



RIGHT TO ACCESS INFORMATION COMMISSION - SIERRA LEONE

RAIC COMPLIANCE ASSESSMENT REPORT

**SIERRA LEONE 2021 VOLUNTARY NATIONAL REVIEW (VNR)
REPORT ON THE SDGs**

Accelerator Goal 16.10.2 Public Access to Information

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FOREWORD

The enactment of the freedom of information law in 2013 was a very important step towards democratic governance, transparency, accountability and the rule of law. The law itself provides a democratic space for monitoring of government affairs at all levels, and also widens the opportunities to claim access to crucial information for active participation in the democratic process. Apparently, the government of Sierra Leone is cognizant of the reality that freedom of information is an indispensable part of democratic societies in which citizens are given the right to be informed about policy decisions, actions of government and the conduct of state functionaries. This became a very important step towards transparency, openness, and accountability.

The fundamental governance principles of an access to information approach are transparency, participation and accountability. Such a basis makes access to information not only critical to all activities of government, but also beneficial to how citizens inform themselves. Having access to information means having access to knowledge essential to one's basic rights and freedom; having access to resources that make it possible to enjoy healthy life and individual empowerment, and the awareness of major challenges facing humanity. That is why the development of adequate laws to make these fundamental rights a reality is essential in any society.

Freedom of Information law in general is seen as a three-phase process: the passage, implementation, and enforcement. These three elements are crucial and interrelated. Nonetheless, the implementation phase is paramount. Practical experience has it that without full and effective implementation, the Freedom of Information law will be meaningless. Nonetheless, a well-implemented Freedom of Information law is an instrument that governments can use to learn from past successes and mistakes; mainstream transparency and accountability in public places, curb corruption, guarantee a vertical and horizontal flow of information, and of course, build citizens' trust in public service delivery. Sierra Leone can boast of having the 5th globally formidable RAI law.

This achievement demonstrates the willingness of Sierra Leoneans across the board to pass this law. Commendation should be given to the drafters of the RAI law, and the Civil Society activists who established themselves right from the outset as FOI advocates, and fought relentlessly for this law to occupy a space in the statute books of our nation.

Right of access to information held by public authorities is a fundamental right consistent with Target 16.10.2 of the Sustainable Development Goals (SDG), which calls for ensuring public access to information and protection of fundamental freedoms in accordance with national legislation and international agreements. These include Article 19 of the Universal Declaration of Human Rights, as well as Article 9 of the African Charter on Human and Peoples Rights. Being in the global information rights community, Sierra Leone cannot be an exception to the process.

The right of access to information applies to all public bodies, including the executive, legislative and judicial branches at all levels of government, constitutional and statutory bodies, bodies which are owned or controlled by government, and organizations which operate public funds, or which perform public functions.

The law allows all persons to request information contained in official documents. This includes personal information of individuals exercising state functions related to the performance of their duties. Public Authorities are required to publish their location, functions, rules, and methods and procedures. Documents that have been previously released that the public authority deems important to others must also be published. Public authorities are obliged by law to specifically proactively publish on their websites, or/and their roles, functions, activities and operations. Information can be withheld only if the law restricts their disclosure as provided for in Part 3 Sections 12-26 of the RAI Act.

We at the RAIC see public access to information captured in SDG 16.10.2 as not only an end in itself but as a means to an end, or rather many ends. We believe that right to access information has the potential not only to provide the enabling environment for the enjoyment of other human rights but also for achieving all the targets in goal 16 such as access to justice and ensuring peaceful and inclusive societies, as well as the targets in the rest of the other SDGs. This underscores the selection of SDG 16.10.2 by the Ministry of Planning and Economic Development as one of the accelerator goals for the SDGs included in the 2021 Voluntary National Review (VNR) Report for Sierra Leone. It is for this reason that we are delighted to be contributing this Shadow Report together with a short documentary to accompany this year's VNR Report. We are honoured to be contributing to Sierra Leone's VNR Report this year for the first time since the establishment of the Commission in 2014.



*Dr Ibrahim Seaga Shaw,
Chairman and Information Commissioner,
Right to Access Information Commission
5th July 2021, Freetown, Sierra Leone*

EXECUTIVE SUMMARY

The reconstituted Commission commenced operations against the backdrop of a number of international human rights instruments consistent with Article 19 of the Universal Declaration of Human Rights which provides for a right of all persons to seek, receive and impart information without borders; and Article 9 of the African Charter on Human and Peoples Rights. Mindful of the task involved in implementing a law enacted to engender transparency and accountability, and that access to information is the center piece to open governance, the realization of the right to participatory democracy, freedom of expression and the assertion of other basic human rights, the Commission in the past two and half years has brought onboard and implemented a host of ideas adduced in the main body of this Report.

The RAIC under the new leadership of Dr Ibrahim Seaga Shaw and his four regional Commissioners with support from their administrative and professional staff began the examination of the entire Commission from an institutional, operational and regulatory standpoint largely to have a guided pathway in the right of access to information journey. To the reconstituted Commission, a good foundation for the implementation of the Freedom of Information Law begins from a clear picture of the existing organizational structure, administrative processes and procedures; investigation and compliance mechanisms; enforcement procedures; and public engagement strategies. In the course of putting systems in place to deliver on its statutory mandate, the Commission encountered numerous challenges that cannot be surmounted without broad lines of engagement and consultation. One major step taken by the new leadership of the Commission was the call for an investigation of the existing internal controls and management and functional review by behavioural change institutions such as the Internal Audit Department and Public Sector Reform Unit (PSRU).

The Commission prioritized the findings and recommendations submitted by these institutions in the discharge of its mandate. Another major step was the holding of capacity building seminars in collaboration with OSIWA with the objective of empowering the Commission's resource capacity with initiatives, concepts, skills that helped the Commission to formulate guidelines, rules, principles that will foster competency, creativity, and above all effectiveness. Added to this was the organization of roundtables and interactive sessions with stakeholders on different occasions and locations where diverse insights were shared about access to information rights and the issues bordering on the statutory provisions of the RAI Act. Over and above, the development of instruments that gave effect to the RAI Act such as the records management code of practice; whistle blowing and whistle blower protection policy guidelines, and the RAI regulations.

The Commission launched the proactive disclosure of information scheme in December 2018. It also established a multi stakeholder council that serves as a back-stopping to its monitoring efforts in ensuring proactive information disclosure compliance. In collaboration with multilateral, bilateral and national agencies, it further strengthened the open data and data compact process coordination and the implementation of programmes in the Open Data Readiness Assessment, and an open data portal which sits at the Ministry of Information and Communication edifice. The new Commission also established an Archives and Record Management system that developed a code of practice for records management. It also expanded its investigation approach, complaint request efforts, and regulatory guidelines and rules of procedures. This endeavour was constantly reinforced with an expanded nationwide sensitization and public awareness campaign.

Sierra Leone has made steady progress in the promotion of public access to Information since the enactment of the Right To Access Information Law in 2013 and the setting up of the Right to Access Information Commission in 2014. In an assessment conducted in 2019, we noted that 112 successful Freedom of Information (FOI) Requests in the country were made between 2014 and 2019, about 50% of which were actually made in 2019 alone. In our assessment of 2020, we noted that 144 FOI requests were made in the whole country, out of which 132 were fully complied with. The Proactive Disclosure of Information (PDI) was launched on 6th December 2018 by the Vice President, and steady progress has been made on this front since then. In our assessment of PDI in 2019, we noted that out of 10 public authorities that submitted Proactive Publication Schemes, one was fully approved, two were approved with observation, three given conditional approval, and three rejected. In our assessment of PDI in 2020, we noted that out of 20 public authorities that submitted their publication schemes, 10 were approved with observation, 8 given conditional approval, and 2 were rejected. In our assessment of 20 public authorities, we noted that 13 have Records Management departments/units, 15 have Public Information Officers, and 15 have ICT departments/units.

