



In the Pakistan Information Commission, Islamabad
Appeal No 1898-05/22

Mustaq Ahmed

(Appellant)

Vs.

Pakistan Citizen Portal

(Respondent)

ORDER

Date: July 27, 2022

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated May 11, 2022, to the Commission, stating that he submitted an information request to the Pakistan Citizen Portal, on April 25, 2022 under the Right of Access to Information Act 2017 but did not receive the requested information from the public body.
2. The information sought by the Appellant is as follows:
 1. *“Details of the Complain No. FC 0209194448554 dated 02/09/2019 requested.*
 2. *It’s my lawful right to give the details of the complaint mentioned above, which is given against me in Federal Directorate of Education (FDE) Islamabad Through your forum.*
 3. *If you don’t provide the information about the blackmailer, it would mean that you forum protect blackmailers and criminals under your umbrella.*

B. Proceedings:

3. The record on the file suggests that the Respondent submitted its response on the intervention of this commission on June 27, 2022 and its text is as under:

Please refer to the PIC appeal No.1898-05/2022 dated 18.05.2022 and hearing summon dated 26 05 2022 on subject cited above.

 2. It is submitted that the Pakistan Citizen's Portal (PCP) provides a nationwide window to connect people with Government Organizations at all levels for raising their issues/complaints with concerned authorities for their timely resolution on merit using mobile application. All processes of the portal are being carried out in the light of a self-contained operational manual titled "User's Guidelines Manual for Complaints & Suggestions Handling
 3. No anonymous applications/ complaints can be lodged through Pakistan Citizen's Portal (PCP). All citizens are properly registered on the Portal prior to lodging of any complaint. While registration, people are required to provide certain mandatory information Name, CNIC and mobile number. However, as per section 3.2 of User's Guidelines Marital "Every registered member/citizen on Pakistan Citizen's Portal has the

liberty to hide or restrict / her identity with regard to the contents of complaint being lodged. However, members with madden profiles) shall also be kept confidential to the maximum extent possible, until otherwise required in the best interest of the complainant and fair determination of the complaint Clause 32 of User's Guidelines Manual, further provides the procedure to request the complainant through the system to unveil his/her identity in case of hidden profile (Copy Enclosed)

4. The User's Guidelines Manual for Complaints & Suggestions Handlings provides a proper mechanism for disclosure of the complainant's profile/ identity vide the clauses 3.5, 351 & 352. As per the guidelines, all dashboard handlers/officers of the Federal Ministries/ Divisions/ Attached Departments/ Provincial Governments departments shall avoid unnecessarily requisitioning of information about a complainant's profile. However, if required either in the best interest of the complainant or fair determination of a complaint, the same may be requisitioned from PMDU if
 - i) It is required to a legal forum/court of law in a pertinent matter
 - ii) The Organization requires it in an inquiry/probe being initiated on the basis of allegations leveled against an individual/officer/official in a complaint lodged on the Portal In the instant case, formal request shall be placed to PMDU invariably with approval of the Head of the Office/Department.Apart from the above, disclosure of information of a citizen in any case in the manner requisitioned by the petitioner could cause
 - a. Threat to the life of the complainant
 - b. Serious consequences in the shape of private or institutional harassment to the complainant
 - c. Breach of public trust on the state machinery in cases where whittles Are blown
 - d. Violation of data privacy clauses of the international platforms i.e. Google/android and IOS resulting into suspension/termination of their services for Pakistan Citizen's Portal.
5. As far as the instant appeal to provide the identity of complainant is concerned. It is pertinent to mention that a complaint against the appellant was lodged by a complainant on PCP and was routed through the system to the concerned office to proceed as per Rules/ policy on the matter. The concerned office requested the complainant to share details/ evidence on the matter, failure to which resulted in drop page of the complaint No legal action was taken by the concerned office as the complaint could not meet the criteria of merit
6. In view of all above. it is requested that as no action/ damage against the appellant was taken by the concerned office and the complaint was dropped being without evidence, therefore, the identity of the complainant may not be shared with the appellant Sharing details with the appellant would result in mutual fight/ harassment/ threat to both parties and would be against the spirit of data privacy of Pakistan Citizen Portal.
7. The Appellant submitted his response on July 20, 2022 and its text is as under:

The citizen Portal should not Publicized. The Blackmailing document against me without damaged but the action of citizen Portal produced doubts about my character and reputation. Giving me a mental stress which is an irreparable damage to my students and the nation.

It's my basic lawful right to give The Information about the blackmailer So that I can file a defamation case in the court.

Why the citizen Portal Publicized the Blackmailing documents against me without having any proof explanation required.

Furthermore the citizen Portal should stop its blackmailing factory.

I request the Chief Information Commissioner to take necessary action against the citizen Portal if they do not provide the Information.

Depriving me from my basic right as a human.

The rules and regulation of the Portal is against the human Rights

8. Hearing on the instant Appeal was fixed for June 23, 2022 vide letter dated May 26, 2022. The Respondent was represented by Mushtaq Ahmad designation Lecturer and department FDE Islamabad.

C. Issues:

9. The instant appeal has brought to the fore the following issue:
Can the identity of the complainant against the Appellant who filed complaint against him be disclosed under the provisions of the Right of Access to Information Act, 2017, henceforth referred to as the Act, 2017.

D Discussion and commission's views on relevant issues:

10. This commission holds that disclosure of the requested information is not permissible under the Act, 2017 in the interest of public order.
11. This commission also maintains that the identity of a complainant to the official against whom the complaint is lodged can only be disclosed after a certain threshold is met where it is determined that the complainant needs to come forward to prove allegations. Otherwise, citizens will find it difficult to lodge complaints against the officials in matters pertaining to public accountability of officials. Furthermore, the disclosure of the identity of the complainant to the official is likely to cause harm to the public order and thus, not in public interest.

E. Order

12. The Appeal is disposed of as the disclosure of requested information is not permissible under the provisions of the Act, 2017
13. 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: July 27, 2022

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