



MEASURING THE RIGHT TO INFORMATION IMPLEMENTATION

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Centre for Peace and Development Initiatives (CPDI) would welcome reproduction and dissemination of the contents of the report with due acknowledgments.

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About CPDI

Centre for Peace and Development Initiatives (CPDI) is an independent, non-partisan and a not-for-profit civil society organization working on issues of peace and development in Pakistan. It is registered Under Section 42 of the Companies Ordinance, 1984 (XLVII of 1984). It was established in September 2003 by a group of concerned citizens who realized that there was a need to approach the issue of peace and development in an integrated manner. CPDI is a first initiative of its kind in Pakistan. It seeks to inform and influence public policies and civil society initiatives through research-based advocacy and capacity building in order to promote citizenship, build peace and achieve inclusive and sustainable development. Areas of special sectoral focus include promotion of peace and tolerance, rule of law, transparency and access to information, budget watch, media watch and legislative watch and development.

About The Program

Centre for Peace and Development Initiatives (CPDI) has initiated a project in January 2020, titled “Civil Society for Independent Media and Expression” (CIME) along with two other implementing partners namely Media Matters for Democracy (MMfD) and Pakistan Press Foundation (PPF) funded by EU. The overall objective of this project is to protect and promote Freedom of expression (FoE) offline & online and to facilitate citizen’s right of Access to Information (ATI) as stipulated in articles 19 and 19-A of the constitution of Pakistan respectively. The target beneficiaries of this project include human rights defenders especially freedom of expression activists, media rights activists and digital rights activists, women’s rights activists and feminists working on issues of inclusion of women working journalists, editors and media managers, internet users who are individually engaged in digital journalism and advocacy, human rights lawyers, concerned legislators and parliamentary committee members and state institutions like National Commission on Human Rights (NCHR), National Commission on Status of Women (NCSW), Parliamentary Commission on Human Rights (PCHR) and Pakistan Institute of Parliamentary Studies (PIPS).

This initiative has been designed to respond to the EU’s priority of promoting freedom of expression (online and offline) and access to information. The project design includes activities geared to enable specific changes to advocacy for enactment of these policies at the national level while further paving the way for introduction of second generation RTI laws at the provincial level in Balochistan. The proposed action is a step forward towards ensuring transparency and accountability in governance via access to information, journalists’ safety by delivering holistic security training and ensuring FoE, legal support to journalists, and advocacy for an independent media regulation that will collectively lead to development, strengthening democratic institutions and citizens access to viable information.

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A. Introduction

Right to Information is an important block of democracy. The culture of transparency and accountability that it nourishes, strengthens the democratic norms in the society and rests citizens' confidence in the political process. It has been very aptly called as oxygen to the democracy and its absence has a potential to stifle the society.

The term *Right to Information*, in its simplest form, means that all information in custody of public bodies belong to citizens and public officials are only the custodians of the information. As the citizens are the owner of this information, they can access the information whenever and wherever they want. Right to information is a constitutional right and was inserted to the fundamental rights chapter of the constitution as Art 19-A through 18th amendment in 2010. The federal government and all the provincial governments have legislated RTI laws to facilitate the public to access information from public authorities.

In Pakistan, the history of Right to Information can be traced back to 1994 when a private member bill on Freedom of Information was moved in Senate but no legislation could be done on that bill. The interim government of 1997 implemented Freedom of Information Ordinance but that lapsed as the new government in office did not show any interest in either renewing it or taking it to the parliament. The first noticeable development in this regard came in the year 2002 when Freedom of Information Ordinance 2002 (FOI 2002) was implemented at federal level. Two provinces, Balochistan and Sindh, followed suit and legislated Freedom of Information **Acts** (emphasis added) in 2005 and 2006, respectively. These laws were, however, the mirror images of the FOI 2002. All these three laws were restrictive in nature and opened very few avenues for citizens to get information from the public authorities. These laws are sometimes referred to as first generation laws.

Since the implementation of these first-generation laws, there was a popular demand from civil society to repeal these laws and legislate more effective, progressive, and robust laws. Following multiple commitments in 2000's by political leadership, one big stride was made in 2010, when Article 19-A was inserted in the Constitution of Pakistan guaranteeing Right to Information to the citizens. The second installment of RTI laws was granted to citizens in 2013 when, first KP and later Punjab in the same year legislated some exceptionally good right to information laws. Later, in 2017, Sindh and federal government repealed their old Freedom of Information laws and implemented new laws similar to Punjab and KP¹. Hence, second generation laws.

There are 3 fundamental differences that distinguish second generation laws from first generation laws. A) The second generation laws have a strong proactive disclosure clause that was missing in the first generation laws. B) Second generation laws have penalty clause, that precisely mean that public officials can be penalized if citizens are willfully denied the right to information and c) these laws also set up an independent appellate body to which citizens can go for redressal of their grievances in case the information is denied. In Pakistan, these bodies are called Information Commissions.

As more than three years have passed since the Right of Access to Information was implemented at federal level, it is an appropriate time to reflect and see how the Right to Information regime has worked in Pakistan at federal level.

¹ Although the federal law falls short of civil society aspiration and still leaves many loopholes and restricts free flow of information to citizens.

An independent evaluation study will not only give a chance to policy makers and legislators to gauge the state of transparency and accountability in the country, it will also identify the necessary steps to be taken by public authorities to further strengthen RTI regime in the country.

B. Literature Review

When compared to some other south Asian countries, the movement for Right to Information in Pakistan could not get much strength. Consequently, there is a dearth of quality literature on the subject in Pakistan. It is only during the last few years that some civil society organizations started mainstreaming right to information in their program areas and produced some reports on the implementation of right to information in Pakistan.

Consumer Rights Commission of Pakistan (CRCP) was one of the pioneer organizations in Pakistan on RTI. They started working on it in early 2000's. They have produced some intermittent reports on right to information, the latest being from the year 2014. The report titled *From FOI to RTI: Some Lessons and Insights* discusses the inherent flaws and deficiencies in FOI 2002 as revealed through "procedural activism."² The paper expressed satisfaction for journey from "Freedom of Information" to "Right to Information"³ but at the same time pointed out some flaws in RTI laws of KP and the Punjab. The paper specifically pointed out Section 28 of KP RTI law that declared obtaining information for *malafide purposes* as a criminal offense that can result in a fine and imprisonment.

In 2013, CRCP reviewed the annual reports of 56 federal ministries and attached departments⁴. The report is a prelude to the much recent trend of measuring Online Status of Proactive Disclosure; a trend in which CPDI has developed consistency and expertise amongst the national organizations. The report concluded that non-availability of annual reports and material related to FOI/RTI on websites is against the international best practices and violation of constitutional rights of people of Pakistan.

Centre for Peace and Development Initiatives (CPDI) literature on Right to Information can be divided into 4 categories: 1) *Analysis and comments on (draft) laws including comparative analysis of laws*; 2) *Awareness raising materials*; 3) *Implementation of Legal regime*, 4) *Capacity building of public officials*.