Sierra Leone has since 2019 participated in an annual UNESCO survey on Public Access to Information (SDG 16.10.2) and the country scored 5 out of 5 on adoption and 4 out of 4 on implementation of the FOI law with a total score of 9 in the 2020 UNESCO survey. Sierra Leone also scored 85% on FOI in the MCC compact assessment for 2020. Sierra Leone was among 6 countries that co-sponsored the UN Resolution that recognised September 28 as the International Day for the Universal Access to Information on 15th October 2019, a day which has been celebrated in Sierra Leone since 2019. Increased popularisation, public engagement, and capacity building activities involving state and non-state actors throughout the country over the past two years have contributed immensely to this steady progress the country has made on FOI. However, while we recognise this steady progress, challenges such as limited resources and staffing have impacted the adoption and implementation of the FOI law in Sierra Leone.

INTRODUCTION

Sierra Leone has made steady progress in the promotion of public access to Information since the enactment of the Right To Access Information Law in 2013 and the setting up of the Right to Access Information Commission in 2014. It was founded on the principles of promoting transparency, accountability and good governance. The Commission began full operation in July, 2014 with the appointment of its first Commission headed by a chairman who doubles as Information Commissioner, and four Regional Commissioners. The Commission has a national Secretariat based in Freetown and four regional offices in Freetown, Bo, Kenema, and Makeni.

The Act mandated the Commission to promote access to information held by bodies or organizations that receive monies on behalf of the people of Sierra Leone and ensure compliance by these bodies, or organizations, to disclose information to the general public if that information is required for the protection, or enforcement of any right. The Commission is also mandated with the responsibility to promote proactive disclosure of information and enforce measures to promote openness by forging partnership with stakeholders, including government institutions, national and international partners; undertake training activities for public authorities on the right to access information and the effective implementation of the Act. Under the RAI Act, the Commission has the powers of the high court to undertake investigation of appropriate matters, enter any premises in the conduct of its investigations, and order the release of information, among other things. The overall objective of the Commission is to promote the demand and supply of information among the general public.

RAIC was founded at the highest point of the Ebola disease outbreak in the country, following a sustained advocacy campaign by a coalition of national Civil Society Organizations in collaboration with international partners. Having stayed in operation for about four years, the Commission was reconstituted in November 2018 with the appointment of the current Chairman and Information Commissioner and four regional commissioners. The Commission operates on a platform of fundamental human rights recognized by international human rights instruments, especially Article 19 of the Universal Declaration of Human Rights (UDHR), Article 9 of the African Charter on Human and Peoples Rights (ACHPR) as well as the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The government of Sierra Leone is cognizant of the reality that freedom of information is an indispensable part of democratic societies in which citizens are given the right to be informed about policy decisions, actions of government and the conduct of state functionaries. This is why the enactment of the freedom of information law in 2013 was a very important step towards democratic governance, transparency, accountability and the rule of law. It provides a democratic space for monitoring of government affairs at all levels and also to widen the opportunities to claim access to crucial information for active participation in the democratic process.

The Commission has made tremendous effort in fulfilling its core mandate of facilitating access to information as a way to promote transparency, accountability and good governance across a broad spectrum of sectors in Sierra Leone. It is clear from its mandate that the RAIC hugely complements the efforts of the Anti-Corruption Commission, especially in preventing corruption. The urgency of the RAIC mandate is further underscored by the renewed war against corruption championed by the government of President Julius Maada Bio which is making a tremendous impact and receiving wider international accolades.

The establishment of the Right to Access Information Commission (RAIC) in 2014 generated a lot of interest from the demand side of the process, namely citizens, the disabled, women & youth, as

well as civil society organizations and development partners who had been concerned about getting access to vital information as a way to effectively prevent corruption. However, following the reconstitution of the Commission in 2018, it found that Citizens have been relatively slow to exploit the opportunities available to them to seek information, with barely more than hundred requests generated so far and coupled with corresponding slow responses at the time. This was largely due to the limited knowledge of the demand and supply chain of the RAI process. The Commission itself has been constrained to undertake a sustained public awareness and sensitization campaign, as well as engage all public stakeholders to effectively promote their roles, responsibilities and rights to demand and supply information, due to limitations of resources and staff.

The Commission was able to minimize these challenges largely through the pilot projects on Proactive Disclosure of Information, Popularisation of the RAI Act, capacity building, and Records Management funded by the World Bank and OSIWA. With these donor Funded Projects, significant in-roads were made in the popularization of the Act and the operations of the Commission. For example, the Strategic Planning Retreat in November 2019 strengthened internal communication and collaboration, staff bonding and team-work, and increased performance within the Commission. It also helped review the Commission's current organizational structure and strengthened the capacity of staff of the Commission to conceptualize, develop and implement policies. The production of the first ever Annual Report of the Commission and the development of the Commission's first ever strategic plan cannot be unconnected to skills derived from the strategic planning retreat.

The capacity building component of the project complements support coming from other donor agencies, for e.g., the World Bank, which focuses mainly on open data; the sensitization activities on access to information and proactive disclosure of COVID-19 related information which the Project Team adopted as a strategy to complement government effort to contain the pandemic and build public trust in service delivery related to the pandemic.

The Commission received nationwide appreciation for its work in promoting citizens' understanding of the content and quality of information to access during the pandemic and post-pandemic period; the training of journalists on the FOI law in October 2020 created a significant impact as it significantly improved the awareness of journalists of the relevant provisions of the Right to Access Information (RAI) Act and on how to make Freedom of Information (FOI) requests from public authorities in the conduct of their profession. The impact is now evident in the increased number of requests to public authorities and complaints to the Commission. The roundtable broadened the knowledge of professional interest groups in Sierra Leone on the Freedom of Information Law and the work of the Commission which has in turn created considerable impact on the demand and supply of information in the country.

GUIDING PRINCIPLES

VISION

To be part of the Global Information Rights Society

MISSION

To ensure an open space in information accessibility through effective collaboration for sustainable development

VALUES

Openness, Transparency, Accountability, Fairness, Swiftness, and Integrity

OBJECTIVE

The overall objective of the Commission is to promote the demand and supply of information among the general public, public authorities, and the private sector in accordance with the Act enacted by the Sierra Leone Parliament on 29th October, 2013.

OFFICES AND LOCATIONS

RAIC National Secretariat:

58 Kroo Town Road, Freetown,
Tel: +232 30359669 / 30-359669
Email: accessinfo@raic.gov.sl

Eastern Region:
22 Turay Street, Kenema City,
Kenema District
Tel: +232 76201020

Northern Region:
31, Mabanta Road, Makeni City,
Bombali District
Tel: +232 77209999

Southern Region:
188 New Gerihun Road, Bo City,
Bo District
Mobile Tel: +232 78593292

Western Region
58 Kroo Town Road Freetown,
Western Area Urban
Tel: +232 78300117

6. MONITORING AND REPORTING ON COMPLIANCE WITH SDG 16.10.2-PUBLIC ACCESS TO INFORMATION

RAIC's core mandate is to implement the Right to Access Information (RAI) Act 2013 and in doing so facilitate access to information as a vehicle to promote transparency, accountability and good governance. Achieving the successful implementation of the RAI law is by no means an easy job, especially given the rate of mass illiteracy in the country and the culture of secrecy which had been the status quo before the enactment of the RAI Law. One way of measuring progress in the implementation of the RAI law is by monitoring and reporting on the extent to which public authorities are complying with their obligations as enshrined in it. Part 2 section 2 of the Act provides that everybody, no matter your status, tribe, social standing, colour, race, etc. has the right to access information held by public authorities. However, this right can only be enjoyed if the public authorities who hold the information requested comply. RAIC's interventions to ensure compliance have been two-fold; the first is the baby-sitting or use of the carrot approach where the Commission provides capacity building and other forms of support to the public authorities to help them understand their obligations under the Act from the supply side and to members of the public, especially civil society to understand their rights to access information on the demand side; the second is the use of the stick such as issuing orders and fines to compel the public authorities to comply with their obligations.

Two things have helped the newly constituted Commission to monitor and report on compliance by public authorities with public access to information in Sierra Leone. First, it set itself the target of producing an annual report of its activities covering 2019 in accordance with Section 41 of the RAI Act for the first time since it was set up in 2014, and Sub Section 3 of that Section provides that such annual report should include reports of the status of compliance by all public authorities. Second, it has since 2019 been participating in an annual UNESCO Survey. UNESCO is the UN agency mandated to monitor and report on compliance by member states of the United Nations with SDG 16.10.2 which speaks directly to Public Access to Information. This Survey focused on central information about adoption and implementation of the right to information (RTI) and was designed to help Member States provide the core data that UNESCO and the UNESCO Institute of Statistics are seeking at that moment to fulfil UNESCO's mandate.

