

Pakistan Information Commission

Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No E119-01/21

Waqas Elahi

(Appellant)

Vs.

Federal Board of Revenue

Through its Public Information Officer

(Respondent)

ORDER

Date: August 11, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal through Online Appeal Management System on May 31, 2021, to the Commission, stating that he had submitted information requests to the Chairman, Federal Board of Revenue on November 10, 2020, under the Right of Access to Information Act 2017 but did not receive any response from the public body.

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

“It is to state that Federal Board of Revenue, Islamabad announced the vacant position of Chief Executive Officer (CEO) under the Project titled “Pakistan Single Window”.

I had applied for the subject post and subsequently undersigned was also shortlisted among twenty candidates' list and called for 1st interview as per qualification and experience on 2nd October 2020 according to the advertisement for the post.

Furthermore, five candidates were shortlisted among twenty for second round of interview that will be held on the day after tomorrow. wherein, it comes to know that

undersigned name was not included in second shortlisting. The applicant made contact with the concerned officer for providing update on the requirement process, However the same was not provided without assigning any reason thereof.”

B. Proceedings

3. Through a notice dated June 10, 2021, sent to Secretary (DT-FATE), Federal Board of Revenue 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 Respondent through a letter vide No. 4(52) S(FOI-FATE)/2021 dated June 25, 2021 submitted its response which was shared with the appellant through email dated June 29, 2021.
5. The Appellant through an email dated June 30, 2021 submitted his rejoinder to the information shared by the public body which is as under:

“The reply of the Federal Board of Revenue is not justified that the process of recruitment of Chief Executive Officer is not finalized against my application as the FBR has Re-advertised the same Post in Express Newspaper dated 6th May 2021.(copy of Advertisement is attached).

It is pertinent to mention here that if the Process of recruitment against 1st advertisement is not final then how they Re-advertise the same Post.

It is therefore requested that necessary action may please be taken per Pakistan Information Act in this regard for delay in providing information for almost seven months furthermore concerned Department may be directed to provide requisite information as mentioned in my appeal on urgent basis without providing baseless facts and figures.”

6. The appeal was fixed for hearing on August 05, 2021. Mr. Afnan Khan, Additional Director, FBR and the appellant Waqas Elahi attended the hearing.
7. During the proceedings, Mr. Afnan Khan, Additional Director, FBR pointed out that the Appellant had referred Khyber Pakhtunkhwa Right to Information 2013 in his information request whereas it is not applicable to federal public bodies. As such, the appeal should be dismissed. The commission, however, accepted the plea of the Appellant that it was an error on his part and considering it a fundamental constitutional right, directed him to rectify the error.

C. Discussion and Commission’s View on Relevant Issues

8. This commission maintains that both the letter and spirit of the Right of Access to Information Act 2017 dictate the disclosure of information, based on the record available with the Respondent reflecting the grounds on which the candidates were short-listed and were not short-listed.
9. This commission has also held in Appeal No 1066-05/21, Nadeem Umer Vs Ministry of National Health Services that the “public interest dictates the 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.
10. 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.

11. 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.

D. Order

12. Appeal is allowed. Public Information Officer, Federal Board of Revenue is directed to share with the Appellant information, based on the record available with the Respondent reflecting the grounds on which the candidates were short-listed and the grounds on which the Appellant was not short-listed. This information be provided to the Appellant at the earliest but not later than 10 working days of the Receipt of this Order, with intimation to this office.
13. Copies of this order be sent to Public Information Officer, Federal Board of Revenue and the Appellant for information and necessary action.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

August 11, 2021

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