

# STATUTORY INSTRUMENT

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## THE RIGHT TO ACCESS INFORMATION REGULATIONS, 2022

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STATUTORY INSTRUMENT NO. 9 OF 2022

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THE RIGHT TO ACCESS INFORMATION ACT, 2013  
(ACT NO 2 OF 2013)

The Right to Access Information Regulations, 2022

Short title

In exercise of the powers conferred upon him by section 49 of the Right to Access Information Act 2013 the Minister of information hereby makes the following regulations.

PART I – PRELIMINARY

1. In these Regulations, unless the context otherwise requires Interpretation.

“Act” means the Right to Access Information Act, 2013;

“applicant” means any person whether natural or legal who submits a request for information ;

“Commission” means the Right to Access Information Commission established under section 30 of the Act;

PART II – PUBLIC AUTHORITIES AND OTHER RELATED  
MATTERS

Promotion of  
access to  
information

2. (1) The Commission shall promote awareness, educate and popularise the right of access to information .

(2) In promoting the right of access to information the Commission shall –

- (a) assess all implementation plans to ensure public authorities have clear obligations towards the attainment of the objects of the Act;
- (b) consult and collaborate with civil society organizations and interest groups ;
- (c) provide recommendations and guidelines to public authorities for internal training of personnel and provide training on request;
- (d) monitor internal training of staff within public bodies and issue notices for mandatory training where necessary ;
- (e) assist public authorities and persons applying for access to information on matters of interpretation of the Act; and
- (f) develop materials as it deems necessary to advance the promotion of access to information

Duties of  
Public  
Authorities.

3. A public authority shall undertake the following activities to ensure proper implementation of the Act-

- (a) provide the necessary support to the public information officer to enable him to discharge his duties effectively;
- (b) develop a website which shall contain-
  - (i) a short description of the right to information and the rights of citizens to request information;



- (ii) links to the relevant legal documents ;
  - (iii) links to annual reports produced by public authority;
  - (iv) links to forms contained in the Regulations; and
  - (v) list of categories of information available in electronic forms
- (c) put in place a system for ensuring that information subject to proactive publication is kept up-to-date;
  - (d) put in place a system for ensuring that information which has been disclosed pursuant to a request and which is likely to be of interest to others is disclosed on a proactive basis ;
  - (e) adopt internal rules on the processing of requests ;
  - (f) ensure that public information officers receive appropriate training on the implementation of the Act; and
  - (g) adopt an action plan setting out the steps to meet its obligations under this Act and these Regulations.

4. (1) A public authority shall create, keep, organize and maintain its information in a manner which facilitates access to information. Duty to maintain information

(2) For the purpose of sub-regulation (1) a public authority shall-

- (a) produce information in respect of all its activities;
- (b) arrange all information in its possession systematically and in a manner that facilitates prompt and easy identification and access; and
- (c) keep all information in its possession in good condition and in a manner that preserves the safety and integrity of its contents.

**Implementation  
plan**

5. (1) A public authority shall submit an implementation plan to the Commission detailing its operational plan to implement its obligations under the Act and these regulations.

(2) The plan referred to under sub-regulation (1) shall include –

- (a) specific activities and cost of implementing the operational plan ;
- (b) the details and identification of the staff required;
- (c) processes, mechanisms and policies to facilitate and enhance implementation of the Act and these regulations including measures to secure optimal responsiveness to requests for information and record management ;
- (d) mechanisms it will use to monitor and track applications , notifications and responses;
- (e) steps to secure continued capacity building and compulsory training plans for staff;

- (f) plans for public consultations , community outreach, information –sharing and awareness raising ;and
- (g) plans for and frequency of self initiated implementation audits.

(3) The Commission may request for further plans or amended plans at its discretion.

(4) The Commission may issue directives on specific plans for enhanced implementation .

(5) The Commission may require the plan referred to under sub-regulation (1) to be reviewed within such time frame and at such frequencies as it deems necessary .

6. (1) Pursuant to subsection (2) of section 8 of the Act a public authority shall adopt a publication scheme . Publication scheme

(2) The scheme referred to under sub-regulation (1) shall include the categories of information that the public authority will proactively disclose and those which will be made available only through the formal request process.