The UNESCO Survey required the following:

binding national right to information rules guiding strategies and non-binding policies or road maps that are directly relevant to the implementation of the right to information national mechanism that monitors and reports the Sierra Leones progress towards the SDGs central body that exercises oversight functions regarding the right to information in Sierra Leone oversight body other than the courts which hears appeals concerning refusals to disclose information.

In short, the UNESCO Survey focuses on the state of adoption and implementation of the Access to Information (ATI) Law in member states of the UN. In the 2020 survey, the adoption of Access to Information Laws has five main questions in the Survey which are:

Whether there is a primary ATI legislation

Whether there is an ATI national oversight body, or institution, responsible to ensure implementation of the law Whether there is a legal provision that guarantees the appointment of public information officer by every public authority

Whether the ATI oversight body is mandated to perform the following roles: Oversight, Appeals, Monitoring of Access to Information Implementation, Mediation, and enforcement of compliance with Access to Information legal guarantee.

Whether the legal guarantee on Access to Information explicitly mentions permissible exemptions that are consistent with international standards

The Commission responded in the affirmative to all the above questions under adoption of the RAI law in the survey for 2020. In the 2020 survey, the implementation of Access to Information Laws has three main questions in the Survey which are:

- Whether the ATI body keeps statistics of appeal cases
- Whether the ATI body receives reports from public authorities on ATI/FOI requests they received
- Whether the ATI body keeps statistics of appeals at the national level

The Commission responded in the affirmative to all the above questions under the implementation of the RAI law in the survey for 2020. The Commission therefore scored 5 out of 5 on adoption and 4 out of 4 on implementation with a total score of 9. In the 2019 UNESCO survey the questions were more or less similar although they were not specifically categorized under adoption and implementation. Moreover, there were more questions in the 2019 Survey which included challenges and the independence of the ATI oversight body, which did not form part of the 2020 survey.

The RAIC contribution to the 2021 Sierra Leone VNR Report focused on the status of compliance with SDG 16.10.2 which speaks specifically to Public Access to Information as one of the Accelerator targets of all SDGs. Data collected from the 2019 and 2020 UNESCO survey completed by our Commission as well as data from the Commission's first ever 2019 Annual Report informed the RAIC's contribution spanning 2019-2020 to the 2021 VNR report. The following five sub indicators were identified and monitored by the RAIC to get the data contributed to the 2020 UNESCO survey which by extension partly informed the Commission's contribution to the 2021 VNR Report:

- compliance with proactive disclosure of information,
- Response to Freedom of Information requests
- Maintenance of Records Management and Documentation
- Recruitment of Public Information Officers
- Setting up of ICT units/departments

All the above indicators are clearly captured in the RAI Act 2013 as obligations which all public authorities are required to comply with. Part 2 Section 2 clearly provides that everybody has the right to request for information held by all public authorities, PART 2 Section 8 Subsection 2 provides for proactive disclosure of at least 22 classes of information; Part 4 Section 27 provides for maintenance of Records Management and Documentation; Section 28 provides for all public authorities to recruit a public information officer; while Section 29 provides that all public authorities should have ICT units or departments.

The rest of this report will now look at the status of compliance with the aforementioned indicators in 2019 and 2020. The discussion of each of these indicators will capture projects, programmes, activities and international/national partnerships that supported the status of compliance with that particular indicator.

Proactive Disclosure of Information

The Proactive Disclosure of Information (PDI) was launched on 6th December 2018 by Vice President Dr Mohamed Juldeh Jalloh, and steady progress has been made on this front since then. Proactive disclosure is not a privilege. Rather, it is an obligation of all institutions to which the right of access to information applies. It is an imperative for transparency. It has the potential to provide information to the community faster and at a lower cost. It reduces time and resources in processing individual information requests and demonstrates commitment to openness, accountability and transparency, which in turn will increase people's confidence in government. The willingness on the part of public institutions in all arms and tiers of government to embrace the culture of proactive disclosure of information, both as a key obligation and an essential requirement of access to information rights, is weak. Voluntary disclosure of information serves the interest of the citizens and accentuates the performance of the public sector. Though the RAI Act says that six months after its passage the relevant MDAs should have submitted their Proactive Disclosure Schemes to the RAIC for examination and approval, five years down the line very few government entities have been able to do so.

To strengthen the proactive disclosure of information efforts, the RAIC and PFMICP through the Open and Big Data component of the World Bank supported ten government ministries, departments and agencies to develop their proactive disclosure schemes. The objective of this project is for the 22 minimum classes of information that are referenced in Section 8 of the RAI Act to be proactively disclosed. The Commission organized a very successful Proactive Disclosure of Information (PDI) forum launched on 6th December 2018 which attracted about 200 participants, including the 10 pilot MDAs supported by consultant to work on their Proactive Publication Schemes ; these Pilot MDAs include: Statistics Sierra Leone; National Civil Registration Authority; Sierra Leone Police; Parliament; Ministry of Health and Sanitation; National Revenue Authority; National Public Procurement Authority; Ministry of Agriculture, Forestry and Food Security; Environmental Protection Agency; and Ministry of Basic and Secondary Education.



These carefully selected ten MDAs were piloted to open the door for the comprehensive disclosure of information in all MDAs in the country. It was a renewed enthusiasm to finally let citizens fully enjoy their right to information. The Chairman and Information Commissioner of RAIC, Dr. Ibrahim Seaga Shaw, who assumed office in barely a month, said the RAIC is the only institution in Sierra Leone with the legal mandate to lead the process of promoting access to information and open data through proactive disclosure of information by public authorities.

Key issues deliberated include:

- The Proactive Disclosure Scheme: Obligations for Public Authorities
- Measures to Promote Openness: Information, Data and Records Management and its Sustainability in the New Dispensation
- The Data Revolution: Data Integrity, Availability and Accountability for Effective Decision-Making
- Traditional and Non-Traditional Methods of Disclosure: The Sierra Leone Experience
- Data Protection, Privacy and Confidentiality
- Introducing the Proactive Disclosure of Information Project



A cross-section of participants

Following this development, the Commission organized a Proactive Disclosure of Information (PDI) Workshop on January 8-12, 2019 at Radisson Blu with 80 participants in attendance from MDAs and CSOs. With World Bank funding, the Commission organized a roundtable on PDI deadline at the Family Kingdom on 29th March 2019 where a new deadline was announced.

In view of increasing the compliance rate of PDI, the Commission has been facilitating workshops with representatives from MDAs every Wednesday, known as PDI Wednesday, at the Ministry of Information on the development of Proactive Disclosure Publication Scheme.

Proactive Disclosure in the Regions

Publication, education and engagements about the Proactive Publication Scheme was fully replicated in the provinces.

Eastern Region: The Commission's Eastern Regional Office led by the Resident Regional Commissioner, Mary Wuyatta Karimu held stakeholders' consultative meetings at regular intervals with MDAs and alongside Non-State Actors (NSAs). The purpose of the meetings was to intimate these organizations about the Proactive Publication Scheme and the Proactive Disclosure requirement of all public authorities as provided for in Section 8 of the RAI Act 2013. Some of the engagements were chaired by the Provincial Secretary, East, Mohamed S. Kargbo, at the conference hall of the Office of the Resident Minister, East. The Eastern Regional Office also carried out periodic inspection of the publication schemes of some MDAs and Non-State Actors within Kenema. That move came on the heels of the official launch of the Proactive Publication scheme by the Honorable Vice President of the Republic of Sierra Leone, H.E. Dr. Mohamed Juldeh Jalloh, in December 2018. The following Non-State Actors were also taught about the process of developing publication schemes.

