

Annual Report of Information Commission - A Guide

(Reference: Section 25 of the Right to Information Act, 2005)



June 2006

This document has been prepared by the National Implementing Agency (NIA) Team at the Centre for Good Governance (CGG), Hyderabad under the Gol-UNDP supported Capacity Building for Access to Information (CBAI) Project.

Published by the Centre for Good Governance (CGG), Road No. 25, Jubilee Hills, Hyderabad - 500033, Andhra Pradesh (India) under the Capacity Building for Access to Information Project. For comments and suggestions, please contact NIA Coordinator at CGG, Tel: 040-23541907, 09, Fax: 23541953, e-mail: nia@cgg.gov.in

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Executive Summary

The Centre for Good Governance (CGG), Hyderabad in partnership with Yashwantrao Chavan Academy of Development Administration (YASHADA), Pune have been designated as the 'National Implementing Agency' (NIA) under the Department of Personnel and Training (DoPT), Ministry of Personnel, Government of India and United Nations Development Programme (UNDP) supported 'Capacity Building for Access to Information' (CBAI) Project. This Project intends to cover capacity building activities for implementing the Right to Information Act, 2005 in 12 selected states and 24 districts (2 districts in each state) in the country over the period 2005-08.

Under the project, NIA is carrying out various activities like training of resource persons (who in turn would conduct training programmes at State and District levels for Public Information Officers/ Assistant Public Information Officers/Appellate Officers, other government officials, NGOs, CSOs, media representatives etc.), launching the R2Inet – a comprehensive portal on Right to Information, conducting workshops with various stakeholders, preparing manuals and handbooks to guide implementation of the Act and undertaking other advocacy and dissemination activities.

Section 25 of the RTI Act, 2005 requires that the Central/State Information Commission(s) should submit annual reports to the Parliament or the State Legislatures, as the case may be, through the appropriate Government. This 'Guide', prepared by the 'CBAI–NIA team' at CGG, presents a broad structure on which the Annual Reports of the Information Commissions can be based. It would also facilitate in gathering of reports from departments/public authorities by Information Commissions under the Act. The guide suggests formats in which the relevant data collated by the Information Commission from various departments could be presented. It also includes suggested formats in which information relating to the status of implementation of the Act can be maintained by a public authority and can, in turn, be consolidated by the department concerned for all the public authorities under it.

Chapter 1 highlights the significant provisions of the RTI Act, 2005 and the key roles and responsibilities of the Central and State Information Commissions in the enforcement of the provisions thereof. Chapter 2 encapsulates the reporting functions of the Information Commissions as per the specific provisions of the Act. Chapter 3 seeks to present an outline for the 'Annual Report of the Information Commission' keeping in view its key role as provider of

remedy, educator and enforcer for creating the practical regime of right to information for citizens. It also suggests formats for presenting the various statistics collected from government departments in line with the provisions of the Act. Further it puts forward a suggested chapterisation scheme for the Annual Report of the Information Commission. An important component of this scheme is the proposed 'Grading System' for assessing the performance of public authorities by the Information Commission(s) with regard to transparency in operation. It also provides cues for key issues/challenges that need to be highlighted in the Annual Report along with the possible areas of recommendation and reforms.

Appendix I – VIII (including **Proforma 1 – Proforma 7**) contain the various suggested formats, whereby, the Departments can receive information about implementation of RTI Act from the concerned public authorities under them and send the same to the respective Information Commission. **Appendix VI** also suggests formats whereby, comprehensive registers can be maintained by the Public Authorities as well as the Information Commissions. The highlights of the 'Freedom of Information' regimes of some countries have been presented in **Appendix IX**. **Appendix X** enumerates the roles and responsibilities of the key 'Enforcement and Oversight Agency' under some of the progressive 'Freedom of Information' regimes in four countries – United Kingdom, Canada, Mexico and South Africa and also in Scotland and Queensland, Australia. **Appendix XI** provides a sneak preview of the broad outlines of the structure of reports of four Information Commissions / Commissioners outside the country.

The CBAI Project – NIA Team at CGG hopes that the contents of this guide would be of assistance to the Information Commissions in preparing their Annual Reports as mandated under Section 25 of the Right to Information Act, 2005 and to Public Authorities and Departments for implementing the Act in letter and spirit.

Chapter 1: Right to Information Act & Information Commissions

1.1 The Right to Information Act, 2005

A key objective of the Right to Information Act, 2005 (“the Act”) is to promote transparency and accountability in the working of every public authority in the country. The Act mandates a legal-institutional framework for setting out the practical regime of right to information for every citizen to secure access to information held by or under the control of public authorities. It prescribes mandatory disclosure of certain information to citizens and designation of Public Information Officers in all public authorities to attend to requests from citizens for information within stipulated time limits. It provides for appeal to designated appellate officers against the decisions of Public Information Officers. It also mandates the constitution of a Central Information Commission and State Information Commissions to enquire into complaints, hear second appeals, and guide implementation of the Act.

The setting up of Information Commissions at the Central and State levels to ensure the effective implementation of the right to information regime in the country is one of the most important provisions of the Act. Its importance can be judged from the fact that the long title of the Act itself makes a mention about the Commissions. The role played by the respective Commissions is likely to have a significant effect on whether or not the Act is implemented in letter and spirit by the public authorities operating at different levels. Apart from exercising the statutory functions entrusted to them, the Information Commissions are expected to act as ‘friend, philosopher and guide’ to citizens in the exercise of their right to information, and to public authorities in the discharge of their duties to make information accessible to the people.

1.2 Key Functionaries under the Act

With a view to establishing the practical regime of right to information for citizens, the Act prescribes rights, powers, roles and responsibilities of various key stakeholders as follows:

Citizens’ Right to Information

- all citizens shall have the right to information subject to the provisions of the Right to Information Act, 2005 [Section 3].

Public Authorities

[Authorities or bodies or institutions of self-government established or constituted —

(a) by or under the Constitution; (b) by any other law made by Parliament; (c) by any other law made by State Legislature; (d) by notification issued or order made by the appropriate Government; and includes any—

(i) body owned, controlled or substantially financed and (ii) non-Government Organisation substantially financed, directly or indirectly by funds by the appropriate Government]

- shall maintain all its records duly catalogued, indexed, computerized and connected through network [Section 4(1) a]
- shall proactively disclose stipulated information [Section 4(1) b, c & d]
- shall provide information *suo motu* at regular intervals and disseminate the same widely [Section 4 (2), (3) & (4)]
- shall designate Public Information Officers (PIOs) and Assistant Public Information Officers (APIOs) [Section 5 (1) & (2)]
- shall make information accessible with PIOs [Section 4 (4)]
- shall transfer mis-directed requests for information to appropriate Public Authorities [Section 6 (3)]
- shall implement the decisions of the Information Commission in cases of appeal, which are binding under Section 19 (7) of the Act, regarding taking such steps as may be necessary to secure compliance with the provisions of the Act, including providing information; appointing a Public Information Officer; publishing certain information; making necessary changes to record management practices; arranging training on the right to information for officials; providing the Information Commission with annual report [*suo motu* disclosure under Section 4 (1) (b)]; compensating the complainant for any loss or other detriment suffered; ensuring that the concerned Public Information Officers pay the penalties imposed by the Commission on them; and taking disciplinary action against the concerned Public Information Officers under the service rules applicable to them based on recommendations of the Information Commission.

Public Information Officer (PIO)

[Central Public Information Officer or State Public Information Officer designated under the Act, as the case may be].

- shall receive requests from persons seeking information and dispose such requests under the Act either providing the information requested on payment of prescribed fee or rejecting the request for reasons to be specified within the time period stipulated under the Act [Section 5 (3), 5(4) & 7(1)]

Other Officers [whose Assistance is sought by a Public Information Officer]

- shall render all assistance to the Public Information Officer who sought his or her assistance - to be treated as a Public Information Officer for the purpose of any contravention of the provisions of the Act [Section 5 (5)]

Designated Appellate Officer [an Officer senior in rank to Public Information Officer]

- shall deal with and dispose of appeal from any person who, does not receive a decision on request for information within the stipulated time or is aggrieved by a decision of the Public Information Officer [Section 19 (1) & (2)]

Information Commission [Central Information Commission constituted under Section 12 or State Information Commission constituted under Section 15 of the Act]

- shall receive and inquire into complaint from any person relating to access to information under the control of public authorities, including imposing penalties on the erring Public Information Officers and recommending disciplinary action against them [Section 18 (1) to 18(4) & Section 20];
- shall deal with and dispose of appeals against the decisions of the designated appellate officers including imposing penalties on and recommending disciplinary action against the erring Public Information Officers [Section 19 (3) to 19 (5), 19 (7) to 19 (10) & Section 20];
- may make recommendation to public authorities not conforming with the provisions or the spirit of the Act, specifying the steps which ought in its opinion to be taken for promoting such conformity [Section 25 (5)].

Ministries & Departments

- shall collect and provide such information in relation to the public authorities within their jurisdiction, to the Central Information Commission or State Information Commission, as the case may be, as is required by the Commission to prepare its annual report and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes [Section 25 (2)]

Appropriate Government [the Central Government or the State Government, as the case, in relation to a public authority, may be].