CPDI has produced quality reports on online proactive disclosure of information by federal and provincial departments. The first report was issued in 2016 under the banner of CRTI. The study selected ten departments each from federal ministries, Punjab and KP and gauged the proactive disclosure of information by different ministries, provincial departments and attached departments. The most recent study was published in September 2020⁵ on the eve of "International Right to Know Day". The study measures the state of proactive disclosure against the proactive disclosure clause of relevant right to information laws and points against each sub-section are awarded out of ten; with 0-3 for poor, 4-7 for moderate and 8-10 for maximum level of compliance.

The study awarded 92% points to KP Information Commission for its excellent compliance to the proactive disclosure clause of KP RTI Act, 2013. The Elementary and Secondary

² <https://crcp.org.pk/from-foi-to-rti-some-lessons-and-insights/> last accessed on 07 Dec 20

³ The first generation laws in Pakistan, as referred above

⁴ <https://crcp.org.pk/a-review-of-annual-reports-exploring-transparency-in-pakistan/> last accessed on 07 Dec 20

⁵ <https://www.cpd-pakistan.org/wp-content/uploads/2020/09/Status-of-RTI-in-Pakistan-2020.pdf> last accessed on 07 Dec 20

Education Department performed abysmally low at 10%. Still worse are *Agriculture Department* at 18%, and Mineral Development Department at 22%. In federal ministries, the study assigns 6% marks to ministry of Communication. The best performing ministries from the sample are Ministry of Law and Justice (78%) and Ministry of Planning and Development (75%). The study is, however, limited in scope as it only takes into account the website of the public authority and does not consider the other relevant literature produced and issued by the departments. A similar study titled *The Interplay of Right to Information and Freedom of Expression in Digital Spaces: Issues and Challenges* also discussed the state of proactive disclosure⁶.

Another pioneer work of CPDI is the comparative analysis of RTI laws by producing score sheets against different variables/criteria. The comparative analysis was made both internationally, comparing it with corresponding laws of regional countries and nationally whereby provincial and federal laws are measured for their effectiveness and ease of getting information from public bodies. First such study was made in 2007⁷ which was then used frequently as an advocacy tool for improved legislation at federal level. The most recent of such study was produced in April 2019 in which all existing RTI laws of Pakistan were analyzed against 14 different standards⁸. The score sheets declared Punjab Transparency and Right to Information Act, 2013 as the best RTI law in Pakistan scoring 148/150 points and KP RTI law standing second at 132/150 points.

CPDI recent report "The status of RTI in Pakistan" presents the status of RTI implementation in two dimensions i.e. (a) proactive disclosure and (b) reactive disclosure of information⁹. A sample of 60 federal ministries and 60 provincial departments was randomly selected from all over Pakistan. For proactive disclosure, provincial and federal department's websites were examined against the clauses of proactive disclosure of RTI Laws. Results show that KP departments have disclosed 35%¹⁰ of information online, provincial departments of Punjab have disclosed 51%¹¹ of information as per section 4 of Punjab RTI law, only 38%¹² of information is disclosed by federal ministries and departments as per section 5 of Federal RTI Law and only 17%¹³ of information is proactively disclosed by the Sindh departments. *Overall results show that an average of only 31% of information is proactively disclosed by the federal and provincial government departments under RTI.* Balochistan province was not included in this assessment area because Balochistan law does not have a proactive disclosure clause.

In the assessment area of reactive disclosure information disclosure rate was 6.7%¹⁴ only. During the study, a total 75 information requests were sent to public departments; 15 each to federal, Balochistan, KP, Punjab, and Sindh governments.

⁶ <https://www.cpdipakistan.org/wp-content/uploads/2017/10/The-Interplay-of-Right-to-Information-and-Freedom-of-Expression-in-Digital-Spaces-Issues-and-Challenges.pdf> last accessed on 07 Dec 20

⁷ <https://www.cpdipakistan.org/wp-content/uploads/2016/05/CPDI-Score-Sheet-of-Right-to-Information-Laws-in-Pakistan-2017.pdf> last accessed on 07 Dec 20

⁸ <https://www.cpdipakistan.org/wp-content/uploads/2019/04/CPDI-Scoresheet-of-RTI-Laws-in-Pakistan-2019.pdf> last accessed on 07 Dec 20

⁹ <https://www.cpdipakistan.org/wp-content/uploads/2019/09/Status-of-RTI-in-Pakistan-2019.pdf> last accessed on 07 Dec 20

¹⁰ Against 52% in last year

¹¹ Against 38% in last year

¹² Against 25% in last year

¹³ Against 12% in last year

¹⁴ Against 3.7% in last year

This year CPDI has also published its first ever report on State of Budget Transparency in Pakistan¹⁵. First part of this report based on information requests sent to public bodies. The requested information was limited to budget related activities and documents. A total of 150 RTI requests were sent to different federal and provincial public bodies. Thirty-six requests were sent to federal ministries, of which only 6 requests were responded; 3 timely and 3 delayed. Provincial departments were tested with 114 information requests; only six were responded and all of these were delayed response. The study also ranked the governments based on their responses. No government could score more than 12% points. Federal government with 11.1% points tops the list, followed by Punjab (8.3%) and KP (2.3%). Balochistan and Sindh could not score any point. The study concluded that the weak RTI implementation regime has failed to provide timely information to the citizens.

Centre for Governance and Public Accountability (CGPA) has published a Study on State of Implementation of RTI laws in 2020¹⁶. The objective of the study is to develop a score card on the state of implementation of both the federal and KP RTI laws by the public bodies. To gather data for the scorecard, CGPA filed information requests with ten federal, ten KP provincial and ten district level public bodies. Only one federal ministry, 2 provincial departments and 2 district departments provided information within the 10-days' period. The response rate is poorer than what was recorded in 2019 by a similar national level study by C-GPA

C-GPA has also conducted a series of RTI Score Cards Reports, the latest being from the year 2019¹⁷. The reports tested the state of reactive disclosure by federal government and the Provinces of Khyber Pakhtunkhwa, Punjab and Sindh. The responses to the information requests by public bodies shows that RTI law implementation is worse in the province of Sindh followed by the federal government. The best response that C-GPA gained is from the province of KP where 80 percent of their requests were responded positively.

Pakistan Institute for Legislative Development and Transparency's (PILDAT) background paper on Right to Information (in Punjab)¹⁸ focuses separately on women, minorities, media and CSOs. It highlights the ways these groups can use RTI for their benefits. It concluded that the minorities through the RTI Act can know what their rights are and where they can exercise these rights. CSOs at local level can promote collective action using the RTI Act to improve access to basic services like health, education, and welfare etc. Women can make more effective decisions with relation to health care, land ownership and education using their right to information. RTI regime enables media personnel for credible, evidence-based, and factual reporting on key issues of public interest, the report concluded.

