

## SOP ON HANDLING THE RTI (RIGHT TO INFORMATION) APPLICATIONS

### Salient Features of RTI Act, 2017:

RTI is regarded as a fundamental human right, that falls within the scope of freedom of speech in International Law. Pakistan is a signatory to the International Covenant for Civil and Political Rights (which covers the freedom of speech), and as such is obligated to provide this right to its citizens. Article 19A of the Constitution of Islamic Republic of Pakistan grants freedom of information and right to information as a fundamental right in Pakistan. The Article 19A reads:

*“Right to Information: Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law”.*

The Right of Access to Information Act, 2017 was enacted to provide for a law which gives effect to the fundamental right of access to information as guaranteed under Article 19-A of the Constitution of Islamic Republic of Pakistan and international law. The law envisages that everyone has a right of access to all information held by public bodies subject to reasonable restrictions imposed by law. It is applicable to all public bodies of the Federal Government.

The Act states that every person who is a citizen of Pakistan can give an application to the designated official for having information as a matter of right in respect of information held by a public body. The designated officials are officers in BPS – 19 or equivalent (the Public Information Officer, hereinafter referred to as PIO) appointed in each public body under the Right of Access to Information Act, 2017. The Act further provides functions of designated officials; procedure for acceptance and refusal of request; and time limits for responding applications. Last but not the least, the Act prescribes the kinds of information which should be exempted from disclosure and formation of Information Commission.

### Standard Operating Procedure for dealing with the RTI applications:

The Senate Secretariat has devised following Standards Operating Procedure (SoP) to deal with the applications received for the provision of information under the Right to Information Act, 2017:

1. **Provision of Information on the website:** The PIO (Designation of the official/officer), along with the department of Information & Technology, shall ensure that all the data and record is made public as required in Section 5 of the Act,2017.
2. **Requests for information/record:**
  - i. A request shall be in writing and made in person, by mail, fax, on line or e-mail.
  - ii. All applications shall be made in a prescribed format (attached as annex -I).
  - iii. In no case the applications shall contain reasons for the requests of the applicant.
3. **Receipt of RTI Applications:** All RTI applications received by Senate Secretariat shall be sent to the PIO (Designation of the official/officer) for processing.
4. **Acknowledgement of RTI Applications:** After receiving an RTI application, the PIO should provide an acknowledgment of its receipt to the applicant.
5. **Record of application:** To keep the record (both manual and digital) of applications, the PIO shall;
  - i. record the application in a central registry. This will allow tracking of applications and provide an overview of all the applications received; and
  - ii. keep the detailed information about the application in the register (such as information about the fees charged, what exceptions were relied upon if the request was declined, in whole or in part, and so on).
6. **Scrutiny of the application for acceptance or refusal:** The PIO shall scrutinise the application within 3 days, after its receipt and acknowledgment.
7. **Response Mechanism (Acceptance or refusal of applications):**
  - (a). **Refusal of the requests:** After Scrutinising the application, the PIO shall decline the request of the applicant if the provision of record is based upon the provisions given in section 7 of the Act,2017.

- (b). **Acceptance of the applications/requests:** After Scrutinising the application, the PIO shall process the request and by notice in writing inform the applicant that he is entitled to receive the information or record under section 6 of the Act,2017, and subject to the payment of prescribed fee, and upon payment of the fee the PIO shall provide the requested record.
8. **Transmission of application to the relevant Department:** The PIO shall transmit the application to the relevant department/Cell/Unit for the provision of record and such department/Cell/Unit shall, within 5 days of its receipt provide the required information.
9. **Approval of the Competent Authority for the Provision of Information:** The PIO, after receiving the record from the relevant department/cell/unit, and its review, forward the application along with the record, for its approval from the Secretary Senate/Chairman Senate. The approval of Competent Authority shall be sought within 2 days of the receipt of the record.
10. **Process of providing Information:** The PIO, shall provide the required information to the applicant within a day after attaining the approval from the Competent Authority. The record shall be accompanied by a certificate which may be affixed to the information or record at the foot thereof, or as appropriate, to the effect that the information is correct or, as the case may be, the copy is a true copy of the original record and such certificate shall be dated and signed by the PIO.
11. **Process of refusal of the Requests:** If the PIO refuses a request, he shall, before informing the applicant of such refusal, obtain written approval of the Secretary Senate/Chairman Senate.
12. **Time Limit for Response:**
- i. The PIO shall respond to the request of the applicant within ten working days after the receipt of the application.
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- ii. The prescribed time may be extended to further ten days if the nature of application requires research through large number of record(s) located in different offices or consultation is required with third parties of other public bodies.
- iii. The information needed to protect the life and liberty of any individual shall be provided within three working days.