- may as soon as practicable after the end of each year, cause a copy of the report of the Information Commission to be laid before each House of Parliament or each House of the State Legislature, as the case may be [Section 25 (4)];
- may, to the extent of availability of financial and other resources —
 - (a) develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under the Act;
 - (b) encourage public authorities to participate in the development and organisation of such educational programmes and to undertake such programmes themselves;
 - (c) promote timely and effective dissemination of accurate information by public authorities about their activities; and
 - (d) train Public Information Officers of public authorities and produce relevant training materials for use by the public authorities themselves – user guides on the Act and related matters [Section 26].
- shall, within 18 months from the commencement of the Act, compile in its official language a guide containing such guidelines or information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in the Act and, if necessary, update and publish such guidelines at regular intervals which shall, in particular include—

- (a) the objects of the Act;
 - (b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Public Information Officer of every public authority;
 - (c) the manner and the form in which request for access to an information shall be made to a Public Information Officer;
 - (d) the assistance available from and the duties of the Public Information Officer of a public authority under the Act;
 - (e) the assistance available from the Information Commission;
 - (f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by the Act including the manner of filing an appeal to the Commission;
 - (g) the provisions providing for the voluntary disclosure of categories of records in accordance with Section 4 of the Act;
 - (h) the notices regarding fees to be paid in relation to requests for access to an information; and
 - (i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with the Act.
- may, by notification in the Official Gazette, make rules to carry out the provisions of the Act [Section 27].

Competent Authority [the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union Territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State; the Chief Justice of India in the case of the Supreme Court; the Chief Justice of the High Court in the case of a High Court; the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution; the administrator appointed under Article 239 of the Constitution].

- may, by notification in the Official Gazette, make rules to carry out the provisions of the Act [Sections 28].

1.3 Constitution of Central/State Information Commissions

Section 12 and Section 15 of the RTI Act 2005 provide for the constitution of the Central Information Commission (CIC) and State Information Commission (SIC) respectively to exercise powers conferred on it by the Act (Chapter V, Section 18).

The key provisions for the Central and State Information Commissions relate to the following:

- the (Central / State) Information Commission shall consist of (a) the Chief Information Commissioner / State Chief Information Commissioner and (b) such number of (Central / State) Information Commissioners, not exceeding 10, as may be deemed necessary;
- the Chief Information Commissioner/State Chief Information Commissioner and (Central / State) Information Commissioners shall be appointed by the President / Governor on the recommendation of a committee consisting of—
 - (i) the Prime Minister / Chief Minister, who shall be the Chairperson of the Committee;
 - (ii) the Leader of Opposition in the Lok Sabha / State Legislative Assembly; and
 - (iii) a Union Cabinet Minister / Cabinet Minister in the State to be nominated by the Prime Minister / Chief Minister;
- each Commission would function as an autonomous body exercising the powers conferred on, and performing the functions assigned to it under the Act;
- the general superintendence, direction and management of the affairs of the Commission shall vest in the Chief Information Commissioner / State Chief Information Commissioner who shall be assisted by the respective Information Commissioners;
- the Chief Information Commissioner/State Chief Information Commissioner and every Information Commissioner shall hold office for a term of five years from the date of entering upon office or till attaining the age of 65 years whichever is earlier;
- the Chief Information Commissioner/State Chief Information Commissioner or any Information Commissioner shall be removed from office only by order of the President / Governor on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President / Governor, has, on inquiry, reported that the Chief Information Commissioner/State Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed;

- the Central / State Government shall provide the Chief Information Commissioner/State Chief Information Commissioner and the Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under the Act and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of the Act shall be such as may be prescribed.

1.4 Powers and Functions of Information Commissions

Section 18 of the Act spells out the powers and functions of the (Central / State) Information Commission. The Information Commission:

- shall receive and inquire into a complaint from any person —
 - (a) who has been unable to submit a request to a Public Information Officer either by reason that no such officer has been appointed under this Act, or because the Assistant Public Information Officer has refused to accept his or her application for information or appeal under the Act for forwarding the same to the Public Information Officer or appellate officer or the Information Commission as the case may be;
 - (b) who has been refused access to any information requested under the Act;
 - (c) who has not been given a response to a request for information or access to information within the time limit specified under the Act;
 - (d) who has been required to pay an amount of fee which he or she considers unreasonable;
 - (e) who believes that he or she has been given incomplete, misleading or false information under the Act; and
 - (f) in respect of any other matter relating to requesting or obtaining access to records under the Act;
- may initiate an inquiry in respect of complaint, if satisfied that there are reasonable grounds to inquire into the matter;
- shall, while inquiring into a complaint, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
 - (b) requiring the discovery and inspection of documents;
 - (c) receiving evidence on affidavit;
 - (d) requisitioning any public record or copies thereof from any court or office;
 - (e) issuing summons for examination of witnesses or documents; and
 - (f) any other matter which may be prescribed.
- may, during the inquiry of any complaint under the Act, examine any record to which the Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be.

Section 19 [(7), (8), (9) & (10)] of the Act highlight the powers of the Commission pertaining to the decision in appeals:

- The Information Commission to decide appeals in accordance with the prescribed procedure and its decision shall be binding;
- in its decision, the Information Commission has the power to —
 - (a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of the Act, including —
 - (i) by providing access to information, if so requested, in a particular form;
 - (ii) by appointing a Public Information Officer;
 - (iii) by publishing certain information or categories of information;
 - (iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
 - (v) by enhancing the provision of training on the right to information for its officials;
 - (vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;

- (b) require the public authority to compensate the complainant for any loss or other detriment suffered;
 - (c) impose any of the penalties provided under the Act;
 - (d) reject the application.
- the Information Commission shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

The Commission may also impose penalty on and/or recommend for disciplinary action against erring Public Information Officers [Section 20 (1), (2)]

- where the Information Commission, at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of Rs.250 each day till application is received or information is furnished subject to the total amount of such penalty not exceeding Rs.25,000;
- the Public Information Officer shall be given a reasonable opportunity of being heard by the Commission before any penalty is imposed on him or her;
- the burden of proving that a Public Information Officer acted reasonably and diligently shall be on himself or herself;
- where the Information Commission, at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Information Officer under the service rules applicable to him or her.

1.5 Critical Role of Information Commissions

The importance of the role of Information Commissions can be gauged from the fact that they find a mention in the long title of the Act itself. Section 18 of the Act prescribes that the Information Commission shall receive and inquire into a complaint from “any person” in respect of any matter “relating to requesting or obtaining access to records under the Act”. It also empowers the Commission, during the inquiry of any complaint under the Act, to examine “any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds”.

Section 19 stipulates that the decision of the Information Commission “shall be binding”. Further, the Information Commission, while deciding on appeals, can require a public authority “to take any such steps as may be necessary to secure compliance with the provisions of the Act”. Section 19 further stipulates that while deciding on appeals, the Information Commission is competent to “impose any of the penalties provided under this Act”.

Section 20 gives no option to the Information Commission excepting “shall impose a penalty....” on the concerned PIO in case of denial of access to information without a reasonable cause.... and “shall recommend for disciplinary action” against the concerned PIO in case of persistent denial of access to information under the provisions of the Act without any reasonable cause, and other malafide action to deprive a citizens of his/her right to access information with public authorities.

Section 25 (3) (g) stipulates that the Information Commission shall recommend every year to the Government reforms on any “matter relevant for operationalising the right to access information”.

The various provisions relating to Information Commissions under the Right to Information Act 2005 clearly place a crucial responsibility on the Commissions towards the establishment of the practical regime of right to information for citizens and promotion of transparency and accountability in the working of public authorities in the country. This role encompasses aspects of remedy, education, enforcement and guidance for reforms.

Chapter 2: Reporting by Information Commissions

2.1 Provisions of the RTI Act

The Right to Information Act 2005 mandates annual reports to be submitted by the Central and State Information Commissions [Section 25 (1), (3) & (4)]. The key provisions in the Act in this regard are:

- the Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of the Act during that year and forward a copy thereof to the appropriate Government;
- each report shall state in respect of the year to which the report relates —
 - (a) the number of requests made to each public authority;
 - (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked;
 - (c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;
 - (d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
 - (e) the amount of charges collected by each public authority under this Act;
 - (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of the Act;
 - (g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to the Act or other legislation or common law or any other matter relevant for operationalising the right to access information;

- the Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature, before that House.

It should be noted that the Act [Section 25 (2)] clearly specifies that each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required by the Commission to prepare its annual report and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of the Act.

2.2 Report of Information Commissions in Other Countries

The latest Annual Reports of the Information Commissions of several countries including Canada, UK, Scotland and Queensland in Australia under the relevant Freedom of Information (Fol) laws were examined for this study.

The coverage of these reports is largely characterised by a review of performance over ‘the past year’, and a preview of the plan of action ‘for the year ahead’. This information has usually been interspersed with providing relevant facts and figures as also case summaries. Furthermore, the Commission makes appropriate recommendations to the government in the light of the experiences gained, with respect to the changes required in the law and other support expected from them. These reports also include ‘statements’ communicated specifically to stakeholders, including public authorities and the public at large, in addition to other relevant and related information categorized under various heads and sub-heads.

These reports also include information like Vision / Mission statements of the Information Commission, frequently asked questions, summaries of the court cases involving the Commission, and most importantly, compliance of the Information Commission with law, being a public authority itself.

