

International Workshop on the draft Right to Information Ordinance 2008

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Bringing value to public life

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Part 1



Right to Information Ordinance 2008

- “Right to Information” is considered as the necessary condition for transparency.
 - The current effort is praiseworthy for facilitating greater consultation.
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Methodology:

- We analyzed the proposed ordinance
- Looked at the Indian and Australian legislations
- Used our research findings on the Institutions of Accountability in Bangladesh

Right to Information Ordinance 2008

What is proposed?	Ways to Improve
<p>The preamble : cautious and protective stance on information related to national defense and public interest.</p>	<p>It should emphasize on the role of information in</p> <ul style="list-style-type: none">•creating informed opinion•cater greater transparency and accountability• strengthen democracy.

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What is proposed?	Ways to Improve
<p>Definition of Information under <i>Section 2(a)</i> Does this include national and international contracts?</p>	<p>Define 'contract' explicitly.</p> <p>Information submitted to the government by private sector organizations and/or individuals under existing legal frameworks should be made available to general people.</p> <p>Incorporate public procurement documents including defense Procurement documents submitted to government by private individuals/organizations.</p>

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What is proposed?	Ways to Improve
<p>Appointment of the Information Officer under <i>Section 2(b)</i></p> <ul style="list-style-type: none">▪ Who is going to appoint them?▪ What will be the role of Commission's own staff?▪ The Commission's relationship with the Information Officers	<p>The Commission's should have role in appointing the Information Officers</p> <p>Relationship between Information Commission and Information Officers should be well defined-</p> <ul style="list-style-type: none">▪ Appointed Information Officers should be accountable to the Commission▪ The Commission should evaluate the performance of the Information Officers <p>Officers from the Information Cadre can be appointed as Information Officer</p>

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What is proposed?	Ways to Improve
<p data-bbox="409 532 1134 641">Definition of Authority under Section 2(c)</p> <p data-bbox="409 706 1123 812">This includes both public and private sector organizations.</p> <p data-bbox="409 876 1155 1039">Under Section 5 it states that public authority are required to submit annual report once in every two years.</p> <p data-bbox="409 1104 924 1209">What about private sector institutions?</p>	<p data-bbox="1186 532 1858 641">Global best practice show this law only applies to the public sector.</p>

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What is proposed?	Ways to Improve
<p><i>Section 4(b)</i> emphasizes the importance of cataloguing and indexing. However, use of ICT is over looked.</p>	<p>If documents readily available in electronic form can be made available through internet, this can facilitate access to information in an efficient and cost-effective manner.</p>
<p><i>Section 5</i> does not include the use of ICT in facilitating access to information. In addition, the report does not require to provide an extensive review of the ministry/agencies activities for the period.</p>	<p>The report should be comprehensive.</p> <p>Information on government's consultation with individual or organizations</p> <p>The law should facilitate accessibility to documents containing information of meetings and consultations arranged for boards, committees, councils and any other bodies of a government agency.</p>

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What is proposed?	Ways to improve
<p>A printed form has to be used. We need to consider illiteracy and physical disability.</p>	<p>A written application should suffice.</p>
<p>Information request to be delivered in 20 days. Is this working days or calendar days?</p>	<p>Information Officers (IO) should render assistance to disabled people.</p>
<p>What happens if the a request is placed in a wrong department?</p>	<p>In this cases IO should have the discretion to refer it to the appropriate authority.</p>
<p><i>Section 7(d)</i> is not well defined.</p>	

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<p><i>Section 8</i> specifies what will be exempted. The proposed exemptions do not seem to be well-defined. For instance, <i>Section 8(b)</i> states information connected with commercial, trade or strategic scientific interests of the authority and disclosure of which would harm such interests shall be exempted from disclosure.</p> <p><i>Section 8(b,c and d)</i> needs revision to make them more comprehensive.</p> <p><i>Sub-section 8(i)</i> is vaguely defined and seems to give discretionary power to Information Officers to reject information request.</p>	<p>Indian and Australian legislations can be consulted. The Indian legislation states information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party shall be exempted from disclosure, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.</p> <p>This should be removed.</p>

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What is proposed?	Ways to Improve
<p data-bbox="409 495 1144 820"><i>Section 11</i> states no suit, prosecution, punitive measure or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made there under.</p> <p data-bbox="409 893 1155 1161">This implies that no legal actions can be taken against any person who does not disclose any information. However, this intended to provide protection for the whistle blowers.</p>	