(3) With regards to proactively disclosing information the Commission shall from time to time determine measures to-

- (a) be undertaken to ensure accessibility of information; and
- (b) ensure accuracy of information .

(4) With regard to all other information the Commission shall determine measures to-

- (a) be adopted to ensure periodic and frequent updating of all categories of information held by a public authority;
- (b) be undertaken to ensure accessibility of information ; and
- (c) ensure accuracy of information.

(5) The publication scheme shall include the following information about the information holder –

- (a) a description of the structure and its functions , powers and duties;
- (b) physical and electronic contact details of the public authority and the public information officer;
- (c) a description of any arrangement or provision for a person to make recommendation or to otherwise participate in the formulation of policy or the exercise of powers or performance of duties by the public authority;
- (d) a description of remedies available in respect of an act or omission by the public authority; and
- (e) the manner of payment of any reproduction fees and transcription fees.

(6) A public authority shall –

- (a) update and publish its publication scheme whenever material change to the information therein occur but at least every 2 years; and



- (b) submit the updated publication scheme to the Commission.

7. (1) Pursuant to subsection (1) of section 28 of the Act a public authority shall appoint public information officers.

Public  
Information  
Officers

(2) The functions and duties of a public information officer shall include –

- (a) acknowledging receipts of applications for access to official documents;
- (b) electronically recording or putting in writing oral requests received;
- (c) conducting interviews with applicants where necessary in order to ensure proper identification of the official document being requested;
- (d) conducting an initial review of each requested document under the Act to determine whether any of the document is to be released;
- (e) examining a requested document to determine whether –
  - (i) the document is an exempt document;
  - (ii) the document contains exempt matters;  
or
  - (iii) the grants of access to the document should be deferred

- (f) keeping applicants for access to information fully informed of the status of their request;
- (g) providing access to non-exempt official information to applicants as provided under the Act and these regulations;
- (h) providing advice to the public authority for the purpose of identifying exempt matter or an exempt information ;
- (i) informing an applicant in writing that a requested information is exempt or contains exempt matters or that access to the document will be deferred and indicating to the applicant the basis for the exemption or deferral;
- (j) assisting with the implementation of all decisions in accordance with the Act and these regulations;
- (k) maintaining knowledge of the Act , regulations made under the Act and any law relating to records and information management ;
- (l) informing applicants when an official document is published and if requested provide access to the publication ;
- (m) transferring of applications ; and
- (n) performing any other function required by the Act or these regulations

(3) In addition to the functions and duties of the public information officer set out in sub-regulation (2) the public information officer shall keep a register of applications in an electric form which shall include but not limited to the following—

- (a) an application number;
- (b) the name of the applicant;
- (c) the date of the application ;
- (d) a summary of the applicant's request;
- (e) a summary of information provided , where information is provided;
- (f) where the request was refused the specific provision relied upon with an explanation of the reasons; and
- (g) where a review or appeal was filed the outcome of the review or appeal.

8. (1) The annual report referred to under section 41 of the Act shall contain the following information —

Annual  
Report

- (a) the number of requests for access received;
- (b) the number of requests for personal information received;
- (c) the number of requests for access granted in full;
- (d) the number of requests for access refused;
- (e) the number of review applications lodged;

- (f) the number of cases which as a result of a review access was given ;
- (g) the description of steps taken by the public authority to encourage public information officers and other employees of the public authority to comply with the provisions of the Act, these regulations and other regulations made under the Act;
- (h) particulars of any penalties imposed against any person;
- (i) particulars of any disciplinary action taken against any person;
- (j) particulars of any difficulties encountered in the implementation of the Act, these regulations and other regulations made under the Act;
- (k) recommendation for reform or amendment of the Act , these regulations and regulations made under the Act

### PART III-ACCESS TO INFORMATION

Right of  
access to  
Information

9. Subject to the Act and these regulations a person shall have the right to access information from a public authority .

Request for  
Information  
In person.

10. (1) A public information officer of a public authority shall give to any applicant who wishes to access information under the control of the public authority an application form in the format as set out in Form A in the Schedule.