Generally, an account of the Commission’s activities with respect to the year in review includes:

- a wide-ranging analysis of implementation of the relevant FoI Act(s) that make up the practical regime of freedom of information and their evaluation also in terms of the stated objectives;
- a description of the visible improvement in the situation regarding freedom of access to information (after the FoI Act and other relevant Acts coming into force) with special reference to both, the positive developments as well as the pitfalls;
- a commentary on the number of appeals received by the Commission (due to dissatisfaction with information provided, information denied and / or reasons provided for the latter; and details of Court rulings in which the Information Commission was involved;
- acknowledgement of the support received from the higher echelons in the government and various quarters for strengthening the FoI regime in general and the Information Commission in particular;
- a preview of improved Records Management as a result of the legislation;
- evaluation of education and training with respect to the administration of law that the Information Commission may have taken a lead in conducting, or even otherwise;
- information on services requisitioned and used by the Information Commissioners;
- an 'As Is' account of the resources at the Commission's disposal and their utilisation; a statement of Accounts of the Information Commission;
- chronicling and reviewing the 'better practices' initiated by some public authorities / governmental agencies as well as the instances of default on the part of some other public authorities;
- relevant statistics on improvements/deterioration in performance of various public authorities in regard to their obligations under FoI law;
- brief reports on various studies initiated by the Government / Information Commission on the various aspects of implementation of the law;
- case summaries (of cases of appeal to the Information Commission) briefly describing the background, the legal issues, the findings and recommendations (post-conduct of investigations) and the outcomes thereof;

- important developments, announcements, events during the year in question;
- identification of the causes for poor implementation – i.e. the problems in the processes that support the administration of the Act in a given organisation / institution;
- suggestions and recommendations – in the light of the Commission's / Commissioners' experience with respect to fine tuning/enhancing/ streamlining its mandate/authority and also including recommendations for further reform in the legislation(s) concerned;

The UK report covers the tasks accomplished by the Information Commission / Commissioner during the year in question in the execution of its role as (a) **an educator** (a promoter of good practices for organisations as it conveys helpful information to the public), (b) **a remedy provider** (providing redress for legitimate grievances within its authority) and (c) **an enforcer** (embarking upon appropriate and adequate regulatory action firmly and fairly). It clarifies the various functions of the Commission accordingly as under the law, and also in practice and as prioritised depending upon the needs of the situation.

Those sections of the reports that deal with issues with respect to the year ahead, usually cover:

- the soft issues of implementation – the discourteousness of the officials, faulty interpretation of requests or corruption and the 'Whys' and 'Hows' of addressing these issues on an ongoing basis and in a dynamic manner;
- a review of the manner in which most of the initiatives have been embarked upon in the previous year, suggestive of an apparent or implicit statement of what the Information Commission(er) proposes to do in the time to come;
- suggestions/recommendations for reform of the Act itself through subsequent amendments and details of the acceptance of such suggestions by the government and the changes proposed by the government in future and the role of the Information Commission related to these aspects;
- a brief comparative analysis of performance of the previous year with that of the years before and what needs to be done on a priority basis during the year ahead (on the basis of the findings of the analysis);

- future plans for infusion of a greater degree of professionalism in the functioning of the Commission as well as for harnessing technology for best results in keeping with the mission and objectives.

The Canadian Commission selects a few departments each year for detailed review and grades their performance (with respect to the administration of the various provisions of the Act). Report cards are generated and publicised in the Commission's report. These report cards also make recommendations with respect to desirable process improvements towards enhancing the preparedness of the department in question, towards greater and better compliance. **Appendix IX** provides the scenarios on right to information in select countries. **Appendix X** provides a summary on the role of Information Commissioners in select countries with progressive Freedom of Information regimes. **Appendix XI** gives the outlines of reporting structure adopted by the Information Commissions of United Kingdom, Scotland, Canada and Queensland, Australia for their Annual Reports.

Chapter 3: Format of Annual Report of Information Commission

3.1 Annual Report of Information Commission

Section 25 of the Right to Information Act, 2005 casts a mandatory responsibility on the Information Commission at the end of every year to “prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate government” for placing the same before the concerned Legislature. Subject to this overarching provision, Section 25 (3) provides for the mandatory inclusion of certain aspects in the Annual Report of the Commission. The latter encompass three key areas:

(1) Implementation by Public Authorities

- Disposal of requests for information and first appeals under the Act;
- Particulars of disciplinary action taken by public authorities against officers in respect of administration of the Act;
- Amount of charges collected by each public authority under the Act;
- The facts which indicate efforts by public authorities to administer and implement the spirit and intention of the Act.

(2) Implementation by Information Commission

- Disposal of complaints and second appeals.

(3) Recommendations by Information Commission to Public Authorities/ Departments/ Ministries/Appropriate Government for reforms: (a) over-arching and (b) public authority-specific:

- Development, improvement, modernisation, reform or amendment to the Act or other legislation or common law or
- Any other matter relevant for operationalising the right to access information.

An important matter to consider in the above context is that the Information Commission, apart from discharging its role with regard to being a provider of remedy, educator and enforcer of

law, is required to publish its own annual report under Section 4 (1) (b) of the Act, itself being a public authority. Practically the Information Commissions across the globe provide an “as is” picture of their activities, utilization of the resources at their disposal, a statement of their accounts as part of their annual reports and their plans for the coming year. They combine their overview of implementation of the right to freedom of information with their own reports as public authorities, as both are closely inter-connected. They also give accounts of best practices initiated by public authorities / governmental agencies to foster open government as well as instances of default on the part of some other public authorities.

In the light of the above discussions, we suggest that the Annual Report of the Information Commission takes into account both the reporting requirements under Section 25 as well as the discharge of its functions in accordance with Sections 18, 19 and 20 of the Act.

3.2 Format for Information Commission’s Annual Report

There may be two parts to the Annual Report of the Information Commission as follows:

Part I: Main Report

Part II: Statistical Tables

3.2.1 Part I: Main Report

At the outset, it is important to highlight the fact that the Report of the Information Commission must necessarily adopt a holistic perspective keeping in view the comprehensive role envisaged of it under the Act. Apart from having appellate jurisdiction, the Information Commission also has a definite role in redressing complaints, providing appropriate specific and general guidance to the public authorities and Central/State Government for effective implementation of the Act and undertaking reforms as needed. The “practical regime” of right to information for every citizen will not be possible without a holistic approach adopted by the Information Commission.

Secondly, it is important to draw attention to Reports of Information Commissions/ Ombudsmen in other countries. Clearly the role of these authorities is evolving and they are in the process of creating their own conventions and space. Though the exact role, powers and functions of Information Commissions, Ombudsmen and Appellate Authorities vary from country to country, valuable trends and inputs can be gleaned from annual reports published by such institutions. Most Information Commissions across the world take a holistic approach and explicitly or implicitly

assume the roles of educator, remedy provider, enforcer and promoter of reforms. They tend to be a friend, philosopher and guide to citizens as information seekers and public authorities and officials as information providers. India's Right to Information Act 2005 being more comprehensive and more powerful than most similar legislations across the world, it is expected that the Annual Report of the Information Commission under Section 25 of the Act addresses the issues of enforcing citizens' right of access to information held by public authorities and enhancing transparency and accountability in their working.

In the above background, effort has been made in this study to provide a structured format for the Annual Report of the Information Commission along with suggested contents, data appendices, formats for data gathering and schemes of analysis in line with the provisions under Section 25, read with other Sections of the Act. This document has also drawn key inputs from similar reports presented by Information Commissions/Ombudsmen in other countries. A key objective of this study is to suggest standard reporting procedures and formats for all Information Commissions in the country so that cross-cutting comparisons and best practices learning and dissemination will be easy. The RTI Act, 2005 is a modern piece of legislation which talks of indexing, cataloguing and computerization of information and nation-wide networking of the same. Adoption of standard formats and reporting procedures will facilitate such networking and benefits emanating from the same.

To bring about uniformity in content and comprehension, the following terminology is proposed to be adopted:

- The Central or State Government may be referred to as 'Government';
- A parent Ministry/Department headed by a Secretary to Government may be referred to as 'Department' which, including its secretariat, will have a group of public authorities;
- A body or institution established or constituted under the Constitution or Law or Government Order including those owned, controlled or substantially financed and also NGOs substantially financed directly or indirectly by Governments may be referred to as 'public authority'.
- An office, agency, corporation, company, cooperative etc. under the parent Ministry/ Department/Public Authority having independent functional status and having a Public Information Officer (PIO) may be referred to as an 'administrative unit' or a PIO unit.

The above terminology, which corresponds to the Act provisions, simplifies the determination of the levels of information and report generation as consisting of PIO, Public Authority, Department and Information Commission. The information and analysis provided by the Annual Report of the Information Commission and actions suggested by it may be organized along these tiers of information gathering and reporting.

A similar terminology may be adopted for data collection and record-keeping. PIOs would be required to send reports to the concerned 'Public Authority' which in turn would consolidate the information provided by different PIOs and send consolidated report for the Public Authority to the 'Department' concerned. The Department will consolidate the reports of all concerned Public Authorities. The combined reports of all Departments will be that of the appropriate Government and will form the basis for preparation of the Annual Report of the Information Commission. An online/e-enabled package adopted at PIO/Public Authority/Department levels would ultimately lead to easy aggregation and automatic generation of data needed by the Information Commission for its Annual Report. We suggest that this e-tool may be developed by the Government of India/Central Information Commission on top priority.

The Report of the Information Commission may keep in view the critical tasks needed to be performed by key authorities under the Act. These tasks relate to the following:

Public Authorities

- Management of Records – Section 4 (1)(a)
- *Suo Motu* Disclosure of Information under Section 4 (1) (b), (c) and (2)
- Appointment of PIOs, APIOs & Appellate Officers
- Disposal of Information Requests by PIOs
- Disposal of Appeals by Designated Appellate Officers
- Collection of Costs, Charges, Fees from Citizens and Penalties from PIOs
- Taking Disciplinary Action against erring Public Information Officers
- Significant efforts to administer and implement the spirit and intention of the Act.

(A) Information Commission

- Disposal of Complaints
- Disposal of Appeals
- Direction to Public Authorities to compensate Complainants for Loss or Detriment suffered
- Decisions/Recommendations :
 - Appointment of a Public Information Officer
 - Publication of Information or Categories of Information
 - Changes in Record Management Practices
 - Training for Officials
 - Annual Report under Section 25
 - Imposition of Penalties on PIOs
 - Recommendation of Disciplinary Action against PIOs
 - Guidelines for record-keeping.

