



In the Pakistan Information Commission, Islamabad

Appeal No 1938-05/21

Muhammad Ashiq

(Appellant)

Vs.

Poly Clinic Hospital, Islamabad

(Respondent)

ORDER

Date: July 27, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Mr. Muhammad Ashiq dated May 16, 2022, stating that he submitted information request dated April 29, 2022 under the Right of Access to Information Act 2017 to the Medical Supretendent, Poly Clinic Hospital, Islamabad. The Respondent public body has not responded to his information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.
2. The information sought by the Appellant is as under:

مودبانہ گزارش ہے کہ 2013 اور 2015 میں بی پی ایس 9 کی جوائنٹ ورٹائزمنٹ ہوئی تھی اور جو لڑکے ہائی کورٹ سے منظور ہو کر آئے تھے وہ ایڈمن آفیسر ارشد اور اکبر جنھوں نے کمنٹس جمع کروائے تھے آپ ان کو کہیں کہ مجھے ریکارڈ دیں ان کی تاریخ پیدائش اور ان کا سارا ڈیٹا مکمل تفصیل کے ساتھ فراہم مہربانی کر کے مجھے دے دیں۔

B. Proceedings

3. Through a notice dated May 30, 2022, sent to Executive Director, Poly Clinic, Islamabad the Commission 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. Through a letter vide No FGPC.1/110/2022 dated June 09, 2022 submitted its response which is as under:

“I have the honor to say that your notice dated 03.05.2022 on the subject cited above and a copy of Appeal No. 1938-05/2022 filed by Mr. Muhammad Ashique (Appellant) have been received with the direction to provide reasons in writing within 07 working days of

the receipt of the notices as to why the requested information has not been provided to the appellant.

2. *In this regard it is to inform you that the appellant was submitted application dated nil to this office and reply of the said application has already been given by this office with mentioning the reasons of not providing of the requested information vide this office letter of even number dated 31.05.2022 (copy enclosed) for information. Therefore, you are request to set aside his appeal which is not in accordance with the relevant rules, sub section (g) and (h) of section 7 of the Right of Access to Information Act, 2017 which is provide that:*

(g). *Record relating to the personal privacy of any individual; and*

(h). *Record of private documents furnished to a public body either on an express or implied condition that information contained in any such documents shall not be disclosed to a third party.”*

5. Response submitted by the public body was shared with the appellant on June 20, 2022.

6. The appellant on June 20, 2022 submitted rejoinder to the response of the public body which is as under;

“This is with reference to my above mentioned appeal.

The public body has refused to share the requested information and claimed that it is exempted from disclosure under the Right of Access to Information Act, 2017.

While I believe that all the requested information is public record and the public body is bund to share it under the said act.

You are requested to decide the matter as per law.”

7. The appeal was fixed for hearing on July 21, 2022.

C. Discussion and Commission’s View on Relevant Issues

12. The commission has to decide whether the information requested by the citizens falls within the ambit of the public record and whether the public body has responded or not to the information request and notices of the commission within time limit mentioned in the Right of Access to Information Act, 2017, hereafter referred to as Act.

13. The information requested by the appellant is declared as public record in section 5 (a) and (e) of the right of Access to Information act 2017 and the public bodies are bound to ensure that all such categories of the information and record defined in Section 5 of the Act are duly published including uploading over the internet or in a manner which best ensures that these are accessible to the public.

14. Section 5(e) of the Act is as under:

“5(e) 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.”

15. Purpose of the Act is to ensure the Transparency in the business of the Government, as the Preamble of the Act states.”

“Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights”.

16. The record requested by the appellant is not related to the personal privacy of any individual, as the appellant has asked for the list and date of birth of the appointed employees. Date of birth is the basic requirement and criteria for the appointments and the citizens have the right to know the age of the employees appointed by any public body.
17. Disclosure of this information will also improve the check and balance on the performance of the public bodies and by practicing Right to Information laws the citizen will be able to make the public bodies accountable for their performance. Disclosure of such information will also reduce the trust gap between the public bodies and the citizens.
18. The fact that the citizens are forced to exercise the Right of Access to Information Act 2017 and have to wait for many months even for the information that should be available on the websites of the public bodies.
19. According to Section 9 of the Act, each public body shall, within thirty days of the commencement of this Act, notify one or more designated officials, not below the rank of an officer in BPS -19 or equivalent; but the Respondent has not so far nominated any official to deal with the information request of the citizen.
20. If directions of the commission in this Order are not followed, it will be left with no option but to invoke Section 20 (f) of the Right of Access to Information Act 2017.
21. 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. 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”.

D. Order

23. Appeal is allowed. Executive Director, Poly Clinic Hospital, Islamabad is directed to ensure provision of the complete information mentioned in para 2 of this Order to the Appellant, at the earliest but not later than 7 working days of the receipt of this Order, with intimation to this office.
24. The Respondent is also directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to

Information Act 2017 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 within 30 days of the receipt of this Order.

25. Executive Director, Poly Clinic Hospital, Islamabad is also directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put contact details of PIO on its web site as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
26. Copies of this order be sent to Executive Director, Poly Clinic Hospital, Islamabad 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 4 (four) pages, each page has been read and signed.