

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO 182-11/2019

Anum Naz

(Appellant)

Vs

Secretary Cabinet Division, Islamabad

(Respondent)

Date: 12-2-2020

Fawad Malik: Information Commissioner

A APPEAL: The brief facts of the appeal are that Anum Naz (appellant) submitted her Information request dated 4-7-2018, under Right of Access to Information Act 2017 to the Secretary, Cabinet Division, Islamabad for the provision of following information in printed form:

1. *Dates and Agenda of all cabinet meetings held between August 2018 and June 2019.*
2. *Decisions taken during the above-mentioned cabinet meetings*

The reminder in appeal was received in the office of the commission disclosing the filing of the appeal on 28-8-2019 . The contents of the appeal filed under Right of Access to Information Act 2017, before the commission are reproduced here under:

1. *I submitted an information request to Public Information Officer/Secretary, Cabinet Division; and couriered it through TCS with a tracking ID 5141355679, on July 04, 2019 under the Right of Access to Information Act, 2017. A copy of the information request is attached for your reference.*
2. *The courier service informed me that my request was delivered at the Cabinet Division's office in Islamabad on July 05, 2019.*
3. *However, I have not received a written acknowledgement of the receipt of my request or the requested information despite passing more than ten working days, as is required under sections 13(1) and 14(1) of the Right to Access to Information Act 2017.*

B PROCEEDINGS: The commission issued a notice dated Nov 28, 2019 directing the respondent to provide reasons within seven working days of the receipt of the notice as to why the requested information has not been provided to the applicant as required 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 the receipt of the request.

The notice was not responded therefore the appeal was fixed for hearing on 22.1.2020 before the commission and both the appellant as well as the respondent were informed accordingly vide notices dated 23.12.2019.

No body appeared to represent the respondent at the time of hearing on 22.1.2020.

C DISCUSSION AND COMMISSION'S VIEW: The commission after going through the appeal, information request and the Act is of the view;

- a) That the respondent has not responded to the information request submitted by the appellant as required under sections 13 and 14 of the Right of Access to Information Act, 2017 nor to the notices of the commission. The respondent has failed to apprise the commission through written reply or through it's representative at the time of hearing of the appeal as to whether the requested information is classified record or any other plausible reason for not responding to the application of a citizen.
- b) That right to information is fundamental right of the citizens guaranteed under 19A of the constitution of Pakistan which cannot be denied.
- c) That if the requested information is not exempted or excluded from the category of public record, each public body shall within six months of the commencement of the Act publish including uploading over the internet all categories of information mentioned in section 5 of the Act.
- d) That the appellant has submitted her information request to the Secretary/Public Information Officer of the Cabinet Division . Proviso to section 9 of the Act states that where no designated officer has been notified or he is absent or not available, principal officer of the public body shall be the designated officer.

D ORDER: The appeal is allowed with the direction to the respondent to share with the appellant the requested information or part thereof if not exempted or declared classified, within ten working days of the receipt of this order.

The respondent is further directed to take immediate steps to proactively share through the website all catagories of information mentioned in section 5 of the Right of Access to Information Act 2017 and submit the compliance report to the commission by 20-3-2020

Mohammad Azam

Chief Information Commissioner.

Fawad Malik

Information Commissioner.

Zahid Abdullah

Information Commissioner.