(B) Ministries/Departments/Government

- Record Management, Computerisation of Records, Networking and Information Systems Development and Management
- Facilitate Proactive Disclosure of Information and Transparent Decision-making Processes under Section 4
- Training and Awareness Building (Under Section 26)
- Partnerships with Civil Society
- Monitoring and Evaluation of Implementation of the RTI Act
- Other Enforcement and Educative Measures

The suggested structure of the Annual Report of the Information Commission is presented below:

Annual Report of Information Commission – (Year)

Suggested Structure

Chapter 1 About the Information Commission

Chapter 2 Overview of Implementation of the RTI Act, 2005

2.1 Management of Records

2.2 Suo Motu Disclosure of Information

2.3 Appointment of PIOs/APIOs and Appellate Officers

2.4 Disposal of Information Requests by Public Information Officers

2.5 Disposal of First Appeals by Designated Appellate Officers

2.6 Disposal of Complaints by Information Commission

2.7 Disposal of Second Appeals by Information Commission

2.8 Denial of Access to Information - Analysis

2.9 Action Taken against Erring Officials

(A) Penalties Imposed by Information Commission

(B) Disciplinary Action Recommended by Information Commission

2.10 Fees & Charges Collected

Chapter 3 Significant Initiatives by Departments, Public Authorities & Others

Chapter 4 State of Transparency Report: Grading of Public Authorities by the Commission

Chapter 5 Key Issues & Challenges

Chapter 6 Commission's Observations & Recommendations

Appendices:

Appendix I

Consolidated Statement of Information Requests Made & Access to Information Denied

Appendix II

Consolidated Statement of the Nature of Appeals Referred to Information Commission

Appendix III

Consolidated Statement of Outcomes of Appeals to Information Commission against Rejection of First Appeals

Appendix IV

Consolidated Statement of the Nature of Appeals Rejected by Information Commission

Appendix V

Consolidated Statement of Decisions by Information Commission requiring Compliance by Public Authorities with Section 19 of RTI Act, 2005

Appendix VI

Consolidated Statement of Penalties Imposed by Information Commission on Public Information Officers

Appendix VII

Consolidated Statement of Disciplinary Action against Officers under the RTI Act

Appendix VIII

Proforma for Registers

Proforma 1: Register of Requests for Information to & Disposal of Requests by Public Information Officers

Proforma 2: Register of Rejection of Information Requests by Public Information Officers

Proforma 3: Register of Costs, Fees & Charges Collected

Proforma 4: Register of First Appeals against Decisions of Public Information Officers

Proforma 5: Register of Complaints to Information Commission

Proforma 6: Register of Appeals to Information Commission against Decisions of Appellate Officers

Proforma 7: Register of Implementation of Decisions/Suggestions of Information Commission

A detailed outline of each component of the Report of the Information Commission is suggested below:

Chapter 1: About the Information Commission – An Overview

This chapter may provide a basic introduction to the Information Commission along the following suggested dimensions:

- Constitution of the Commission – when it was constituted, who are its members, contact details etc.
- Commission’s Vision and Mission
- Duties, Powers and Functions of the Commission
- Activities undertaken by the Commission during the year – A summary statement of disposal of complaints and appeals received by the Commission, complaints investigated, PIOs and other officers summoned and records inspected (Section 18), appeals decided, decisions issued and compensations awarded (Section 19), penalties imposed and disciplinary actions recommended against erring PIOs (Section 20), suggestions made to public authorities regarding reforms (Section 25) etc.
- Key issues facing the Commission – highlights of factors that may have inhibited or assisted the functioning of the Commission
- Annual Accounts of the Commission
- Broad observations of the Commission regarding its future course of activities

Chapter 2: Overview of Implementation of the RTI Act

This chapter may contain an overview of the implementation of the Act at various levels along with observations of the Commission. A key objective of this chapter is to provide a status report on the action taken by various authorities to secure the practical regime of right to information for citizens based on factual data pertaining to the reporting year.

This chapter may contain the following sections:

2.1 Management of Records:

- Indexing and cataloguing of records
- Development of management information systems
- Computerisation of records and networking
- E-Tools for monitoring the implementation of RTI Act

(B) Reasons for Complaint to Information Commission

It is suggested that the reasons for complaint to the Information Commission may be studied so that recommendations can be made to address the root causes that give rise to complaints. Information on grounds of complaints may be provided in the Report of the Information Commission with reference to relevant Sections under the RTI Act: 18 (1) (a) to 18 (1) (f).

The following format is suggested for undertaking analysis of the reasons for making complaints to the Information Commission as they relate to the various sections of the RTI Act:

Reasons of Complaints to Information Commission

Reporting Year :

Reason for Complaint	No. of Complaints pending with Information Commission as on end of last year	No. of Complaints preferred during the Year	Total No. of Complaints with Information Commission	No. of Complaints Disposed	No. of Complaints Rejected	No. of Complaints pending for more than 90 Days
(1)	(2)	(3)	(4)	(5)	(6)	(7)
18 (1) (a)						
18 (1) (b)						
18 (1) (c)						
18 (1) (d)						
18 (1) (e)						
18 (1) (f)						

Highlights of some important cases of complaints disposed by the Information Commission may be provided under this Section.

2.7 Disposal of Second Appeals by Information Commission

This Section may address Department-wise Second Appeals Disposed, Rejected etc. as follows:

- No. of Second Appeals pending with Information Commission at end of Last Year
- No. of Second Appeals preferred during the Year
- Total no. of Second Appeals with Information Commission
- No. of Second Appeals Disposed
- No. of Second Appeals Rejected
- No. of Second Appeals pending for more than 90 Days

The following format is suggested for analyzing the grounds of Denial of Access to Information at Public Information Officer/Appellate Officer/Information Commission levels :

Nature of Appeals against Information Requests Rejected
Reporting Year:

Section	PIO Level		First Appellate Authority Level		Information Commission Level	
	No. of Requests Rejected	Rejection/Disposed %	No. of First Appeals Rejected	Rejection/Disposed %	No. of Second Appeals Rejected	Rejection/Disposed %
Section 8 (1) (a)						
Section 8 (1) (b)						
Section 8 (1) (c)						
Section 8 (1) (d)						
Section 8 (1) (e)						
Section 8 (1) (f)						
Section 8 (1) (g)						
Section 8 (1) (h)						
Section 8 (1) (i)						
Section 8 (1) (j)						
Section 9						
Section 11						
Section 24						
Other						

2.9 Action against Erring Officials

This Section may address penalties imposed on and disciplinary action recommended against erring officials by Information Commission and action taken thereon as follows:

(A) Penalties Imposed & Collected

- Details of Penalties imposed by Information Commission under Section 20 (1)
- Details of Penalties Collected

The following format is suggested for annual reporting by Information Commission:

Penalties Imposed & Collected

Reporting Year:

Name of Department	Details of Penalties Imposed by Information Commission under Section 20 (1)	Details of Penalties Collected

(B) Disciplinary Action Recommended & Taken against Erring Officials

- Details of Disciplinary Action Recommended by Information Commission under Section 20 (2)
- Details of Disciplinary Action Taken based on Recommendations of Information Commission
- Details of Other Disciplinary Action Taken (Other than those recommended by Information Commission)

The following format is suggested for reporting by the Information Commission:

Disciplinary Action Taken against Officers in respect of Administration of RTI Act

Reporting Year:

Name of Department	Details of Disciplinary Action Recommended by Information Commission under Section 20 (2)	Details of Disciplinary Action Taken based on Recommendation of Information Commission	Other Disciplinary Actions Taken (Other than those recommended by IC)

2.10 Fees & Charges Collected

This Section may provide all costs, fees and charges collected by public authorities during the course of administration of the Right to Information Act as follows:

- Cost Collected: Section 4 (4)
- Fee Collected: Section 6 (1)
- Fee Collected: Section 7 (1)
- Fee Collected: Section 7 (5)
- Other Charges Collected (Specify)
- Total Amount Collected

The following format is suggested for annual reporting by the Commission:

Summary of Costs, Fees & Charges Collected by Public Authorities Reporting Year:

Name of Department	Cost Collected: Section 4 (4)	Fee Collected: Section 6 (1)	Fee Collected: Section 7 (1)	Fee Collected: Section 7 (5)	Other Charges Collected: (Specify)	Total Collection

The various formats suggested for presentation of summary information in the Annual Report of the Information Commission will need to be generated from the records maintained by the Information Commission and reports furnished by Departments/Public Authorities to the Information Commission for preparation of its Annual Report. We suggest that only summary data may be presented department-wise in the main report and the detailed data for public authorities constituting a department may be presented in Appendices to the Annual Report. **Appendices I– VII** provide the formats for presentation of detailed data in appendices to the Annual Report of the Information Commission.

Chapter 3: Significant Initiatives by Departments, Public Authorities & Others

It is suggested that this chapter may undertake a qualitative review of the efforts made by Government, Public Authorities and other stakeholders to implement the RTI Act provisions in letter and spirit, including record management under Section 4 (1) (a), pro-active disclosure under Section 4 (1) (b), transparent decision-making and reporting under Section 4 (1) (c) & (d), record-keeping and furnishing of information to the Information Commission under Section 25, taking up capacity building and training programmes including awareness building under Section 26, monitoring and evaluation to track implementation of the Act and other measures.

Demand side issues such as partnerships with civil society organizations, non-government organizations, media etc. and activities undertaken in partnership with them to build awareness among the people and the civic society may be addressed separately under this Chapter.

This Chapter may also present the Best Practices and Innovations undertaken by Ministries/ Departments/Public Authorities/Civil Society Groups/Media/Individuals which may be commended by the Information Commission for wider replication.

It is suggested that the recommendations of the Information Commission may be grouped under the following broad areas:

- Record Management, Computerisation & Networking including Development of Information Systems, e-Tools etc.
- *Suo motu* Disclosure of Information and Transparent Decision-making
- Appointment of and support to Public Information Officers and Appellate Authorities
- Training and Awareness Building Programmes
- Partnerships with Civil Society and Peoples' Organisations
- Other Initiatives.

