GOVERNMENT NOTICE NO. 1

ACCESS TO INFORMATION ACT

(NO. 13 OF 2017)

ACCESS TO INFORMATION REGULATIONS, 2021

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IN EXERCISE of the powers conferred by section 55 of the Access to Information Act, I, GOSPEL KAZAKO, Minister of Information make the following Regulations—

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Access to Information Regulations, 2021.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"information seeker" means a person who submits a request for information to an information holder.

PART II—INFORMATION OFFICERS, ORGANIZATION AND DISCLOSURE OF INFORMATION

Appointment of information officers

3.—(1) The head of an information holder shall appoint or designate an officer in middle to senior management, as an information officer.

(2) The head of the information holder shall submit the name of the information officer to the Minister.

(3) The Minister shall publish names of information officers in at least two newspapers of nationwide circulation at the beginning of each financial year.

(4) Notwithstanding the publication made pursuant to subregulation (3), an information holder shall publish the name and contact details of its information officer on its website.

(5) An information holder may have more than one information officer provided that where this is the case, there shall be clear demarcation of roles and hierarchy of the information officers.

Functions of information officers

4.—(1) An information officer shall—

(*a*) ensure that an information holder attends to all requests for information within the prescribed time frame;

(*b*) facilitate the publication of information in the custody of the information holder that is required to be proactively disclosed;

(*c*) facilitate the updating of information on the website of the information holder;

(*d*) work with the public relations officer of the information holder to ensure that information is accessible; and

(*e*) ensure that information that is disclosed is verified by the head of the information holder.

Record keeping and maintenance of records

5.—(1) An information officer shall ensure that an information holder keeps information in an organized and easily accessible manner.

(2) An information holder shall have an active website which is updated regularly.

(3) A website of an information holder shall have, at a minimum, the following information—

(*a*) functions of the information holder;

(*b*) institutional set up with information on key officers;

(*c*) physical, postal and email addresses of the information holder; and

(*d*) name and contact details of its information officer.

Digitization of records of information

6. An information holder shall digitize all records in the custody of the information holder in the manner prescribed by the Minister.

Publication of information

7.—(1) An information holder shall ensure that the information in section 15 of the Act is published within sixty days of generation.

(2) The information holder shall develop an information manual which shall include the following information—

(*a*) functions of the information holder; and

(*b*) vision and core values of the information holder.

(3) The information holder shall upload the manual on its website and may, on request, provide a hard copy to an information seeker.

(4) In addition to provisions of subregulation (3), the information holder may, where the information holder determines that it is necessary so to do, publish the information in newspapers of nationwide circulation, radio, television or other relevant media to ensure wide circulation of such information.

Annual reports and work plans

8.—An information officer shall, within three (3) months from the end of a financial year, publish a summary annual progress report of the information holder for the previous year and a work plan for the following year.

PART III—GUIDES AND MANUALS

Availability of guides

9.—(1) The Commission shall publish the guide developed pursuant to section 9 of the Act, in English and other local languages.

(2) The Commission may publish the guide in subregulation (1) in other local languages as determined appropriate.

(3) The Commission shall make available a copy of the published guide—

(*a*) to information officers in all information holders;

(*b*) for public inspection during office hours at the offices of the Commission; and

(*c*) on the website of the Commission.

(3) The Commission may charge a fee prescribed in the First Schedule hereto, for a copy of the guide made available in a manner other than that contemplated in subregulation (2).

(4) An information officer of an information holder shall, within thirty working days after receipt of the copies of the guide from the Commission pursuant to subregulation (2), ensure that every officer of the information holder has access to the guide.

(5) An information officer—

(*a*) shall, during office hours and upon request, make available for public inspection, a copy of the guide;

(*b*) shall not charge a fee for public inspection referred to in paragraph (*a*); and

(*c*) may, in respect of a copy of the guide or part thereof, made available in a manner other than that contemplated in paragraph (*a*), charge the fee prescribed in the First Schedule hereto.

Availability of manuals

10.—(1) An information holder shall, immediately after an information manual is compiled pursuant to section 16 (1) of the Act or updated pursuant to section 16 (3) of the Act, make available a copy of the manual—

(*a*) to the Commission;

(*b*) for public inspection during office hours at the office of the information holder; and

(*c*) on the website of the information holder.

(2) Where a copy of the manual is made available in a manner other than that contemplated in subregulation (1), an information holder may charge the fees prescribed in the First Schedule hereto.

PART IV—REQUEST FOR INFORMATION AND DISCLOSURE

Request for information

11.—(1) A request for access to information shall be made in Form 1 set out in the Second Schedule hereto.