Sustainable Social Development Organization's (SSDO) study titled *The Efficiency and Implementation of Right to Information Law in the Province of Punjab, Pakistan*¹⁹ tested the state of reactive disclosure in the province of the Punjab. The objective of the study was to identify gaps in implementation of right to Information in the province of Punjab.

¹⁵ <https://www.cpd-pakistan.org/wp-content/uploads/2020/10/State-of-Budget-Transparency-in-Pakistan-2020-Complete-Report.pdf> last accessed on 07 Dec 20

¹⁶ http://www.c-gpa.org/images/publications/Study_on_State_of_Implementation_of_RTI_Laws_CGPA.pdf last assessed on 23 Oct 20

¹⁷ http://www.c-gpa.org/images/publications/RTI_Scorecard_Report_Analysis.pdf last accessed on 07 Dec 20

¹⁸ https://pildat.org/publications/Publication/FOI/RTILawforWomenMinoritiesCSOsandMedia_BackgroundPaper.pdf?Submit=Download last accessed on 07 Nov 20

¹⁹ <https://www.ssdo.org.pk/storage/app/uploads/public/5d8/f32/405/5d8f324057462945153361.pdf> last accessed on 07 Nov 20

The information requested was about the budget of different district offices and copies of First Information Reports from the office of District Police Officers. The study revealed that “out of total 203 requests made, 69 requests received response. 20 responses have been received within 14 days after the initial requests. The remaining 49 responses were received after filing complaints to the PIC.” The study concluded that “neither the requests filed under the RTI law nor the instructions by the PIC are taken seriously by the government departments in Punjab.”

Institute of Research Advocacy and Development (IRADA) has also published a report titled Right to Information Laws and Transparency: Progressive Legislation, Reluctant Governments.”²⁰ This study provides a **three-dimensional comparison**; i, inter- government (federal and provincial), ii, inter-body and iii, inter-indicator of implementation status of Proactive Disclosure Indicators (PDI). This three-dimensional comparison is an innovation in rapidly increasing literature of right to information in Pakistan. In inter-governmental comparison of PDI, the KP government secured first position with overall score of 67%, while Punjab government got second position with 47% collective score. Sindh and federal governments secured third and fourth positions respectively.

Another relevant publication of IRADA is Right to Information Legislation in Pakistan: Challenges and Success stories published in 2017²¹. The study relies upon a score sheet developed by CPDI (referred above). The study discusses the salient features of federal and provincial RTI laws in Pakistan. The study also discusses the key challenges for operationalization of erstwhile very good laws in Punjab and Khyber Pakhtunkhwa. The study concluded low political will on the part of government, non-availability of financial and human resources, non-implementation arising out of arbitrary interpretation of law, inability of commissions to decide appeals timely and delay in the appointment of PIOs as the major challenges in the flourishing RTI culture in Pakistan.

The country report of Article 19²² discusses briefly the RTI regime in Pakistan. While referring to the civil society actors in Pakistan, the report states that legislation is “ineffective and toothless.” The report counts following features of RTI regime in Pakistan:

1. There are no systematic training programs for the Public Information Officers. Resultantly, most of the Public officials are unaware of the legislation.
2. No public funds were allocated for the implementation of the Ordinance²³ and there is a lack of resources and capacity for proper implementation.
3. Most of the public authorities do not have proper mechanisms in place to respond to information requests.
4. Poor record management is one of the major impediments in providing information to the public.

The report published in 2015 although the ground realities in Pakistan remain the same. Despite of some good legislations on RTI this decade, Pakistan still experiences restrictions with regard to RTI implementation.

²⁰ <https://irada.org.pk/wp-content/uploads/2020/09/Annual-Proactive-Disclosure-Report-2020.pdf> last accessed on 23 Oct 20

²¹ <https://irada.org.pk/wp-content/uploads/2019/10/Right-to-Information-Legislation-in-Pakistan.pdf> last accessed on 07 Dec 20

²² <https://www.article19.org/data/files/medialibrary/38121/FINAL-Asia-Disclosed-full.pdf>

²³ Referring to Freedom of Information Ordinance, 2001

C. Background

In 2015, the world community under the banner of United Nations agreed on a ‘blueprint’ to achieve a better and more sustainable future for all. This blueprint or commitments address the challenges that humanity faces globally including poverty, access of justice, environment, health, education, and gender equality. These commitments or Sustainable Development Goals, as these commitments are popularly known, are broader and inclusive than its predecessor, Millennium Development Goals. There are 17 goals in total, each have multiple targets or indicators to measure the success. The goal 16, specifically deals with Promoting Justice, Peace, and Inclusive Societies. The target 16.10 ensures “public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements”

Fortunately, Pakistan has a complete set of Right to Information laws. Majority of these laws are progressive in nature and ranked high on effectiveness scale. But mere legislation is not enough. The aim at the time of drafting the goal and target was to provide an effective right to information regime that can be helpful for the citizens to access information from the public bodies. How far Pakistani laws have been successful in opening the public bodies to the citizens and providing free flow of information? The Freedom of Information Advocates Network has prepared a methodology to conduct parallel assessment of the extent to which states have met SDG 16.10.2

D. Implementation of RTI Methodology

The methodology consists of three main assessment areas:²⁴

1. Proactive disclosure of Information
2. Institutional measure put in place by government to assist with implementation
3. Reactive disclosure of Information

In the following pages, we will discuss the implementation of this methodology to the selected public bodies of the federal government.

D1. Assessment Area One: Proactive Disclosure:

The term proactive disclosure in Right to Information literature refers to the disclosure of information by public authority voluntarily without receiving any request for information from citizens. All good right to information laws have a strong proactive disclosure clause and that make public bodies legally binding to disclose a set of information. All second-generation laws in Pakistan, referred above, have proactive disclosure clause.

Proactive Disclosure Methodology

There are total 12 proactive disclosure indicators which are divided into 2 parts. Part 1 with 8 indicators measures the availability of institutional information. Part 2 with 4 indicators gauges availability of information about right to information.

Part 1: Institutional Information		Part 2: Right to Information
1. Institutional	1. Activities and Service Delivery	9. RTI information
2. Organizational	2. Budget	10. How to make an RTI request
3. Operational	3. Public Procurement and Contracts	11. Costs for publications

²⁴ A copy of the methodology is placed as Annex A

Part 1: Institutional Information		Part 2: Right to Information
4. Legislation	4. Participation	12. List of information requested

Scoring for Proactive Disclosure

Authorities are to be given the following 'marks' for each result area:

Full disclosure	Full to Partial	Partial	Partial to None	None
1	0.75	0.5	0.25	0

Individual authorities are awarded a global mark by averaging their scores for each result area (i.e. by adding their scores for each result area and then dividing by 12, the number of result areas or indicators). Individual authority's global marks should then be averaged to obtain an overall score (i.e. the global mark for each authority should be added and then divided by the number of authorities assessed, 6 in our case).

Finally, a colour grade should be assessed based on the overall score as follows:

Red	Yellow	Green
0-33	34-66	67-100

The following two tables are produced based on the proactive disclosure methodology. The first column shows the indicators of proactive disclosures to be gauged. In the adjoining columns, each public body is scored according to the proactive disclosure made by the public body.

