



**BANGLADESH  
RIGHT TO INFORMATION ACT 2009**

**AT YOUR FINGERTIPS**

**Affiliated Network for Social  
Accountability - South Asia Region**  
Institute of Governance Studies  
BRAC University

[ansa-sar.org](http://ansa-sar.org)  
[ansa.sar@gmail.com](mailto:ansa.sar@gmail.com)



# Contents

## **What is the Right To Information Act? 2**

What is Information? 3

Who does the RTIA cover? 4

Where To File a Request? 4

What To Include In A Request? 5

How Long Is the Wait? 6

What is Exempt? 7

## **Who to Call for Help 8**

## **What To Do and Say if the Going Gets Rough 10**

Requests 10

Appeals 17

Complaints 18

## **What is the Right To Information Act?**

The RTIA is the first law to define public information and give citizens the right to access it. The RTIA lays out the rules by which citizens can request the information, and an appeals procedure if they aren't satisfied with the government response. The law, which was fully effective in 2009, was passed during the caretaker government and adopted by the subsequently elected Parliament under the Awami League.



## **What is Information?**

Under the RTIA, “information” is a broad term that covers a wide variety of documents, rules, policies and records kept by government offices. The Act requires each office to proactively disclose much of its generic information but also gives citizens the right to request specific records, which can range from memos, maps, contracts and log books to paintings, films, reports, letters and electronic databases.

## **Who does the RTIA cover?**

The law allows citizens to make requests for information from every government office, from the President and Prime Minister down to the upazilla. The law also compels disclosure by private organizations, such as companies, for the work they are doing with government funds. It also covers non-governmental organizations (NGOs) that receive funds from the government or foreign aid.

## **Where To File a Request?**

A request must be filed with the “Designated Officer” (DO) of the government office that has the records. The Information Commission Website contains an updated list of DOs.

## What To Include In A Request?

An information request must include:

- » Your name;
- » Your address;
- » A “correct and clear” description of the information requested;
- » Any additional information to help locate the information;
- » Instructions on how you would like to obtain the information, i.e. paper and/or electronic copies, or inspection of the actual documents.

Some agencies provide a specific form for RTI requests. If none is available, you may use a blank sheet of paper.

## **How Long Is the Wait?**

Public information should be disclosed immediately. But if it isn't available, the RTIA gives the DO 20 *working* days to comply with an initial request. If the information is held by two or more agencies, the DO has 30 *working* days. Weekends and government holidays are not counted toward the deadline.

For appeals and complaints, however, the RTIA uses *calendar* days, meaning weekends and government holidays are counted toward the deadline. This speeds the process. Agencies have 15 *calendar* days to consider an appeal, and the Information Commission has between 45 and 75 *calendar* days to render a decision.

## What is Exempt?

Government agencies are not obligated to disclose certain items, including information that:

- » Can threaten the national security;
- » Was communicated in secret from a foreign government;
- » Discloses commercial or business secrets, copyright or intellectual property;
- » Pending changes in the tax law, exchange rate or interest rate;
- » Offends the privacy of an individual;
- » Impedes a criminal investigation;
- » Reveals exam questions or marks given;
- » Is pending before the Cabinet or Council of Advisers;
- » Are note-sheets or copies of note-sheets;
- » Is held by state security or intelligence units. However, information about human rights violations and corruption by these agencies is not exempt.

## **Who to Call for Help**

Several NGOs assist citizens and the media with RTI requests. Among them:

### **Affiliated Network of Social Accountability-South Asia Region**

Institute of Governance Studies,  
BRAC University

SK Homes, G.P. JA-4, Mohakhali

T.B Gate, Gulshan

Dhaka 1212

Tel: +88 02 881 0306, 881 0320, 881 0326,  
+88 01199810 380

Email: [ansa.sar@gmail.com](mailto:ansa.sar@gmail.com)

### **Management and Resources Development Initiative**

2/9 Sir Syed Road (3rd Floor), Block A,  
Mohammadpur, Dhaka 1207

Tel: +880 2 9134717, +880 2 9137147

E-mail: [info@mrdibd.org](mailto:info@mrdibd.org),

[bmrdi@yahoo.com](mailto:bmrdi@yahoo.com)



### **Monusher Jonno Foundation**

House 47, Road 35/A, Gulshan

Dhaka 1212, Bangladesh

Tel: 88-02-8824309, 88-02-8811161

E-mail: [anams@manusher.org](mailto:anams@manusher.org),

[info@manusher.org](mailto:info@manusher.org)

### **Research Initiatives Bangladesh**

House 104, Road 25, Block A

Banani, Dhaka 1213

Tel: +880-18822962

E-mail: [rib@citech-bd.com](mailto:rib@citech-bd.com)

### **Article 19 Bangladesh**

House 1/b, Road 1 (1st Floor)

Shyamoli, Mohammadpur

Dhaka 1207

Tel: +880-9129370

## **What To Do and Say if the Going Gets Rough:**

### **Requests**

#### **The government office has no Designated Officer.**

If there is no Designated Officer (DO) then submit your request to the head of the organisation. If he refuses to take the request, send it by registered mail to that government office and addressed to "RTI Designated Officer." This will get the RTI clock ticking.