The suggested formats for reporting under this Chapter by the Information Commission are provided below:

Significant Initiatives by Government/Public Authorities to implement the RTI Act:

Record Management, Computerisation & Networking

Reporting Year:

Department	Key Initiatives undertaken during the Year

**Significant Initiatives by Government/Public Authorities to implement the RTI Act:
Suo Motu Disclosure & Transparent Decision-Making
Reporting Year:**

Department	Key Initiatives undertaken during the Year

**Significant Initiatives by Government/Public Authorities to implement the RTI Act:
Designation of & Support to Public Information Officers & Appellate Authorities
Reporting Year:**

Department	Key Initiatives undertaken during the Year

**Significant Initiatives by Government/Public Authorities to implement the RTI Act:
Training & Awareness Building Programmes
Reporting Year:**

Department	No of PIOs/ APIOs/Other Officials Trained	No of CSO/NGO/ Citizen Group/ Public Representatives Trained	Awareness Building Activities Undertaken

Significant Initiatives by Government/Public Authorities to implement the RTI Act:
Partnerships with Civil Society
Reporting Year:

Department	Key Initiatives undertaken during the Year

Other Significant Initiatives by Government/Public Authorities/Others to
implement the RTI Act:
Reporting Year:

Department	Key Initiatives undertaken during the Year

Chapter 4: State of Transparency Report: Grading of Public Authorities by the Commission

To foster a sense of serious intent and competition, a system of grading Public Authorities/ Departments may be adopted. This has been adopted by Information Commissions in select countries.

The table below presents a simple and objective grading methodology consisting of four composite criteria (and sub-criteria) namely:

- (a) Record Management;
- (b) *Suo Motu* Disclosure;
- (c) Disposal of Information Requests & First Appeals; and
- (d) Capacity Building & Training.

Sl. No.	Composite Criteria	Marks
1.	Record Management, Information	
	Systems Development, Computerisation etc.	20
	1.1 Record Management Practices	10
	1.2 Information Systems Development & Computerisation etc.	10
2.	<i>Suo Motu</i> Disclosure of Information & Dissemination	40
	2.1 Information Handbook – Updated Publication : 4 (1) (b)	10
	2.2 Dissemination including Web Site, Print Media etc.	10
	2.3 Transparent & Reasoned Decision-making : 4 (1) (c) & (d)	10
	2.4 Directory of PIOs/APIOs/AOs	10
3.	Disposal of Information Requests & First Appeals	20
	3.1 Designation of PIOs/APIOs/AOs	5
	3.2 Timely Disposal of Requests to PIOs	10
	3.3 Timely Disposal of First Appeals	5
4.	Capacity Building, Training & Awareness Building	20
	4.1 Training Programmes for PIOs/Other Officials	10
	4.1 Training Programmes for CSOs/Citizen Groups	10
	Total	100

Description of Individual Criteria

Record Management, Information Systems Development, Computerisation etc.

- Record Management Practices: Indexing, cataloguing and maintenance of records
- Information Systems Development & Computerisation etc.: Management Information Systems (MIS) development for maintenance and retrieval of records and information including computerization

Suo Motu Disclosure of Information & Dissemination

- Information Handbook – Updated Publication u/s 4 (1) (b): Proactive disclosure of 17 categories of information listed u/s 4 (1) (b)
- Dissemination through Web Site, Print Media etc.: Dissemination of mandatory information through various means of communication including internet
- Transparent & Reasoned Decision-making : 4 (1) (c) & (d): Dissemination of relevant facts while formulating important policies or announcing decisions which affect public
- Directory of PIOs/APIOs/AOs: Preparation, publication and dissemination of directory of PIOs/APIOs/AOs

Disposal of Information Requests & First Appeals

- Designation of PIOs/APIOs/AOs: (at various levels)
- Timely Disposal of Requests to PIOs: – defined as % disposal of requests (as per time limits specified in the Act) out of total applications including applications pending at beginning of the year
- Timely Disposal of First Appeals: defined as % disposal of appeals (within 30 days) out of total applications including appeals pending at beginning of the year

Capacity Building, Training & Awareness Building

- Training Programmes for PIOs/Other Officials: No. of training programmes conducted and no. of PIOs/other officials trained
- Training Programmes for CSOs/Citizen Groups: No. of training programmes conducted and no. of representatives from CSOs/Citizen Groups sensitized

Based on the marks obtained on the above mentioned criteria, Departments/Public authorities can be graded into four categories in terms of transparency as highlighted below:

Grade	Description	Marks	Colour
A	Ideal	90-100	Green
B	Substantial	75-89	Blue
C	Average	50-74	Orange
D	Below Standard	< 50	Red

The grading system suggested above is meant to provide a generic framework and act as a tool to promote transparency among public authorities/departments. Information Commissions may adopt their own grading systems as considered appropriate. Self-assessment/state of transparency reports could also be instituted for public authorities/departments. It is suggested that independent/expert agencies may be engaged by Information Commissions to assist them in computation of grades.

Chapter 5: Key Issues & Challenges

This chapter would outline the key issues faced in the implementation of the Act and how the government and public authorities, in partnership with the civil society and media, can face up to these challenges for creating the practical regime of right to information.

Issues and challenges could be identified along the following dimensions.

A. Creating an Enabling Environment for implementation of the Act: These issues would largely be required to be tackled by the appropriate Government and may include:

- Legal and Institutional bottlenecks and changes
- Absence of operational guidelines and rules
- Uniform coding structures for classification of data and meta-data and development of networks
- Need for a dedicated institutional arrangement for coordination, monitoring, review and evaluation of implementation of the Act

- Need for and support to public education efforts and mass awareness campaigns
- Development of a bank of case laws

B. Operationalisation and Enforcement of the Act: These issues would be required to be tackled by the individual Ministries and Departments and may include:

- Designation of PIOs/APIOs/AOs; Directory of PIOs/APIOs/AOs
- Development and institution of record management and information system within public authorities: Human Resource Management Information System, Financial Management Information System, Project Management Information System, Legal Caseload Management Information System, Performance Management System etc.
- Enabling Proactive Disclosure under Section 4 (1) (b) by public authorities and making information available with PIOs
- Training and Sensitisation of PIOs/APIOs/AOs and other functionaries
- Sensitisation of CSOs/NGOs/Community Groups
- Disposal tracking: monitoring of disposal of information requests and appeals at various levels and actions taken thereon by public authorities and departments
- Coordination, monitoring, review and evaluation of RTI implementation by public authorities and departments.

C. Effective Implementation & Empowerment: These are broader issues that require to be tackled by the public authorities under individual Departments such as:

- Using RTI to improve transparency and accountability on the part of field offices/service delivery units of departments
- Improving service delivery to citizens through use of RTI
- Public education efforts and mass awareness campaigns
- Community mobilization, Voice, Social Audit and RTI
- Addressing other demand-side issues

Chapter 6: Commission's Observations & Recommendations

Based on the findings from the above chapters, the Information Commission may encapsulate its key observations on various issues. The observations of the Commission may be structured along the same dimensions highlighted in the earlier chapters. We strongly suggest that the Information Commission undertakes various kinds of studies through professional institutions/consultants as in the case of the Information Commissions in other countries. The findings of those studies may be presented in the Annual Report.

As per Section 25 (g), the Information Commission may list its recommendations based on findings and observations highlighted in the earlier chapters. A suggested list of areas on which the Commission may give its recommendations is given as under:

- a. Legal and Institutional changes
 - Changes to the RTI Act
 - Changes to Other Laws
 - Operational Guidelines and Rules
- b. Systemic Reforms
 - Record Management
 - Computerisation & Networking
 - Process re-engineering
 - Citizen-centric governance
- c. Operationalisation & Enforcement
 - Designation of PIOs/ APIOs/Appellate Officers
 - Directory of Public Authorities, PIOs, APIOs & Appellate Authorities
 - Support to PIOs, Appellate Authorities
 - Institutional mechanism for coordination, monitoring and review within appropriate Government
 - Support to Information Commissions
- d. Proactive Disclosure and Transparency

- *Suo motu* Disclosure u/s 4 (1) (b)
 - Transparency in decision-making u/s 4(1) (c)
 - Speaking Orders u/s 4 (1) (d) – to affected persons
 - Wide dissemination of information
- e. Disposal of Requests and Appeals
- Disposal of Information Requests
 - Disposal of First Appeals
 - Disposal of Second Appeals
- f. Capacity Building & Training
- Training Manuals & Guides
 - Training & Capacity Building Programmes
 - Research & Documentation
- g. Demand side issues and Role of Civil Society
- Partnerships with CSOs/NGOs/Community
 - Public education efforts & mass awareness campaigns
 - Training/Sensitization of CSOs/NGOs/Community/Citizens
- h. Department/Public Authority-specific Recommendations

Part II- Statistical Tables

This part of the report may contain the statistical tables as annexures to the Main Report. The following appendices may be annexed to the Main Report.

Appendix I

Consolidated Statement of Information Requests Made & Access to Information Denied

Appendix II

Consolidated Statement of the Nature of Appeals Referred to Information Commission

Appendix III

Consolidated Statement of Outcomes of Appeals to Information Commission against Rejection of First Appeals

Appendix IV

Consolidated Statement of the Nature of Appeals Rejected by Information Commission

Appendix V

Consolidated Statement of Decisions by Information Commission requiring compliance by Public Authorities with Section 19 of the RTI Act

Appendix VI

Consolidated Statement of Penalties Imposed by Information Commission on Public Information Officers

Appendix VII

Consolidated Statement of Disciplinary Action under the RTI Act

The Commission may also attach the following formats as additional annexure to the Main Report (Appendix VIII) with a view to ensuring that appropriate registers are maintained by Public Information Officers/Public Authorities/Departments so that the required information can be easily furnished to the Information Commission for the preparation of its Annual Report ,

Appendix VIII

Proforma 1: Register of Requests for Information to & Disposal of Requests by Public Information Officer

Proforma 2: Register of Rejection of Information Requests by Public Information Officers

Proforma 3: Register of Costs, Fees & Charges Collected

Proforma 4: Register of First Appeals against Decisions of Public Information Officers

Proforma 5: Register of Complaints to Information Commission

Proforma 6: Register of Appeals to Information Commission against Decisions of Appellate Officers

Proforma 7: Register of Implementation of Decisions/Suggestions of Information Commission

It will be important for the Information Commission to recommend the designing of e-enabled MIS so that the preparation of reports by Departments for the Information Commission and the Annual Report of the Information Commission can be an easy and smooth affair.

