

Pakistan Information Commission

Government of Pakistan

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In the Pakistan Information Commission, Islamabad

Appeal No 1204-07/21

Sadaf Naureen

(Appellant)

Vs.

Overseas Pakistanis Foundation

(Respondent)

ORDER

Date: February 08, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated July 12, 2021, to the Commission, stating that he submitted an information request to the Managing Director, Overseas Pakistanis on June 24, 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. *“With reference to your office letter No OPF/Edu/GCI/Sadaf/3006/21 dated 18 June, 2021 (copy enclosed), addressed to Deputy Registrar (Judicial), Honourable Islamabad High Court, Islamabad with a copy to me, duly received to on 21st June, 2021, it is informed that in terms of Section 3(1) of the Right of Access to Information Act, 2017, no applicant shall be denied access to information or record held by a public body. Moreover, in terms of Section 4(1) of the said Act, a public body shall be required to respond to a request as soon as possible and in any case within ten (1) working days of receipt of the request.*
 2. *In view of above, certified true copies of following record pertaining to the decision taken by Board of Governors (BoG) of OPF in its 158th meeting held on 30th April, 2021, regarding my regularization in service as Admin Assistant in OPF, may kindly be provided to me to take up the matter at appropriate legal forum:-*
 - i. *Complete working paper of 158th meeting of BoG held on 30th April, 2021*
 - ii. *Minutes of 158th BoG meeting held on 30 April, 2021.*
 - iii. *Approval accorded by the Chairman, BoG to the above minutes.*
 - iv. *Complete break-up of total sanctioned posts of Admin/Office Assistants in the OPF including number of filled up and vacant posts*

- v. *List containing names of the employees working against sanctioned posts: of Admin/Office Assistants in OPF, status of their appointment i.e. working on regular basis or on contract basis or on any other basis including their date of appointment in the OPF.*
 - vi. *PC-I of the OPF Girls College, F-8/2, Islamabad project*
 - vii. *Administrative approval of the OPF Girls College, F-8/2, Islamabad project*
 - viii. *Date of commencement and date of completion of OPF Girls College.*
 - ix. *Proof of development funds released to OPF Girls College, F-8/2. Islamabad project during the current financial year, 2020-21. Approval of BoG (if any) to eligibility criteria for the post of Admin Assistant. OPF Girls College, , Islamabad, which was advertised on regular Basis in the Daily Jang, Rawalpindi dated 18.7 2016 and rational of adopting such eligibility criteria for the post of Admin Assistant, which is alien to similar posts of the Federal Government*
 - x. *Reason(s) for non-consideration of my application for the post of Office Assistant, which was advertised by the OPF through Candidates Testing Service [CTS] in March, 2020. BoG of over line OFP^ prime decision (if any) regarding ban on regular appointments in the OPF*
3. *It will be highly appreciated if the certified true copies of above record are provided to me within the stipulated period of ten (10) days in accordance with Section 14(1) of the Right of Access to Information 2017, otherwise, I reserve the right to approach to the Pakistan Information Commission for obtaining the same through legal proceedings at your risk and cost”*

B. Proceedings

3. Available record on the file suggests that, on the intervention of the commission, there was back and forth between the two parties. On July 12, 2021, the Respondent stated: “With reference to your application on the subject cited above, it is stated that as per Section 7 of Right of Access to Information Act, 2017, the following documents are excluded;
- i. *Working Paper of 158th BoG meeting*
 - ii. *Minutes of 158th BoG meeting*
 - iii. *BoG OPF’s decision regarding ban on regular appointments*
 - iv. *Proof of Development fund*
2. *The following documents are enclosed:*
- i. *Breakup of Sanctional Posts*
 - ii. *List of Admin/Office Assistants*
 - iii. *Reasons for non-consideration of your application have been already conveyed*

Whereas, documents mentioned at Serial no vi, not pertains to OPF”.

4. Through a letter dated September 23, 2021, the Respondent stated:

Sr. No	Required Documents	Status
1.	<i>Complete working paper of 158th meeting of BoG held on 30th April, 2021</i>	<i>Annex-I</i>
2.	<i>Minutes of 158th BoG meeting held on 30th April, 2021</i>	<i>Annex-II</i>
3.	<i>Approval accorded by the Chairman, BoG to the above minutes</i>	<i>Annex-III</i>

4.	<i>PCOI of the OPF Girls College F-8/2, Islamabad project</i>	<i>Not Pertains is OPF</i>
5.	<i>Administrative approval of the OPF Girls College F-8/2, Islamabad Project</i>	<i>Annex-IV</i>
6.	<i>Proof of development funds released to OPF Girls College F-8/2, Islamabad project during the current financial year 2020-21</i>	<i>Copy of Budget is placed at Annex-V</i>
7.	<i>Approval of BoG (if any) to eligibility criteria for the Elig post of Admin Assistant, OPF Girls College F-8/2, of A Islamabad, which was advertised on regular basis in Co the Daily Jang, Rawalpindi dated 18.07.2016 and rational of adopting such eligibility criteria for the post of Admin Assistant, which is alien to similar posts of the Federal Government.</i>	<i>Eligibility Criteria for the post of Admin Assistant, OPF Girls College is placed at Annex-VI</i>
8.	<i>Reason (s) for non-consideration of my application for the post of Office Assistant, which was advertised by the OPF through Candidates Testing Service (CTS) in March, 2020.</i>	<i>She was not eligible for the said post</i>
9.	<i>BoG of OPF's decision (if any) regarding ban on regular appointments in the OPF.</i>	<i>BoG Resolution placed at Annex-VII</i>