13. Appeal in PIC

- i. The applicant, if not satisfied with the response of the Senate may file an appeal with the information Commission.
- ii. Upon receipt of the summons from PIC, the concerned designated officer (PIO) or any other concerned officer by affording reasonable time and opportunity, shall provide cogent reasons for rejection or partly rejection of an application for access to information within/before the timeline prescribed by the Information Commissioner.
- iii. The PIO shall keep the record of hearing held with the PIC in appeal, for information and perusal of the Secretary Senate.
- iv. The PIO, shall inform the Litigation cell/HRM Department of the Senate Secretariat regarding order of the PIC announced/issued under sub-section (2) of the Section 20 of the Act, 2017.
- v. The Litigation Cell/ HRM shall, if required, with the approval of Competent Authority, avail next available remedy, within reasonable time of receipt of the order of the PIC, to avoid the proceedings of Contempt of Court against Senate Secretariat.

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**THE REQUIRED INFORMATION FOR THE RTI APPLICATIONS**

**(To be uploaded on the website of Senate)**

As per Sections 11 and 13 of the Right of Access to information Act, 2017, the Senate Secretariat has formulated the following procedure for requests for information:

- i. The request for information should identify the information or record sought in sufficient detail to enable the Secretariat to locate it.
- ii. The request should also include the applicant's complete address and contact details for delivery of the information or record.
- iii. The request for information may be formally sent on the prescribed form. **(To download the form please click here)**.
- iv. The original form may be sent by post with email of an advance copy to Designated Officer/PIO.
- v. One request shall not contain more than five questions; additional questions shall be treated as a separate request.
- vi. Once the request has been formally acknowledged by the Senate Secretariat, a fee as prescribed on the challan may be paid at any branch of the ..... Bank of Pakistan **(To download the challan please click here)**.
- vii. The original copy of the paid challan, along with a copy of the application form may be sent by post with email of the advance copies to Designated Officer/PIO.
- viii. The Requests made by the applicant shall;
  - a. be entertained as allowed under relevant Pakistani laws and as per procedure detailed above;
  - b. be accepted after payment of the prescribed fee;
  - c. contain a maximum of five questions per form;
  - d. not be incorrect on the basis that the information sought relates to the information which is substantially the same that has already been provided; and
  - e. not be the information already available in generally accessible form .

**Email Address:** .....

**Mailing Address:** ..... Constitution Avenue, G-5/1, Islamabad.

Any complaints may please be shared with the Designated official/PIO:

SENATE SECRETARIAT

RTI REQUEST FORM UNDER RIGHT OF ACCESS TO INFORMATION ACT 2017

NAME OF THE APPLICANT	
CNIC	
PROFESSION	
CONTACT NUMBER	
EMAIL ID	

**QUESTIONS/INFORMATION**

1.	
2.	
3.	
4.	
5.	

**REASON(S) FOR THE REQUEST**

**UNDERTAKING**

I hereby certify that I am seeking this information for my personal information and will not share or sell this information with any other entity or individual. I also undertake that I will inform and seek the permission of this Secretariat if this information is sought by any entity either local or foreign.

Signature: