



In The Pakistan Information Commission, Islamabad

Appeal No E153-09/2021

Salim Ullah Khan

(Appellant)

Vs.

National Agricultural Research Centre

(Respondent)

Order:

Date: November 18, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed appeal with this commission on September 8, 2021, stating that he Submitted information request on May 25, 2021 under the Right of Access to Information Act 2017 to the Incharge PR&P/Public Information Officer but the public body did not respond to my information request.
2. The Appellant requested following information:
“Who is the appointing authority for the appointment of Research Fellow at Agriculture Economic Research Unit (ADPU) Agriculture Research Institute, Tarnab Peshawar, under Agriculture Research Project II, funded by World Bank?
 1. Is the Research Fellow as mentioned above is a paid position?
 2. If payment is made to such Research Fellows what is the nomenclature of such payment salary, honorarium, stipend etc.
 3. Is the mentioned position is equivalent to scientific officer (APS-17) in terms of salary, responsibilities and authorities?
 4. As per rules of the council can the Research Fellow be considered an employee of the council?
 5. What is the minimum qualification required for the appointment of Research Fellow in the above mentioned project.
 6. Duration (with starting and ending dates) of engagement of Mr. Zahrul Has/0 Dr. Bashir ul Has, in the capacity of Research Fellow in the above mentioned project at Agriculture Research Institute (ARI Tarnab Peshawar.
 7. Duration (with starting and ending dates) of contract appointment of Mr. Zahoor ul Hago Dr. Bashir ul Haq, in the capacity of Scientific Officer (50 UPS-17) at Agriculture Research Institute (ARI) Tarnab Peshawar.
 8. Duration (with starting and ending date) of regular/permanent appointment of Mr Zahoor ul Haq s/o Dr Bashir ul Haq, in the capacity of Scientific Officer (50.BPS-17)

at Agriculture Economics Research Unit (ARU) Agriculture Research institute (A)
Tarnab, Peshawar.

B. Proceedings:

3. In response to the notice of the commission dated September 15, 2021, The Respondent submitted its response through letter dated October 01, 2021 which is as under:

Sr. No	Required Information	Remarks
1.	Who is the appointing authority for the appointment of Research Fellow at Agriculture Economic Research Unit (ADPU) Agriculture Research Institute, Tarnab Peshawar, under Agriculture Research Project II, funded by World Bank?	Chairman, PARC is empowered to appoint the officers/officials up to the Basic Scale-19 as per PARC Rules, 1948.
2.	Is the Research Fellow as mentioned above is a paid position?	Yes (Non-Sanctioned post)
3.	If payment is made to such Research Fellows, what is the nomenclature of such payment i.e. salary, honorarium, stipend etc.?	Fixed Salary per month
4.	In the mentioned position equivalent to scientific officer (BPS-17) in terms of salary, responsibilities and authorities?	Equivalent to BS-17
5.	As per rules of the Council, can Research Fellow be considered an employee if the Council	No
6.	What is the minimum qualification required for the appointment of Research Fellow in the above mentioned Project?	No prescribed criteria for the position of Research Fellow were stipulated. However, at par the criteria for the post of Scientific Officer (Bs-17) was considered as following; "M.Sc. related subject (Preferably first class) Academic record and no third class OR Three years' service as Assistant Scientific Officer (PSO)"
7.	Duration (with starting and ending dates) of engagement of Mr. Zahrul Has S/o Dr. Bashir ul Has, in the capacity of Research Fellow in the above mentioned at Agriculture Research Institute (ARI) Tarnab Peshawar.	In term of Section 7 (g) of the Right of Access to Information Act, 2017, access to the record is not admissible to the applicant being personal privacy of an individual.
8.	Duration (with starting and ending dates) of contract appointment of Mr. Zahoor ul Haq Dr. Bashir ul Haq, in the capacity of Scientific Officer (BPS-07) at agriculture Research Institute (RTI) Tarnab, Peshawar.	In term of Section 7 (g) of the Right of Access to Information Act, 2017, access to the record is not admissible to the applicant being personal privacy of an individual.
9.	Duration (with starting and ending dates) of contract appointment of Mr. Zahoor ul Haq Dr. Bashir ul Haq, in the capacity of Scientific Officer (BPS-07) at agriculture Research Unit (AERU) agriculture Research Institute (ARI) Tarnab, Peshawar.	In term of Section 7 (g) of the Right of Access to Information Act, 2017, access to the record is not admissible to the applicant being personal privacy of an individual.