- Welthunger Hilfe
- Social Enterprise Development
- Network Movement for Justice and Development
- Humanist Watch Sierra Leone
- Network Movement for Rural Development

Northern Region: In strengthening the work of the Commission in the Northern Region in respect of the Proactive Publication Scheme and its formal launch, the RAIC Northern Regional Office led by Regional Commissioner Abu Bakarr Kargbo held series of engagements with MDAs bringing out to them statutory obligations of public authorities with regard to the Proactive Publication Scheme and Proactive Disclosure of Information (PDI). Upon the announcement by the Commission of the March 1 2019 deadline for all public authorities to develop the Proactive Publication Scheme, the regional office held a press conference and briefed journalists about the deadline for the submission of the Proactive Publication Scheme to the Commission for the attention of relevant MDAs in the northern region.

Southern Region: The Commission office in the southern region under the leadership of Regional Commissioner Yormah Beah Idriss started sometime in January with familiarization tour to the various stakeholders and Ministries, Department and Agencies in the Bo district, including Permanent Secretary 's Office, Resident minister's office, Agriculture, Health, Education SDO's office, Teaching service commission, Police, SALWACO, social welfare, district councils and city councils. The message delivered was centered on the Proactive Disclosure of information by MDAs. In these engagements, the Southern Regional Office laid emphasis on the 22 classes of information provided for in Section 8 of the RAI Act which all Public Authorities should proactively publish. Following the launch of the Proactive Publication Scheme, the Regional Commissioner South initially embarked on a number of engagements with MDAs resident in Bo City reemphasizing the statutory obligation required of institutions that received monies on behalf of the people of Sierra Leone. Upon the announcement of the March 1 deadline for MDAs to submit their Proactive Publication Scheme, the Southern Regional Office extended its proactive disclosure engagements to the other district headquarter towns. During these engagements, details were given about the scheme, how information can be accessed, and the fines to be levied by the Commission on the basis of non-compliance with the provisions of the RAIC.

Western Region: The PDI Wednesday's hosted at the Ministry of Information and Communications recorded 51 Ministries and Agencies participating and gaining more knowledge on the Proactive Disclosure of Information. For these events, the Western region received support from the Legal Officer, the Investigator, the Records Management Officer and the Public Information Officer of the Commission.

Open Data

Proactive disclosure of information is the bedrock of open data for the simple reason that data generated in information proactively disclosed by public authorities, especially in digital formats, is easily fed into open data platforms or portals. To strengthen national institutional coordination on open data, the Commission made significant strides towards establishing a foundation for a comprehensive open data initiative following an Open Data Readiness Assessment (ODRA). Through its open data component, it is at present coordinating the Open Data and Data Compact processes in Sierra Leone and undertaking programmes in the Open Data Readiness Assessment in collaboration with national, bilateral and multilateral agencies. The Commission has also adopted a multi-sectoral approach in establishing an Open Data Council in a bid to strengthen national institutional coordination around open data. It is coordinating the activities of the sixty (60) multi-sectorial and multi-disciplinary members in the Open Data Council comprising the Ministry of Information and Communication, Open Data Professionals, Academics, CSOs, Private sector and MDAs. With this, it has also gone ahead to establish three committees namely: the Ministerial Committee, National Steering Committee and Technical Advisory Committee. Five Key ministers sit at the Ministerial Committee level with the Minister of Information and Communications sitting as Chairman while the RAIC chairs the Open Data Council. To effectively and efficiently operationalize the Open Data Portal for Sierra Leone (www.opendatasl.gov.sl) the Commission is collaborating with the Ministry of Information and Communications (MIC) for a technical guidance and support while the Commission is providing overall management.

Due to the major shifts in society driven by technological advances in the collection, analysis and use of large data sets that has become commonplace, the Commission is providing training and support to Public Information Officers and civil society organizations (non-state actors) to enable them to keep pace with global developments in the public and private sectors, so that they can continue to relate as well as mediate between increasing complex social groups and sectors in a digitalized future.

Data Protection

However, not all information or data can be legally either proactively disclosed by public authorities or made accessible on request. Part 3 Sections 12-26 provide for exempt information which include classes of information that are classed as sensitive data the release of which could or may be harmful to the public interest. The Commission is therefore collaborating with other stakeholders working on sensitive data to develop a data protection law. The Chairman and Information Commissioner (CIC) delivered a strong message in defence of the need for the RAIC to take the lead in the regulation of data protection in the country at the presentation of the first data protection policy at a stakeholders meeting held at the National Commission for Civil Registration headquarters in Freetown on 8th October, 2019. In that message, the RAIC CIC called for a multi-sectoral approach led by his commission replicating the best practice of the formation of the open data ministerial council comprising of key stake-holding ministries dealing with open data with the Minister of Information and Communications (MIC) chairing it and the Open Data Council comprising of key open data stake-holding state and non-state actors with the RAIC CIC chairing it.

In a letter dated 24th February 2020, the RAIC CIC drew the attention of the Minister of Information and Communications to a so-called data protection policy/law that has been drafted by a consultant hired by the National Civil Registration Authority (NCRA) with funding from the EU and recently circulated to stakeholders for comments, and alerted him that after a close look at the policy, the commission has identified two fundamental problems with it which are as follows:

'Firstly, the proposed data protection policy is only limited to protecting personal data which NCRA is apparently more interested in. However, data protection involves much more than protecting personal data or privacy; it also involves the protection of a plethora of other sensitive data such as national security, commercial interest of third parties, public economic interest, customary rites and usages, client professional privilege, etc.

Finally, the policy is proposing the setting up of another independent authority to regulate data protection when in international best practices such as the UK, South Africa, Mexico etc.; it is one authority that regulates both. The latter is far better because it does not only cut down waste of public resources but fundamentally prevents conflicts in striking the balance between the right to access information and the need to protect sensitive data that, if otherwise not protected, can undermine the enjoyment of other human rights such as the right to privacy or the right to live in peace.'

The letter also reminded the minister that sections 12 to 26 of the RAI Act 2013 speak directly to exemptions (most of them cited above as constituting sensitive data to be protected), which really involves regulating data protection. This makes it absolutely necessary, the letter continues, for any data protection policy to be developed, it would need to complement, rather than conflict with, these provisions of the RAI Act.

The letter added: 'As our line Ministry that played an important role in drafting the RAI Act 2013, we would appreciate your support in ensuring that a multi-stakeholder approach led by your ministry and our commission is adopted to ensure that a comprehensive data protection policy/law that would complement, rather than undermine, or conflict with, the RAI law, is developed and enacted with the support of the office of the Attorney-General and Minister of Justice, as well as the legislative and Information and Communications parliamentary oversight committees, and our commission identified as the implementing authority in line with international best practice and cutting down waste of public money.'

The RAIC CIC enclosed the copy of the so-called data protection policy put together by the NCRA consultant and the speech he presented at a stakeholder meeting held on 8th October 2019 to discuss this policy in which he made a case for a strong data protection law with the RAIC as the implementing regulatory authority? The letter also informed the minister that the Access to Information Coalition of Civil Society organizations in Sierra Leone, which played a very important role in ensuring the enactment of the RAI Law 2013, is strongly in support of the RAIC position on this matter.

Unfortunately, the RAIC CIC is yet to receive an acknowledgement of receipt of this letter and/or response to the issues raised in it from the MIC minister. This was raised by the RAIC CIC as a very serious concern at an interactive session with sector heads hosted by the minister in Kenema on 12-13 March but he (the minister) coldly apologized and said he had already instructed his permanent secretary to reply to that letter and was surprised to note that that has not yet been done. He, however, said that the RAIC should concentrate on promoting access to information and forget about data protection but when he was asked by the Managing Director of SALPOST as to which public authority will regulate the balance between promoting access to information and the protection of sensitive data in the public interest, the minister did not only dodge the question but refused to allow the RAIC CIC the chance to respond to that question when he raised his hand up and attempted to take the mike.

On other related developments, the Commission is also working with other public authorities implementing older and developing legislations that conflict with aspect of the RAI law, such as the ACC, to bring them up to date to support, rather than inhibit, the RAI law. In the light of this, the RAIC has developed MOUs with the ACC and other institutions such as the National Commission for Democracy (NCD).

Open Data in the Regions

The Regional Offices of the Right to Access Information Commission (RAIC) concurrently engaged Non-State Actors (NSAs) in December 2019 and briefed them about the tremendous effort made by the Commission in creating the enabling environment for public access to information. This development was in connection with the establishment of Data Resource Centers by the Commission in the four regional offices with support from the World Bank through the PFMICP. These regional data resource centers were furnished with reading materials, computers and internet facilities. The main objective of the Regional Data Resource Centers was to broaden public awareness of the mandate of the Commission and to help members of the public in those parts of the country access information that has been proactively disclosed by public authorities.