(2) The applicant shall submit the completed form to the public information officer who shall –

- (a) assign a unique reference number to the applicant; and
- (b) give to the applicant a receipt in the format as set out in Form B in the Schedule

(3) The application form referred to in this regulations shall –

- (a) provide details concerning the information requested which are reasonably necessary to enable the public information officer to identify the information ;
- (b) where the applicant believes that the information is necessary to safeguard the life or liberty of a person include a statement to that effect including the basis for that belief ;
- (c) state the nature of the form in which the applicant prefers access; and
- (d) include an authorization form if the request is made on behalf of another person

11. Where a request for access to information is done through electronic means the public information officer shall .

Request for Information through electronic means.

- (a) print and file the request; and
- (b) through the same electronic means acknowledge receipt of the request.

12. (1) Where a person is unable to make a request in accordance with section 3 of the Act because the person is an illiterate the request shall be done orally.

Request for information by an illiterate or disabled person.



(2) The information officer of a public body to whom an oral request is made under sub-regulation (1) shall reduce the request in writing in the prescribed form and shall give a copy of the written request to the person requesting access.

(3) Where a person with disability wishes to make a request the public information officer shall take all necessary steps to assist the person to make the request in a manner that meets the person's needs.

#### PART IV—PROCESSING REQUEST FOR INFORMATION

Processing  
request for  
information

13. (1) Where a request for information is received by the public information officer, he shall within 15 working days—

- (a) review the request to ensure that the applicant complies with section 3 of the Act;
- (b) assist the applicant to amend the application form if he does not comply with section 3 of the Act;
- (c) enquire whether or not the public authority holds the information;
- (d) determine whether to grant the request;
- (e) notify the applicant of the decision by submitting to him a completed response to a request notice in the format as set out in Form C in the Schedule.

(2) Where an applicant is given notice that his request has been granted the applicant shall -

- (a) upon payment of a reproduction fee or transcription fee if payable ; or

- (b) if no reproduction or transcription fee is payable immediately be given access to the information .

(3) If the request for information is refused the notification referred to under paragraph (e) of sub-regulation (1) shall –

- (a) state the reasons for the refusal based on the contents and substance of the request and information considered by the public information officer;
- (b) contain a reference to specific provisions of the Act or these regulations upon which the refusal is based; and
- (c) inform the applicant that he may apply for a review of the decision.

(4) Pursuant to sub-section (2) of section 4 of the Act where a request relates to information which reasonably appears to be necessary to safeguard the life or liberty of a person, the public information officer shall within 48 hours after receipt of the request

- (a) determine whether to grant the request;
- (b) notify the applicant of the decision in writing;
- (c) if the request is granted give the applicant access to the information

(5) If the request is granted the notice referred to under paragraph (b) of sub-regulation (2) shall state-

- (a) the reproduction fee or transcription fee if any ;

- (b) the form in which access to the information will be given; and

(6) The applicant may apply for a review of the reproduction or transcription fee payable or the form which access is granted.

(7) Where a public information officer considers that a request made under sub-regulation 4 is not necessary to safeguard the life or liberty of a person, the public information officer shall within 48 hours after the request is made –

- (a) provide notice of the decision with reasons thereof to the applicant;
- (b) inform the applicant that subject to the applicant's right to apply for a review of the decision, the public information officer will make a decision regarding whether to grant access to the requested information within the specified time period;
- (c) inform the applicant that he may appeal to the commission in respect of the decision in accordance with section 43 of the Act.

(8) Where the information requested contains third party information, an applicant may not be given access to that information until the right of the third party to appeal against the release of the information has expired or any appeal lodged by the third party has been finally determined.

Transfer  
of request

14. (1) Where a request is made to a public authority for information which the public authority does not hold –

- (a) but the public authority knows that it is held by another public authority; or

- (b) the subject-matter of which is more closely connected with the functions of another public authority

the public authority to which the request is made shall transfer the request or such part of it as may be appropriate to the other public authority.

(2) A public authority that transfers a request in accordance with sub-regulation (1) shall –

- (a) make the transfer as soon as practicable but in any event within 5 days from the date of receipt of the request ;
- (b) notify the applicant by completing the response for information notice in the format as set out in Form C in the Schedule and submitting the notice to the applicant.

(3) A public authority that receives a transferred request shall immediately notify the applicant of receipt of the request in writing .