Table 1A: Proactive Disclosure of Institutional Information

Availability of Institutional Information ²⁵	MOCC	MOIB	MNFSR	MPA	PIA	PR
Institutional	1	0.75	0.25	1	1	1
Organizational	1	0.25	1	0.25	0.5	0.25
Operational	1	0.25	0.5	0	0	0.5
Legislation	1	1	0	0	0.5	0
Activities and Service Delivery	0.5	0.25	0	0	0	1
Budget	0	0.25	0	0	0	0
Public Procurement and Contracts	0.25	0	0.25	0.25	0.5	0.25
Participation	0	0	0	0	0	1
Total for Institutional Information	4.75	2.75	2	1.50	2.50	4

Source: Developed on the basis of proactive disclosure of information by public bodies on their websites

²⁵ The detailed set of indicators are available in methodology part placed as Annex A or at in data sheet

Table 1B: Proactive disclosure of information about Right to Information

Information about RTI	MOCC	MOIB	MNFSR	MPA	PIA	PR
RTI information (Annual report on status of RTI)	0	0	0	0	0	0
How to make an RTI request	0.5	0	0	0	0	0
Costs for publications	0	0	0	0	0	0
List of information requested	0	0	0	0	0	0
Total for Information about RTI	0.5	0	0	0	0	0
Total (Institutional +RTI)	5.25	2.75	2	1.50	2.50	4
Global mark by Authority[Total/12]	0.44	0.23	0.17	0.15	0.21	0.33
Overall score	0.25					
Colour Grade						

Source: Developed on the basis of proactive disclosure of information by public bodies on their websites

D2. Assessment Area Two: Institutional Measures

This assessment area looks at the institutional measures that have been put in place to support implementation of RTI laws. It is divided into two sections. The first focuses on the overall framework for implementation (i.e. it assesses central government actions). The second focuses on measures by individual authorities (and is applied separately to each authority being assessed). The two tables below reflect the substance of what is being assessed in each area.

1. For both tables below, the first column lists actions which should be taken to ensure that an RTI law is being implemented properly. The second column shows whether the listed action has been taken while the remarks column allows researchers to comment on how it has been done.
2. Both tables are considered to represent minimum requirements for the effective implementation of an RTI law. Therefore, the presence or absence of these actions are assessed regardless of whether or not the law calls for them.

Table 2A: Overall Framework for Implementation

Question/ Issue	Yes/No/Partially	Mark	Remarks
1. Has government established an RTI nodal agency? <i>(If yes, comment on its roles and functionality)</i>	Yes	0.5	The nodal Agency in case of federal government is Ministry of Information and Broadcasting. Their role since the inception of PIC has been indifferent at the most. It took almost one year for the establishment of the commission although the law clearly states that it should have been functional within 6 months of the commencement of the act. No policy guidelines have been given by the MOIB to commission or other public bodies for the implementation of RTI. Many procedural delays have been seen; one being the release of first salary after 8 months the commissioners were in office. Commission since its establishment is staff-starved and no proactive steps have been taken by ministry to bail out commission. Service rules for the commission are still with the establishment division for the want of approval. At the time of writing of this report, commission is devoid of any of its own staff and running its affairs by the staff borrowed from the ministry.

Question/ Issue	Yes/No/Partially	Mark	Remarks
<p>2. Has government established an independent RTI oversight mechanism, such as an information commission? (If yes, comment on its work and how effective it has been)</p>	<p>Yes</p>	<p>0.75</p>	<p>The Right of Access to Information Act, 2017 provides for the establishment of Pakistan Information Commission consisting of one chief information commissioner and two commissioners. The commission was established one year after the implementation of law. It has weathered some torrid time during its nascent stage. For a year, it was housed in one room office of another state building with no support staff. Despite all these handicaps, the commission has gathered some momentum and we can see some proactive steps taken by the commission in recent times. Some landmark orders on appeals against LESCO, NBP, Ministry of Finance, Ministry of Foreign Affairs and cantonment board are given. The commission has also engaged the public bodies for designation of public information officer, although task is not completed yet. It has also developed guidelines for PIOs and guidelines for citizens for submitting information requests. The commission has very recently provided the facility of on-line submission of complaints from their website. The mandatory list of the commission, however, is exhaustive. The public bodies have performed poorly in proactive disclosure of information. Recent studies from many/various civil society organizations have depicted a poor picture for proactive disclosure of information. Commission can engage more proactively with the public bodies for maximum disclosure of information and to set standards for maintenance of record. The reactive disclosure of information is even weaker, and commission must engage with the public bodies for developing an implementation plan and guidelines for receiving and responding to the requests.</p>

Table 2B: Implementation by Individual Public Authorities

Question/ Issue	MOCC	MOIB	MNFS	MPA	PIA	PR	NA	Senate
Has the authority appointed an Information Officer who is responsible for RTI implementation?	1	0	1	1	1	1	1	1
Does the authority have an RTI implementation plan?	0	0	0	0	0	0	0	0
Has the authority developed/ issued guidelines for receiving and responding to information requests?	0	0	0	0	0	0	0	0
Does the authority make available relevant information for making requests, such as a form for this (online and in paper form) and contact details for the Information Officers?	0.5	0	0	0	0	0	0	0
Has the authority provided RTI training to its information officers?	0	0	0	0	0	0	0	0

Overall Score

0.36

Colour Grade (Red, Yellow, Green)

D3. Assessment Area Three: Processing of Requests

The basic methodology in this section involves making two or three requests for information to each of the five to ten focus public authorities.

The result of the information requests has been disappointing and only three information request were responded positively.

For this exercise, initially six public bodies were selected. These include:

1. Ministry of climate Change
2. Ministry of Information and Broadcasting
3. Ministry of National Food Security and Research
4. Ministry of Parliamentary Affairs
5. Pakistan International Airlines
6. Pakistan Railways

Following are some observations:

The name of PIO for Ministry of climate Change at PIC website is given as Muhammad Saddique. Initial Information requests were sent to him. Later, it was observed that name of Mr. Saleem Shiekh was given on ministry's website. So, the same information requests were sent again to Mr. Saleem just to ensure that it reaches to relevant person. It was also considered necessary because federal law does not have transfer of application clause as exists in some provincial laws.²⁶

Information request sent to MOIB on 07 Oct 2020 was returned with the note that the recipient did not belong to that office. Interestingly, a similar request sent on 16 Oct 2020 did not return. However, again to make sure that it reaches to the relevant persons, the requests were re-sent on 28 Oct 2020 to the secretary of the ministry.

Ministry of Parliamentary Affairs was asked to give information about list of bills sent to relevant standing committees and the comments/ suggestions sent by committee on each bill since 01 July 2020. The ministry replied that such record was not maintained by it and secretariat of national assembly and the senate are more relevant forum for such information.