In their respective engagements, the Eastern Regional Office headed by Commissioner Mary Wuyatta Karimu briefed NSAs about the creation of the Data Resource Center in the City of Kenema, its availability to the public at no cost and its importance in increasing public knowledge about the operations of state institutions. The message hammered by the Regional Commissioner East was transparency and accountability in public management as the main reason for the creation of the regional data center. Some of the engagements organized by the Eastern Regional office in this light were chaired by local partners. A meeting chaired by Regional Coordinator of the Non-State Actors, Mr. Lansana Koroma, attracted forty-five NSAs representing different organizations.

To ensure the full realization of the Northern Regional Data Resource Centre located in the RAIC Northern Regional Office in Makeni City, Regional Commissioner North, Abubakarr Kargbo led the development of a plan that targeted a host of organizations, including states and non-state actors as first priorities. These include, but not limited to, the Anti-Corruption Commission, NaCSA, SLAJ, Bombali District Council and Civil society organisations.

These groups were primarily sensitized about the data centre to in turn complement the effort of the Commission in increasing public knowledge about the data center in the other parts of the North and North West regions. The mandate of the Commission and the objective of the resource center were fundamental in the respective engagements. One of the engagements was chaired by Agnes I Conteh, Regional Coordinator, Non-State Actors Northern Region.

In their effort to ensure public awareness of the Southern Regional Data Resource Center, the RAIC Southern Regional team headed by Commissioner Yormah Biya Idriss jointly organized a stakeholders' engagement at the Commission's Southern Regional Office in Bo with the NSA Southern Region Lead Focal Person, Claude Sheriff. This event attracted civil society, journalists, teachers and school pupils. The joint team briefed participants about the importance of the data center and the free internet facility available at the center.

The key message delivered to the participants by the Southern Regional Commissioner was transparency and accountability and the need for people to have unfettered access to information so as to broaden their horizon about the operations of their leaders and elected representatives. He encouraged the NSAs to own the center since their role is to advocate on behalf of the people and hold government accountable. He admonished pupils coming to use the center to be accompanied by an ICT teacher, notwithstanding the availability of staff providing assistance in the

use of the internet. In his message, Claude Sheriff stressed the importance of computer literacy and the need for the NSAs to make good use of the center.



NSA Engagement in the Eastern Region



A cross- section of NSA participants in the Northern Regional Engagement

The Western Regional Resource Centre on the other hand was inaugurated in the final quarter of 2019. Its inaugural ceremony attracted state institutions, civil society organizations, the media, representative from the World Bank, local and development partners. RAIC CIC, Dr. Ibrahim Seaga Shaw described the ceremony “a dream come true as the Commission has been working very hard to ensure that it has the western area data center up and running but had challenges with logistics and space”. Western Regional Commissioner, Yeama Sarah Thompson threw insights on the importance of the center, its cardinal objective and available resources. What came out clearly was the role of the data center to enhance performance and improve efficiency in public service and making governments more open, accountable and responsive to citizens. Following the inauguration of the center, the Western Regional Office engaged the media and made press releases for public awareness of the regional data center.



Participating Pupils in the Southern Region Engagement with NSA



At the Launch of the Western Area Region Centre

Compliance with Proactive Disclosure of Information in 2019

We developed four assessment categories to monitor and report on the status of compliance with Proactive Disclosure of Information (PDI). The three criteria are full approval (providing all 22 minimum standard classes of information), approval with observation (providing between 15 and 21 out of the 22 classes of information required), conditional approval (providing at least half of the 22 minimum standard classes of information required), and rejected (providing less than half the 22 minimum standard classes of information required). In our assessment of Proactive Disclosure of Information (PDI) in 2019, we noted that out of 10 public authorities that submitted Proactive Publication Schemes, one was fully approved, two were approved with observation, three given conditional approval, and three rejected.

RAIC Compliance Awards 2019

Having seen considerable progress in the implementation of the RAI law in Sierra Leone especially during the stewardship of the reconstituted Commission led by Dr. Shaw, the Right to Access Information Commission (RAIC) deemed it necessary to recognize individuals and institutions that contributed immensely to making this remarkable progress. The RAIC decided to use the occasion of a symposium it organized on Human Rights Day on December 10 2019 at the Atlantic Lumley Hotel to present awards to various institutions and individuals for their performance on compliance with proactive disclosure of information and Access to Information as well as advocacy for the work of the Commission.

Statistics Sierra Leone won the Gold trophy, the biggest prize of the night in the Proactive Disclosure of Information Publication Compliance Award-2019 for full and timely compliance(submitting within the first deadline of March 1 2019 and providing all the 22 classes of information required in the PDI publication scheme), The Environment Protection Agency (EPA) took the Silver in this PDI Awards category for timely and near full compliance with the PDI (submitting within the first deadline of March 1 2019 and meeting all but one of the 22 classes of information requested in the PDI scheme). The National Youth Commission and Government printing Department took Bronze Awards for timely submitting their PDI schemes within the second deadline of May 30 2019 and providing most of the 22 classes of information in the PDI publication scheme.

Awards Categories

PROACTIVE PUBLICATION COMPLIANCE AWARD

Awardees

- Statistics Sierra Leone-Gold
- Environment Protection Agency-Silver
- National Youth Commission-Bronze
- Government Printing – Bronze



Statistics Sierra Leone Receiving Gold Award from OSIWA Rep

PROACTIVE PUBLICATION SUBMISSION CERTIFICATE

Awardees

- Ministry of Information and Communications
- Sierra Leone Police
- Health Service Commission
- Cabinet Secretariat
- Ministry of Basic and Senior Secondary Education



RAIC Staff at the Awards Ceremony

Proactive Disclosure of Information in 2020

On the 13th of March 2020, Sierra Leone registered its first index of COVID-19 cases on the 13th March 2020. The Right to Access Information Commission (RAIC) through a press statement called on all public authorities, especially those on the frontline of the prevention and response efforts to provide citizens easy access to credible corona virus (COVID-19) related information in their stride to support Government's effort to prevent and stop the spread of the pandemic across the country. The Commission noted that it is cognizant of the compelling public interest in the outbreak of such a deadly global pandemic that brought a myriad of challenges across all sectors and disciplines, adding that such challenges are not unconnected with access to information rights.

"It is in this light that the RAIC joins the International Conference of Information Commissioners (ICIC) to promote proactive disclosure and access to credible coronavirus-related information and widespread awareness of measures to control and prevent the spread of the virus in their countries of jurisdiction and globally, and above all promote transparency and accountability in how public funds are used in the collective response to prevent its spread and support those in desperate circumstances as a result of the global pandemic," Dr Ibrahim Seaga Shaw, RAIC Chairman and Information Commissioner said in the Press Statement. This intervention by the RAIC largely helped to shape the conduct of public authorities and boost the confidence of the citizens to request for information from public authorities, especially those on the frontline of the COVID 19 response, thus avoiding the grave mistakes of the response to the Ebola outbreak in 2014. Funding from OSIWA supported the Commission's popularisation of the compelling importance of access to information in stemming the spread of the COVID pandemic and promoting transparency and accountability in how COVID-19- related funds were expended. This popularisation included radio jingles and panel discussions on local TV channels.

Compliance with Proactive Disclosure in 2020

The Right to Access Information Act 2013, being an Act to provide for the disclosure of information held by public authorities or by persons providing services for them and to provide for other related matters in section 8 therein makes provision and creates obligations for the Proactive Disclosure of Information by every Public Authority.

Sections 8(1) and 11 state the various classes of information that should be proactively disclosed by the Public Authority. Section 8(2) states that every public authority shall adopt and disseminate widely, including on its website, a publication scheme which has been approved by the Commission, within six months of the coming into operation of this Act or its approval, whichever comes later. Section 8(3) states that the publication scheme shall set out the classes of records that the authority will publish on a proactive basis; and--the manner in which it will publish these records.

