

Pakistan Information Commission

Government of Pakistan

Order

Appeal No: 2579-03/23

Nisar Ahmed

Vs

Federal Investigation Agency

Date:

May 23, 2023

Appellant present in person. None appeared on behalf of respondent / public body, in spite of the fact that on last date of the hearing Mr. Arbab Arshad, Deputy Director (Law), FIA was present and on his request, proceedings were adjourned for furnishing the required information. In view of the above, when hearing of the case is in the knowledge of the respondent, no one appeared today therefore, ex-parte proceedings are recorded against the respondent.

2. The appellant moves an application to director FIA Islamabad for the supply of certified copy of inquiry No. RE-729 along with copy of forensic report of mobile phone of appellant. The request of the appellant was not responded by the public body whereupon the appellant filed appeal before the commission. Notice to the public body was issued and on 03-05-23. The law officer of public body appeared and sought adjournment for furnishing the requested information.

3. It is noted that an inquiry was conducted by FIA Cyber Crime Wing against the appellant on some complaint. Said inquiry was finalized after having forensic report of the mobile phone of the appellant. The appellant also applied before Judicial Magistrate, FIA

Islamabad for having certified copy of the inquiry report and forensic report of his mobile phone. The learned Magistrate vide order dated 24-02-23 after examining the request of the appellant found that the required information is not excluded from disclosure under the Right of Access to Information Act, 2017 hence it was allowed. Copy of the order of learned Magistrate dated 24-02-23 is annexed with the appeal. The appellant was inquired why he approached this commission when already the Judicial Magistrate has passed an order for the supply of requested information. The appellant submitted that since FIA has not provided the requested information disrespecting the order of the learned Magistrate of FIA Islamabad, therefore he approached this commission under Right of Access to Information Act, 2017.

4. Under Section 5 of the Right of Access to Information Act, 2017 the principal officer of each public body is duty bound within 6 months of commencement of this Act to ensure all categories of information and records be duly published including uploading over the Internet or in a manner which best ensures that these are accessible subject to reasonable restrictions based on limited resources.

5. Under section 5 (i) reports including performance reports, audit reports, evolution reports, **inquiry or investigative reports** and other reports that have been finalized are to be published by the concerned public body. the information sought by the appellant in this appeal is certified copy of an inquiry conducted by FIA CCW against him, along with certified copy of forensic report of his mobile phone.

6. Said information is to be proactively published by the public body as required under section 5 of the Right of Access to Information Act, 2017. It has never been excluded from disclosure

under Right of Access to Information Act, 2017 and the appellant being citizen of Pakistan has the fundamental right to have the information from public body. Therefore, the appeal is allowed, and the public body is directed to share, the inquiry report and forensic report after deleting any sensitive part related to any women involved in this matter, with the appellant within 10 working days of the receipt of this order.

7. Copy of the order be shared with the appellant and Director General, FIA.

8. Adjourned for submission of compliance report on July 13, 2023.

Shoaib Ahmed Siddiqui
Chief Information Commissioner

Ijaz Hassan Awan
Information Commissioner