



**In The Pakistan Information Commission, Islamabad**

**Appeal No 1198-07/21 & Appeal No. 1276-08/21**

**Amer Waseem Khan**

**(Appellant)**

**Vs.**

**Ministry of Industries**

**(Respondent-I)**

**Pakistan Stone Development Company**

**(Respondent-II)**

**Order**

Date: September 16, 2021

**Zahid Abdullah: Information Commissioner**

**A. The Appeal**

1. The Appellant filed appeal with this commission on July 09, 2021, stating that he Submitted information request on June 03, 2021 under the Right of Access to Information Act 2017 to the Secretary, Ministry of Industries but the department has refused to share the requested information under Section 7 (c) and Section 7 (h) of the Right of Access to Information Act, 2017. The Appellant also filed identical request for information to Chairperson Pakistan Stone Development Company and the appeal with this commission. As the requests for information and appeals are identical, both the appeals are being dealt with simultaneously through this Order.
2. The Appellant requested following information:  
*“It is stated that one post of Chief Executive Officer, Pakistan Stone Development Company was advertised by your Ministry in the year 2019 and 2020. Later-on one individual assumed the charge against said post few days before. Applicant being the citizen of Pakistan, under the titled/ subject Act of 2017 has the right to scale following documents /information;*
  1. Advertisements of 2019 & 2020
  2. Lists of total applicants received in 2019 & 2020.
  3. Copy of CV and supporting documents of the person appointed against the said post.
  4. List of individuals shortlisted in 2019-2020
  5. Reasons for crashing the process of recruitment in year 2019.”

**B. Proceedings:**

3. Through a notice dated July 16, 2021, sent to Deputy Secretary (Admn), Ministry of Industries and Production the Commission called upon the Respondent to submit reasons for not providing the requested information.

4. The appeal was fixed for hearing on September 02, 2021 and both parties were informed through notices send on August 09, 2021. Hearing notice was also issued to Pakistan Stone Development Company for the same date.
5. Mr. Muhammad Ali, Deputy Secretary, Ministry of Industries and the appellant attended the hearing. The commission asked the Respondent-1 to produce before the commission all records on the file on Monday, September 06, 2017. The appeal was adjourned for September 09, 2021.
6. Mr. Muhammad Ali, Deputy Secretary, Ministry of Industries, Mr. Shahzad Muzaffar, Ms. Sadia Kamran and Aftab Rashid appeared before the commission to represent the respondents, and the appellant also attended the hearing held on September 09, 2021. The legal counsel of the Respondent maintained that CV contained personal information and could not be shared. He also maintained that removing personal information from the CV to share with the Appellant will result in tampering of the record which is unlawful.

### **C Issues**

7. The instant appeal has brought to the fore following issues:
  - (a) Can CV submitted by a candidate selected for the government post be disclosed under provisions of the Right of Access to Information Act, 2017, henceforth referred to as Act?
  - (b) Can severing part of a record, or, blanking out personal information from a record for its disclosure under the Act, be termed tampering of the record?

### **D. 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 certified copy of the CV of the candidate selected for the advertised post. Public interest dictates certified copy of the CV submitted by the candidate selected for the post 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.
9. The personal/private information means CNIC details, residential addresses, telephone numbers, bank accounts/financial details and health conditions.
10. The learned counsel maintained that sharing copy of CV after blanking out personal information would tantamount to tampering with the record. This argument does not hold water. It is not unlawful to sever parts of documents for the purpose of sharing record under the Act. This commission maintains that if the public interest warrants the disclosure of a report, though some of its part may contain information which should be exempted from disclosure on reasonable grounds, those parts can be severed and the rest should be made public as required under Section 16 (1) (i) of the Act.
11. This commission also holds that if undue and unwarranted delay is caused because of the lack of cooperation of an official whose assistance is sought by designated Public Information Officer, (PIO), the concerned official will be held responsible for the delay under Rule 3 (2) of the the Right of Access to Information Rules, 2019.

12. 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.

13. 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**

14. The appeal is allowed. The Public Information Officer, Ministry of Industries is directed to share with the Appellant certified copy of the CV of the candidate appointed as Chief Executive Officer, Pakistan Stone Development Company as requested in para 2 of this Order of the commission after blanking out personal information such as CNIC details, residential addresses, telephone numbers, bank accounts/financial details and health conditions.
15. Copies of this order be sent to the Secretary, Ministry of Industries, Chairperson, Pakistan Stone Development Company and the Appellant for information and necessary action.

**Mohammad Azam**

Chief Information Commissioner

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

September 16, 2021

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