

APPEAL NO. 1662-01-2022

Nadeem Tanoli

Vs

Allama Iqbal Open University, Islamabad

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Nadeem Umer filed an application under the Right of Access to the Information Act, 2017 before the Designated Officer, Allama Iqbal Open University Islamabad. Through his application dated 20-12-2021 he has requested the following information from the office of Public Information Officer/Assistant Registrar (Establishment), Allama Iqbal Open University, Islamabad:

- i. “Copy of the advertisement published for hiring Assistant Director (Media).*
- ii. List of the short-listed candidates for the said post.*
- iii. Copy of the attendance sheet for the test of the said post.*
- iv. List of the candidates that were called for the interview for the said post, along with the qualification, experience and test marks of each candidate.*
- v. Copy of the attendance sheet of the candidates appeared in the interview for the said test.*
- vi. Copy of the offer letter issued to the selected candidates.*
- vii. Copy of the educational and experience certificates of the selected candidate.”*

2. Feeling aggrieved for the non-provision of information he has filed his appeal before the Pakistan Commission on access to information, Islamabad.

B. PROCEEDINGS

3. The Public Information Officer/Assistant Registrar (Establishment), Allama Iqbal Open University, Islamabad vide letter dated 1.2.2022,
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was directed to provide reasons in writing within seven working days as to why the requested information has not been provided to the applicant as under section 14 of the Right of Access to Information Act 2017, each public body is bound to respond to a request as early as possible and in any case not later than ten working days of the receipt of the request.

4. The Public Information Officer /Additional Registrar, Allama Iqbal Open University, Islamabad vide letter dated 24.2.2022 along with the annexures A to D provided the following information and record:

S. No.	Observation of the applicant.	Remarks																																																																						
1.	<i>Copy of the advertisement published for hiring Assistant Director (Media).</i>	<i>The positions of Assistant Director Press & Media (03 Nos) were advertised in November 2020. (Copy of advertisement attached at flag-A)</i>																																																																						
2.	<i>List of the short-listed candidates for the said post.</i>	<p style="text-align: center;"><i>List of Short Listed Candidates</i></p> <table border="1"> <thead> <tr> <th>Sr.</th> <th>Name</th> <th>Qualification</th> <th>Experience</th> <th>Test Score</th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td><td></td><td></td></tr> </tbody> </table>	Sr.	Name	Qualification	Experience	Test Score	1					2					3					4					5					6					7					8					9					10					11					12					13				
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3.	<i>Copy of the attendance sheet for the test of the said post.</i>	<i>Copy enclosed at flag-B</i>																																																																						
4.	<i>List of the candidates that were called for the interview for the said post, along with the</i>	<i>Already mentioned in Serial No. 2 above</i>																																																																						

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	<i>qualification,</i>
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	<i>experience and test marks of each candidate</i>	
5.	<i>Copy of the attendance sheet of the candidates appeared in the interview for the said test.</i>	<i>Copy enclosed at flag-C</i>
6.	<i>Copy of the offer letter issued to the selected candidates.</i>	<i>Copies enclosed at flag-D</i>
7.	<i>Copy of the educational and experience certificates of the selected candidate.</i>	<i>Copies of the educational and experience certificates are not being provided as the same are exempted from disclosure, as they have been obtained from third party. However, the detail of qualification and name of institution with regard to experience has been provided in Sr. No. 2 above.</i>

5. The appellant feeling dissatisfied with the response has filed rejoinder with the following objections:

“The information shared by the public body is incomplete.

In response to para-4, the department has shared a list of 13 candidates, in the experience section the public body has mentioned the departments names only, they have not mentioned the duration and nature Of job they have performed there. Department should provide complete information about the experience.

As requested in para 5, a copy of the attendance sheet of the candidates appeared in the interview for the said test is not provided.

The department has claimed that information requested in para 7 is exempted from disclosure. However the Hon, PIC in multiple appeals has held that the requested information is public record.”

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6. The respondent public body vide letter dated 30.5.2022 replied the objections as follows:

S. No.	Initial Request	Remarks
4	<i>List of the candidates that were called for the interview for the said post, along with the qualification, experience and test marks of each candidate</i>	<i>He has now contended that in the experience section the name of the departments have been mentioned only instead of duration and nature of job has. The said information was not initially requested by the appellant, therefore, it was not provided.</i>
5	<i>Copy of the attendance sheet of the candidates appeared in the interview for the said test</i>	<i>Already provided</i>

C. COMMISSION'S VIEW

5. The appellant has asked for the copies of the advertisement, list of the short-listed candidates, the attendance sheet, list of the candidates called for the interview along with the qualification, experience and test marks of each candidate, the attendance sheet of the candidates who appeared in the interview, the offer letter and the educational and experience certificates of the selected candidates for the post of Assistant Director (Media).
6. The respondent public body has furnished all the record desired by the appellant except the copies of the educational and experience certificates of the selected candidates claiming it exempted from disclosure, having been obtained from third party. Later it is also claimed that the said information was not initially requested by the appellant, therefore, it was not provided.
7. The reading of the section 5(a) of the Act depicts that the information and record pertaining to educational and experience certificates of the selected candidates sought by the appellant is enlisted in the category of public record that ought to have been published proactively including uploading over the internet, in a manner to ensure its accessibility to the citizens to evaluate whether the merit has been adhered in the selection of the candidates. This information of the selected appointees should be made public the day they are selected

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for the public office. The exemption under third party confidentiality claimed by the public body is not relevant in the matter of selection of the government officeholders. The documents that were contributory and helpful for the selection of the candidate and preferred over the rest of the candidates needs to be made public for the comparison of the rest.

8. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

D. ORDER

9. The appeal is allowed. The Public Information Officer/Assistant Registrar (Establishment), Allama Iqbal Open University, Islamabad is directed to furnish the appellants copies of the educational and experience certificates of the selected candidates, forthwith, but in any case not later than five days of the receipt of this order.

He is further directed to make arrangements for uploading all the information and record on the official website of the public body to ensure its accessibility to the public at large within ten days of the receipt of this order under intimation to this Commission by or before 115.8.2022.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 26.07.2021

Certified that this order consists of 05 pages, each page has been read and signed