15. Where a public information officer fails to give a decision on a request for information within the time specified the public information officer shall be deemed to have refused the request. Request deemed to be refused.

16. (1) Where a public information officer has taken all reasonable steps to find the information requested and has concluded that the information - Information that cannot be found etc

- (a) is in the possession of the public authority but cannot be found; or
- (b) does not exist

the public information officer shall notify the applicant by stating in the response for information notice in the format as set out in Form C in the Schedule that the information cannot be found or does not exist.

(2) The notice under sub-regulation (1) shall state the details of steps taken by the public information officer to find the information or to determine whether the information exists including

- (a) details of all locations searched for the information and the persons who conducted the searches ;
- (b) details of communications with any person that the public information officer contacted in searching for the information or attempting to establish the existence of the information ; and
- (c) any evidence relating to the existence of the information including –
  - (i) evidence that the information was destroyed; and
  - (ii) the location in which the information was last known to have been held.

(3) If the information is found after notice is given to the applicant under sub-regulation (1) the public information officer shall immediately notify the applicant in writing and as soon as possible –

- (a) determine whether to grant the request;
- (b) notify the applicant of his decision; and



- (c) if the request is granted subject to the payment of any fees give the applicant access to the information .

17. (1) Access to information shall be given to an applicant in one or more of the following forms- Forms of  
accessing  
information

- (a) a reasonable opportunity to inspect the information ;
- (b) providing a copy of the information;
- (c) the making of arrangements for the person to hear, view, record or copy the sounds or visual images in the case of information that is an article or thing from which sounds or visual images are capable of being reproduced ,;
- (d) providing a written transcript in the case of information by which words are recorded in a manner in which they are capable of being reproduced in the form of sound or in which words are contained in the form of shorthand writing or in codified form,;
- (e) providing a copy of the information in the case of information which is on a computer or in any electronic or machine readable form and from which the public authority is capable of producing a printed copy of the information or part of it ;
- (f) providing a copy of the information in the case of information available or capable of being made available in computer readable form

(2) Subject to sub-regulation (4) where the applicant has requested access to information in a particular form access shall be given in that form.

(3) An applicant may amend his preferred form of access on receipt of notice of the reproduction fee or transcription fee payable if access is granted in the form initially requested.

(4) If giving access to information in the form requested by the applicant is likely to-

- (a) unreasonably interfere with the operations of the public authority;
- (b) be detrimental to the preservation of the information ; or
- (c) having regard to the physical nature of the information , render access in the requested form inappropriate

access in the form may be refused if access is given in another form authorized under the Act or these regulations.

(5) If an applicant with a disability is prevented by that disability from reading , viewing or listening to the information concerned in the form in which it is held by the public authority, the public information officer shall if the applicant so requests take reasonable steps to make the information available in a form in which it is capable of being read, viewed or heard by the applicant.

Extension of  
time

18 (1) Pursuant to subsection (3) of section 4 of the Act the Commission upon application being made to it may extend the period to respond to a request if -

- (a) the request is for a large amount of information or requires a search through a large amount of information and meeting the original time limit would unreasonably interfere with the activities of the public authority concerned; or
- (b) consultations are necessary to comply with the request that cannot be reasonably completed within the original time limit.

(2) If a period to respond to a request is extended the Commission shall notify the applicant in writing about the extension.

(3) The notification referred to under sub-regulation (2) shall state-

- (a) the period of the extension
- (b) reasons for the extension; and
- (c) that the applicant may apply for a review of the decision in accordance with section 43 of the Act.

19. (1) An applicant is not required to pay any fee in relation to time spent by a public information officer - Payment of fees

- (a) searching for the information requested; or
- (b) examining the information to determine whether it contains exempt information or deleting exempt information from a document.

(2) A public information officer may charge the applicant a prescribed fee for reproduction of any information.

(3) Where a request is made that a written transcription be produced of any information provided to the applicant, the public information officer may recover the costs of the transcription at such rate as may be prescribed by the applicant.

#### PART V-EXEMPT INFORMATION

##### Refusal

20. A public information officer may refuse to grant access to information if the information requested for falls within an exemption stated under Part III of the Act.