#### **The Designated Officer refuses to take the request.**

Again, send it by registered mail to the agency address care of "RTI Designated Officer." This will get the RTI clock ticking.



## **The DO has just gone on holiday.**

The RTIA says nothing about waiting for the DO to return to work before submitting the request. If the DO doesn't have an assistant or stand-in who will take the request, again, send it to the office by registered mail.

## **The DO insists you make a verbal, not written, request.**

The provisions of the law only cover written requests. Inform the officer you'd be happy to tell him what you want, but that you will also be filing a written application to preserve your RTI rights. If you receive information unofficially or verbally, you won't be able to dispute its authenticity or file an appeal if it is incomplete.

**The DO offers you a choice—get the information quicker informally or wait 20 working days using the RTIA.**

If you think this is a genuine offer, you might consider giving the DO a chance. But tell him you will wait only a few days before filing the written request and starting the clock. Then, do it. Information received through other means cannot be disputed or appealed under the RTIA.

**The Designated Officer insists he has as long as he wants to satisfy your request.**

Inform him the RTIA says “The designated officer shall, on receipt of a request ... provide the information to the applicant within 20 (twenty) working days from the date of receiving the request.” If he still disputes that, don’t argue. Just file an appeal on Day 21.



**The DO waits 20 working days and then says he won't comply with your request because you didn't use a special RTI form.**

The RTIA says you can file a request on a plain piece of white paper so long as it includes the pertinent information.

**The DO says you've asked for too much material.**

The RTIA puts no limit on the material you can request. To ease the administrative burden, however, consider narrowing your request. Or suggest you review the original documents and select which ones you want to be copied.

**The DO says it will take too much staff time to copy the documents you want.**

You aren't forced to take copies. The law allows you to inspect the records and take notes. Inform the DO that you will look over the material and let him know what you'd like to have copied.

**The DO asks why you want the information and/or what you're going to do with it.**

The RTIA doesn't force you to give a reason. All the DO has to know is that you are a citizen exercising his/her right to public information.

**The DO says you can't have the material because it is covered by the Official Secrets Act.**

The RTIA overrides any other law regarding the release of government information. Inform the DO that the Official Secrets Act is not among the RTI exclusions.

**The DO quotes you an extremely high cost for copying records.**

The RTIA requires you be charged “reasonable” costs that “shall not exceed the actual expense of providing information such as cost of printing electronic format or photocopying or print-out.” You may also consider supplying a CD or pen drive to have the information transferred electronically.

**The DO says he can’t provide the information because some of it includes confidential material.**

Inform the DO that RTIA requires him to segregate the material, giving you what is eligible for mandatory disclosure.

**The Designated Officer asks for a deadline extension because he's having trouble getting the information.**

Consider filing an appeal but offer to withdraw it when the DO delivers your material.

**The DO never replies and the 20-working day deadline expires.**

Silence is a denial. File an appeal.

**The DO tells you he doesn't have the information you've requested, but he refuses to put anything in writing.**

Remind the DO that the RTIA requires him to give you the reasons for the denial in writing. If he still refuses, the absence of his response constitutes a denial and you can make an immediate appeal to his boss, the appellate authority.



## **Appeals**

### **You can't figure out who should get your appeal.**

Find out who is the administrative director of the DO's department. If there is none, file the appeal to the top administrator of the immediate supervising agency. In many cases, this will be the Ministry Secretary.

### **The department director, a good source, asks you to drop your appeal and he will get you the information.**

Dropping your appeal will endanger your rights under the process; you'll have to start over again if your source doesn't deliver. You might consider dropping the appeal only after you get the complete information you are seeking.

### **You miss the 30-day deadline to file an appeal.**

The RTIA allows the appellate authority to waive the deadline and take your appeal anyway.

## **Complaints**

### **You miss the 30-day deadline to file a complaint.**

The RTIA allows the Information Commission to waive the deadline and take your appeal anyway.

### **Shortly before your hearing at the Information Commission, the agency agrees to give you the information.**

You may choose to cancel or proceed with the hearing, especially if you suspect the information is incomplete. Proceeding with a hearing will expose the agency's delaying tactics and may subject the DO or his superior to a personal fine for impeding your access to the information.



**At the Information Commission, the agency asserts you did not follow certain technicalities of the RTIA.**

This is why you need to keep meticulous files that include copies of every correspondence, such as notes of telephone calls and agency responses. This is proof of your good faith efforts.

**The Information Commission agrees with your arguments but says you have to re-file your request to get the documents.**

By all means, re-file—and include a copy of the IC ruling. The agency should immediately comply.