



In the Pakistan Information Commission, Islamabad

Appeal No 1174-06/21

Syed Ishteyaq Mustafa Bukhari

(Appellant)

Vs.

Ministry of Housing and Works
Through its Public Information Officer

(Respondent)

ORDER

Date: January 24, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed Appeal on June 29, 2021, to the Commission, stating that he had submitted information requests to the Public Information Officer, Federal Government Employees Housing Authority on May 06, 2021, 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:
“1- Provide complete certified copies of Rules and procedure about journalist and media workers plot quota in Islamabad.
2- Phase-II journalist and media workers plot quota in Islamabad under Federal Government Employees Housing Foundation (FGEHF)
3- Provide complete list of Journalist and media workers, who got plot under their respective quota in FGEHF schemes in Islamabad/Rawalpindi since quota applicability
4- Provide detailed information about Phase-I and Phase-II final list of Journalists and media workers in current schemes (Bahara Kahu and other sectors)
5- Provide list of those Journalists and media workers that are holding the offer letter about the plot under their respective quota.
6- Provide details about the Phase-I and Phase-II schemes (Bahara Kahu & F-15) development progress.
7. Provide information about past and current journalists and media workers quota policy.
8. Provide complete details about Ministry of Information journalists and media workers seniority and eligibility enquiry report/list.
9. Provide legal information about the role of National Press Club for preparation of journalists and media workers eligibility/seniority list for FGEHF Schemes.

B. Proceedings

3. Through a notice dated July 02, 2021, sent to Director (Coordination), Federal Government Employees Housing Authority 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 Appeal was fixed for August 12, 2021 and both the parties were informed through notices sent on August 02, 2021.
5. The Respondent through a letter vide No 8(6)/2020-Coord-HA dated August 03, 2021 submitted its response which is as under:
“With due respect, it is stated that Syed Ishtiyaq Mustafa Bukhari had requested for provision of information on 06-05-2021. The same was received in FGEHA on 04-06-2021. Subsequently, the FGE Housing Authority has given reply on 15-06-2021 within 10 days of receipt of his application. However, it is relevant to mention here that he has requested information/ list regarding allotment of plot to Journalists and Media workers. Since such records contains personal information. Therefore, the same cannot be provided as per clause 7 of Information Act-2017.”
6. Through a letter dated August 26, 2021, the Appellant, while responding to the information provided by the Respondent after intervention of the commission shared that “point number 3, 4, 5, 8 and 9 are still not addressed and reply was not provided”.
7. After subsequent hearings, the Respondent provided information while maintained that list of journalists and media workers who got plots under their respective quota would be uploaded on its web site. The Respondent maintained that information mentioned in item number 4, 5, 8 and nine did not pertain the Respondent.
8. Information/records submitted during the hearing held on September 16, 2021 were not properly certified.

D. Issues:

9. The instant Appeal has brought to the fore following issues:
 - (a) Can the requested information about the plot quota allotted to journalists and lists of journalists who got plots in different schemes can be made public under the provisions of the Right of Access to Information Act 2017, henceforth referred to as “the Act, 2017”?
 - (b) Can the requested information about the plot quota allotted to journalists and lists of journalists who got plots in different schemes be ensured while protecting the legitimate privacy concerns of identifiable individuals?
 - (c) How should information/records provided under the Act, 2017 be certified?

C. Discussion and Commission’s View on Relevant Issues

10. The disclosure of the requested information about the copies of Rules and procedure about journalist and media workers plot quota in Islamabad, journalist and media workers plot quota in Islamabad under Federal Government Employees Housing Foundation (FGEHF), list of Journalist and media workers, who got plot under their respective quota in FGEHF schemes in Islamabad/Rawalpindi since quota applicability, Phase-II final list of Journalists and media workers in current schemes (Bahara Kahu and other sectors) and list of those Journalists and media workers that are holding the offer letter about the plot under their respective quota and details about the Phase-I and Phase-II schemes (Bahara Kahu& F-15) development progress is a matter of public importance. Furthermore, this information should have been proactively published under the provisions of the Right of Access to Information Act, 2017.

11. Journalists are ‘granted’ plots and as such Section 5 (1) (e) of the Act 2017 requires that their particulars are proactively published on the web site of the Respondent, FGEHF. It is as under:

“The condition upon which members of the public body can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including, contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body”.
12. As the Act 2017 requires proactively publishing the ‘particulars about the recipients of any concession, permit, license or authorization granted by the public body’ through the web sites, the recipients of plots to the extent of their names and organizations do not enjoy privacy protection.
13. 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 of 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.
14. This commission has also noticed that even when Public Information Officer, (PIO) is designated under the Act, information to this effect is either not provided on the web site, or, if it is provided, it is not displayed at a prominent place on the web site.
15. This commission holds that the federal public bodies should ensure that the name, designation, telephone number and E-mail of the PIO is placed at top right corner of the home page of their web sites. Furthermore, as a PIO is designated by post, any change to this effect should be immediately updated on the web site.
16. 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.
17. 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”.
18. The information that the officer of the Respondent provided during the hearing was not properly certified. Section 13 (3) of the Act 2017 describes manner of certification of information to be provided in the following manner:

(3) Where information or a record is provided in accordance with clause (a) of sub-section (2), it shall be accompanied by a certificate which may be affixed to the information or record at the foot thereof, or as appropriate, to the effect that the information is correct or,

as the case may be, copy is a true copy of the original records and such certificate shall be dated and signed by the designated official.

E. Order

19. The appeal is allowed. The Respondent, FGEHF is directed to share with the Appellant and also publish on its web site requested information mentioned in para 2 of this Order, ensuring that that such information as CNIC details, residential addresses, telephone numbers, bank accounts/financial details and health conditions is protected and not disclosed. This information be shared with the Appellant within 10 working days of the receipt of this Order, with intimation to this commission.
20. 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.
21. The Respondent is directed to put name, designation, telephone number and E-mail of the PIO designated under Section 9 of the Act 2017 at top right corner of the home page of its web site and submit compliance report to this effect to this commission within 10 working days of the receipt of this Order.
22. 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.
23. 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: January 24, 2022

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