Two steps were taken after the reply of the ministry:

- i) A complaint was lodged at PIC taking the plea that ministry's website clearly stated that it oversees the study and reports by the standing committees and reply of the ministry was tantamount to wilful denial of information.

²⁶ For example, section 11 of the Punjab Transparency and Right to Information Act, 2013 states that "Where an officer of a public body other than the concerned public information officer receives an application for Access to Information, such officer shall immediately transfer the application to the concerned public information officer under intimation to the applicant and the public information officer shall process the application as if he has received it under Section 10.

- ii) ii) An information request, meanwhile, was sent to secretariat of both national assembly and the Senate for the same information. The reply was not received from any quarter. It should also be noted here that no response was received for the second information request sent to the MPA on 16 Oct 2020 about perks and privilege of federal minister, state minister and parliamentary secretary.

Table 3 below shows the result of reactive disclosure of information. A more detailed data can be found in attached excel sheet. For more detail about the scoring mechanism of this section, please refer to the Annexure A, methodology and excel sheet.

Table 3: Processing of Information Requests

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
Authority 1, (MOCC) Question 1 Name, address and contact details of all manufacturers and importer who have been licensed to manufacture/import flat polythene bags in ICT	07 Oct 2020	Written/post	---	Y	-	Mute refusal	N/A	N/A	RTI was initially addressed to Mr. Muhammad Sadique as PIO as his name was mentioned on PIC website. Later it was observed that name of Mr Muhammad Saleem Shiekh was mentioned on Ministry's website. Same information requests were again sent to Mr. Saleem on 28 Oct 2020.

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
Authority 1, (MOCC) Question 2 Copy of the guidelines on measures to manage existing polythene waste in the environment	07 Oct 2020	Written/post	---	Y	-	Mute refusal	N/A	N/A	
Authority 1(MOCC) Question 3 A List of all collection points for recycling polythene flat bags	16 Oct 2020	Written/post	---	Y		Mute refusal	N/A	N/A	
Authority 1, (MOCC) Question 1 Name, address and contact details of all manufacturers and importer who have been licensed to manufacture/import flat polythene bags in ICT	28 Oct 2020	Written/post	---	Y	-	Mute refusal	N/A	N/A	

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
Authority 1, (MOCC) Question 2 Copy of the guidelines on measures to manage existing polythene waste in the environment	28 Oct 2020	Written/post	---	Y	-	Mute refusal	N/A	N/A	
Authority 1(MOCC) Question 3 A List of all collection points for recycling polythene flat bags	28 Oct 2020	Written/post	---	Y	04 Nov 2020	Information received	Written/Post	no	N/A

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
Authority 2, (MOIB) Question 1 1. How many applications under Youth Entrepreneurship (YES) has been received till date? Please give a province wise breakdown. 2. How many applications have been funded till date? Please give a province wise breakdown. Please also give the total amount of funding against each province. 3. How many applications have been rejected and how many applications are under process till date? Please give a province wise break down.		Written/post	---	No	-	-	N/A	N/A	The letter returned back by courier.

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
Authority 2 (MOIB) Question 2 Total Amount disbursed against each development project during the first quarter of the financial year 2020-21 (July-Sept 2020)		Written/post	---	Y	-	Mute refusal	N/A	N/A	

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
<p>Authority 2, (MOIB)</p> <p>Question 1</p> <p>1. How many applications under Youth Entrepreneurship (YES) has been received till date? Please give a province wise breakdown.</p> <p>2. How many applications have been funded till date? Please give a province wise breakdown. Please also give the total amount of funding against each province.</p> <p>3. How many applications have been rejected and how many applications are under process till date? Please give a province wise break down.</p>		Written/post	—	Y	-	Mute refusal	N/A	N/A	The name of Mr. Muhammad Irfan is mentioned as PIO on PIC website. The initial information request were sent to him on 07 Oct 2020. It was returned undelivered with the note that no such person was posted at the ministry. Same information requests were then sent to Secretary of the ministry on 28 Oct 20

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
Authority 2 (MOIB) Question 2 Total Amount disbursed against each development project during the first quarter of the financial year 2020-21 (July-Sept 2020)		Written/post	—	Y	13 Nov 20	Information provided	Written	N/A	
Authority 3 (MNFSR) Question 1 What is the annual growth rate of crops, livestock and fisheries for the last five years (2015-2020)?		Written/post	—	Y	-	Mute refusal	N/A	N/A	

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
<p>Authority 3 (MNFSR)</p> <p>Question 2</p> <p>What steps have been taken to eradicate malnutrition in the country during the last five years (2015-2020)? I will appreciate if you can give a year-wise account of these steps.</p>		Written/post	—	Y	-	Mute refusal	N/A	N/A	
<p>Authority 4 (MPA)</p> <p>Question 1</p> <p>1. Provide a list of the bills sent to relevant committees since July 1, 2018</p> <p>2. Provide a copy of the comments/suggestions submitted by committees on each bill since July 1, 2018</p>		Written/post	—	Y	20 Oct 2020	Info not available	N/A	N/A	

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
Authority 4 (MPA) Question 2 1. Perks and privilege of Federal Minister 2. Perks and privilege of State Minister 3. Perks and privilege of Parliamentary Secretary		Written/post	---	Y	-	Mute refusal	N/A	N/A	
Authority 5 (PIA) Question 1 Total number of Sanctioned posts in PIA Total number of Vacant Posts in PIA ·What is the plan to fill the vacant posts?		Written/post	---	Y	-	Mute refusal	N/A	N/A	

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
<p>Authority 5 (PIA)</p> <p>Question 2</p> <p>Total operational expenditure of PIA (including salary, pension, train operation, purchases and repair & maintenance) etc. for the FY 2019-20</p> <p>Total receipts generated by PIA for the FY 2019-20 (excluding any budgetary support from government or foreign loans/grants)</p>		Written/post	---	Y	-	Mute refusal	N/A	N/A	
<p>Authority 6 (PR)</p> <p>Question 1</p> <p>Total number of Sanctioned posts in Pakistan Railways</p> <p>Total number of Vacant Posts in Pakistan Railways</p> <p>What is the plan to fill the vacant posts?</p>		Written/post	---	Y	-	Mute refusal	N/A	N/A	

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
Authority 6 (PR) Question 2 Total operational expenditure of Pakistan Railways (including salary, pension, train operation, purchases and repair & maintenance) etc. for the FY 2019-20 Total receipts generated by Pakistan Railways for the FY 2019-20 (excluding any budgetary support from government or foreign loans/grants)		Written/post	---	Y	-	Mute refusal	N/A	N/A	

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
<p>Authority 7 (NA)</p> <p>Question 1</p> <p>1. Provide a list of the bills sent to relevant committees of the National Assembly since July 1, 2018</p> <p>2. Provide a copy of the comments/suggestions submitted by committees on each bill since July 1, 2018</p>		Written/post	---	Y	-	Mute refusal	N/A	N/A	
<p>Authority 8 (Senate)</p> <p>Question 1</p> <p>1. Provide a list of the bills sent to relevant committees of the National Assembly since July 1, 2018</p> <p>2. Provide a copy of the comments/ suggestions submitted by committees on each bill since July 1, 2018</p>		Written/post	---	Y	10 Nov 20	Information Provided	N/A	N/A	

