



In the Pakistan Information Commission, Islamabad

Appeal No 1151-06/21

Syed Ameer Ali Shah

(Appellant)

Vs.

National Database and Registration Authority

(Respondent)

ORDER

Date: July 12, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal in person on June 21, 2021, to the Commission, stating that he had submitted information requests to Public Information Officer, National Database and Registration Authority on May 19, 2021 under the Right of Access to Information Act 2017.

1.1 Grounds of Appeal:

No response from the public body.

1.2 Requested Information

“It has come to my knowledge that my CNIC No. 3540118785003 and my spouse's CNIC No. 3740552707192 have been impounded by NADRA. I therefore am making this application to receive the copy of all legal documents and proceedings that have led to the impounding of our CNICs.

Following documents should be provided:

- a. 'Legal documents'
- b. Procedural/process documents
- c. Verification documents of the 'Legal documents'
- d. Time and date when the process of Impounding was started
- e. Time and date when the process of impounding was completed
- f. Orders of the competent authority who approved the impounding of the CNICS
- g. Name of Data Entry Operators/officers who entered/inserted the legal documents, process documents and verification documents for impounding the CNICS

h. Exact time of instance (with hours, minutes and seconds) when impounding status was shown in national database system. Also, provide any other additional information that you may deem fit.”

B. Proceedings

3. Through a notice dated June 21, 2021, sent to Deputy Director (Media) / Public Information Officer, National Database and Registration Authority the Commission stated that “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 receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed)”.
4. The commission also called PIO on June 21, 2021 and apprised him that it was a serious matter and that it should expedite the resolution of this matter. The PIO said that he had not received request for information of the citizen which was shared with him the same day along with the notice of the commission. The commission also apprised him of the gist of the request for information on the call and the PIO maintained that the applicant will only be told that ‘it was a legal matter’ which led to the impounding of the CNICs.
5. The appeal was fixed for hearing on July 08, 2021 and both parties were informed through a notice sent on July 02, 2021. However, the commission received E-mail on July 05, 2021 that the PIO had not received annexures along with the hearing notice which were earlier provided by the commission along with the first notice. In any case, the annexures were provided again on July 06, 2021.
6. The PIO did not attend the hearing.

C. Issues

7. The instant appeal has brought to the fore following issues:
 - (a) Does a citizen have the right to have access to records held by NADRA based on which it impounded CNIC of a citizen;
 - (b) Can the access to the requested information/records be regarded as a matter of life and liberty of a citizen under the Right of Access to Information Act 2017, henceforth referred to as Act?

D. Discussion and Commission’s View on Relevant Issues

8. In the instant appeal, verdict of the single bench of IHC comprising Chief Justice of IHC Justice Athar Minallah, issued in petition filed by Urooj Tabani against NADRA’s decision of impounding her CNIC is relevant. Justice Athar declared, “The Authority is not vested with the power and jurisdiction to, directly or indirectly, adjudicate upon or interfere with intricate contested family disputes, including paternity. In such eventualities a change in the particulars incorporated in a card issued under the Ordinance of 2000 shall be subject to a declaration by a competent court”.
9. It is clear from the verdict that CNIC of a citizen can only be impounded on directions of a court. Since court orders are public documents, the Appellant has the right of access to all the documents that led to the impounding of his and his spouse CNICs.
10. As the impounding of CNICs impacts on the liberty of citizens, this commission holds that access to information/records that led to the impounding of the CNICs such as legal documents, procedural/process documents, verification documents of the ‘Legal

documents', time and date when the process of Impounding was started, time and date when the process of impounding was completed, orders of the competent authority who approved the impounding of the CNICS, process documents and verification documents for impounding the CNICS, exact time of instance (with hours, minutes and seconds) when impounding status was shown in national database system is a matter of public importance. Hence, disclosure of requested information/records is warranted both by the provisions as well as the spirit of the Act.

11. This commission holds that the disclosure of the requested information/records will demonstrate that the due process was adopted by NADRA to impound CNICs and help allay any mistrust of the Appellant.
12. This commission is of the view that the disclosure of information/records pertaining to the impounding of CNICs is a serious matter pertaining to the life and liberty of citizens. As such, the Public Information Officer should have responded to it under Section 14 (3) of the Act.

E. Order

13. Appeal is allowed. Public Information Officer, NADRA is directed to provide information/records that led to the impounding of the CNICs such as legal documents, procedural/process documents, verification documents of the 'Legal documents', time and date when the process of Impounding was started, time and date when the process of impounding was completed, orders of the competent authority who approved the impounding of the CNICS, process documents and verification documents for impounding the CNICS, exact time of instance (with hours, minutes and seconds) when impounding status was shown in national database system. This information be provided to the Appellant, at the earliest but not later than 2 working days of the receipt of this Order, with intimation to this office.
14. Copies of this order be sent to Public Information Officer, NADRA, Chairman, NADRA and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

July 12, 2021

This order consists of 3 (three) pages, each page has been read and signed.