##### Third party information

21. (1) Subject to sub-regulation (2) a public information officer may refuse a request for information if its release would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

(2) A request shall not be refused where –

- (a) the third party does not make a representation stating why access to the information should not be granted,
- (b) the third party gives his consent to the disclosure;
- (c) the third party has been deceased for more than 21 years;
- (d) the information is in the public domain;
- (e) the information relates to the physical or mental well-being of an individual who is under the care of the applicant and who is –
  - (i) under the age of 18 years; or
  - (ii) incapable of understanding the nature of the request and giving access would be in the individual's interest.



- (f) the information relates to the position or functions of an individual who is or was an official of the public authority concerned or any other public authority;
- (g) the information was given to the public authority by the individual to whom it relates and the individual was informed by or on behalf of the public authority before it was given, that the information belongs to a class of information that would or might be made available to the public.

22. (1) Where a public information officer is considering a request for access to personal, confidential or commercial information of a third party the public information officer shall take reasonable steps to inform the third party to whom or which the information relates or where the third party is deceased, the next-of-kin or legal representative of the third party, in writing of the request as soon as reasonably possible but in any event within 8 days after the request is received. Notice to Third parties

(2) Subject to sub-regulation (7) when informing the third party under sub-regulation (1) the public information officer shall include in the notice-

- (a) the nature of the request and the content of the information;
- (b) that the third party may consent to the release of the information or make a representation as to why access to the information should not be granted in accordance with sub-regulation (3);
- (c) that if the third party does not make a representation as to why access to the information should not be granted access will be given;



- (d) that the public information officer may give access after considering the representation under sub-regulation (3) on merits; and
- (e) that if the public information officer determines to release the information, the third party may apply for review under section 43 of the Act.

(3) Subject to sub-regulation (8) within 10 days of being informed of a request under sub-regulation (1) a third party may –

- (a) inform the public information officer in writing that he consents to the release of the information to the applicant;
- (b) make a representation to the public authority in writing stating why the request for access to the information should not be granted

(4) Where a third party does not provide a response under sub-regulation (3) within 10 days of receipt of the notification or cannot be located after reasonable steps have been taken to do so, the public information officer may assume that the third party does not object to the information being granted to the applicant.

(5) In determining whether to grant the applicant access to the information of the third party, the public information officer shall notify the third party in writing of the decision within 3 days after the decision was taken.

(6) Where the public information officer has granted the request for access in circumstances where the third party objected to the granting of access, the notification referred to under sub-regulation (5) shall state-

- (a) the reasons for granting the request;

- (b) that the third party may apply for a review of the decision within 10 days of receipt of the notice; and
- (c) that the applicant will be granted access to the information unless an appeal is lodged within the 10 days period.

(7) Where the public information officer is considering a request which he should respond to within 48 hours and the information contains personal, commercial or confidential information of a third party, the public information officer shall take reasonable steps to inform the third party to whom or which the records relates in writing of-

- (a) the nature of the request and the content of the information ;
- (b) the name of the applicant; and
- (c) whether the public information officer released the information to the applicant

(8) Where a public information officer responds to a request within 48 hours pursuant to subsection (7) a third party shall not have the right to make a representation to the public authority stating why the request should not be granted.

23. (1) Where a portion of a record or document containing Severance requested information is exempt from release by these regulations the exempt portion of the information shall be severed or redacted from the record or document and access to the remainder of the information shall be granted to the applicant.

(2) Where the public information officer severs or redacts any portion of a record or document, the public information officer shall indicate the length or amount of information severed or redacted in the response to the applicant.

24. (1) Pursuant to section 15 of the Act information relating to national security and defence of the state shall be exempted from the duty to disclose information .

(2) For the purpose of section 15 of the Act security or defence of the state means -

- (a) military tactics strategy military exercises or operation undertaken in preparation for hostilities ;
- (b) prevention, suppression or curtailment of subversive or hostile activities;
- (c) intelligence relating to -
  - (i) the defence of the state; or
  - (ii) the detection , prevention, suppression or curtailment of subversive or hostile activities
- (d) methods of and scientific or technical equipment for collecting assessing or handling information referred to in paragraph (c);
- (e) the identity of a confidential source;
- (f) the quantity, characteristics, capabilities, vulnerabilities or deployment of anything being designed , developed , produced or considered for use as a weapon or other equipment excluding nuclear weapons.