In adopting a publication scheme, a public authority shall have regard to the public interest--in allowing access to the information it holds; and--in making information available proactively so as to minimize the need for individuals to make requests for information. Section 8(5) states that every public authority shall publish information in accordance with its publication scheme. Section 8(6) states that every publication scheme shall, within seven years of the adoption of the first publication scheme by a public authority, cover all of the core proactive publication obligations set out in subsection (1).

The Right to Access Information Commission had previously asked MDA'S to comply with their proactive disclosure of Information Schemes and a few had complied with their obligations and by a letter dated 7th July 2020 further requested MDA's to submit their Proactive Publication Schemes to the Commission for assessment. A questionnaire template (found in Annex 2) with a list of the 22 classes of information all public authorities are required to provide was attached to this letter to be completed by the MDAs. Out of the 20 MDAs that submitted their PDI Publication Schemes to the Commission, the following 10 were:

Approved with Observation (for providing between 15 and 21 of the 22 classes of information required):

- National Youth Commission,
- Political Parties Registration Commission,
- National Mineral Agency
- National Revenue Authority,
- Cabinet Secretariat,
- Public Sector Reform Unit
- Police Complaints Board,
- Local Government Commission,
- Right to Access Information Commission
- Ministry of Political and Public Affairs

The following 8 were given Conditional Approval (for providing at least half or a little more than half of the 22 classes of information required):

- SL Library Board
- SL Fire Force
- SL Police
- SL Road Transport Corporation
- National Commission for Democracy
- National Commission for Social Action
- Independent Media Commission
- Office of the Attorney General and Minister of Justice

The following 2 were Rejected (for providing less than half of the 22 classes of information required):

- Government Printing Department
- Medical and Dental Association

Freedom of Information (FOI)

Requests and Complaints in 2014-2019

The legal foundation for open governance in Sierra Leone is the RAI Act. It is the fulcrum upon which other relevant instruments revolve, guaranteed by Sections 15 and 25 of the national Constitution. The RAI Act itself is statute-based. The Commission has a legal and investigative Unit in charge of ensuring Compliance and Enforcement. It is entrusted with the following:

- Gives legal opinion and advice to the Commission
- Develops, upgrades, maintains and promotes all legal processes of the Commission consistent with enforcement of the Right to Access Information Commission Act
- Establishes the legal structures and procedures to give effect to the Commission's legal mandate
- Draws up all legal documents of the Commission, including the formalities for the amicable settlement of disputes
- Identifies policies, strategies and method for developing and delivering legal services to RAIC
- Investigates complaints forwarded to the Commission relating to non-compliance by public authorities on the Right to Access Information Act
- Ensures the protection of whistle blowers in public institutions

Legal advice, guidance and direction were among the major priorities of the Commission in the year under review. In its effort to ensure public awareness and compliance with the provisions of the RAI Act, the Commission in reliance on its Legal Unit adopted different methods of approach. As it embarked on public engagement using various channels, it developed guidelines and schemes for the very provisions that obligate compliance with the RAI Act. These include proactive disclosure of information, records management, open data and the exemptions to these provisions. The Commission held interactive sessions on different occasions on different platforms with public authorities through roundtables reiterating their statutory obligations. In strengthening its Compliance and Enforcement functions, the Commission undertook the following:

Requests and Complaints

Other major components of the RAI Act are the requests and complaints provisions. In its effort to strengthen these provisions, the Commission processed 112 FOI requests/complaints spanning the period since the Commission was set up in 2014 to 2019, 64 (about 50%) of which were processed since the appointment of the new leadership of the Commission in 2018, (in other words in the period under review) from individuals, corporate institutions, Banks, the Media, Civil Society and Academics, directed at Government Ministries, Departments and Agencies, Private sector, Local Government , Local NGOs and International NGOs. This was a phenomenal progress from the previous four years considering the fact that 2019 was the first full year of the mandate of the newly constituted Commission. The legal team has been actively involved in proffering legal advice to the different regional offices in handling the various requests from the public but the level of compliance by the Public Authorities is far from the desired level.

The requests and complaints during this period (2014-2019) were as follows:

WESTERN AREA: TOTAL NUMBER OF REQUESTS /COMPLAINTS BY REGION	
REQUESTS	32
COMPLAINTS	28
FOLLOW-UP CASES	2
REQUESTS/COMPLAINTS SUCCESSES	56
NORTHERN REGION	
REQUESTS	45
COMPLAINTS	8
FOLLOW-UP CASES	4
REQUESTS/COMPLAINTS SUCCESSES	49
EASTERN REGION	
REQUESTS	8
COMPLAINTS	4
FOLLOW-UP CASES	3
REQUESTS/COMPLAINTS SUCCESSES	2
SOUTHERN REGION	
REQUESTS	4
COMPLAINTS	1
FOLLOW-UP CASES	0
REQUESTS/COMPLAINTS SUCCESSES	5

Total Number of Requests Received by the Commission -	89
Total Number of Complaints Received by the Commission -	41
Total Number of Follow-up by the Commission-	10
Total Number of Requests/Complaints Successful -	112

Amidst huge critical challenges, the work of the commission has been very successful in the northern part of the country which received 42 successful FOI requests in total, making it the highest request-generating region for the commission in the entire country. Perhaps this is largely due to the fact the Northern region is the only region that has a full time Public Information Officer whereas the other regions only have volunteers serving as public information officers. The breakdown of the 42 successful FOI requests in the northern region is as follows:

- 13 from Portloko District
- 17 from Bombali District
- 5 from Tonkolili
- 3 from Kambia
- 2 from Falaba
- 1 from Karene
- 1 from Falaba

One stand-out FOI request case came up in the Eastern region where the Commission, through one of its volunteering staff – Mr. Jonathan Palmer, successfully mediated between the Non-State Actors of Kailahun(the FOI requester) and the Kailahun District Council(the provider). That mediation process came at a time when the NSAs had lost hope of getting access to the documents they requested. This intervention actually came following an alert from the commission head office in Freetown which received information about the persistent refusal of the Kailahun City Council to comply with the FOI requests to release some documents requested by the NSAs.

The successful intervention of the commission in this regard was hugely recognized by the National Coordinator of the NSAs Secretariat, Mr Amadu Sidie Bah, at the 2019 Budget Hearing at Miatta Conference Centre as well as at the World Bank visiting Mission meeting in Freetown in November, 2019. Another stand-out successful FOI request case handled by the commission was the one from a Washington-based journalist who quickly got the information he requested from the Ministry of Foreign Affairs and International Cooperation following the intervention of the commission.

Right to Access Information Regulations (RAI Regulations)

Another major achievement of the Commission during the period under review was its sustained efforts in reviewing and revalidating the RAI regulations with the support of its consultant Emmanuel Saffa Abdulai Esq. The challenges faced by the Commission in the implementation of the RAI Act after five years of its enactment were partly due to the lack of supplementing regulations. With the assistance of a Consultant, the Minister of Information and Communications finally completed the RAI Regulation in consultation with RAIC as provided for in Section 49 of RAI Act. The RAI Regulations serve as a complementary instrument to guide the full implementation of the provisions of the RAI Act. In October 2019, the RAIC organized a one-day workshop at the Bintumani Hotel, Aberdeen to validate the RAI Regulations. The validation workshop, which was facilitated by RAIC consultant Emmanuel Saffa Abdulai, attracted over sixty (60) participants from the MDAs, CSOs the Media, Academia and the private sector. During the review exercise, participants were divided into six groups to look into the six sections of the Regulations. The groups later returned to a single audience after giving their respective inputs. The inputs had a second look in the single audience. Following this exercise, the RAI Regulations were validated. However, despite two separate correspondences to the Ministry of Information and Communications (one addressed to the minister and the other to the permanent secretary) by the RAIC requesting for a meeting where these regulations will be officially presented to the minister for him to present for parliamentary endorsement, no acknowledgement of receipt or reply has been received.