1. For the purpose of this Order, final letter of the Appellant dated January 17, 2021 is reproduced here:

“With reference to Overseas Pakistanis Foundation (OPF)'s letter No OPF/Edu/GCI/Sadaf/3006/2022 dated 13.1.2022, addressed to Pakistan Information Commission (PIC) and in continuation of my rejoinder dated 4.10 2021 submitted to PIC as well as Managing Director OPF on the information already provided by OPF vide their letter No.OPF/Edu/GCI/Sadaf/3006/2021 dated 27.9.2021 on the subject noted above and to inform that I am not satisfied with instant response of the OPF as neither the record provided by OPF has been certified to be true copies by the designated PIO of OPF nor complete record has yet been provided as requested vide my initial application dated 24.6.2021 and dissatisfactions conveyed vide my subsequent applications dated 10.8 2021 and 4.10 2021 on incomplete response

2. Information/documents demanded by me vide my initial application dated 24.6.2021, provided by OPF vide letter dated 13.1.2022 and deficiency thereof, is submitted below for your kind perusal;

Sr. no	Information / documents demanded vide application dated 24. 06. 2021	Information documents provided by OPF vide letter dated 13.1.2022	Deficiency
i.	Complete working paper of 158th meeting of BoG held on 30th April, 2021.	OPF has provided a portion of incomplete working paper relating to my representation.	I had demanded complete working paper of 158 th meeting of BoG and not the working paper of only one agenda item relating to my case
ii	Minutes of 158th BoG meeting held on 30th April, 2021.	OPF has provided extract of a portion of minutes of 158 th BoG meeting upto extent of my case but the same is of reduced font size while para-42 of the same is also not legible	I had demanded complete minutes of 158 th meeting of BoG and not extracts of agenda item of my case only.
iii	Approval accorded by the Chairman, BoG to the above minutes.	OPF has provided copy of a covering letter signed by company Secretary, circulating extracts of draft minutes of 158 th meeting of BoG	I had demanded specific approval accorded by the Chairman, BoG to the minutes of 158 th meeting of BoG.
iv	Complete break-up of total sanctioned posts of Admin/Office Assistants in the OPF including number of filled up and Vacant posts	OPF has provided information in respect of Office Assistants only but not provided information in respect of Admin Assistants	OPF has not provided requested information in respect of Admin Assistant
v	List containing names of the employees working against sanctioned posts of Admin/Office Assistants in OPF, status of their appointment te working on regular basis or on contract basis or on any other basis including their date of appointment in the OPF	OPF has provided information in respect of the posts of Office Assistants but not provided information in respect of the posts of Admin Assistants.	OPF has not provided requested information in respect of the posts of Admin Assistants
vi	PC-1 of the OPF Girls College, F-8/2, Islamabad project	OPF has not provided PC-I of OPF Girls College, Islamabad, which as per their claim is a project	OPF has neither provided 5 PC-1 nor admitted the fact that no such document is s existed.
vii	Administrative approval of the OPF Girls College, F-8/2, Islamabad project.	OPF has not provided copy of administrative approval rather provided one paragraph brief regarding background of OPF Grils College F-8/2, Islamabad, which does not serve the purpose	OPF has neither provided e administrative approval d nor admitted the fact that ef no such document IS of existed.
viii	Date of commencement and date of completion of OPF	OPF has not provided copy of PC-IV, which deficiency	OPF has not provided date of commencement and

	Girls College, F-8/2. Islamabad project.	contained dates of commencement and completion of the project	date of completion of OPF Girls College, F-8/2, Islamabad project, duly supported with valid document i.e. PC-IV.
ix	Proof of development funds released to OPF Girls College, F-8/2 Islamabad project during the current financial year, 2020-21.	OPF has again provided irrelevant document i.e. item wise budget of the OPF Girls College, F-8/2, Islamabad, for the year, 2020-21	OPF has neither provided proof of development funds released to OPF Girls College, F-8/2, Islamabad nor admitted the fact that the document is not existed.
x	Approval of BoG (if any) to eligibility criteria for the post of Admin Assistant, OPF Girls College, F-8/2. Islamabad, which was advertised on regular basis in the Daily Jang, Rawalpindi dated 18.7.2016 and rational of adopting such eligibility criteria for the post of Admin Assistant, which is alien to similar posts of the Federal Government	OPF has provided concocted documents containing eligibility criteria of various posts including the post of Admin Assistant but neither provided approval of BoG to the aforesaid document nor provided rational of adopting such criteria.	OPF has neither provided approval of BoG to the eligibility criteria for the post of Admin Assistant nor admitted the fact that no such approval of BoG is not existed. OPF has also not provided rational of adopting such eligibility criteria for the post of Admin Assistant, which is alien to similar posts of Federal Government
xi	Reason(s) for non-consideration of my application for the post of *Office Assistant, which was advertised by the OPF through Candidates Testing Service (CTS) in March, 2020. *(Note: Word "Office" may be substituted as "Admin" being a typing mistake on my part)	OPF has provided incomplete information in slipshod manner by stating that "She was not eligible for the said post"	Reason(s) for non-consideration / ineligibility for application/ ineligibility for the post of Admin Assistant is yet to be provided keeping in view of elibility criteria duly approved by the BoG.
xii	BoG of OFP's decision (if any) regarding ban on regular appointments in the OPF.	OPF has again provided extract of deliberations held in 142 nd BOG meeting "A comprehensive working regarding conversion of 75% sanctioned regular posts of educational institutions into contract posts with the conclusion that paper may be	OPF should have to provide final decision of the BoG taken in its next meeting in the light of deliberations held in 142 nd BoG meeting