(3) Subversive or hostile activities referred to under paragraph (b) of sub-regulation (2) means -

- (a) an attack against the state by a foreign element;
- (b) acts of sabotage or terrorism aimed at the people of the state or a strategic asset of the state whether inside or outside the state; or
- (c) a foreign or hostile intelligence operation .

25. In addition to section 16 of the Act on the exemption of international information relating to international relations , a public information officer may refuse to grant access to information –

- (a) supplied by or on behalf of the state to another state or an international organization in terms of an international agreement with that state or organization which requires the information to be held in confidence;
- (b) required to be held in confidence by international law;
- (c) on the positions adopted or to be adopted by the state, another state or an international organization for the purpose of present or future international negotiations; or
- (d) that constitutes diplomatic correspondence exchanges with another state or with an international organization or official correspondence exchanges with diplomatic missions or consular posts of the country

if the release of the information would cause substantial prejudice to the international relations of the state.



Economic  
interests of  
the state

26 In addition to section 17 of the Act on the exemption of information relating to economic interest of the state, a public information officer may refuse to grant access to information if the disclosure of such information would cause serious prejudice to the economy of the state by disclosing prematurely decisions to change or continue economic or financial policy relating to –

- (a) exchange rates;
- (b) the regulation of banking or credit;
- (c) taxation
- (d) the stability, control and adjustment of prices of goods and services, rents and other costs and rates of wages, salaries and other income;
- (e) the entering into overseas trade agreements.

Law  
enforcement

27. In addition to section 18 of the Act on the exemption of information relating to law enforcement, a public information officer may refuse to grant access to information if such access would cause prejudice to –

- (a) the prevention or detection of crime;
- (b) the apprehension or prosecution of offenders;



- (c) the administration of justice;
- (d) the assessment or collection of any tax or duty; or
- (e) the security and life of an informant relating to a crime or investigation

28. In addition to section 20 of the Act on the exemption of information relating to privileged documents, a public information officer may refuse to grant access to information if it –

- (a) consists of confidential communication between a medical practitioner and his patient;
- (b) consists of confidential communication between a legal practitioner and his client;
- (c) consist of confidential communication between a journalist and his source; or
- (d) would otherwise be privileged from production in legal proceedings

unless the patient, client, source or person entitled to the privilege consents to the release or has waived the privilege.

29. (1) In addition to section 22 of the Act on the exemption of information relating to commercial interests, subject to sub-regulation (1) a public information officer may refuse a request for information if it contains-

- (a) trade secrets of the public authority or a third party;
- (b) information about the public authority or a third party that would substantially prejudice a legitimate commercial or financial interest of the public authority or third party

(2) A request may not be refused under sub-regulation (1) where the -

- (a) disclosure of the information would facilitate accountability and transparency of decisions taken by the public authority;
- (b) information relates to the expenditure of public funds;
- (c) disclosure of the information would reveal misconduct or deception ;
- (d) the third party consents to the disclosure; or
- (e) the information is in the public domain

30. (1) Subject to sub-regulation (2) an official document shall be exempt from the duty to access information if its disclosure would or could reasonably be expected to result in the destruction of damage to or interference with the conservation of –

Documents  
Relating to  
Heritage  
Site etc

- (a) any historical, archaeological or anthropological resources;
- (b) anything declared to be a national monument or designated as protection national heritage ;
- (c) any species of plant or animal life which is endangered , threatened or vulnerable

(2) A public authority shall grant access to a document referred to in sub-regulation (1) if it is satisfied having regard to all the circumstances , that the disclosure would be in the public interest

#### PART VI-REVIEW OF DECISIONS

31. (1) An applicant may apply for a review of any decision of the public information officer by filling out the application for review form in the format as set out in Form D in the Schedule.

Right of  
Review

(2) An application for review under sub-regulation (1) shall be filed with the review panel by the public authority within 7-days of receipt of the relevant decision of a public information officer.

(3) An application for review shall indicate the request of the applicant and decision of the public information officer which is the subject matter of the review.

(4) Where an application for review is lodged after the expiration date the review panel of the public authority may upon good cause shown allow the lodging of the application.

