

**Pakistan Information Commission**  
**Government of Pakistan**

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**In the Pakistan Information Commission, Islamabad**

**Appeal No 773-12/20**

**Shazia Mehboob**

(Appellant)

Vs.

**Federal Investigation Agency**

Through its Public Information Officer

(Respondent)

**Order**

**Date:** February 01, 2021

**Zahid Abdullah:** Information Commissioner

**A. The Appeal**

1. The Appellant filed an appeal, dated 23-12-2020 to the Commission, stating that he submitted an information request to the Federal Investigation Agency dated 02-11-2020 under the Right of Access to Information Act 2017.
2. The information sought by the Appellants is as follows:
  1. *“What is the total number of complaints received by Cyber Crime Wing [since its establishment]?”*
  2. *How many complaints were converted into FIRs?*
  3. *How many complaints were disposed off before FIR,?*
  4. *How many complaint are in pending with their year of registration of complaint?*
  5. *How many investigations were completed so far since CCW establishment?*
  6. *How many complaint were found misleading or fake?*
  7. *In how many cases, FIA arrested accused before registration of FIR?*
  8. *In how many cases accused were arrested after FIR?*
  9. *How many cases were prosecuted in courts?*
  10. *How many cases have been resolved through court decisions?*
  11. *Please also provide copies of the FIRs registered with Cyber Crime Wings since its establishment.*
  12. *How many complaints were received against journalists?*
  13. *How many of them are converted into FIRs against journalists.*
  14. *In how many FIRs, the department submitted Challan in the court.*
  15. *In how many cases the accused [journalist] were convicted?*
  16. *Along with the detail about the punishment announced by the court in each case.”*
3. The Appellant stated that the requested information was not provided within the stipulated period of time as required under the Right of Access to Information Act 2017.

**B. Proceedings**

4. Through a notice dated 06-01-2021 sent to the Malik Tariq Mahmood, Director Law / Public Information Officer, Federal Investigation Agency the Commission called upon the Respondent to submit reasons for not providing the requested information.
5. The Respondent was issued another notice on January 18, 2021. The text of the notice is as under:

*“In pursuance of the Standard Operating Procedures issued by the Government of Pakistan for the Covid-19 and to ensure public safety, the personal appearance before the Commission at the time of hearing, is condoned for the time being. Therefore, you are*

*directed to submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice.*

*Copies of the supporting documents may be annexed with the written arguments. If the written arguments are not submitted within 15 days, the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act 2017”*

6. The Respondent shared requested information with the Appellant on January 19, 2021 with intimation to this commission. In response to Para-11 and Para 16 of the information request the Respondent stated that *“As per section 16 of Right to Information Act 2017 can not be shared”*.
7. The Appellant on January 21, 2021 submitted his objection over the response of the public body and submitted rejoinder which is as under;

*“With reference to my RTI to the Federal Investigation Agency (FIA) for information of public interest under the right to information act, 2017, it is stated that there are some information which I had sought from the FIA concerned department but the documents are missing from the information shared by the FIA with this correspondent.*

*The concerned authority said that under a certain article of the information law, the said information cannot be shared whereas the information I have sought is in line with the said law and there is no harm to any institution's future strategy if it shares information. It is requested you to please look into the matter and ensure provision of complete information from FIA.”*

### **C. Discussion and Commission’s View on Relevant Issues**

8. The Respondent has referred to Section 16 of the Right of Access to Information Act 2017 without specifying exact sub-section for denying access to requested information. Furthermore, the Respondent has not provided any reasons as to why the requested information cannot be provided. This commission is of the view that access to information cannot be arbitrarily denied without providing cogent reasoning.
9. This commission is of the view that none of the provisions of Section 16 justify the denial of access to the requested information.
10. Juxtaposing the requested information with the provisions of the Right of Access to Information Act 2017, this commission concludes that the requested information should have been made *available on the web site of the Respondent under Section 5 (i) of the 2017 Act which is as under:*

*“Reports including performance reports, audit reports, evaluation reports, inquiry or investigative reports and other reports that have been finalized”.*

11. This commission holds that the requested information pertains to Section 6(a) and 6(d) of the Act which are reproduced as under:

*“Policies and guidelines*

*Final orders and decisions, including decisions relating to members of public”*

12. Federal public bodies need to understand the wisdom of the citizens of Pakistan, expressed through their chosen representatives, and, reflected in the Preamble of the Act which states:

*“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and*

*inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.*

*13. The fact that requested information is not available in public domain and that the citizen has exercised the right of access to information also highlights that the citizens want to have improved access to records held by public bodies for following purposes enunciated in the Preamble of the Act:*

*Making government more accountable to citizens’;*

*Greater level of participation of citizens in the affairs of the government’;*

*‘Reducing corruption and inefficiency’;*

*Promoting sound economic growth’; and*

*Promoting good governance and respect for human rights.*

*14. This commission has held through its different detailed judgements that federal public bodies are not giving primacy to proactive disclosure of information through their web sites and that proactive disclosure of information is not given serious consideration it deserves.*

*15. This commission has also established through its different Orders that not only information is to be made available to citizens as required under Section 5 of the Act but it has to be made available on the web sites in a manner that it is accessible for all citizens, including those with different disabilities by incorporating web accessibility standards in the design and development of web site.*

#### **D. Order**

*16. Appeal is allowed. The Public Information Officer, Federal Investigation Agency, (FIA) is directed to provide certified copies of the FIRs registered with Cyber Crime Wings since its establishment, along with the detail about the punishment announced by the court in each case. ”*

*17. The information mentioned in para 16 be provided to the Appellant at the earliest but not later than 10 working days of the receipt of this Order.*

*18. 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 by 07/31/2021.*

*19. 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 by 07/03/2021.*

*20. Copies of this order be sent to The Public Information Officer, Federal Investigation Agency, (FIA) and the Appellant for information and necessary action.*

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah  
Information Commissioner

**Announced on:**

February 03, 2021

This order consists of 04 (four) pages, each page has been read and signed