



**IMPLEMENTATION OF THE
RIGHT TO INFORMATION ACT,
2019
(ACT 989)**

Overview

- Introduction
- Components of the Act
- Key Provisions
- RTI Commission
- Actionable Takeaways
- Post Transition Implementation

Introduction

- RTI is a constitutionally granted right
- “All persons shall have the right to information subject to such qualifications and laws as are necessary in a democratic society” - Article 21 (1) (f), 1992 constitution
- March 26, 2019- Parliament passed the RTI Bill into law
- May 21st, 2019- President’s Assent to Act 989; the legal framework for a citizen to exercise their Right to Information
- Provides for the implementation of this constitutional right to information held by a public institution;
- Subject to the exemptions that are necessary and consistent with the protection of the public interest in a democratic society,
- Foster a culture of transparency and accountability in public affairs and to provide for related matters.

COMPONENTS OF ACT 989



Solid Legal Framework



Clear Application Procedures



Clear turn around times on Requests



Proactive Disclosure of Information



Oversight Body



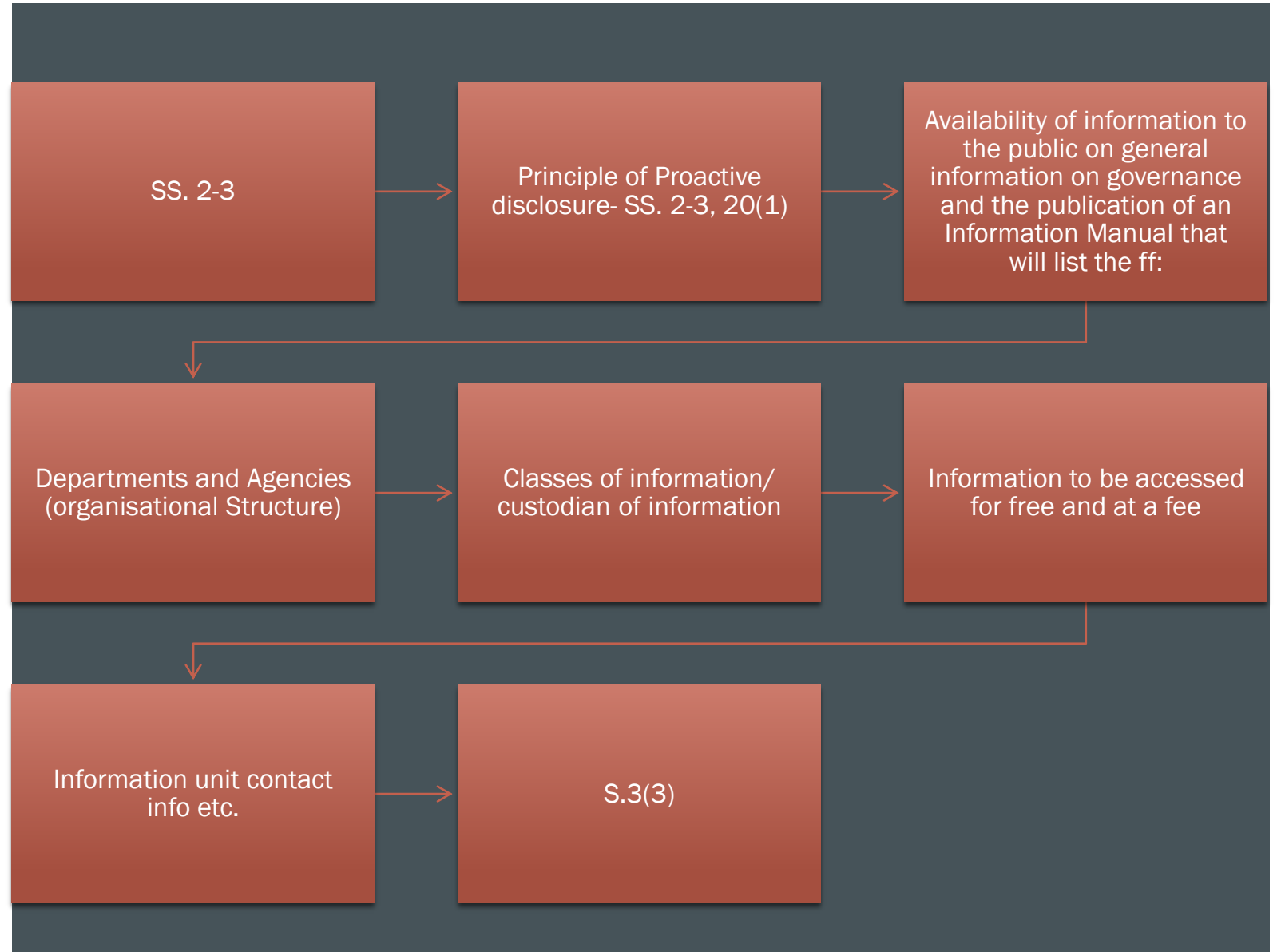
Effective Appeal Mechanism



Sanctions

KEY PROVISIONS

PRINCIPLE OF PROACTIVE DISCLOSURE (SS. 2-3)



