



Appeal No 106-09/19

Dr. Ghayur Ahmed (Appellant)

Vs.

Trust for Democratic Education and Accountability, (TDEA) (Respondent)

ORDER

January 02, 2020

Fawad Malik: Information commissioner

A. The Appeal

1. The Appellant filed an undated appeal with the commission in September 2019 in which he stated that he had requested information from Trust for Democratic Education and Accountability, (TDEA) under the Right of Access to Information Act 2017.

2. The information sought by the Complainant, through application dated 15/07/2019, is as under:

- “1. A copy of all audit accounts/financials of the Trust since it came into existence.
2. The detail of sources of funds of the Trust including individuals, international NGOs, Donors and foreign government agencies with addresses.
3. The detail of local NGOs, NPOs and private entities with addresses receiving funds from the Trust to implement its plans/projects & programs.
4. The detail of current projects with all information such as core activities, partner NGOs with addresses, focused areas (province (s), districts, tehsils and towns) and beneficial segments, the end users of society with impact on community living & change in status and improvement brought through TDEA interventions.
5. The detail of beneficiaries in community (citizens) with addresses of all completed and on-going projects of the Trust”.

B. Proceedings

3. Through a notice dated 10/10/2019 the Commission called upon the Respondent to submit reasons for not providing the requested information within 7 working days.

4. Through a letter dated 18/10/19, Mr. Abdul Ahad, designated Public Information Officer of TDEA submitted response, (along with the requested information/documents) which is as under:

““We refer to your letter number: Appeal-106-09/19, dated October 10, 2019 (Cover Letter) and October 15, 2019 (Copy of the complaint)....We would like to inform the august commission that the requested information had been furnished to Dr. Ghayur Ahmed within 10 (ten) working days of the receipt of the request. TDEA’s cover letter along with the requested information was sent to Dr. Ghayur Ahmed at his given address House No. 2, St. 39, F-6/1, Islamabad, on July 26, 2019 through TCS currier, which was received and signed by Mr. Umar the very next day, i.e. July 27, 2019 at 11:12 am. The copy of information sent to Dr. Ghayur Ahmed and TCS record is annexed with this letter for your kind perusal.

TDEA is a not-for-profit organisation which believes in transparency and has put all necessary details of its employees, including Chief Executive Officer and the Directors, and the projects, on its web site ‘TDEA.pk’.

If Dr. Ghayur Ahmed wants anything else, which is missing in the information provided, TDEA is pleased to provide the same to the respectable doctor.

In the view of the above, we would respectfully request the Honourable commission to dismiss the appeal filed on the behalf of Dr. Ghayur Ahmed as the information he seeks within the said appeal has already been provided to him”.

5. The commission shared information provided by the Respondent with the Appellant through letter dated 13/11/19 which the Respondent had earlier had also shared with the Appellant through letter dated 24/07/19.

6. In response to the information sharing letter of the commission, the Appellant through two undated letters expressed his dissatisfaction for the reasons that the shared information “most likely to be incorrect/wrong and further that he is not satisfied with the given information/decision of the Respondent Trust”.

7. The hearing date was fixed for 26/12/19 through the hearing notice sent on 03/12/19 and both parties were informed accordingly.

8. In the hearing, Dr. Ghayur Ahmed, the Appellant and Mr. Mian Muhammad Bilal, Advocate participated in the hearing whereas Mr. Abdul Ahad, Public Information Officer along with Mr. Rifat Hussain Malik, Legal Advisor, TDEA appeared on the behalf of the Respondent.

9. Mr. Zahid Abdullah, Information Commissioner, recused himself from the hearing enlisting reasons for recusal through ‘Declaration of Conflict of Interest’ which is as under:

“Declaration of Conflict of Interest

Zahid Abdullah Information Commissioner

December 26, 2019

I worked at Trust for Democratic Education and Accountability, (TDEA) as Transparency and Inclusion Specialist from July 01, 2017 till the appointment as Information Commissioner in November 2018.

When the Right of Access to Information Act 2017 was enacted in October 2017, I brought to the notice of senior management of TDEA that it was a public body under Section 2 (ix) (h) of the Act. The senior management of TDEA agreed with my interpretation and tasked me to develop ‘Information Disclosure Policy’ of TDEA and designated me to act as Public Information Officer, (PIO). My name and contact details were placed at the web site of the TDEA as required under Section 5 (1) (h) of the Right of Access to Information Act 2017. In my capacity as PIO, I kept responding to the information requests filed by citizens till my resignation from the post of Transparency and Inclusion Specialist.

I recuse myself from hearing the instant appeal given my past association with TDEA in anticipation of any possible conflict of interest that may arise”.

10. The commission asked the Appellant to submit his written response to explain as to why the Appellant submitted before the commission that he did not get the requested information when it was proven through the reply of the Respondent that it had been delivered and duly received at the given address. The commission also asked the Respondent to submit before the commission how information about the third party is protected from disclosure under the law. The date for next hearing was fixed for 01/01/2020.

11. In the hearing held on 01/01/2020, Dr. Ghayur Ahmed, the Appellant and Mr. Mian Muhammad Bilal, Advocate participated in the hearing whereas Mr. Abdul Ahad, Public Information Officer along with Mr. Rifat Hussain Malik, Legal Advisor, TDEA appeared on the behalf of the Respondent.

12. In the hearing, Mr. Mian Muhammad Bilal submitted before the commission that “contents of the appeal were a result of bonafide communication gap between the Appellant and person

who received the response from the Respondent Trust on his behalf”. He also submitted that the appeal be decided on merit rather than technicality”.

13. The Respondent shared written objection to the appeal claiming the exemption clause of Section 16 (1) (g) (I) (II) in aid with Section 7 (g) (h).

14. The Respondent also submitted before the commission that other than information protected under privacy clauses of the Right of Access to Information Act 2017, the rest has already been provided to the satisfaction of the Appellant in front of this commission as admitted by the Appellant.

C. Discussion and Commission’s View on Relevant Issues

15. As right to information is a fundamental human right protected under the Constitution, this commission always facilitates all the appellants in exercising this right. Therefore, despite technical issues in the appeal, this commission is deciding this appeal on its merit like all other appeals.

16. This commission believes that there should be maximum disclosure of information as required under the Act but not at the expense of the threat to the privacy of identifiable individuals. The information sought under item number 5, if revealed, will most likely pose threat to the privacy of the identifiable individuals as the Appellant has sought information about the citizens along with their addresses. While the requested information may cause threat to the privacy of identifiable individuals, the commission

finds it difficult to understand how names and addresses of private citizens will contribute to any public good.

17. Section 7 (g) of the Act exempts “Record relating to the personal privacy of any individual”. The commission is also of the view that there is distinction between privacy of common citizens and public office holders. Private information about public office holders can be made public provided that it reveals incidents of corruption or violation of human rights whereas private information about citizens should be treated as sacred trust placed with public bodies which should not be breached.

D. Order

18. The appeal is dismissed as requested information, other than the information pertaining to citizens and their addresses, is already proactively shared through the web site of the Respondent or has been made available to the Appellant.

Furthermore, 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, including requested information in item number 5 in summarized form, and submit the compliance report to the commission by 03/02/2020.

19. 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

Announced on:
January 02, 2020

This order consists of 5(five) pages; each page has been read and signed.