Appendix I
Consolidated Statement of Information Requests Made & Access to Information Denied
Report for the Year:

Sl. No.	Name of Department	Name of Public Authority	Total No. of Requests to PIOs including those pending as on end of Last Year	Total No. disposed during the Year	Total No. of Cases Access Denied	No. of Deemed Refusal under Section 7(2)	Rejection under Section 8										Rejection under Other Sections			
							8 (1) (a)	8 (1) (b)	8 (1) (c)	8 (1) (d)	8 (1) (e)	8 (1) (f)	8 (1) (g)	8 (1) (h)	8 (1) (i)	8 (1) (j)	9	11	24	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)
1.		1.																		
		2.																		
		3.																		
		Total for Department																		
2.		1.																		
		2.																		
		3.																		
		Total for Department																		

Appendix II
Consolidated Statement of the Nature of Appeals Referred to Information Commission
Report for the Year:

Sl. No.	Name of Department	Name of Public Authority	Total No. of Appeals pending as on end of Last Year	No. of Appeals Preferred during the year	Total No. of Appeals	No. of Appeals Referred to the Information Commission U/S														
						7 (2)	8 (1) (a)	8 (1) (b)	8 (1) (c)	8 (1) (d)	8 (1) (e)	8 (1) (f)	8 (1) (g)	8 (1) (h)	8 (1) (i)	8 (1) (j)	9	11	24	Others
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)
1.		1.																		
		2.																		
		3.																		
	Total for Department																			
2.		1.																		
		2.																		
		3.																		
	Total for Department																			

Appendix III
Consolidated Statement of Outcomes of Appeals to Information Commission against Rejection of First Appeals
Report for the Year:

Sl. No.	Name of Department	Name of Public Authority	Total No. of Requests Made to PIOs including those pending as on end of last year	Total No. of Requests Rejected	Total No. of Appeals to First Appellate Authority including those pending end of Last Year	Total No. of Appeals Rejected by First Appellate Authority	Total No. of Appeals to Information Commission including those pending on end of Last Year	Total No. Decided in favor of Appellant	Total No. of Cases: Direction issued to secure Compliance Section 19 (8) (a)	Total No. of Cases Public Authority required to compensate Complainant Section 19 (8) (b)	Total No. of PIOs on whom Penalties Imposed Section 20(1)	Total No. of PIOs against whom Disciplinary Action Recommended Section 20(2)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1.		1.										
		2.										
		3.										
	Total for Department											
2.		1.										
		2.										
		3.										
	Total for Department											

Appendix IV
Consolidated Statement of the Nature of Appeals Rejected by Information Commission
Report for the Year:

Sl. No.	Name of Department	Name of Public Authority	Total No. of Appeals including those pending as on end of Last Year	No. of Appeals Disposed during the year	Total No. of Appeals Rejected	No. of Appeals Referred to the Information Commission U/S															
						7 (2)	8 (1) (a)	8 (1) (b)	8 (1) (c)	8 (1) (d)	8 (1) (e)	8 (1) (f)	8 (1) (g)	8 (1) (h)	8 (1) (i)	8 (1) (j)	9	11	24	Others	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	
1.		1.																			
		2.																			
		3.																			
		Total for Department																			
2.		1.																			
		2.																			
		3.																			
		Total for Department																			

Appendix V
Consolidated Statement of Decisions by Information Commission requiring Compliance by
Public Authorities with Section 19 of RTI Act, 2005
Report for the Year:

Sl. No.	Name of Department	Name of Public Authority	Total No. of Decisions by Information Commission	No. of Decisions Requiring Public Authorities to							Amount of Compensation required to be Paid
				Provide Access to Information in particular Form – 19 (8) (a) (i)	Appoint Public Information Officer -19 (8) (a) (ii)	Publish Information or categories of Information - 19 (8) (a) (iii)	Make changes in Record Management Practices - 19 (8) (a) (iv)	Provide Training on RTI - 19 (8) (a) (v)	Provide Section 4 (1) b Report - 19 (8) (a) (vi)	Compensate complainant - 19 (8) (b)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1.		1.									
		2.									
		3.									
	Total for Department										
2.		1.									
		2.									
		3.									
	Total for Department										

Appendix VI
Consolidated Statement of Penalties Imposed by Information Commission on Public Information Officers
Report for the Year:

Sl. No.	Name of Department	Name of Public Authority	No. of PIOs								Amount in Rs	
			Who refused to receive Application	Who did not furnish information within Time Limit	who malafidely denied request	Who knowingly gave incorrect, incomplete or misleading information	who destroyed information involved in the request	who obstructed furnishing information	On whom Penalty Imposed	from whom Penalty collected	Amount of Penalty Imposed	Amount of Penalty Collected
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1.		1.										
		2.										
		3.										
	Total for Department											
2.		1.										
		2.										
		3.										
	Total for Department											

Appendix VII
Consolidated Statement of Disciplinary Action against Officers under the RTI Act
Report for the Year:

Sl. No.	Name of Department	Name of Public Authority	No of Cases								PIOs against whom Disciplinary Action Taken by Public Authority
			PIOs against whom Disciplinary Action recommended by Information Commission	where PIO failed to receive Application	where PIO did not furnish information within Time Limit	where PIO malafidely denied Request	where PIO knowingly gave incorrect, incomplete or misleading information	where PIO destroyed information	where PIO obstructed furnishing information		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
1.		1.									
		2.									
		3.									
		Total for Department									
2.		1.									
		2.									
		3.									
		Total for Department									

Appendix VIII Proformae for Registers

Proforma 1: Register of Requests for Information to & Disposal of Requests by Public Information Officer*

Name of Department:

Name of Public Authority:

Name of Public Information Officer:

Designation:

Sl. No.	Request Application No. & Date	Name of Applicant & Address	Whether applied to Asst PIO or PIO	Date of Receipt by PIO	Category of Applicant: BPL/ Other	Brief Description of Request for Information	Involving Third Party Information or Not	Involving Section 24 Approval of IC or not	Date Application Fee Paid	Amount of Application Fee Paid	Date of Intimation of Further Fee/ Cost
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Date of Further Fee/ Cost Paid	Amount of Further Fee/Cost Paid	Last Date of giving Information as per Time Limit	Date Information Provided	Whether Full Information Provided	Whether Partial Information Provided	Whether Third Party Information Provided	Date of Rejection	Section under which information denied	Whether Appeal made against the Decision	Any Other Information
(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)

* To be maintained by Public Information Officer

Proforma 4: Register of First Appeals against Decisions of Public Information Officers*

Name of Department:

Name of Public Authority:

Name of Public Information Officer:

Designation:

Sl. No.	Appeal No. & Date	Name of Appellant & Address	Category of Applicant: BPL/ Other	Date of Receipt of Appeal by Appellate Officer	Name & Designation of PIO against whose decision Appeal filed	PIO's Decision No.	Date of Decision by PIO
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Section of RTI Act under which Access to Information denied**	Last Date of deciding Appeal as per Time Limit	Date of Decision by Appellate Authority	Whether Appeal Upheld	Whether Appeal Rejected	If Rejected, Section under which Access to Information denied	Whether Second Appeal has been preferred before Information Commission	Any Other Information
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

* To be maintained by First Appellate Authority

** Section 7(2) , 7(3b), 10(2e), 8(1)(a) - 8(1)(j), 9,11,24, others

Proforma 5: Register of Complaints to Information Commission*

Sl. No.	Complaint No. & Date	Details of Complaint	Name & Address of Complainant	Category of Applicant: BPL/ Other	Reason for Complaint					
					18 (a)	18 (b)	18 (c)	18 (d)	18 (e)	18 (f)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Whether Inquiry Initiated	Whether PIO summoned	Whether relevant Records accessed /examined by Commission?	Details & Date of Decision of Information Commission	Whether Public Authority is required to compensate the Complainant. If so details.	Whether Penalties imposed on PIO (Specify)	Reason for imposition of Penalties	Whether Disciplinary Action Recommended by Commission (Specify)	Reason for Recommending Disciplinary Action
(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)

* To be maintained by Information Commission Secretariat

Proforma 6: Register of Appeals to Information Commission against Decisions of Appellate Officers*

Sl. No.	Appeal to Commission Case No.	Date of Appeal to Commission	Name & Address of concerned Ministry/ Department	Name & Address of concerned Public Authority	Name & Address of Appellant	Name & Address of concerned Public Information Officer	Request for Information Application No.	Category of Applicant: BPL/ Other	Date of Application to PIO	Details & Date of Decision by PIO	Name & Address of the First Appellate Authority	First Appeal Case No.
1	2	3	4	5	6	7	8	9	10	11	12	13

Date of First Appeal	Details & Date of Decision by First Appellate Authority	Section under which First Appeal Rejected**	Details & Date of Disposal of Appeal by Information Commission	Whether Appeal Upheld	Whether Appeal Rejected	If Rejected, Section under which Second Appeal Rejected**	Details of Decisions Issued to Public Authority Section 19	Whether Compensation required to be paid by the Public Authority	If Appeal upheld whether Penalties imposed on PIO (Specify): Section 20	Reason for imposition of Penalties	If Appeal upheld whether Disciplinary Action Recommended (Specify): Section 20	Reason for Disciplinary Action
14	15	16	17	18	19	20	21	22	23	24	25	26

* To be maintained by Information Commission Secretariat

** Section 7(2) , 8(1)(a) - 8(1)(j), 9,11,24, others

Proforma 7: Register of Implementation of Decisions/Suggestions of Information Commission*

Name of Department:

Name of Public Authority:

Sl. No.	Reference No. from Information Commission	Date of Reference	Details of Decision	Action taken to Implement Decision	Details of Compensation to be Paid by Public Authority	Details of Compensation Paid	Details of Penalties Imposed
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Details of Penalties Collected	Details of Disciplinary Actions Recommended by Information Commission	Details of Disciplinary Actions Taken	Suggestions of Information Commission	Details of Action Taken to Implement the Suggestions	Other Significant Actions Taken	Any Other Information
(9)	(10)	(11)	(12)	(13)	(14)	(15)

* To be maintained by Public Authority

Appendix IX

Right to Information: Scenarios in Other Countries

The right to / freedom of information / access to information - i.e. 'information contained in official documents' - is now truly an international phenomenon. A large number of countries of the world from the United States to Philippines and from Iceland to Zimbabwe now recognise the citizens' right to freedom of information.