		put for consideration of the Board in its next meeting".	
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3. Keeping the above in view, it is humbly requested to accept my subject appeal against the OPF under section 17(3) of the Right of Access to Information Act, 2017 as more than sixty (60) days has been lapsed and to direct all concerned to provide me certified true copies of the requisite information/documents ...”

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

6. The Respondent, OPF provided a portion of incomplete working paper relating to representation of the Appellant. This commission maintains that the Appellant has right of access to certified copy of working paper pertaining to her representation.
7. The Appellant has also sought access to “Minutes of 158th BoG meeting held on 30th April, 2021”. The Appellant has stated that he got access to OPF has provided extract of a portion of minutes of 158th BoG meeting up to extent of my case but the same is of reduced font size while para-42 of the same is also not legible.
8. This commission has held through different detailed judgements that minutes of meetings are public documents if final decisions have been taken on the issues discussed in the meeting. As such, the Respondent is legally bound to provide minutes of the meeting and can withhold only portions pertaining to the proceedings pertaining to the matters discussed wherein final decisions have not been arrived at by the participants of the meeting.
9. The disclosure of ‘minutes of meetings’ and ‘noting on the file’ during the deliberative process is protected to ensure that outside influence does not create hindrances in the deliberative process.
10. However, once a public body has taken a final decision, as is the case in the instant appeal, noting on the files and minutes of the meetings cannot be treated as excluded records.
11. ‘Noting on the file’ and ‘minutes of the meeting’, once final decision has been taken, reflect the quality of input by different officers which become basis for the final decision.
12. So far as requested information about “specific approval accorded by the Chairman, BoG to the minutes of 158th meeting of BoG” is concerned, no specific approval for the minutes is granted by Chairman as such. Once minutes are circulated by the Secretary and approved by the participants, including the Chairman, they become final.
13. This commission holds that once a citizen asks reasons for not to be considered for a given post, mere statement that the person “was not eligible for the said post”, is not enough. The reasons are available with the Respondent in the shape of marks obtained in written tests, marks allotted based on experience, etc. and reasons are also recorded in the remarks of the interview/recruitment committee and the applicant has the right to know what remarks were made by the members of the interview/recruitment committee.
14. There is difference between the allocated development budget for a financial year and the actual released development budget for a particular year. In the instant Appeal, the Appellant has specifically sought access to the “Proof of development funds released to OPF Girls College F-8/2, Islamabad project during the current financial year 2020-21” which should have been provided to the Appellant.

15. This commission concurs with the Respondent that it is not custodian of “PCOI of the OPF Girls College F-8/2, Islamabad” and that the Appellant should seek this information from the relevant federal public body.

D. Order

16. Appeal is partially allowed. The Respondent is directed to share with the Appellant the following at the earliest but not later than 10 working days of the receipt of this Order:

“complete break-up of total sanctioned posts of Admin/Office Assistants in the OPF including number of filled up and Vacant posts;

list containing names of the employees working against sanctioned posts of Admin/Office Assistants in OPF, status of their appointment, working on regular basis or on contract basis or on any other basis including their date of appointment in the OPF;

certified copy of working paper pertaining to her representation;

certified copies of Minutes of 158th BoG meeting held on 30th April, 2021, excluding portions of proceedings pertaining to matters about which final decisions have yet not been made;

certified copy of approval of BoG (if any) to eligibility criteria for the post of Admin Assistant, OPF Girls College, F-8/2, Islamabad, which was advertised on regular basis in the Daily Jang, Rawalpindi dated 18.7.2016;

certified copies of documents pertaining to the approval of development funds released to OPF Girls College F-8/2, Islamabad project during the current financial year 2020-21; and

certified copies of records such as remarks of the interview/recruitment committee, marks allotted in tests and/or marks allotted for educational/professional experience indicating non-consideration / ineligibility of the Appellant for the post of Admin Assistant.

17. 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: February 08, 2022

This order consists of 7 (seven) pages, each page has been read and signed