(2) An information holder shall make the application Form in subregulation (1) available electronically and have it uploaded on the website of the information holder.

(3) A hard copy of the Form referred to in subregulation (1), may be obtained from the information holder from which information is sought.

(4) A request for access to information shall contain a sufficient description of the information seeker and the information being requested to facilitate the processing of the application.

(5) Where the request does not contain sufficient description of the information seeker or the information sought, the information officer shall require the information seeker to provide further details so as to facilitate processing of the request.

(6) Where the information seeker is unable to provide the details requested under subregulation (5), the information officer shall, so far as possible, assist the information seeker to provide the necessary details:

Provided that the information officer shall ensure that the information seeker confirms the version of the request for information which has been made with assistance.

(7) Where the information seeker shows sufficient reason for failing to submit the request in the prescribed Form and provides an oral request, the oral request shall be reproduced in writing by the information officer and read out to the information seeker for confirmation.

(8) An information officer shall not refuse to grant a request for access to information based solely on the ground that the request was not made in the prescribed Form.

(9) For purposes of subregulation (7), sufficient reason includes illiteracy, disability, indigence or minority.

Electronic request

12.—(1) An information seeker may send a request for information by email or in other electronic form to the official channel of an information holder.

(2) Where the request for information is submitted in electronic format, the information officer shall print and file the request in the records of the information holder.

(3) An information holder shall set up an auto reply system for electronic requests for information:

(4) An information officer shall acknowledge receipt of an electronic request for information within five working days from the date the request is received.

Processing of a request for information

13.—(1) An information holder shall communicate a decision to grant or refuse access to information to an information seeker in Form 2 in the Second Schedule hereto within fifteen days from the date the request for information is received.

(2) Where an information holder decides to grant access to information, the information officer shall, within five working days of that decision, inform the information seeker—

(*a*) that the record may be examined by the information seeker in order to save the cost of reproduction of the record of the information;

(*b*) that the information seeker may specify whether he requires only certain parts of the record to be reproduced;

(*c*) of any amount required to be paid as a deposit before the reproduction of the record is undertaken or the record is prepared for disclosure;

(*d*) of the estimated total cost of the reproduction of the record and preparation of the record for disclosure; and

(*e*) of any amount required to be paid before access is given to the record including the cost of production or reproduction.

(3) Where further details are required to identify or locate the requested information, the information officer shall inform the information seeker, within seven working days after receipt of the request, to provide the necessary details.

Grant of access to information

14.—(1) Where a request for access to information is granted, the information seeker shall, within thirty days of receipt of the information holder's decision and within normal working hours, access the requested information at the information holder's offices.

(3) The head of an information holder shall certify the accuracy of the information provided to the information seeker.

Notice to third parties

15.—(1)Where an information officer receives a request for information that relates to a third party, the information officer shall inform the third party in Form 3 in the Second Schedule hereto of the request made by the information seeker.

(2) A third party to whom notice is given under subregulation (1) shall be required to give a response to the notice within ten working days from the date of receipt of the notice

(3) Where the third party claims that the requested information is exempt from disclosure, but the information officer determines that the information is of public interest, the information officer shall inform the third party of that decision and disclose the information to the information seeker.

Format for disclosure of information

16.—(1) Where a request for access to information includes giving a copy of an information record to the information seeker, the copy sought shall be disclosed in the requested format.

(2) Not withstanding subregulation (1) the copy of the requested information record may be disclosed in a format different from the requested format where—

(*a*) the information in the custody of the information holder does not exist in the requested format; and

(*b*) the information holder considers that the request to convert the information into another format is unreasonable.

(3) The following factors shall be taken into account in determining if the

conversion of information into the requested format is reasonable—

(*a*) potential degradation of the information during the process of conversion;

(*b*) existence of the information within the information holder in another format that is usable by the information seeker;

(*c*) possibility of converting the requested information into another format that is more accessible than the format requested by the information seeker;

(*d*) impact of the conversion of the information on the operations of the information holder;

(*e*) availability, within the information holder, of the required personnel and resources to convert the information into the requested format;

(*f*) availability, within the information holder, of the necessary technology and equipment to make the conversion; and

(*g*) cost, to the information holder, of converting the information into the requested format.

Access fees

17.—(1) An information seeker shall not pay any fee when submitting a request for access to information to an information holder.

(2) Where the request for information requires a duplicate, translation or transcription of the information, an information holder may require the information seeker to pay reasonable standard charges prescribed in the First Schedule hereto.