It is evident and understandable, however, that the nature and elements of the freedom of access to information regimes in these countries vary depending upon different factors. In many countries, the recognition for this right to information has been incorporated in the Constitution itself. In addition, of course, there has / have been further enactment(s) of enabling legislation(s) to operationalise the right to freedom of information in accordance with the laws so laid down. In Czech Republic, in addition to constitutional recognition, the 1993 'Charter of Fundamental Rights and Freedoms' provides for a right to information. The Liechtenstein law goes a step further and also sets rules on the openness of meetings of the Parliament, commissions and municipalities

Hong Kong, on the other hand, has a very weak regime due to both, a weak law and weak enforcement mechanisms. In Germany, the Federal law is more restrictive and weak than the laws of some of the States in the country. In Italy, the right to access information is limited. The law requires that those requesting information 'must have a concrete interest to safeguard in legally relevant situations'. The law in Zimbabwe has been criticised both by activists within and observers without to have been used by the establishment as an instrument to restrict the freedom of information and the freedom of press.

The existing statutory regime in many countries deals comprehensively with the recognition of the right of individuals to a variety of documents and records and to different kinds of information i.e. governmental / administrative, environmental and personal – held with both public and private bodies. However, the implementation is not equally robust in all these countries. There have also been a few instances, as was the case in India as well, where the apex court has construed the right to information to be instrumental in the exercise of freedom of speech and expression.

In most of the countries, the freedom of access to information regime was established through a

specific law / act or through several different, but related legislations. The freedom of information regime, in these cases, comprises laws and regulations that lay down, on their part, broad guidelines for the incidence of a right to information (some deal with it in relatively greater detail) for the citizens and sometimes for other 'legal persons' as well – subject of course to the stipulated exemptions (e.g. Bosnia and Herzegovina). In Israel, too, the right is granted to non-citizens and non-residents relating to their rights in Israel.

It is not always the case that that one dedicated and consolidated authority, along the lines of say, the Information Commission(s) – as in India – has been entrusted with the responsibility of proper enforcement of the Act. The regulatory framework has mostly been in the form of specific authorities appointed for oversight of implementation for the several Acts that deal with specific kinds of information. At times, a separate authority has been appointed for monitoring the implementation of the 'Secrecy Act' that might be in place

The right to / freedom of Information laws differ from country to country with respect to the various aspects they deal with. These differences are found with respect to timelines, the oversight authority, the appellate mechanisms etc. In some countries, the exemptions, have not been laid out in the law, but have been separately legislated upon, and in such cases, information can be withheld only if another law, say, the law on 'Data Protection' or 'Classified Information' restricts its disclosure. In Austria, on the other hand, the Constitution itself stipulates the secrecy provisions that would be applicable for all access to information legislations.

Usually, mandatory exemptions from the ambit of the Freedom of Information regime have been allowed on more or less similar grounds, with only slight variations. Generally speaking, the exemptions include information regarding state, official and other trade secrets, pre-investigative data, information that needs to be protected for a professional activity or that might infringe upon copyright or intellectual property rights, cabinet documents, documents affecting national security, defense, and international relations, personal or privacy documents, danger to the right of intellectual property, information related to preparatory work, ongoing negotiations etc.

The laws in Mexico and other countries classify the information exempted from their respective right to information acts into various types or levels and set rules / tests that can allow for exceptions. In Spain, access to documents containing personal information is available only to those persons whose names find a mention in the documents. The Tajikistan law provides that

citizens also have the right to know why information is being collected, by whom and for what purpose and to access personal information held about them and can demand that it be complete and accurate. Sweden allows requests to be in any form and that they can even be anonymous, in addition to requiring the public authority to respond immediately and at no charge.

Likewise, the regulatory regimes too have either been constituted as a single authority or have been disparate – constituting separate authorities for oversight of implementation of the various legislations in force. There have been several instances of the authority of oversight being vested in the office of an already existing Human Rights Commission or Ombudsman. In some countries, the oversight / regulatory agencies have been empowered to act only as recommendatory bodies. In most countries, despite this, their rulings / recommendations are generally considered to be binding. In some other countries they are much stronger and their authority covers the entire gamut of activities from carrying out investigations to applying sanctions.

In some countries (as in Serbia), the public authorities also have an obligation, according to the law, to promote and enhance free access to information in practice and to assist all state organs in carrying out their new responsibilities. Another example is the South African Human Rights Commission which is required under the law to issue a guide on the Act and submit reports to Parliament.

Almost all countries in the whole of Europe as well as the Scandinavian countries, provide to their citizens the ‘right to be informed on the status of the environment and its protection’ either in accordance with their ratification of the ‘Aarhus Convention’¹, and / or related directives of the European Commission or even otherwise.

With respect to restrictions / exemptions those countries in Europe which are members of North Atlantic Treaty Organisation (NATO), have had to comply with additional requirements of Data Protection, for which they have enacted separate legislation(s). This has been done in compliance with requirements for NATO membership.

¹ i.e. the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters’ done at Aarhus, Denmark – June 25, 1998.

The objective of the Convention lays down that In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.

Some countries – their respective enforcement agencies – have interpreted ‘information’ in the context of their relevant freedom / right to information laws, rather comprehensively than others. Thus, some include administrative details like appointment of officers responsible for the law, publicising information on the websites of public bodies, which have them, their location, functions, rules, methods and procedures, categories of exemptions, investigations or prosecutions in criminal cases, information under other relevant acts and information that requires to be provided under the provisions agreed to in international agreements. Usually, public bodies are also required to publish information about their structure and procedures and submit annual reports of their information-disclosure activities.

Some countries (like Belgium and France) also state in the law that documents obtained under the law cannot be used or distributed for commercial purposes. Copyrighted information, as per the law in Iceland, can be released, but the requestors will have to scrupulously adhere to the Copyright Laws / rules. Interestingly, in Ecuador, the law also requires universities and educational institutions to develop curricula to educate and promote discussion on the citizen’s right of access to information. The Ukrainian law makes a distinction between a ‘response’ on a request and ‘action taken with respect to providing information on request’

In many countries, having a right to / freedom of Information law, requestors can demand that information that is incomplete or inaccurate be amended or corrected. Furthermore, there are sanctions in place against both legal and physical persons for failure to make information available and criminal penalties for intentionally damaging, destroying, or concealing information. In addition, the countries that have enacted ‘Personal Data’ legislations allow individuals to access and correct data about them held by public as well as private bodies. Likewise, some countries define a ‘public authority’ in more expansive terms than others.

The laws in several countries provide for certain ‘tests’ to decide whether any data / information are in the public interest or otherwise to determine the reasons for non-disclosure. Thus if a ‘harm test’ shows that denial of information can cause “substantial harm” to defense and security interests, the protection of public safety, crime prevention and crime detection; then information has not only to be released immediately, but withholding it would amount to a punishable offence. In Switzerland, in processing requests, decision-makers will have to weigh the interest of the

public versus the private and government interests in maintaining secrecy.

Some countries have enacted laws regarding protection of private/personal information held by the public agencies and entities. The citizens have freedom of access to and correction of information about them held by both public and private authorities. The law also provides that certain information which are very personal to an individual cannot be disclosed unless it is necessary to do so in larger public interest.

Appendix X

Right to Information: Role of Information Commissioners in Select Countries with Progressive Freedom of Information Regimes

United Kingdom

The Information Commissioner's Office (ICO) is an independent supervisory authority reporting directly to the UK Parliament. The ICO regulates and enforces the Data Protection Act 1998, the Freedom of Information Act 2000, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and the Environmental Information Regulations 2004.

The Information Commissioners Office needs to ensure that:

- Public information is out in the open, unless there are good reasons for non-disclosure;
- Personal information is properly protected.

The Information Commissioner's main responsibilities under the Act are to:

- Promote good practice by public authorities in the observance of the Act;
- Inform the public about the Act;
- Approve publication schemes, including model schemes;
- Consider complaints about any alleged failure to comply with the Act;
- Issue decision notices and exercise enforcement powers to ensure compliance.

As an independent referee, the Information Commissioner ensures that information is released where it is required under the law. The stated approach is to be reasonable, responsible and robust, recognising that greater openness should strengthen, not undermine, effective government. The Information Commissioner's activities include:

- Providing general enquiry service for individuals and organisations;
- Publishing guidance and information to encourage organisations to achieve good practice and help individuals to understand their rights;
- Resolving eligible complaints from people who think the Data Protection Act or Freedom of Information Act has been breached;

- Maintaining the public register of data controllers, under the Data Protection Act;
- Approving publication schemes adopted by public authorities under the Freedom of Information Act;
- Prosecuting those who commit offences under the legislation;
- Speaking to groups to raise awareness of the law and how it works and thus influencing thinking on privacy and access issues.