(5) The public information officer concerned shall submit to the review panel of the public authority the –

- (a) information that is the subject matter of the review ;and
- (b) the reasons for his decision to reject the application.

Decision of  
review  
panel

32. (1) The review panel of the public authority shall within 15 days after receipt of the application for review

- (a) make a decision ;and
- (b) notify the applicant and the public information officer concerned of its decision in writing

(2) Where the review panel of the public authority determines to grant access to the information requested the notification referred to under paragraph (b) of sub- regulation (1) shall indicate –



- (a) that the applicant should immediately be given access to the information; and
- (b) the form in which access will be granted.

(3) Where the review panel of the public authority determines not to grant access to the information requested the notification referred to under paragraph (b) of sub-regulation (1) shall

- (a) state the reasons for the refusal based on the content and substance of the request and the information of the public information officer concerned;
- (b) inform the applicant that he may appeal to the Commission against the decision and the process of lodging that appeal.

(4) Where the review panel of the public authority fails to give a decision on a review application within the stipulated time limit the review panel shall be deemed to have affirmed the original decision of the public information officer and the applicant may appeal to the Commission.

## PART VII-APPEAL TO THE COMMISSION

33. An applicant who wishes to appeal against the decision of the review panel of a public authority shall submit a written appeal to the Commission within 7 working days after receipt of the decision appealed against.

Appeal  
against  
decision of  
review panel

Direct  
appeal

34 (1) An applicant who requests access to information which he reasonably believed to be necessary to safeguard his life or liberty and is -

- (a) refused access to the information within 48 hours of the requests; or
- (b) receives no notice of the decision of the public information officer within 48 hours of the request

shall submit a written appeal to the Commission within 7 working days after receipt of the decision appealed against .

(2) Where the Commission receives an appeal under sub-regulation (1) it may upon an assessment of the facts determine the matter summarily or undertake further investigation if necessary before the determination .

Notice of  
intention

to investigate

35. The Commission shall notify the public authority concerned of the intention to carry out an investigation and submit to it a copy of the appeal before commencing an investigation

Right to  
make  
represent  
ation

36 (1) In any matter before the Commission a reasonably opportunity to make representations shall be given to -

- (a) the applicant who filed the appeal ;
- (b) the public authority concerned;

- (c) a third party if the information requested contains third party information and the third party can easily be located.

(2) With respect to any matter before it, the Commission shall have the power to –

- (a) summon witnesses or any person where necessary;
- (b) summon expert witnesses;
- (c) allow interested parties on application to join the proceedings;
- (d) allow relevant persons to participate in the hearing;
- (e) compel any witness or evidence it considers necessary for the resolution of the matter; and
- (f) administer oaths and receive any evidence it deems necessary under oath or on affidavit.

37 (1) During the conclusion of the appeal process the Commission may issue orders or recommendations on any matter <sup>Orders</sup> ~~directives~~ before it including -

- (a) affirming the decision of the review panel of the public authority;
- (b) varying the type of access originally granted or requested ;
- (c) setting aside the decision of the review panel of the public authority;
- (d) requiring the public authority to take steps necessary to secure compliance with its obligations ; or
- (e) mandating , negotiation , conciliation and arbitration.

(2) The Commission may issue directions which it considers necessary to enforce its decision.

Time limit  
of appeal  
process

38. The appeal process shall be concluded within 30 days



FIRST SCHEDULE  
FORM A

REQUEST FOR INFORMATION

FOR DEPARTMENTAL USE

Reference number.....

Request received by.....

(state name, surname, position, unit and contact details of receiving officer)

signature of Receiving Officer

A. APPLICANT'S INFORMATION

1. Contact details (email, telephone number, address).....

B. INFORMATION REQUESTED

1. Name of public authority.....

2. Description of document or information sought (provide document name or reference if available and provide enough details to enable the officer to identify the document

.....  
(add additional pages if necessary)

3. If your request is granted you may be charged the applicable fees for reproduction of the document and for mailing copies to you ( no fee will be charged for inspection of documents or for electronic copies). Fees will be waived for –

- (a) requests for personal information about the applicant
- (b) where the applicant is below the poverty line

please describe here any reasons why you believe the fees should be waived in your case.

