

Appeal No. E-301-07/2022

Afrasiyab Khan

Vs

Special Technology Zone Authority

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Afrasiyab Khan filed an e-mail request under the Right of Access to Information Act, 2017. Through his application he has sought the following information from the Special Technology Zone Authority:

- a. *“Approving short listing and scoring criteria for the post of Manager Procurement.*
- b. *List of applications submitted for the post of Manager Procurement.*
- c. *All the minutes of meeting pertaining to the hiring of Manager Procurement.*
- d. *List of shortlisted candidates along with reasons/justifications.*
- e. *Scoring sheets of the interview from the individual members for the said post.*
- f. *Final scoring sheet/merit list.”*

2. The Director (Legal & Contract), Special Technology Zone Authority vide letter dated 13.07.2022 regretted the provision of the desired information. The respective reply is as follows:

- a. *“Exempt from disclosure under section 16(i)(v) of the Act.*
- b. *Exempt from disclosure under sections 7(g), 16(c) and 16(g) of the Act.*
- c. *Exempt from disclosure under section 7(a) and 7(b) of the Act.*
- d. *Exempt from disclosure under sections 7(g) 16(c)(g), and 16(i)(iv) of the Act.*
- e. *Exempt from disclosure under section 16(i)(iv) of the Act.”*

3. Feeling aggrieved for the non-provision of the information he has impugned the letter dated 13.07.2022 by the Director (Legal & Contract), Special Technology Zone Authority in appeal before the Pakistan Commission on Access to Information, Islamabad.

B. PROCEEDINGS

4. The information sought by the appellant, the denial claimed by the public body and the objections thereon by the appellant are reproduced here under in tabular form:

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<i>Solicited information</i>	<i>Classification remarks by applicant dated 14th July 2022</i>	<i>Remarks by Authority</i>
<i>Approving short listing and scoring criteria for the post of manager procurement</i>	<i>Does not involve any sort of personal information. This has been requested to assess my suitability in light of my being not shortlisted</i>	<i>Exempt from disclosure under section 16(i)(v) of the Act</i>
<i>List of applications submitted for the post of manager procurement</i>	<i>No clarification given by applicant</i>	<i>Exempt from disclosure under sections 7(g), 16(c) and 16(g) of the Act.</i>
<i>All the minutes of the meetings pertaining to hiring of manager procurement.</i>	<i>Minutes of meeting also does not involve any personal information and all such official correspondence which does not fall under section 16 of the Act, 2017 shall be shared.</i>	<i>Exempt from disclosure under section 7(a) and 7(b) of the Act.</i>
<i>List of shortlisted and not shortlisted candidates along with reasons and justifications</i>	<i>List along with reasons of short listing/non-short listing is also a public document and shall be shared with candidates to ascertain the factious reason of not being shortlisted.</i>	<i>Exempt from disclosure under sections 7(g) 16(c)(g), and 16(i)(iv) of the Act.</i>
<i>Scoring sheet of interview from the individual members for the said post.</i>	<i>Scoring sheet is also required to be shared with candidates upon demand and cannot be termed as personal or confidential information</i>	<i>Exempt from disclosure under section 16(i)(iv) of the Act</i>
<i>Final scoring sheet/merit list</i>	<i>Final merit list shall also be notified as per the SOPs of the federal Public Service Commission and which cannot be regarded as personal document.</i>	

5. Miss. Iqra Musadaq, Director Licensing, Legal and Contracts represented the Special Technology Zone Authority before the Commission during the course of hearing. She vehemently argued the claim of exemption from disclosure on the score of privacy as the disclosure is likely to affect the private privacy of the identifiable individuals. Besides the Preliminary Objections raised through reply dated 4.8.2022 she has filed written arguments vide reply dated 22.08.2022 to the effect that the objective of the policy is to ensure that recruitment is done in a transparent and non-discriminatory manner, that disclosure of name and personal information would invade the personal privacy of the individuals which is exempted under section 7(g) and section 16(i)(b)(iii) and 16(1)(c) and that minutes of meeting are expressly exempted under section 7(b) of the Act.

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C. COMMISSION'S VIEW

6. The appellant, himself being a contestant has asked for the provision of short listing and scoring criteria, applications submitted, minutes of the meetings, shortlisted and not shortlisted candidates along with reasons, scoring sheet of interview from the individual members and final scoring sheet/merit list for the post of Manager Procurement.
7. The respondent public body in rebuttal to the information pertaining to the minutes of the meetings has quoted section 7(b) while for the denial of the rest of the pray has referred Sections 7(g), 16(i)(b)(iii) and 16(1)(c) of the Act to claim exemption from disclosure on the score of private privacy and that identity of confidential source of information would involve invasion of privacy of an identifiable individual.
8. The Section 7(b) of the Act excludes the minutes of meeting from the compass of public record but subject to the final decision by the public body. It is not replied nor argued by the respondent public body that the matter is still ongoing process. Since the matter has been finalized therefore the minutes of meeting pertaining to the hiring of Manager Procurement is public record within the meanings of the Act.
9. The Sections 7(g), 16(i)(b)(iii) and 16(1)(c) of the Act rescue from disclosure the information and record touching the private privacy of any individual. The Commission honors the private privacy of the citizens but on the other hand the Commission is also watchful that under the camouflage of privacy the citizens are denied the access to the public record held by the public bodies. The short listing and scoring criteria, applications submitted, shortlisted and not shortlisted candidates along with reasons, scoring sheet of interview from the individual members and final merit list for the any post are the category of public record that should be made available for the access to the public at large particularly the contenders for the post for evaluating the transparency and non-discrimination in the process of recruitment.
10. The information relating to the policies and decisions adopted by the public bodies and the criteria, standards or guidelines upon which discretionary powers are exercised are the category of record that ought to have been published including uploading over the internet or in a manner which best ensures the accessibility to the public at large.

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In that eventuality the appellant reserves his right to know whether the process of recruitment has been carried out in transparent manner. Each public body is under compulsion to proactively publish including uploading over the internet in a manner to ensure its accessibility to the citizens, all the record detailed in section 5 of the Act.

11. 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

12. The appeal is allowed. The Director Licensing, Legal and Contracts/Designated Officer, Special Technology Zone Authority is directed to furnish the appellant all the requested information and record detailed in para 1 of this order, after severing the information touching the private privacy of any individual, forthwith, but in any case not later than seven days of the receipt of this order. The personal information includes National Identity Card Number, Account Number, email or residential address, contact number or any other information related to the family members but does not include the certificates and the documents instrumental and contributory for securing a post or office.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 24.08.2022

Certified that this order consists of 04 pages, each page has been read and signed.