



In The Pakistan Information Commission, Islamabad

Appeal No 926-02/21, 922-02/21 & 924-02/21

Muhammad Ali

(Appellant)

Vs.

Office of the Press Registrar
Through its Public Information Officer

(Respondent)

ORDER

Date: June 02, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant has filed three appeals, dated February 19, 2021, to the Commission, stating that he Submitted an information requests to the Press Registrar / Public Information Officer, Office of the Press Registrar dated 26-01-2021 under the Right of Access to Information Act 2017 but did not received the requested information from the public body.
2. The information sought by the Appellant is as follows:
“1- Verified copy of the latest original application form including the mandatory requirements for the registration about the printing press namely AAJ Printing Press Peshawar, situated in AAJ Building, G.T Road Warisabad near hajicamp Peshawar.
2- Verified copy of the latest original application form including the mandatory requirements for the transfer of ownership / publishership of Akhbar-e-Sheher in Urdu (اخبار شہر) from Peshawar in the name of MS Nighat Shaheen submitted at the office of Press Registrar for NOC.
3- Verified copy of the original application form including the mandatory requirements for the transfer of ownership / publishership of AAJ from Peshawar in the name of MS Nighat Shaheen submitted at the office of Press Registrar for NOC.
4- Verified copy of the original application form including the mandatory requirements for the transfer of ownership / publishership of AAJ from Abbottabad in the name of MS Nighat Shaheen submitted at the office of Press Registrar for NOC.”

B. Proceedings

3. Through notices dated March 08, 2021, sent to Deputy Registrar / Public Information Officer, Office of the Press Registrar, the Commission called upon the Respondent to submit reasons for not providing the requested information.

4. Through another notice dated April 13, 2021 the Respondent was directed to submit written arguments within 15 days, otherwise the appeal will be decided Ex-Parte in the light of the record available on the file and the Right of Access to Information Act 2017.
5. The Respondent through a letter vide No. F 12/5(1)/2002-PR dated April 26, 2021 submitted its response which is as under:

“This is with Reference to Appeal No. 926-02/21 and 922-02/21.

2. *It is submitted that the appellant has requested to provide verified copy of the application form including mandatory documents in both appeals. The application forms submitted by Ms. Nighat Shaheen to the Press Registrar office for the issuance of NOCs for transfer of ownership of Daily “Aaj” from Peshawar / Abbottabad and Daily “Akhbar-e-Sheher” from Peshawar contains her personal information including CNIC numbers, contact numbers, bank account details, qualification and others.*

3. *Further, the Press Registrar Office can’t attest any document submitted by the applicant, like Bank Statement, Education Certificates, affidavits etc*

4. *According to the Section 7 (g) and (h) of the Right of Access to Information Act 2017, citizen can’t avail third party information. Section 7 (g) and (h) are as under:*

g) Record relating to the personal privacy of any individual; and

h) Record of the private document furnished to a public body either on an express or implied condition that information contained in any such document shall not be disclosed to a third party. (Annex-I)

5. *Moreover, the mandatory requirements for the issuance of NOC, along with application form (Annex-II) is available in Download Section of the Press Registrar Office’s website, link is as under:*

Url: www.opr.gov.pk

6. *It is, therefore, prayed that, in the light of the above submissions, the captioned appeal may kindly be disposed of.”*

C. Discussion and Commission’s View on Relevant Issues

6. The questions for the consideration of the commission are as under:
 - (a) Can application form and related mandatory submitted to a public body for transfer of the declaration of newspapers be disclosed without compromising right to privacy of the applicant under the Right of Access to Information Act 2017, henceforth referred to as Act? and
 - (b) How can record be verified which has not been generated by a public body?
7. This commission is of the view that any application form and mandatory documents submitted for the transfer of ownership of newspapers is a matter of public importance as these documents relate to the regulation of public good. That is why Section 5 (1) (e) of the Act requires every public body to proactively disclose “particulars about the recipients of any concession, permit, licence or authorization granted by a public body”.
8. The constitutional right of access to information in matters of public importance encompasses information pertaining to those who are licensed to provide information to citizens about matters of public importance because each media organisation has a certain

world view, an ideology which it ends up preaching to the citizens while providing information.

9. No matter how hard a media organisation may try to be objective, the form and content of information provided by the media organisations is shaped by the world view and ideology of media organisation. Furthermore, it is a common knowledge that the media performs an extremely critical task of shaping opinions of the masses. Therefore, citizens have every right to know about the media organisations so that they could know what is the narrative of those who are trying to shape their narrative.
10. This commission holds that the Right of Access to Information Act 2017 makes allowance for severing parts of records containing personal information and sharing the rest with the public. In the instant appeal, the requested information can be shared with the Appellant without compromising legitimate privacy interests of the applicant. While providing the requested information, personal information such as health condition, bank account numbers, financial statements, phone numbers, addresses and CNICs details can be withheld.
11. This commission also holds that copies of educational documents submitted to a public body as a qualification requirement cannot be treated as personal information for these documents shed light on the eligibility of an applicant for any “concession, permit, licence or authorization granted by a public body”.
12. This commission is of the view that a public body cannot deny access to records/information because parts of records/information of the requested information fall within the scope of exceptions mentioned in Section 16 of the Act. Under Section 16 (1) (i) of the Act, federal public bodies are required to sever part/information which comes within the scope of the exceptions and the rest should be made available to the applicants.
13. With regard to the verification of the application form and the mandatory documents, the public body needs to only verify that the it is providing true copies of the application form and mandatory documents as submitted by the applicant and available on the record.

D. Order

14. Appeal is allowed. Public Information Officer, Office of the Press Registrar is directed to provide the Appellant following requested information within 7 working days of the receipt of this Order:

“Verified copy of the latest original application form including the mandatory requirements for the transfer of ownership / publisher ship of Akhbar-e-Sheher in Urdu (اخبار شہر) from Peshawar in the name of MS Nighat Shaheen submitted at the office of Press Registrar for NOC.

Verified copy of the original application form including the mandatory requirements for the transfer of ownership / publishership of AAJ from Peshawar in the name of MS Nighat Shaheen submitted at the office of Press Registrar for NOC.

Verified copy of the original application form including the mandatory requirements for the transfer of ownership / publishership of AAJ from Abbottabad in the name of MS Nighat Shaheen submitted at the office of Press Registrar for NOC.”.
15. Public Information Officer, Office of Press Registrar is directed to ensure that personal information such as health condition, bank account numbers, financial statements, phone numbers, addresses and CNICs is not disclosed while providing information to the Appellant.

16. Copies of this order be sent to Public Information Officer, Office of the Press Registrar and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

June 02, 2021

This order consists of 4 (four) pages.