Appellant submitted following response to the information provided by the Respondent:*

“I really appreciate for your kind effort for providing me requested documents which has been shared by COMSATS University. A few following documents are missing:

- Complete tenure (from Day-Month-Year to Day-Month-Year)  
As per documents provided by your good office entitled : No Objection Certificate, No. CIIT/ATD/PF-8 (1206) 11/4075, dated June 19, 2017. Dr. Saira Azhar had been working with your esteemed organization from 22<sup>nd</sup> August 2011 to June 19, 2017. As

per provided documents, the complete tenure comprises of 05-year, 09-moth & 28-days.

The appellant Argue that why not her extra-ordinary leave (EOL) without pay in Pakistan and Ex-Pakistan leave were debarred from Dr Saira Azhar experience for the post abroad in this tenure in her submitted application form for the said post.

Furthermore, the 2<sup>nd</sup> tenure of Dr. Saira Azhar in COMSATS University which was started from 22<sup>nd</sup> August 2014 to 30<sup>th</sup> June 2017, was totally smooth without any break/ extraordinary bustle or distinctively?

The appellant requested may kindly provide the detail of 2<sup>nd</sup> tenure also.

- Any administrative responsibility (Dean/ Chairman/ HOD etc.) assigned during her stay in this institution

The appellant Argue that the information regarding titled above is missing , may kindly be provided.

It is requested that may kindly provide the aforementioned missing information in hard copies under the provisions of Pakistan/KPK transparency & Right to Information Act 2013”.

### **C. Issues**

6 The instant appeal has brought to the fore the following issues:

- (a) Is a citizen required to rout request for information through proper channel, as maintained by the Respondent, or, can directly file it under the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017?
- (b) Is an applicant required to disclose purpose for seeking information under the Act, 2017?
- (c) What is distinction between personal information of an identifiable individual and records pertaining to government employee?

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

- 6 The assertion of the Respondent that the request for information has not been routed through proper channel is legally untenable as there is no such requirement in the Act, 2017.
- 7 The argument of the Respondent that the applicant has not stated purpose for seeking information is also legally untenable as there is no such requirement in the Act, 2017. In fact, Section (5) specifically bars officials from seeking purpose from applicants for getting access to information.
- 8 This commission finds it unfortunate that instead of going through the provisions of the Act, 2017, officers employ incendiary tactics of compelling citizens to describe motives for seeking information.
- 9 This commission maintains that disclosure of the requested information is warranted by both the letter as well as the spirit of the law. The requested information includes: tenure details, Scale: BPS/TTS, status: (Permanent/Contract), salary: (lump sum/As per scale), resignation status/ leaving date, any Ex-Pakistan leave granted/avail, any No Objection Certificate (NOC) granted, any medical leave granted/avail, number of students completed their MS/PhD under supervision of a government employee and any administrative responsibility (Dean/Chairman/HOD etc.) assigned during the tenure.
- 10 The Appellant has stated that "The appellant Argue that why not her extra-ordinary leave (EOL) without pay in Pakistan and Ex-Pakistan leave were debarred from Dr Saira Azhar experience for the post abroad in this tenure in her submitted application form for the said post.
- 11 This commission is not a trial court. If there is any discrepancy in the application form submitted by the person concerned, this commission cannot take any action against the Respondent. The Appellant should approach the relevant legal forum for any remedy to address his grievance.
- 12 This commission holds that the Appellant has the right of access to the remaining information i.e., details of 2<sup>nd</sup> tenure and any administrative responsibility (Dean/Chairman/ HOD etc.) assigned during her stay in this institution.
- 13 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.
- 14 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.
- 15 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, including the Respondent, ECP. 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.

- 16 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.
- 17 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.
- 18 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**

**19** *The Appeal is allowed. The Respondent is directed to provide the Appellant certified copies of the records/information requested in para 2 of this Order within 7 working days of the receipt of this Order and submit compliance report to this effect to this commission.*

**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***

***Zahid Abdullah***

***Information Commissioner***

***Announced on:***

***September 16, 2022***

***This order consists of 6 (six) pages, each page has been read and signed.***