Average Processing Score	0.16
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Average Result Score	0.21
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Overall Score	0.19
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Colour Grade (Red, Yellow, Green)	
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The Final Grade

During this exercise, we obtained one yellow and two red (Red in proactive disclosure, Yellow in Assessment Area 2: Institutional measures and Red in Assessment Area 3: Processing information requests). The final colour grade will be RED

Final Grade	Colour	
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Abbreviation

FOI	Freedom of Information
KP	Khyber Pakhtunkhwa
MOCC	Ministry of Climate Change
MNFSR	Ministry of National Food Security and Research
MOIB	Ministry of Information and Broadcasting
PIC	Pakistan Information Commission
MPA	Ministry of Parliamentary Affairs
NA	National Assembly
PIA	Pakistan International Airlines
PIO	Public Information Officer
PR	Pakistan Railways
RTI	Right to Information

Annexure A

Measuring RTI Implementation

Methodology Developed by FOIANet

This methodology was developed by Freedom of Information Advocates Network (FOIANet) for gauging the implementation of Right to Information in a country.

The FOIANet is an international information-sharing network of organizations and individuals working to promote the right of access to information.

<https://foiadvocates.net>

The adoption, in 2015, of the Sustainable Development Goals (SDGs) represents an important opportunity for assessing the progress of States in a wide range of development areas. The SDGs cover a much broader set of issues than their predecessors, the Millennium Development Goals (MDGs). SDG 16, which is “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, is particularly relevant for right to information (RTI) advocates. And, within that, SDG Indicator 16.10.2 (the indicators are the concrete achievements that will be monitored to assess progress towards the SDGs) is directly relevant to RTI, stating: “Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.” Every country is expected to implement all of the SDGs.

This document contains a methodology prepared by the Freedom of Information Advocates Network (FOIANet) which is designed to be a simple tool to help civil society organisations conduct parallel assessments of the extent to which States have met SDG 16.10.2. Existing tools – such as the RTI Rating (www.RTI-Rating.org) – already tell us whether or not States have adopted right to information (RTI) laws and, if so, how strong those laws are. The purpose of this methodology is to provide a simple, standardised tool to assess the extent to which States with RTI laws are implementing them properly. Three main assessment areas for measuring implementation are included in this methodology, namely the extent to which a State is proactively disclosing information, the extent to which institutional measures have been put in place to assist with implementation, and the extent to which requests for information are being responded to properly (assessed via a simple request testing approach).

Most of the assessment tools focus on the performance of individual public authorities, since they are the primary duty-bearers under RTI laws. Because it is not realistic to assess every public authority, this methodology calls on reviewers to select five to ten different public authorities in each country being assessed. These authorities should be selected so as to represent different parts of the public sector (such as ministries, oversight or regulatory bodies, public corporations and so on).

This methodology is not designed to provide a ranking of States or public authorities. At the same time, a three-point final grade of red, yellow or green is awarded so as to provide some comparative measure, as well as some indication of whether or not a State is meeting its SDG 16.10.2 obligations. We recognize that some of the assessment tools used in this methodology ultimately require judgement calls. However, the way that results are aggregated across many variables means that such judgements are averaged out, meaning that final aggregated grades will be fairly and robustly reflective of the performance of a country (even if there will also necessarily be some borderline cases).

An excel sheet accompanies this methodology which facilitates the consistent recording of data collected. It also includes built-in formulas to calculate the scores in line with the scoring instructions. Additional information can also be recorded in a Word document.

Assessment Area One: Proactive Disclosure²⁷

Proactive disclosure is the release of information by public authorities without a request. This type of disclosure enables many people to access information from the government. As it is part of international standards relating to RTI, we also need to assess it as part of this methodology. Public authorities should publish on proactive basis both institutional information and information about their procedures for releasing information. The two tables below set out the minimum categories of information that each public authority should disclose proactively.

To measure proactive disclosure, reviewers should assess whether or not the authorities that are being assessed make the information in the two tables below available, whether through their websites and/or in other ways. Many RTI laws include a list of information which must be made proactively available but authorities should be assessed against the full list, even if the national RTI does not require this information to be published.

The assessment of whether or not information is published should be assessed against a five-point scale: (1) Full; (2) Full to Partial; (3) Partial; (4) Partial to None; and (5) None. The assessment of which score should be allocated, apart from (1) and (5), which are clear, ultimately depends on an evaluation of the reviewer of both what should be published in each category and how well the public authority has done vis-à-vis this. However, to try to ensure some consistency in the way scores are allocated, 'Partial' should be awarded where the authority has published around one-half of all of the information, 'Full to Partial' where the amount is clearly above one-half, and 'Partial to None' where the amount is clearly less than one-half.

Availability of institutional information

Type of information	Indicator	Published (Full/Full to Partial/Partial/Partial to None)	Data Source (website or location of information)
Institutional	Are functions of the authority and its powers published?		
Organizational	Is information about the organizational structure of the authority, including the names and contacts of key officials, published?		
Operational	Are any authority strategies, plans or policies published?		
Legislation	Are the laws governing the authority's operations published?		

²⁷ This section draws heavily on the Right to Information chapter of the OGP's Open Government Guide.

Type of information	Indicator	Published (Full/Full to Partial/Partial/Partial to None)	Data Source (website or location of information)
Activities and Service Delivery	Are descriptions of the main activities undertaken and services offered by the authority, including, for the latter, any forms required to be filled out and deadlines for application, published?		
Budget	Is information about the projected budget, actual income and expenditure, and/or audit reports published?		
Public Procurement and Contracts	Is detailed information on public procurement processes, criteria, outcomes of tenders, copies of contracts, and reports on completion of contracts published?		
Participation	Is information about the mechanisms and procedures for consultation and public participation published?		

Availability of information about the right to information

Type of information	Indicator	Published (Full/Full to Partial/Partial/Partial to None)	Data Source (website or location of information)
RTI information	Is an annual report on the status of implementation of the RTI law published including number of requests granted, refused and time taken to respond?		
How to make an RTI request	Is information on how to make an RTI request published, including contact details?		
Costs for publications	Is information about the costs/fees for paying for photocopies of information published?		
List of information requested	Is information related to RTI requests which were granted published?		

Notes:

- The information listed above may not be available for different reasons. For example, the information may simply not have been disseminated. However, another reason is that a website might not be working or the authority might be building a new website. For purposes of this assessment area, unless the non-availability is very short term (for example because a website is temporarily taken down but so briefly that it is still possible to conduct an assessment during the period of evaluation), these reasons are irrelevant and scores should be allocated based on what information is actually accessible.
- All 12 of the categories on the two lists above are considered to be relevant to all public authorities. Some authorities will have more information falling within one or another category, but no authority should simply ignore a category. As a result, every public authority being assessed should be given a score for each category.