Thus on the whole, the Information Commissioner's role and responsibilities, with respect to the 'Freedom of Information Act' are that of **an educator** (a promoter of good practices for organisations while conveying helpful information to the public), **a remedy provider** (providing redress for legitimate grievances within its authority) and **an enforcer** (embarking upon appropriate and adequate regulatory action firmly and fairly).

Scotland

The Scottish Information Commissioner is responsible for enforcing and promoting the right to access public information created by the Freedom of Information (Scotland) Act, 2002 and the Environmental Information (Scotland) Regulations, 2004. Essentially, it deals with promoting improved access to information held by public authorities in order to foster a better awareness by the public of their rights to information.

The strategy employed by the Information Commissioner includes:

- Make known and apply enforcement procedures, which utilise the powers available to conduct thorough investigations and, in a fair, objective and transparent manner, arrive at decisions which are accepted;
- Engage with parties to ensure that they have identified the issues of dispute and secured the necessary information to make a determination;
- Consider, in the course of investigation whether individual cases would benefit from effecting a settlement;
- Maintain a high awareness of relevant and related legislative changes, judicial decisions and decisions of counterparts in other jurisdictions;

- Provide for effective training and professional development of staff;
- Publish the basis for SIC decisions on applications to improve decision-taking by public authorities;
- Develop professional development inputs for key staff of public authorities in Scotland;
- Develop a strong evidence base from national and international research to promote freedom of information;
- Conduct regular surveys of public awareness;
- Maintain detailed records of operational activities and expenditure for the Annual Report, and annual accounts as well as to project future work patterns and financial requirements;
- Develop and maintain an operational plan to deliver on these strategies.

Queensland, Australia

In Queensland, one of the provinces in Australia, the enforcement of the right of the citizens to freedom of access of information under the Freedom of Information Act 1992 is acclaimed to be effective. The Information Commissioner's role covers the following:

- provide a relatively speedy, cheap, fairly informal and user-friendly method of dispute resolution in disputes between agencies and applicants under the FoI Act;
- a person who is not satisfied with an agency's decision at internal review can apply for external review by the Information Commissioner;
- the Commissioner or his/her delegate is able to conduct a complete review of the merits of the decision and make a determination;
- compile and make available a guide on how to use the FoI Act as contemplated in the Act;
- submit reports to the National Assembly as contemplated in the Act;
- develop and conduct educational programmes to advance the understanding of the public, in particular of disadvantaged communities, of this Act and of how to exercise the rights contemplated in the Act;

- encourage public and private bodies to participate in the development and conduct of training programmes and to undertake programmes themselves;
- promote timely and effective dissemination of accurate information by public bodies about their activities.

Canada

The Information Commissioner investigates complaints from people who believe that they have been denied rights under the Access to Information Act 1983 — Canada’s freedom of information legislation. An independent Ombudsman appointed by Parliament, the Information Commissioner has strong investigative powers. He mediates between dissatisfied applicants and government institutions.

The Information Commissioner investigates complaints of dissatisfied applicants that:

- they have been denied requested information;
- they have been asked to pay too much for requested information;
- the department’s extension to provide information (beyond the stipulated time limit of 30 days) is unreasonable;
- the material was not in the official language of choice or the time for translation was unreasonable;
- other problems in the use and implementation of the Act.

However, since the Commissioner is only an Ombudsman, the Commissioner may not order a complaint resolved in a particular way. Thus he relies on persuasion to solve disputes, asking for a Federal Court review only if he believes an individual has been improperly denied access and a negotiated solution has proved impossible.

Mexico

The ‘Federal Institute for Access to Public Information’ is a body of the Federal Public Administration which is independent in its operations, budget and decision-making and charged with promoting and publicizing the exercise of the right of access to information, ruling on the denial of requests for access to information and protecting personal information held by the

agencies and entities under the 'Federal Transparency and Access to Public Government Information Law, 2002'. For purposes of its rulings, the Institute will not be subject to any authority, will make its decisions with full independence, and will be provided with the necessary human and material resources for carrying out its functions.

The Institute has the following functions:

- to interpret the Law as an administrative regulation, according to the Constitution;
- to accept and settle appeals brought by individuals requesting information;
- to establish and oversee the application of criteria for categorizing, declassifying and preserving classified and confidential information;
- to assist the General Archive of the Nation in developing and applying criteria for cataloging and preserving documents, as well as organizing the archives of the agencies and entities;
- to monitor and, in the event of non-compliance, make recommendations to the agencies and entities for compliance;
- to provide individuals with guidance and advice regarding requests for access to information;
- to provide technical support to the agencies and entities for developing and carrying out their information programs as established by the Act;
- to develop forms for requesting access to information as well as access to and correction of personal information;
- to establish guidelines and general policies for handling, maintaining, securing and protecting personal information held by the agencies and entities;
- to alert the internal oversight body of each agency and entity of suspected infractions of the law and its regulations. In the event that the internal oversight bodies issue final decisions that result in rulings, they must notify the Institute, which in turn must make them public through its annual report;
- to promote and, when required, carry out the training of public servants in matters of access to information and protection of personal information;

- to broadcast the benefits of the public management of information to public servants and private citizens, as well as explain their responsibility to use the information properly and to preserve it;
- to develop studies and investigations intended to publicize and broaden awareness of the substance of the Law;
- to cooperate with respect to matters addressed by the Law with other subjects compelled by the Law, federal entities, municipalities, or their bodies of information access by means of the creation of agreements or programs;
- to carry out investigations, as and when necessary, and order government bodies to release information, and apply sanctions (which can be appealed against).

South Africa

The 'Human Rights Commission' is entrusted with the implementation of the 'Promotion of Access to Information Act, 2000'. Its activities/responsibilities include:

- to carry out investigations, order government bodies to release information, and apply sanctions (which can be appealed to the courts);
- to provide inputs for development, improvement, modernisation, reform or amendment of the Act or other legislation or common law having a bearing on access to information held by public and private bodies, respectively;
- to lay down the procedures in terms of which public and private bodies make information electronically available;
- to monitor the implementation of the Act;
- to assist any person (if reasonably possible, on request) wishing to exercise a right contemplated in the Act;
- to recommend to a public or private body that the body makes such changes in the manner in which it administers the Act as the Commission considers advisable;
- to train information officers of public bodies;

- to consult with and receive reports from public and private bodies on the problems encountered in complying with the Act;
- to obtain advice from, consult with, or receive and consider proposals or recommendations from, any public or private body, official of such a body or member of the public in connection with the Commission's functions under the Act;
- to request the Public Protector to submit to the Commission information with respect to
 - the number of complaints lodged with the Public Protector in respect of a right conferred or duty imposed by the Act;
 - the nature and outcome of those complaints; and
 - generally, inquire into any matter, including any legislation, and related common law and practice and procedure.

Appendix XI

Outline of the Structure of Annual Reports of Information Commissioners in Select Countries

United Kingdom

- Information Commissioner's foreword
- Promoting public access to official information and protecting your personal information
 - The role of the Information Commissioner's Office
- Your right to know - Freedom of Information and Environmental Information
 - Freedom of Information
- Protecting your personal information - Data Protection and Privacy and Electronic Communications
 - Making a difference with education and guidance
 - Influencing Society – Our View
 - Enforcement in Action
 - Resolving Your Problems
- Protecting and promoting in practice
 - Our Staff
 - Regional Offices

- Financial Statements
- Facts and Figures
- Statement of the Information Commissioner's Responsibilities

Scotland

- Commissioner's Foreword
- Year at a glance
 - Year of operation of freedom of information in Scotland
- Facts and figures
 - 12 months of enforcing and promoting freedom of information legislation

- Freedom of Information Commentary Next Year
 - Preparations
 - Volume of Applications
 - Investigations
 - Validation
 - Technical breaches
 - Compliance with the investigation process
- Enforcement
 - Case Studies
- Information, guidance and awareness raising
 - Public promotion campaign
 - Enquiries service
 - Publications and information materials
 - Website and newsletters
- Office of the Scottish Information Commissioner
 - Personnel Management
 - Financial Management
- Who we work with

Canada

- Mandate
- Looking Back on a Term of Service
- Delays in the System – Report Cards and Time Extension Study
- Investigations and Reviews
 - Workload Statistics
 - Investigative Process - Update
- Case Summaries
- The Access to Information Acts in the Courts
 - The Role of the Judiciary

- The Commissioner in the Courts
 - Cases completed
 - Cases in progress – Commissioner as an respondent
 - Cases in progress – Commissioner as intervener
- Legislative Changes
- Corporate Services

Queensland, Australia

- Introduction
- Annual Report to Parliament
- Operations of agencies and ministers
- Number of applications
- Decisions not to give access
 - Action taken on documents considered
 - Name and designation of decision makers, etc.
 - Internal review applications
 - Applications for review by Information Commissioner
 - Statement of affairs and notices received
 - Disciplinary action
 - Fees and charges collected by agencies
 - Reading room and other access facilities
 - Other efforts to implement and administer the FOI Act
 - Amendment applications
 - Number of amendment applications
- **Appendices**
 - Number of access applications (State Government)
 - Number of access applications (Local Government)
 - Number of amendment applications (State Government)
 - Number of amendment applications (Local Government)

- Types of FOI applications (State Government)
- Types of FOI applications (Local Government)
- Action taken on documents (State Government)
- Action taken on documents (Local Government)
- Internal review decisions (State Government)
- Internal review decisions (Local Government)
- Fees and charges notified and collected (State Government)
- Fees and charges notified and collected (Local Government)