



Appeal No 135-10/19

Shehzad Ahmed Khan

(Appellant)

Vs.

Pakistan Environmental Protection Agency

(Respondent)

ORDER

March 3, 2020

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal with the commission on October 14, 2019 in which he stated that he had requested information from the Pakistan Environmental Protection Agency under the Right of Access to Information Act, 2017.
2. The information sought by the Complainant, through application dated September 29, 2019 addressed to the Director General, Pakistan Environmental Protection Agency pertained to the provision of following information,
 - *“Certified copy of recent / last Audit Report.”*

B. Proceedings

3. Through a notice dated October 21, 2019 the Commission called upon the Respondent to submit reasons for not providing the requested information within 7 working days.
4. The Respondent through a letter dated October 29, 2019 vide F.No. 6(20)/2019-Admn stated that Pak-EPA received such cases first time and delayed due to non-availability of particular information with this agency. Pak-EPA will be more careful in future.
5. The requested information was not provided to the appellant so the hearing of the case was fixed for November 26, 2019 through the hearing notice sent on November 05, 2019 and both parties were informed accordingly.

6. The Respondent through its letter dated November 07, 2019 vide F.No. 6(20)/2019-Admn stated that *the matter discussed with you by Director General, Pak-EPA in all aspects on October 31, 2019. Therefore, the same may be collected from concerned department i.e. Director General Audit, Federal Government, Islamabad.*
7. The Respondent through another letter dated November 08, 2019 stated that *“this agency cannot disclose the data/record of private documents either on express or implied condition that information contained in any such document as provided under clause (h) of section 7 of the Right of Access to Information Act 2017.”*

C. Discussion and Commission’s View on Relevant Issues

8. In an identical appeal No.144-11/19 titled (Shehzad Ahmed Khan vs Metropolitan Corporation Islamabad) vide order dated 01.01.2020, this commission has already decided on issues raised in the instant appeal. Therefore, views of the commission in the appeal No.144-11/19 are declared integral part of this judgment which are reproduced in the following paras.
9. The questions for the consideration of the commission are as under:
 - (a) Whether audit reports are public records?
 - (b) At what stage audit reports are finalized?
 - (c) Which public body is in the possession of an audit report? And
 - (d) Whether the public body followed the process laid down in the Right of Access to Information Act 2017 for responding to information requests?
10. An audit report is a public document under Section 5(i) of the Right of Access to Information Act 2017 which is as under:

“Reports including performance report, audit reports, evaluation reports, enquiry or investigation report and other reports that have been finalized”.
11. The audit report is finalised by the Auditor General of Pakistan, (AGP) and audit of only a certain number of public bodies is conducted each year. Each audit report contains audit paras of a public body whose audit is conducted in a given year. In parliamentary democracy, business of Parliament is conducted through standing committees through open proceedings. The commission is of the view that an audit report becomes a public document once it is laid before Public Accounts Committee, (PAC) after the approval of the President of the Islamic Republic of Pakistan.
12. The elected representatives in their collective wisdom have included Section 5 in the Act so that maximum information is proactively provided to the citizens of Pakistan by ensuring its proactive disclosure through web sites of public bodies. Since Section 5 of the Act includes audit reports, the Auditor General of Pakistan should immediately place on

its web site each audit report once it is laid in the Public Accounts Committee. Similarly, each federal public body should proactively publish through its web site audit paras if included in the audit report of a given year.

13. The benefits of proactive disclosure of audit reports can hardly be exaggerated. It will not only be cost-effective but will also save time of the commission and that of federal public bodies in responding to appeals and information requests of citizens pertaining to audit reports.
14. The commission takes strong exception to the fact that the Respondent failed to respond to the notices of the commission and the information requests of a citizen. The Respondent failed to respond to the information request in accordance with the provisions of sections 12 and 13 of the Act.”

D. Order

15. The appeal is allowed. The Respondent is directed to provide certified copies of last audit paras if included in the audit reports published by the Auditor General of Pakistan within 10 working days of the receipt of this Order.
16. The Respondent is also 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 by 03/03/2020.
17. Copies of this order be sent to the Respondent, the Appellant and the Auditor General of Pakistan for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:

January 27, 2020

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