(3) Where an information seeker has paid fees for duplication, translation or transcription, an information officer shall issue an official receipt to the information seeker.

Conditions for use of disclosed information

18.—(1) Where an information holder discloses information to an information seeker, the information holder may put reasonable conditions for use of such information.

(2) Where the information is to be used in a document, the information seeker shall, within five working days from the date of publication, provide a copy of the publication to the information holder.

Public disclosure of information

19.—Where an information holder determines that it is in the public interest to disclose information that has been requested, the information holder shall inform the information seeker of this decision and shall, in addition to disclosing the information to the information seeker, disclose the information to the public through a press release or any other means determined as appropriate.

Transfer of a request

20.—(1) Where an information holder determines that a request for information relates to information that is likely to be in the custody of another information holder, the information holder that receive the request shall duly inform the information seeker, within five days of receipt of the request, and transfer the request to the other information holder using Form 4 in the Second Schedule.

(2) Where a request is transferred pursuant to subregulation (1), the information officer of the information holder to which the request is transferred shall inform the information seeker of the receipt of the transfer and process the request as if it had initially been submitted to that information holder.

(3) Where a request for information is transferred to another information holder, time shall, with respect to processing the request by the information holder to which the request is transferred, start running from the date Form 4 is received by that information holder.

Information that cannot be found or does not exist

21.—(1) Where a request for information relates to information that—

(*a*) has been damaged;

(*b*) cannot be traced; or

(*c*) does not exist,

the information officer shall, within five days of establishing the fact that the information is not available, notify the information seeker, in writing, that the information cannot be accessed.

(2) A notice issued under subregulation (1) shall include evidence of attempts made to trace the information.

Refusal of access to information

22.—(1) Where access to information is not granted, an information officer shall inform the information seeker of this decision with reasons in writing.

(2) Where access to information is not granted, the information seeker may appeal to the head of the information holder for a review of the decision in accordance with regulation 23.

PART VII—INTERNAL REVIEW

Request for internal review of a decision of an information holder

23.—(1) Where a person is aggrieved by a decision of an information holder in relation to a request for information, the aggrieved person may make an application to the head of the information holder in Form 5 set out in the Second Schedule hereto, for a review of the decision.

(2) For purposes of subregulation (1), an aggrieved person includes—

(*a*) an information seeker who—

(i) has not been granted access to requested information;

(ii) has not received the requested information within the prescribed period and has not been given a reasonable explanation for the delay; or

(iii) is not satisfied with the manner in which his request is handled, and

(*b*) a third party whose interests referred to in section 35 of the Act have been disclosed without his consent.

(3) An information officer shall inform, in writing, the aggrieved information seeker and any relevant third party of the submission of appeal

documents to the head of the information holder, within five working days from the date of receipt of the request for internal review made pursuant to subregulation (1).

Procedure for internal review

24.—(1) Every information holder shall put in place an internal review mechanism for addressing complaints relating to handling of requests for information from aggrieved parties.

(2) An aggrieved party shall not be charged a fee for requesting an internal review of a decision related to a request for information.

(3) The head of the information holder shall appoint an officer senior to the information officer and who was not involved in handling the initial information request, to undertake the internal review:

Provided that up to three senior officers may be appointed to undertake the review process.

(4) The aggrieved party and the information officer shall be given an opportunity to be heard during the review process.

(5) The outcome of the internal review shall be presented to the head of the information holder for endorsement after which, the head of the information holder shall inform the aggrieved party, in writing, of the decision of the review panel.

(6) The internal review process shall not take more than twenty-one days from the date the information seeker presented the request for review.

PART VI—EXTERNAL REVIEW OF DECISIONS OF INFORMATION HOLDERS

External review of a decision by information holder

25. Where any aggrieved person has exhausted the internal review process of an information holder, the person may make an application to the Commission in Form 6 in the Second Schedule hereto, for a review of the decision of the head of the information holder.

Right to be heard

26. An aggrieved person and the information holder shall be given an opportunity to be heard during the review process.

Determination

27.—(1) In making the determination referred to in section 44 (6) of the Act, the Commission shall have regard to information obtained through—

(*a*) inquiries;

(*b*) investigations;

(*c*) examination of any record in question; and

(*d*) representations made by the parties

(2) The Commission shall, within seven days of making its determination, communicate its decision, in writing, to the aggrieved person and the information holder.

(3) The Commission shall give a copy of the determination to—

(*a*) the aggrieved person;

(*b*) any third party likely to be affected by the decision; and

(*c*) the information holder.

(4) Where the Commission determines that the aggrieved person is entitled to access the requested information, the determination shall outline steps to be taken to implement the decision within a specified time-frame.