.....  
.....  
(Add additional pages if necessary )

4. If you wish, you may stipulate the form in which you would like to access the information, as indicated below (failure to check off any of these will result in the information being provided to you in the simplest form for the public authority, normally photocopies of the information)

- (a) inspecting the document(s) ☐
- (b) copying the document(s) using your own equipment ☐
- (c) obtaining a copy of the document(s) in electronic form ☐
- (d) obtaining a true copy of the document(s) in physical form
- (e) obtaining a written transcript of sound or visual document(s) ☐
- (f) obtaining a transcript of the content of document(s) ☐

5. If you believe that your request should be processed within 48 hours because the information is needed to protect the life or liberty of any individual, please indicate that and provide the reasons why you believe this is the case

.....  
.....

(add additional pages if necessary)

## FORM B

## ACKNOWLEDGEMENT OF A REQUEST FOR INFORMATION

1. Reference number of the request .....
2. Request received by .....  
(state name, surname, position, unit and contact details of receiving officer)  
on ..... (date) at ..... (place)
3. Address provided for delivery of information .....
4. Short description of the information sought .....
- .....  
signature of Receiving Officer

## FORM C

## RESPONSE TO A REQUEST FOR INFORMATION

## A. Information about the request

1. Reference number of the request .....
2. Name of the public authority .....
3. Date the request was received and the name of the receiving officer .....
- .....
4. Address provided for delivery of information .....
5. Short description of the information sought .....

## B. Response to the request

1. The information is already available in published form  
location where the information is available including where applicable the  
URL
-

2. The information is not held by the public authority

- (a) the request was transferred to another public authority
- (b) name of the public authority
- (c) the request is being returned to the applicant

3. (a) The information if being provided

- (i) in whole
- (ii) in part ( see below under refusal)

(b) The information is being provided in the following form

- (i) inspecting the document(s)
- (ii) copying the document(s) using your own equipment
- (iii) obtaining a copy of the document(s) in electronic form
- (iv) obtaining a true copy of the document (s) in physical form
- (v) obtaining a written transcript of sound or visual document(s)
- (vi) obtaining a transcript of the content of document(s)

(c) If this is not the form stipulated by the applicant, the reasons are as follows

(d) The following information describes how to access the information (only filled out as necessary for example where the information is being inspected)

(e) Information about any fees being charged along with a breakdown of the fees



- 4 (a) The request is refused in  
(i) whole  
(ii) part
- (b) Description of the part of the information which is being refused.....
- (c) The reasons why the request is refused in whole or in part.....
- (d) The sections of the Sierra Leone Right to Access Information Act 2013  
which are being relied upon to refuse access .....

**NOTE** - You have the right to lodge an internal complaint against this decision. To lodge an internal complaint, please fill out Form D. An internal appeal can be lodged using the following contact information

---

---

signature

.....  
Name of Officer

.....  
date

## FORM D

## INTERNAL COMPLAINT

## FOR DEPARTMENTAL USE

Reference number .....

Request received by.....

(state name, surname, position, unit and contact details of receiving officer).....

.....  
signature of Receiving Officer

## A. Information about the request

1. Reference number of the request.....

2. Name of the public authority.....

3. Date the request was received and the name of the receiving officer.....

.....  
4. Address provided for delivery of information.....

5. Short description of the information sought.....

.....  
.....  
(add additional pages if necessary)

**B. The decision being appealed against**

Mark the appropriate box with an X

<input type="checkbox"/>	The request was refused in whole or in part for any reason
<input type="checkbox"/>	The request was not processed in accordance with the established limits
<input type="checkbox"/>	Excessive fees were charged
<input type="checkbox"/>	The preferred form for access was not respected
<input type="checkbox"/>	Insufficient notice was provided
<input type="checkbox"/>	Any other issue

**C. Nature of the complaint****1. The facts on which the complaint is based**

.....

.....

.....

(add additional pages if necessary)

**2. The substance of the complaint**

.....

.....

(add additional pages if necessary)

MADE THIS 20th day of May, 2022.

FOR. HONOURABLE MOHAMED RAHMAN SWARAY,  
*Minister of Information.*

FREETOWN  
APRIL, 2022.