Scoring

Authorities should be given the following 'marks' for each result area:

Full	Full to Partial	Partial	Partial to None	None
100%	75%	50%	25%	0%

Individual authorities should then be awarded a global score by averaging their scores for each result area (i.e. by adding their scores for each result area and then dividing by 12, the number of result areas). Individual authority's global marks should then be averaged to obtain an overall score (i.e. the global mark for each authority should be added and then divided by the number of authorities assessed).

Finally, a colour grade should be assessed based on the overall score as follows:

Red	Yellow	Green
0-33	34-66	67-100

Assessment Area Two: Institutional Measures

This assessment area looks at the institutional measures that have been put in place to support implementation of RTI laws. It is divided into two sections. The first focuses on the overall framework for implementation (i.e. it assesses central government actions and only needs to be applied once for each country). The second focuses on measures by individual authorities (and should, as a result, be applied separately to each authority being assessed). The two tables below reflect the substance of what is being assessed in each area.

1. For both tables below, the first column lists actions which should be taken to ensure that an RTI law is being implemented properly. The second column indicates whether or not the listed action has been taken while the remarks column allows researchers to comment on how it has been done.
2. Both tables are considered to represent minimum requirements for the effective implementation of an RTI law. Therefore, the presence or absence of these actions should be assessed regardless of whether or not the law calls for them. Thus, a country should be allocated a mark of 'no' if there is no independent oversight body, even if the law does not create such a body.

Note:

- A Nodal Agency is a central authority, often located inside of government but it could also be an independent body, which has certain responsibilities in the areas of coordination, capacity building and/or standard setting relating to RTI, but which is not an oversight body because it does not deal with complaints about requests for information. In some countries, this is a ministry which leads on RTI, while in other countries it is a human rights commission.

Table 1: Overall Framework for Implementation

Question/ Issue	Yes/No/Partially	Remarks
1. Has government established an RTI Nodal Agency? <i>(If yes, comment on its roles and functionality)</i>		
2. Has government established an independent RTI oversight body, such as an information commission? <i>(If yes, comment on its work and how effective it has been)</i>		

Table 2: Implementation by Individual Public Authorities

Question/ Issue	Yes/No/Partially	Remarks
1. Has the authority appointed an Information Officer who is responsible for RTI implementation? <i>(If yes comment on how the mandate functions)</i>		
2. Does the authority have an RTI implementation plan? <i>(If yes, comment on the extent to which such a plan has been operationalised)</i>		
3. Has the authority developed/ issued guidelines for receiving and responding to information requests? <i>(If yes, comment on their usage)</i>		
4. Does the authority make available relevant information for making requests, such as a form for this (online and in paper form) and contact details for the Information Officers?		
5. Has the authority provided RTI training to its information officers? <i>(If yes, comment on when the most recent training programme was conducted).</i>		

The remarks column for both tables should be used to record relevant information which may be used for the purposes of scoring. For example, where the independence or powers of the oversight body is limited, this should be mentioned. Where some training has been provided to information officers but this is limited in scope or depth (i.e. superficial), this could also be recorded.

Scoring

The following 'marks' should be allocated for each result:

Yes	Partially	No
100%	50%	0%

'Yes' should be awarded where the result is present and is of good quality. 'Partially' should be awarded where the result is present but has some weaknesses. For example, there may be an RTI Nodal Agency but it may have done nothing to support RTI, or the oversight body may not be independent or may lack the powers it needs to do its job properly. Alternately, there may be an RTI implementation plan, but it is of low quality or has not been updated for a long time. Annual reports may have been prepared only periodically or they may be very cursory in nature. 'No' should be awarded where the result is not present or is of such low quality as to be almost completely ineffective. In the case of appointment of an information officer, only marks of 'yes' or 'no' should be applied.

It may happen that it is difficult to find information about some of these institutional measures, such as whether an information officer has been provided with training. Although formally this might seem to warrant a 'not applicable' response, thereby removing the action from the scoring, the methodology calls for a 'no' to be allocated. This is because all of this information should be readily available (in the example above, the information officer should simply indicate to the reviewer whether or not s/he has received training) and the mere non-availability of this information is a serious RTI failing.

Average marks should then be generated for each of the seven (two plus five) actions being assessed here. For the overall framework, or central measures, the average will simply be the single mark obtained for the country. For the measures by individual public authorities, the average will be obtained by calculating the average mark for all of the authorities assessed. The overall score for this assessment area should then be obtained by calculating the average of all of the average marks for the seven actions.

Finally, a colour grade should be assessed based on the overall score as follows:

Red	Yellow	Green
0-33	34-66	67-100

Assessment Area Three: Processing of Requests

This is the most open-ended of the three approaches for measuring implementation because we felt it was important to leave it open to participants to choose questions that not only assessed implementation but also were relevant to their work or that of their partners.

The basic methodology involves making two or three requests for information to each of the five to ten focus public authorities. Some care needs to be taken at this point to avoid alerting the authorities to the fact that a test is going on. If the number of requests is low, so that even making two requests to a public authority will raise suspicions, this could be cut to just one request. You might think about who should make the requests and about using different individuals so as not to raise suspicions.

Some attention should be given to the sensitivity of the requests in terms of whether or not exceptions are potentially engaged. The differences between requests in different countries in this regard will mean that the results will never be strictly comparative. However, to limit this, we suggest that you aim to ask a range of questions, from those for which it is absolutely clear that no exception is engaged to those where this is more arguable (although all requests should aim to ask for information that you do not consider to be exempt under the law).

Information about making the request and how it was responded to should be recorded, ideally along the lines of the table below (although in practice you should use the attached excel file for this).

	Date Request Submitted	How Request was Filed	Date Receipt Received	Submitted (Y/N)	Date, if any, of response	Result	How information provided	Fee charged, if any	Comments
Authority 1, Question 1		(i)	(ii)	(iii)		(iv)	(v)		
Authority 1, Question 2									
Authority 2, Question 1									
...									

- i. Post, e-mail, fax, hand delivered
- ii. The date, if any, you receive an acknowledgement of or receipt for the request
- iii. If you were unable to submit, provide an explanation in Comments
- iv. See the list below
- v. Electronic copy, hard copy, right to inspect, and so on

The following 'manner of processing' issues should be recorded in the comments:

1. Whether a receipt was provided (if the law provides for this and, if relevant, within the time limit set out in the law).
2. Whether the response was timely (again, in accordance with the time limits set out in the law and any extensions were appropriate)
3. Whether information was provided in the format desired (again, if the law provides for this).
4. Whether and any fee charged was appropriate (again, in accordance with the limits in the law).

The Result will be one of the following (explanations below):

1. Oral Refusal
2. Written Refusal (in whole or in part)
3. Transferred
4. Referred
5. Mute Refusal
6. Information received
7. Incomplete Answer
8. Information Not Held
9. Unable to Submit

From among these, (6) is a legitimate result, (2), (3), (4) and (8) might be legitimate results and (1), (5), (7) and (9) are never legitimate.