(5) An information holder shall implement the determination in sub-regulation (4) within the specified time-frame, and the head of the information holder shall submit a report on the implementation of the determination to the Commission.

(6) The Commission shall, within thirty days from the date of receipt of a report under subregulation (5), inform the aggrieved person of the steps the information holder has undertaken in compliance with the determination of the Commission.

PART VII—MISCELLANEOUS

Prevention of disclosure of information

28.—(1) An information officer shall be deemed to have prevented disclosure of information where—

(*a*) information is not disclosed despite an information seeker meeting all the necessary conditions for disclosure in accordance with section 5 of the Act;

(*b*) information is not disclosed within the prescribed time without reasonable excuse; and

(*c*) information is not provided in the agreed medium without reasonable excuse.

(2) An information holder shall put in place mechanisms to prevent arbitrary denial of disclosure of information.

Budget allocation

29. A person who uses information for other purpose other than that for which the information was requested and such use is detrimental to the information holder or a third party, that person commits an offence which is punishable under section 54 of the Act.

Budget allocation

30. Every information holder shall allocate resources within its annual budget to promote access to information.

Administrative guides

31. The Minister may issue administrative guidelines to information holders on the implementation of the Act and these Regulations.

FIRST SCHEDULE (regs. 9 and 10)

FEES

The following fees shall apply for the processing of a request for information–

	Item	*K t*
(1)	Reproduction of copy of the Commission Guide	10,000. 00
(2)	Reproduction of copy of Information Manual . .	10,000. 00
(3)	Standard reproduction fees	5,000. 00
(4)	Reproduction over and above (3)	
	(*a*) for photocopying, per page	30. 00
	(*b*) where the record or part thereof is provided in an—	
	(i) alternate format, a fee not to exceed	50. 00
	(ii) per page of braille	00. 00
	(iii) per page of large print	100. 00
	(iv) per CD	1,000. 00

SECOND SCHEDULE (reg. 11)

FORM 1

REQUEST FOR ACCESS TO INFORMATION

PART A—PARTICULARS OF INFORMATION HOLDER

Name of the institution/ information holder.....

Address of the institution/ information holder.....

Location (District/Town/City/TA/Village.....

PART B —PARTICULARS OF INFORMATION SEEKER

Full Name:.....

Date of birth..... Sex.....

National ID Number .....

Postal address.....

.....

Physical address.....

Telephone number.....

Email address.....

PART C—PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE

(To be completed if request is being made on behalf of another person)

Particulars of person on whose behalf the request is made (Please attach any documentation that indicates that you are authorized to act for the other person)

Name: .....

Address: .....

.....

Identity Number: .....

PART D—PARTICULARS OF INFORMATION BEING SOUGHT

Provide details about the nature of information being sought and justification.

Include relevant details that can help in retrieving the information, such as source, author, date of publication, etc.

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Explain the purpose for which you seek this information and why it is important that the information should be provided to you.

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PART E—FORMAT OF INFORMATION BEING REQUESTED

State the format in which you want to access the information, e.g. print, electronic etc.

1. Normal print version (.....)
2. Braille print version (.....)
3. Other (state other preferred format).....

Signed at .....this... day of ..... 20 ...

.....

Signature of the information seeker

FORM 2 (regs. 13)

RESPONSE TO REQUEST FOR INFORMATION GRANT OF ACCESS / PARTIAL DISCLOSURE / REFUSAL

PARTICULARS OF INSTITUTION/INFORMATION HOLDER

Name of institution/information holder:.....

Address:.....

.....

Phone Number:.....

Email:.....

Date:.....

PARTICULARS OF INFORMATION SEEKER

Full Name:.....

Date of birth..... Sex.....

National ID Number .....

Postal address.....

.....

Physical address.....

Telephone number.....

Email address.....

RESPONSE

Reference is made to your request for information concerning..... which was made on ..... The request is granted/partially granted/refused.

REASONS

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Attachments:.....

Name of Information Officer:.....

Signature:.....

Stamp:

Information collected by:.....

Signature:..... Date:.....

FORM 3 (reg. 15)

DISCLOSURE OF INFORMATION TO A THIRD PARTY

PART A

Particulars of the Third Party (Name and Address)

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.....

We are in receipt of a request for information from the person whose particulars are contained below. The person has requested for the following information

.....

.....

Section 20 of the Access to Information Act requires that where the requested information might be confidential or affect business interests of a third party, the third party must be notified of the request. You are therefore requested to indicate, within ten (10) working days from the date of this notice, if you have any objection to the disclosure of the requested information. Should you have any reservations to this disclosure, please provide your justification.