10.	Details of leaves without pay (if any) availed by Mr. Zahoor Ul Haq during his contract and regular service as Scientific Officer.	In term of Section 7 (g) of the Right of Access to Information Act, 2017, access to the record is not admissible to the applicant being personal privacy of an individual.
11.	Copy of relieving / experience certificate issued to Mr. Zahoor Ul Haq s/o Dr. Bashir ul Haq.	In term of Section 7 (g) of the Right of Access to Information Act, 2017, access to the record is not admissible to the applicant being personal privacy of an individual.
12.	Copy of LPC (Last Pay Certificate) in respect of Mr. Zahoor ul Haq.	In term of Section 7 (g) of the Right of Access to Information Act, 2017, access to the record is not admissible to the applicant being personal privacy of an individual.

4. In the hearing held on November 11, 2021, the representatives of the Respondent requested the commission to issue Order to clarify the issues pertaining to right to privacy and right of access to information.

C. Issues:

5. The instant appeal has brought to the fore following issues:
- Can contracts signed by a public body to hire services of individuals for the government post be disclosed under provisions of the Right of Access to Information Act, 2017, henceforth referred to as the “Act 2017”?
 - How can a record be shared with an applicant if it contains private information?

D. Discussion and Commission’s View on Relevant Issues:

6. This commission maintains that both the letter and spirit of the Act 2017 dictate the disclosure of certified copies, LPC and leave details, as requested by the Appellant in para 2 of this Order. Public interest dictates that the certified copies of the contracts for the posts 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.
7. The personal/private information means CNIC details, residential addresses, telephone numbers, bank accounts/financial details and health conditions.
8. It is pertinent to mention here that this commission has earlier settled the issue, in Appeal No 1198-07/21, Ameer Waseem Khan Vs Pakistan Stone Development Company, that blanking out personal information from records, for the purpose of sharing them with citizens in compliance of the Act 2017 does not tantamount to tampering with the record. This argument does not hold water. The commission held that it is not unlawful to sever parts of documents for the purpose of sharing record under the Act. This commission maintained 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.

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 has observed that information of public importance mentioned in Section 5 of the Act is not being published through the web site of federal public bodies. In fact, the Web sites of federal public bodies contain generic information and not specific information as required under Section 5 the Act. This is despite the fact that Principal Officer of each public body was required to ensure proactive disclosure of information through web site within 6 months of the commencement of the Right of Access to Information Act, 2017.
11. This commission maintains that the information proactively published under Section 5 of the Right of Access to Information Act 2017 should be ‘accessible’ for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities. Apart from the interpretation of ‘accessible’ in section 5 of the Act, section 15 (5) of the ICT Rights of Persons with Disabilities Act 2020 requires federal public bodies to ensure accessibility of web sites to the special needs of persons with disabilities and it is as under:

“The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities”.

E. Order:

12. The appeal is allowed. The Respondent is directed to share with the Appellant the requested information in para 2 of this Order after blanking out personal information such as CNIC details, residential addresses, telephone numbers, bank accounts/financial details and health conditions.
13. The Respondent is directed to proactively publish all categories of information through its web site as required under Section 5 of the Act and submit the compliance report to the commission in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017’. This template is available under ‘Information Desk’ category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission at the earliest but not later than 10 working days of the receipt of this Order.
14. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using ‘Web accessibility checklist’. This checklist is available under ‘Information Desk’ category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission at the earliest but not later than 10 working days of the receipt of this Order.

15. Copies of this order be sent to the Respondent and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:

November 18, 2021

This order consists of 5 (Five) pages, each page has been read and signed.