Scoring

The request processing approach generates two types of results, the four issues identified above as ‘manner of processing’ issues and the final result. For each of these five issues, the following ‘marks’ should be allocated:

Yes	Partially	No
100%	50%	0%

The following considerations should be taken into account when allocating marks:

1. Provision of a receipt will normally receive a ‘yes’ or ‘no’ mark although ‘partially’ might be awarded, for example if the receipt was provided outside of the time limit set out in the law.
2. For timeliness, ‘yes’ should be awarded for a response which is provided within the initial time limit or within the allowed period for extensions, if any extension claimed is deemed to be legitimate (see below). ‘No’ should be awarded where the time limits were formally not respected (whether the initial time limits or an extension), or perhaps where a claimed extension was, although formally proper (i.e. within the formal conditions of the law), deemed to be grossly excessive. ‘Partially’ should be awarded where breaches of the time limits were minor (such as responses being a few days late) or where formally proper extensions were not considered to be legitimate. There may be many reasons for this. For example, in some cases, the law sets out conditions for claiming an extension and these might not appear to be present. In other cases, the request could be too simple to need an extension. In yet other cases, the extension could be too long compared to the complexity of the request. Ultimately here, as in other cases in this methodology where judgement calls need to be made, common sense is needed.
3. For format, ‘yes’ should be awarded where the information is received in the format desired or any refusal to do so appears to be sanctioned by the law (for example because it would harm the record). ‘No’ should normally be awarded where the information is not provided in the desired format and this does not appear to be sanctioned by the law. A ‘partially’ score would be rare here but it might be awarded where, even though the information was not provided in the desired format and this does not appear to have been sanctioned by the law, the authority appears to have paid some attention to this issue and made some effort to comply.
4. For the fee, ‘yes’ should be awarded whether either no fee was charged or any fee was in accordance with the law. ‘No’ should be awarded where a fee diverges significantly from what the law allows, and ‘partially’ should be awarded where a fee diverges somewhat from what the law allows. Ultimately, these are judgement calls based on common sense.
5. ‘Yes’ should be awarded for Information Received (Result 6).
6. ‘No’ should be awarded for Oral Refusal (Result 1), Mute Refusal (Result 5) and Unable to Submit (Result 9).
7. An Incomplete Answer (Result 7) should get a ‘no’ where a significant part (i.e. 50% or more) of the information requested was not provided and a ‘partially’ where a

significant part of the information was provided. Ultimately this is again a common sense judgement call.

8. The scoring of the result Written Refusals (Result 2) will depend on an assessment of the legitimacy of the grounds for refusal. Since the methodology calls for requests to relate to information which is not exempt, a 'yes' for this result will be rare and be awarded only where the grounds for the full or partial refusal appear to be legitimate. Where the grounds for the full or partial refusal appear to be somewhat reasonable, even if wrong, 'partially' may be awarded, while unreasonable refusals should earn a 'no'. In case of a partial refusal, where only a small amount of information has been removed, even based on an unreasonable refusal, 'partially' may also be awarded.
9. The scoring of the result Information Not Held (Result 8) will depend, first, on an assessment of whether or not this claim is accurate. If it is not deemed to be accurate – for example because it is simply not credible that the authority does not hold the information or because the authority is required by law to hold it – then a 'no' score should be given. If it is deemed to be quite unlikely to be accurate, 'partially' might be awarded. Even if the claim is correct, 'partially' should be awarded when the authority is supposed to transfer or refer the request to another authority but does not do this (which again involves a judgement call as to whether or not the initial authority should know of another authority which holds the information).
10. The scoring of Transferred (Result 3) and Referred (Result 4) will depend on whether this action was, according to the law, legitimate. Where the underlying grounds for this action (normally that the authority does not have the information (see above) but sometimes also because the information is more closely connected to the work of another authority) are not deemed to be present, a 'no' will normally be appropriate, unless there are some mitigating circumstances which justify a 'partially'. Where the underlying grounds are present, a 'yes' will normally be warranted, unless the law calls for a transfer and a referral was given (which should get a 'partially').

The scores for 'manner of processing' issues and the final result should be calculated separately. An average manner of processing score should be calculated for each request by averaging the four individual processing scores. These should then be averaged among all requests to obtain an overall manner of processing score. Similarly, the result scores should be averaged among all requests to obtain an overall result score. To obtain a final overall score, average the two interim overall scores (one for processing and one for result). Note that this places one-half of the weight on the (single for each request) result score and one-half on the (combined) process scores.

Finally, a colour grade should be assessed based on the overall score as follows:

Red	Yellow	Green
0-33	34-66	67-100

Explanation of Results

1. Oral Refusal

This is when an official from the authority informs you orally (spoken word or telephone) that they refuse to provide the information. If any reasons are given orally for refusing the request, these should be recorded under comments.

2. Written Refusal (in whole or in part)

This is when a refusal to provide the information, in whole or in part, is given in any written form (e.g. letter, e-mail or fax). Where the refusal is only partial, information may be blacked-out or “severed” or you are provided with only some of the relevant documents. The grounds given for refusing should be recorded under comments.

3. Transferred

This is when the authority transfers the request to another authority. Whether the authority informs you about this or not, and any reasons given, should be recorded under comments.

4. Referred

This is when the authority informs you that you should lodge the request with another authority (as opposed to transferring it itself). Once again, any reasons given for not responding directly to the request should be recorded under comments

5. Mute Refusal

This is where the authority simply fails to respond at all to a request or where answers are provided which are so vague that they cannot be classified in any other category listed here. A mute refusal is deemed to apply when the period in the access to information law for responding to requests has expired.

6. Information Received

This is when access is granted and information which responds to the request and which is complete or relatively complete is provided.

7. Incomplete Answer

Information is provided but it is incomplete, irrelevant or in some other way unsatisfactory. This is different from a partial refusal inasmuch as the authority appears to be treating this as a complete response (even though it is not) and it has not indicated that it is refusing information.

8. Information Not Held

This is where the authority responds claiming that it does not hold the information. Whether this seems to be credible or not should be recorded in the comments.

9. Unable to Submit

This is where, for whatever reason, you are simply not able to make the request. This should be extremely rare but it does sometimes happen, for example, that an authority will just not accept a request.

Final Grading

Final grades should be assigned to States and may also be generated for individual public authorities if desired. For a country, there should be three overall colour grades of red,

yellow and/or green, one for each assessment area (proactive disclosure, institutional measures and request processing). Similarly, for each individual public authority, three overall colour grades can be calculated, one for each assessment area.

From these three colour grades, the final grades should be allocated as follows:

# of Red	# of Yellow	# of Green	Final Score
3	0	0	Red
2	1	0	Red
2	0	1	Red
1	2	0	Yellow
1	1	1	Yellow
0	3	0	Yellow
0	2	1	Yellow
1	0	2	Green
0	1	2	Green
0	0	3	Green

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