Below are the details of the person who has requested for the information.

Full Name:.....

Date of birth..... Sex.....

National ID Number .....

Postal address.....

.....

Physical address.....

Telephone number.....

Email address.....

Kindly take note that failure to respond to this notice within the prescribed period will result in disclosure of the requested information to the information seeker.

Name: ..... Signed:.....

INFORMATION OFFICER

Date: .....

FORM 4 (reg. 20)

TRANSFER OF REQUEST FOR INFORMATION TO ANOTHER INFORMATION HOLDER

PART A—PARTICULARS OF INFORMATION HOLDER

Name of the institution/information holder.....

Address of institution/information holder.....

Location (District/Town/City/TA/Village.....

PART B—PARTICULARS OF INFORMATION SEEKER

Full Name:.....

Date of birth..... Sex.....

National ID Number .....

Postal address.....

.....

Physical address.....

Telephone number.....

Email address.....

PART E

Further to the information request you submitted on .....we wish to direct you to ..... who will provide you with information on.....

..... : .....

Signed *Name*

.....

Signed
INFORMATION OFFICER

Date: .....

FORM 5 (reg. 23)

REQUEST FOR INTERNAL REVIEW OF A DECISION

PART A—PARTICULARS OF INSTITUTION/INFORMATION HOLDER WHOSE DECISION IS SUBJECT OF THIS REQUEST

Name of institution/information holder.....

Address of institution/information holder.....

Location (District/Town/City/).....

Email Address.....

Telephone.....

PART B—PARTICULARS OF THE INFORMATION SEEKER

Full Name:.....

Date of birth..... Sex.....

National ID Number .....

Postal address.....

.....

Physical address.....

Telephone number.....

Email address.....

PART C—PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE

(To be completed if a request is submitted on behalf of another person)

Particulars of person on whose behalf the request is made

Full Name:.....

Date of birth..... Sex.....

National ID Number .....

Postal address.....

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Physical address.....

Telephone number.....

Email address.....

Reason(s) for representing the information seeker.....

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PART D—SUMMARY OF REQUEST

(Provide a summary of your request for information and why the information should be provided to you. Give reasons why you disagree with the decision of the information officer)

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PART E—TYPE OF ASSISTANCE REQUESTED

(Describe the type of assistance that you are looking for from the Head of the Institution to whom the request for information was addressed)

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Signed at .....this.... day of ..... 20 .....

.....

Signature of the information seeker

Attach copies of the following documents if available—

1. The request for information Form
2. The information officer's response to the request for access to information

FORM 6 (reg. 25)

REQUEST FOR EXTERNAL REVIEW OF DECISION OF INFORMATION HOLDER

PART A—PARTICULARS OF THE INSTITUTION WHOSE DECISION IS SUBJECT OF THIS REQUEST

Name of the institution.....

Address of the institution.....

Location (District/Town/City/TA/Village.....

Email Address.....

Telephone.....

PART B—PARTICULARS OF THE COMPLAINANT

Full Name:.....

Date of birth..... Sex.....

National ID Number .....

Postal address.....

.....

Physical address.....

Telephone number.....

Email address.....

PART C—PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE

(To be completed when a complaint is submitted on behalf of another person)

Full Name:.....

Date of birth..... Sex.....

National ID Number .....

Postal address.....

.....

Physical address.....

Telephone number.....

Email address.....

Capacity in which the request is made:

.....

.....

PART D—EXHAUSTION OF INTERNAL REVIEW MECHANISM

(Please state the steps taken to resolve the matter with the information holder and the final decision made by the information holder)

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PART E—NATURE OF THE COMPLAINT (PLEASE CIRCLE OR TICK WHICHEVER IS APPLICABLE)

The complaint relates to—

1. Refusal of access to information by the information holder
2. Unreasonable fees payable
3. Failure to comply with set time limits by the information holder
4. Any other matter relating to a request for information (Please specify)

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.....

PART F—SUMMARY OF REQUEST

(Provide a summary of your complaint and describe the action or events that prompted you to complain. Please indicate, where possible, name of the file or document and dates relevant to the complaint including date when the information was requested and date when the response was received)

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PART G—TYPE OF ASSISTANCE REQUESTED

(Describe the type of assistance sought from the Commission)

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.....

Signed at..... this .... day of..... 20.....

.....

Signature of complainant

Made this 13th day of January 2021.

G. KAZAKO
Minister of Information

(FILE NO. IFN/ADMIN/01/04)