

Pakistan Information Commission

Government of Pakistan

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In The Pakistan Information Commission, Islamabad

Appeal No 1066-05/21

Nadeem Umer

(Appellant)

Vs.

**Ministry of National Health Services, Regulations and
Coordination**

Through its Public Information Officer

(Respondent)

Order

Date: July 29, 2020

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated May 17, 2021, to the Commission, stating that he Submitted an information request to the Deputy Secretary (Coord) / Public Information Officer, Ministry of National Health Services, Regulations and Coordination dated April 05, 2021 under the Right of Access to Information Act 2017.
2. The information sought by the Appellant is as follows:
 1. *“Copy of the advertisement published for hiring the services of National Coordinator for the Development project "Coordination / Common Unit to Manage Global Fund (TB, AIDS and Malaria)" along with the name and date of the newspaper in which it was published.*
 2. *List of the candidates who have applied for the said post, along with their qualification and experience.*
 3. *Certified copy of the selection criteria for the selection.*
 4. *List of the candidates who were called for the test / interview. The short-listed candidates were informed through email, phone or call letters, please provide the copies of the email / call letters issued to them.*
 5. *Copy of the attendance sheet of the candidates appeared in the interview for the said post.*
 6. *Copy of the mark sheet and notes of selection committee members for each interviewed candidate.*
 7. *Date on which application of Dr. Bushra Jameel was received for this post, along the copy of the Ministry's Dak Register having Diary number of the Dr. Bushra Jameel's application receipt.*
 8. *Copy of the marks, all notes and summary regarding the hiring of Dr. Bushra Jameel's services.*

9. *Details about the salary, perks and privileges given to the National Coordinator for the Development project.*”

B. Proceedings:

3. Through a notice dated May 31, 2021, sent to Deputy Secretary (Coord), Ministry of National Health Services, Regulations and Coordination the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The respondent submitted its response through letter vide No. 1-57/2021-Coord dated June 24, 2021 and also sent copy of the response to the appellant, which is as under:
*“Reference Appeal No. 1066-05/21 dated 31-05-2021, the concerned Wing of this Ministry has provided requisite information vide their letter No. 2-68/2018-Admn-III dated 21-06-2021 (copy at Annex-I)
2. Rest of the information falls under Section - 7 of the Act.”*
5. The appellant through an email dated July 14, 2021 submitted his response to the information shared by the public body, which is as under:
*“I have received response of public body through a letter vide no 1-57/2021-Coord dated June 24, 2021.
The public body has only shared a copy of the office order of Dr. Bushra Jamil and claimed that rest of the requested information is exempted from disclosure under Section 7 of the Right of Access to Information Act.
Copy of my information request is already shared with the commission. You are requested to decide the case as per law.”*

C. Issues:

6. This Appeal has brought to the fore following issues:
- (a) Should a citizen have access to requested information in accordance with the provisions of the Right of Access to Information Act 2017, hereafter referred as Act?
- (b) Has the Respondent carried out its obligations under the Act with regard to the proactive disclosure of information as required under Section 5 of the Act?

D. Discussion and Commission’s View on Relevant Issues

7. This commission maintains that both the letter and spirit of the Right of Access to Information Act 2017 dictate the disclosure of *copy of the advertisement published for hiring the services of National Coordinator for the Development project "Coordination / Common Unit to Manage Global Fund (TB, AIDS and Malaria)" along with the name and date of the newspaper in which it was published, list of the candidates who applied for the said post, along with the qualification and experience certificates of the short-listed candidates and those of the selected candidate, copy of the selection criteria for the selection, list of the candidates who were called for the test / interview, means of verification of sending call letters to the short-listed candidates through which they were informed for interview, (protecting their private information such as their personal E-mail address, residential addresses, telephone numbers etc, copy of the attendance sheet of the candidates who appeared in the interview for the said post, copy of the mark sheet and notes of selection committee members for each interviewed candidate, Date on which application of Dr. Bushra Jameel was received for this post, along with the copy of the Ministry’s Dak Register having Diary number of the Dr.*

Bushra Jameel's application receipt, copy of the marks, all notes and summary regarding the hiring of Dr. Bushra Jameel's services and details pertaining to the salary, perks and privileges given to the National Coordinator for the Development project.

8. This commission maintains that educational degrees and experience certificates of all candidates who applied for the said post cannot be disclosed in public interest, as requested by the Appellant. However, the public interest dictates those educational degrees of short-listed/selected candidates for government posts, their CVs, marks obtained during the recruitment process, remarks of the members of the selection committee during the interview cannot be withheld on the grounds of privacy as it this information is critical to determine the level of transparency and fairness adopted in the recruitment process. Therefore, none of the provisions of this Act, including Section 7 (g) can be attracted to withhold the disclosure of the requested information. The personal/private information means CNIC details, residential addresses, telephone numbers, bank accounts/financial details and health conditions.
9. This commission maintains that the disclosure of the requested information is not only in accordance with both the letter and the spirit of the right of Access to Information Act, 2017, but its disclosure will also help achieve the stated objectives of this Act which are as under:
 - 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.
10. This commission is of the view that public participation, one of the stated objectives of this Act, through the exercise of the right to information, will not only help in improving the performance of federal public bodies but will also bridge the trust-gap between citizens and their institutions.

E. Order

11. The appeal is allowed. The Public Information Officer, the Ministry of National Health Services is directed to provide the following information to the Appellant, with intimation to this office, at the earliest but in any case, not later than 10 working days of the receipt of this Order:
 - copy of the advertisement published for hiring the services of National Coordinator for the Development project "Coordination / Common Unit to Manage Global Fund (TB, AIDS and Malaria)" along with the name and date of the newspaper in which it was published, list of the candidates who applied for the said post, along with the qualification and experience certificates of the short-listed candidates and those of the selected candidate, copy of the selection criteria for the selection, list of the candidates who were called for the test / interview, means of verification of sending call letters to the short-listed candidates through which they were informed for interview, (protecting their private information such as their personal E-mail address, residential addresses, telephone numbers etc, copy of the attendance sheet of the candidates who appeared in the interview for the said post, copy of the mark sheet and notes of selection committee members for each interviewed candidate, Date on which application of Dr. Bushra Jameel was received for this post, along with the copy of the Ministry's Dak Register having Diary number of the Dr. Bushra Jameel's application receipt, copy of the marks,

all notes and summary regarding the hiring of Dr. Bushra Jameel's services and details pertaining to the salary, perks and privileges given to the National Coordinator for the Development project.

12. Copies of this order be sent to the Public Information Officer, Ministry of National Health Services and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on: July 29, 2021

This order consists of 4 (four) pages, each page has been read and signed.