

Pakistan Information Commission
Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 549-09/20

Muhammad Nauman Ul Haque

(Appellant)

Vs.

National Bank of Pakistan

Through Its President

(Respondent)

Order

Date: June 08, 2021

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, date August 05, 2020, to the Commission, stating that he Submitted an information request to the President, National Bank of Pakistan dated 11-07-2020 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.

2. The information sought by the Appellant is as under:

“National Bank of Pakistan (NBP) issued a circular letter No. HRM & AG/DAB/2004/509 dated 12 August 2004, whereby an opportunity was given to permanent graduate clerical staff for selection as Cash Officer (OG-III). In this circular minimum academic qualification to avail this opportunity was Graduation, which was subsequently changed to Matriculation. In in exercise of my right to information granted U/S. 12 read with 55.3 & 7 of Freedom of information Ordinance 2002, request

- i. Certified copy of that circular/ letter/ notification / document issued by NBP, whereby this opportunity was extended to permanent matriculate clerical staff for selection as cash officer (OG-III) and*
- ii. List of NBP employees who availed this matriculation based opportunity when it was offered in 2004/05*
- iii. List of NBP employees who benefitted from this matriculation based opportunity after some sort of litigation”*

B. Proceedings

3. Through a notice dated October 07, 2020 sent to the President, National Bank of Pakistan the Commission called upon the Respondent to submit reasons for not providing the requested information.

4. The appeal was fixed for hearing on November 24, 2020 and both the Respondent and the Appellant were informed according through a notice dated November 12, 2020.

6. No one appeared before the commission to represent the Respondent during the hearing held on November 24, 2020.
7. Through another notice dated April 19, 2021, the Respondent was again directed to submit written arguments before May 13, 2021, otherwise the appeal will be decided Ex Parte in the light of the record available on the file.
8. The commission did not receive any response from the Respondent.

C. Discussion and Commission's View on Relevant Issues

9. The commission has to decide that whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred as Act.
10. The information requested by the appellant is declared as public record in section 5 (b) of the right of Access to Information act 2017 and the public bodies are bound to ensure that all such categories of the information and record defined in Section 5 of the Act are duly published including uploading over the internet or in a manner which best ensures that these are accessible to the public.
11. In the instant appeal the public body has failed to acknowledge and respond to the information request of the appeal. Moreover, the public body also failed to respond to the notices of commission and also did not attend the hearing held on November 24, 2020.
12. The public body on April 19, 2021 was also directed to submit written arguments to Pakistan Information Commission within 15 working days. The commission stated "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".
13. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.
14. The department has failed to meet its obligations defined in Section 5(3) of the Right of Access to Information Rules 2019,
Section 5(3) of the Right of Access to Information Rules, 2019 states,
"Each public body shall publish on its website, and if such facility is not available, on its notice board the procedure of filing application and obtaining information including the schedule of costs and filing of complaint as prescribed by the Commission."
15. According to Section 19 (d) of the Act, this commission is bound to make sure the all information determined in Section 5 of the Act available on the website of the public bodies. In this regard, the Pakistan Information Commission has developed a template to ensure proactive disclosure of information. The template is available on the website of this commission i.e. www.rti.gov.pk
16. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.

D. Order

17. The appeal is allowed. The President, National Bank of Pakistan is directed to provide the information requested in Para-2 with intimation to this office, at the earliest, but in any case, not later than 10 working days of the receipt of this Order.

18. The Respondent is also directed to designate Public Information Officer as required under Section 9 of the Act and upload its notification along with the name, designation and contact details on its website as required under Section 5 (1) (b) and (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
19. 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 June 27, 2021.
20. Copies of this order be sent to the President, National Bank of Pakistan and to 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 3 (three) pages, each page has been read and signed.