Emmanuel Saffa Abdulai, Consultant and Facilitator of the RAI Regulations validation workshop

Whistle Blower Protection

Another major stride made by the Commission in the year under review was its tremendous effort to give effect to the Whistle blowing and Whistle Blower Protection provisions captured in Sections 50-51 of the RAIC Act. This provision of the RAI is intended to supplement proactive disclose. With this, the Commission, through its Legal Unit drafted a Whistle Blower Protection Policy. The Policy aims to protect a person from penalization from any employment or organization as a result of having made or proposed to make a disclosure of information which the person obtained in confidence in the course of that activity, if the disclosure is one which is in the public interest and where the person believes on reasonable grounds that the information is accurate and obtained in good faith. The policy also aims to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. This policy is awaiting review and validation for implementation.

Other Compliance and Enforcement Efforts:

RAIC actively participated in developing the new Records and Archives Management Bill which awaits enactment for effective implementation. Developed draft Code of Practice for Records and Archives management which has been validated. At present waiting for a reply from the Ministry of Information and Communications to our request to have a meeting with the Minister to present the revalidated RAI regulations to present for parliamentary endorsement.

Developing rules of procedure drawing mainly on Section 47 of the RAI Act 2013 to be used by the commission in the resolution of conflicts and hearing of complaints

Developing guidelines that will support the Commission and public authorities on the application of exemptions provided in sections 12 to 26 of RAI Act

Championing the development of the data protection law to ensure that it does not conflict with sections 12 to 26 which provide for the exemptions to public access to information

Managing and coordinating the implementation of the RAI Act in Sierra Leone from its national secretariat, Western area office in Freetown and three regional offices in Bo, Kenema and Makeni, through general public awareness and sensitization programmes nationwide and specific engagements with MDAs, LNGOs, INGOs, the Private sector and other relevant agencies
Collaborating with several national and international stakeholders on implementing the RAI Act, 2013

Working with Public Authorities to raise their awareness on the RAI Act, and sensitize them on their obligations under it

Completed a UNESCO survey on the status of Access to Information in Sierra Leone in April 2019 as part of the monitoring and reporting on SDG 16.10.2 which speaks directly to public access to information.

In the Access to Information Compliance Award 2019, the Ministry of Foreign Affairs took the Gold, the biggest prize of the night in that category for quickly responding to the FOI request without the intervention of the RAIC while the Sierra Leone Police took the Silver for timely and near full compliance. The Electricity Distribution and Supply Authority took Bronze for ATI compliance following RAIC intervention.

Freedom of Information in 2020

In 2020, the Commission noted a reduction in the number of complaints it received but probably attribute this to an increase in the level of compliance by Public Authorities. The RAI Act 2013 does not make it mandatory for the commission to be copied when a request is made for information, which means the compliance rate may be higher than the figure readily available to the Commission. But at recent engagements between the Right to Access Information Commission (RAIC) and Stakeholders, the feedback from them is that in most cases of FOI requests, the Commission is often copied to keep it in the loop just in case these FOI requests are escalated to reviews and complaints phases which would then require the interventions of the Commission.

Another method of data collection used by the Commission was in the preparation of its Annual Report for the previous financial year in keeping with Section 41 of the Right to Access Information Act which makes it mandatory for the Right to Access Information Commission to submit a yearly annual report. Section 41(3) state that “The annual report shall also include an overview of the performance of all public authorities in implementing this Act to enable the Commission to comply with subsection (3), every public authority shall report annually to the Commission on the steps it has taken to implement this Act, including a report on the requests for information it has received and how these have been dealt with.

Moreover, as part of the mandate of the Commission is also to help Public Authorities improve their records management and ICT facilities, and at the same time recruit public information officer/s a draft template with questions covering the aforementioned indicators as well as FOI requests/complaints for the Annual Report to aid Public Authorities prompt response for the 2020 year was done and circulated in April 2021 to all MDA’S geared towards ensuring that each Public Authority has in place a means of assessing its measures to promote openness. 20 MDAs in total responded by completing and forwarding these Questionnaire Templates to the Commission. The following are the statistics of the number of FOI requests and complaints monitored and reported by the Commission for 2020.

Total Number of FOI requests in which the Commission was copied	35
Total number of FOI requests reported to the Commission by Public Authorities.....	109
Total Number of FOI requests -.....	144
Total number of FOI requests declined.....	7
Total number of pending FOI requests	5
Total number of successful FOI requests.....	132
Total Number of Complaints Received by the Commission	11
Total Number of Follow-Ups by the Commission after Complaints.....	11
Total Number of Successful FOI Complaints	8
Total Number of Pending FOI Complaints	1
Total Complaints that resulted into Orders and Fines issued by the Commission:	2
Total Numbers of Appeal filed in the Court of Appeal.....	1

To sum up therefore, out of the total number of 144 FOI requests made in 2020, 132 were successful, while 7 were declined, and 5 are still pending. The total number of FOI Complaints received by the Commission in 2020 were 11, out of which 8 were successful following the intervention of the Commission while two resulted into Orders and Fines issued by the Commission, with one pending and one appeal

Maintenance of Records Management and Documentation in 2019

Records are valuable assets of organizations. Good records management helps protect records and also enhance organizations' operational efficiency. The RAI law is as good as the quality and credibility of the records and other information that provides access. Access rights are of limited value if the intended information is not found when requested; even when found, cannot be relied on as authoritative. Good records and information management benefit those requesting the information because it provides some assurance that the information provided will be complete and reliable. It benefits those holding the requested information because it enables them to locate and retrieve the information easily within the statutory timelines.

In strengthening its records management efforts, the Archives Unit conducted basic records management in-house training at the Commission's Secretariat in March 2019. The training was organized to provide staff at the national secretariat with basic guidance on records keeping and file referencing procedures of documents developed within the commission and received from external organizations. The Commission through the Records Management wing undertook a review of the status of records management in the MDAs and assessing their readiness in the implementation of the RAI Act, 2013. The Commission also administered ninety-two (92) questionnaires to MDAs on the implementation of the RAI Act and basic records keeping systems. Only twenty-eight (28) of the questionnaires were completed and returned to the Commission. It also conducted a random survey assessment on Records Management Systems in 10 MDAs to do on-the-spot-check and to cross check whether the information that was completed in the questionnaires was the same. The report of the assessment was used by the World Bank as a basis for the selection of the five (5) MDAs to establish pilot model RM repositories with a consultant from TIWAI Memory Masters SL. The Commission brought together about 60 participants for the validation of draft Code of Practice by multi-stakeholders in December 2019. This validation exercise was facilitated by Mr. Muniru Kawa as private consultant and Mr. Albert Moore, the Snr. National Archivist. The Code of Practice provided guidance to public authorities in the keeping, management and destruction of records as well as the review and transfer of such records to public archives.

The Commission also actively participated in developing the new Records and Archives Management Bill which awaits enactment for effective implementation. Despite the tremendous work carried out by the Commission around Records Management in the period under review, the Commission did not have the time to carry out any form of monitoring and reporting on the status of compliance with records management by the public authorities.

Records Management in 2020

The establishment of Records Management Repositories project funded by the World Bank held an Electronic Records Management System policy development training in February 2020 at the Family Kingdom for the 5 Pilot MDAs. This session brought together about 50 participants to witness the presentation of the general policy that was developed by TIWAI Memory Masters Lead Consultant.

The above project concluded in August 2020 with a presentation ceremony of equipment for the establishment of records management model repositories in five (5) pilot MDAs. These pilot MDAs were Ministries of Social Welfare, Gender and Children's Affairs, Agriculture, Forestry and Food Security, and Lands, Housing and Country planning, the Public Service Commission and the Office

of the Administrator and Registrar General. The ceremony which took place at the RAIC Secretariat in Freetown attracted 40 participants from other MDAs, CSOs and the media. These pilot MDAs received package of equipment ranging from 5 digital scanners, 2 servers for centralized electronic records management system, 5 aluminium shelves, 5 toners/cartridges for printing, 5 boxes of A4 papers and assorted stationery items.



Cross Section of Participants for the Presentation of Records Management Equipment to the five (5) Pilot MDAs.



Monitoring and Evaluation (M&E) officer, PFMICP, Sheku Sesay presenting the equipment to the five (5) Pilot MDAs

Compliance with Records Management in 2020

Unlike 2019, we monitored compliance with Records Management by public authorities in 2020 using the Evaluation Template (Annex 1) used to partly monitor FOI requests and complaints handled by public authorities. In our assessment of Records Management in 2020 from our analysis of the data gleaned from the Evaluation templates completed and submitted by the 20 MDAS, 13 out of 20 public authorities reported that they have and maintain a Records Management Unit/Department in their MDA, while the remaining 7 reported that they do not have.