EXEMPT INFORMATION (SS. 5-17)



S.5 - Information for the President or the Vice President



S.6 - Information relating to Cabinet



S.7 - Information relating to law enforcement and public safety



S.8 - Information affecting International relations



S.9 - Information that Affects the Security of the State

EXEMPT INFORMATION (SS. 5-16)



S.10 - ECONOMIC
AND ANY OTHER
INTERESTS



S.11 - ECONOMIC
INFORMATION ON
THIRD PARTIES



S.12 -
INFORMATION
RELATING TO TAX



S.13 - INTERNAL
WORKING
INFORMATION OF
PUBLIC
INSTITUTIONS



S. 14
PARLIAMENTARY
PRIVILEGE, FAIR
TRIAL &
CONTEMPT OF
COURT



S.15 -
PRIVILEGED
INFORMATION



S. 16 -
DISCLOSURE OF
PERSONAL
MATTERS

INTERNAL REVIEW / RIGHT OF APPEAL



Internal Review (SS.31 – 35)

- i. Application addressed to HoI within 30 days
- ii. Application shall state the request and decision of the information officer
- iii. Decision to be made Head of Institution within 15 days (s.33)
- iv. Further refusal of application under Internal review shall have reference made to the Act 989
- v. HoI inform applicant of right of appeal to RTI Commission



RTI Commission (SS.65 – 67)

- i. Oral / Written Application
- ii. Available only after internal review is exhausted with exception to S.67(1)



Judicial Review by High Court (SS.36-38)

- i. Applicable where refusal regards information is-
 - Prejudicial to State Security
 - Injurious to the public interest
- ii. Application should be lodged within 21 days

REQUESTING FOR ACCESS TO INFORMATION UNDER THE RIGHT TO INFORMATION ACT, 2019 (ACT 989)

1

Pick up a standard access to information request form from a public institution



Fill the form and submit to the information unit / Registry of the Public institution

2

3

The application form will be received and the applicant notified within fourteen working days of submission on the availability/ existence of information requested



Where the information exists, the applicant shall be notified of the manner and date in which access will be granted and prescribed fee for the reproduction of the information requested.

4

Processing & Decision on Applications

– S. 23

1

Application made under S.18 is submitted to the Information Unit / Registry of the Public Institution

2

The designated RTI Officer shall upon receipt of the application make a **determination** as to whether or not the application is one that **safeguards the life or liberty of a person within the ambit of section 23 (7)**.

3

However, where the application does not fall within the ambit of section 23(7), the RTI Officer shall **within 14 days** of receiving the request, engage the relevant persons within the Institution and the information generating directorate of the Institution to confirm the availability of the information requested.

Where there an **EXTENSION** is needed RTIO shall comply with S. 25.

IF NOT

Notice of the Decision shall be communicated to the Applicant by or on the 14th working day from when the application was made.

4

The Decision shall where it confirms the availability of information state the the manner in which access will be granted and whether or not access to the information shall be given in part and the reasons for giving only part (s. 23(1)(2)(3).

5

Where the information requested shall be refused the RTIO shall notify the applicant within 12 days of receiving the application communicating the refusal of the application and the reason for refusal (where it falls within the exempt category (s.5-17); s.23 (10); s.24; the RTIO shall state same as the reason too).

6

RTI COMMISSION



RTI COMMISSION IS PROVIDED FOR
UNDER SS.40 – 70



OBJECT OF THE C'SSION IS TO
PROMOTE, MONITOR, PROTECT &
ENFORCE THE RTI GRANTED TO A
PERSON UNDER ART. 21 OF THE 1992
CONSTITUTION(S.41)



C'SSION IS INDEPENDENT (S.42)



POWERS & FUNCTIONS OF THE C'SSION
OUTLINED IN SS. 43 & 44
RESPECTIVELY

OFFENCES UNDER ACT 989 (S.82)



FAILURE OR NEGLIGENCE BY AN
INFORMATION OFFICER OR
OTHER PUBLIC OFFICER TO
PERFORM FUNCTION UNDER
ACT 989



OBTAINING PERSONAL
RECORD OF 3RD PARTY
UNDER FALSE PRETENCES



WILFUL FALSE STATEMENT TO
MISLEAD ANY OTHER PERSON
TO OBTAIN INFORMATION



DESTRUCTION, ALTERATION
OR CONCEALING OF
DOCUMENT



FALSE ENTRY IN A DOCUMENT

SANCTIONS (S. 82)

SANCTIONS FOR
OFFENCES
INCLUDE



Summary conviction of a fine between
250 -500 penalty units



Imprisonment between 1- 3 years



Or both

**ACTIONABLE
TAKEAWAYS FOR
ALL STAFF**



To be vigilant in processing of information for access to information requests do not contain exempt information



Always take note of the 48hr & 14 Day processing rules



Always be minded of the duties the RTI Act imposes on all public officials

RTI SECRETARIAT



Tel: +233 32 249 7993



Tel: +233 32 349 8016