Public Information Officers in 2019

One of the key requirements for effective access to information is the appointment and training of Public Information Officers (PIOs). Section 28 of the RAI Act provides for public authorities to appoint public information officers in all offices or units as they have at the local council, district, provincial and national levels as is necessary to enable the public authorities to provide information to persons requesting it. There was compliance on the part of some public authorities in appointing public information officers while other public authorities have their public relations officers carrying out combined responsibilities.

In further executing this core statutory function, the Commission organized a three-day training workshop for PIOs at the Family Kingdom Resort, Aberdeen from 4th to 7th November 2019. The training attracted over sixty (60) participants from different public authorities. The training, which was supported by the World Bank and facilitated by RAIC consultant Emmanuel Saffa Abdulai, aimed at strengthening the capacities of the PIOs in disciplines bordering on information request handling, records management, proactive disclosure, access to information (ATI) limitations and the national and international instruments on ATI. During the three-day training, the POIs were given opportunities to ask questions regarding their roles, responsibilities and limitations.

The training was reinforced with a training manual. The training manual is a reference tool to foster the competency, creativity and effectiveness of PIOs. At the closing ceremony, the Chairman and Information Commissioner of RAIC, Dr Ibrahim Seaga Shaw, Dr. Emanuel Gaima, Governance Advisor in the Office of the President, and Joe Pemagbi Jr., Country Representative, Open Society Initiative For West Africa (OSIWA), addressed the participants on a host of issues bordering on access to information as a fundamental human right and democratic governance; the importance of the training workshop and its value addition to their work as behavioural change information officers.



OSIWA's Joe Pemagbi Jr. addressing PIO s Public Information Officers in 2020 PIOs at the Training

Again here, despite the tremendous progress made by the Commission during the period under review, the Commission was not able to carry out any form of assessment to determine how many public authorities complied with the recruitment of public information officers.

The RAIC in collaboration with the Sierra Leone Association of Journalists (SLAJ) organized Training of Trainers Workshop for Journalists on the Freedom of Information Law on 23rd October, 2020, at the Family Kingdom Resort, Aberdeen, in Freetown. The one-day workshop, which was funded by the Open Society Initiative for West Africa (OSIWA), attracted investigative journalists alongside other institutions entrusted with the responsibility to provide oversight, and the regulation of information dissemination in Sierra Leone. Deputy Minister of Information & Communications, Mamadi Gobeh Kamara (now Dep Foreign Affairs Minister) who delivered the keynote address said the RAI Act, 2013 provides the moral basis for journalists to access and disseminate information, and maintained that without the fundamental freedom to speak, and the right to knowledge, the media would be unable to demand basic rights and hold duty bearers accountable. She added that it is great to note that Sierra Leone is among the 17 African countries that have so far adopted a right to access Information Law.

Earlier in his opening statement, Chairman and Information Commissioner of RAIC Dr. Ibrahim Seaga Shaw said the relatively low number of information requests, especially from journalists, since the establishment of the RAIC necessitated the workshop. It was in the spirit of reversing this trend that the RAIC CIC said his Commission engaged the Executive of SLAJ to agree on ways of organizing training for investigative journalists on how to make FOI requests using the RAI law to put them in a position to resourcefully request for information held by, or under the control of, bodies, or organizations that receive monies on behalf of the people of Sierra Leone. He disclosed how his Commission had previously organized training on the RAI Law for MDAs' public information officers, Civil Society, and other professional interest groups, and added that it was great to see that they are now doing so for journalists.

The impact of this training of trainers workshop for investigative journalists was immediately evident in the spike in the number of journalists making FOI requests to MDAs in their professional role, especially in holding public authorities on the frontline of the COVID-19 response to account on how funds received from government and donors were expended.

Testimonies from journalist and public relations officer

The following is the testimony from an investigative journalist who participated in the aforementioned workshop organised by RAIC in collaboration with SLAJ:

I am Marion Precious George, journalist working for Sky Radio in Freetown and Intern International News Agency in 2017. Through an interview I did with Dr Seaga Shaw, Chairman and Information Commissioner of the RAIC, during a Parliamentary Budget Allocation Programme in 2018, I learnt a lot about the work of the Commission and immediately understood that as a journalist and citizen of this country I have the right to access information from government ministries, departments and agencies (MDAs) and the RAIC Chairman via the interview encouraged the public to request for information from MDAs when ever they need it and present complaint to the Commission when such a request is rebuffed.



I see the establishment of the RAIC as a good initiative in the promotion of democracy and good governance in the country, and I have already utilised my knowledge and right in having access to information when I first started working for the Intern International News Agency. I participated in the training for journalists organised by the RAIC and learnt a lot from the facilitators about the relevant steps in having access to information from government MDAs in the country. I have now realised that some information cannot be disclosed because they are classed as exempt information according to Part 3 of the Right to Access Information (RAI) Act of 2013, and examples of such information are tagged with the security of the state, examination integrity, people's personal life amongst others, coupled with the fact that one has to go through the relevant procedures in having access to information from any MDA by writing a letter, presenting it to the Public Information Department, followed by subsequent steps.

When I was asked to do an hour-long radio feature story on gender balance within the forces in Sierra Leone i.e the Police, Military, Prisons, Fire Force, and the Metropolitan Police by the Intern International Media Agency, I had to go through the relevant procedure and utilised the knowledge I acquired from the RAIC training on 23rd October 2020 to embark on such an investigative reportage. To God be the glory, I was able to get all the information I needed from the forces at that time to do my feature story when I contacted them in writing citing the relevant sections of the RAI Act. I am grateful to the Commission for acquiring knowledge on the relevant skills on how to receive information from government institutions, but on the flip side, if my FOI request was rejected, I would have presented a complaint to the RAIC. I believe that the legal compliance unit of the Commission would have investigated and granted me the right to access the information I needed. The following is a testimony from a public relations officer who participated in trainings and workshops organised by RAIC:

I am Ibrahim Tanko Bangura, working for the Freetown City Council (FCC) as an intern in the Public Relations Unit. I see the establishment of the RAIC as a blessing to Public Relations Officers (PROs) at different institutions in the country, seeking to derive information from government's MDAs. I have already utilised my knowledge in having access to information when I started working for the FCC having gone through the training organised by the Commission for journalists, public information officers, and other public sector staff in the country. I learnt a lot from the facilitators regarding the relevant steps to be taken in having access to information held by MDAs. I now know that there is a central data centre I can go to access a lot of information about government and I intend to use it more. I also believe that we as PROs should respond speedily to FOI requests for all legally sharable information. The world has now become a global village, and access to information is much more predominantly needed in this era of real time media globalisation.



Compliance with the recruitment of Public Information Officers in 2020

Unlike 2019, we monitored compliance with the recruitment of Public Information Officers (PIOs) by public authorities in 2020 using the Evaluation Template (Annex 1) used to partly monitor FOI requests and complaints handled by public authorities. In our assessment of the recruitment of PIOs in 2020 from our analysis of the data gleaned from the Evaluation templates completed and submitted by the 20 MDAS, 15 out of 20 public authorities reported that they have PIOs in their MDA, while the remaining 5 reported that they do not have.

Information, Communication & Technology (ICT) Units/Departments in 2019

Section 29 of the RAI Act provides that every public authority is obliged to have and maintain an Information, Communication, and Technology (ICT) unit or department to create the enabling environment for electronic storage and transmission of open, shared and closed data. However, no monitoring and reporting on the status of compliance with this relevant section by public authorities was undertaken by the Commission in 2019.

Compliance with having and maintaining ICT Units/Departments in 2020

Unlike 2019, we monitored compliance with having and maintaining ICT Units/Departments by public authorities in 2020 using the Evaluation Template (Annex 1) used to partly monitor FOI requests and complaints handled by public authorities. In our assessment of having and maintaining ICT Units/Departments in 2020 from our analysis of the data gleaned from the Evaluation templates completed and submitted by the 20 MDAS, 15 out of 20 public authorities reported that they have and maintain ICT Units/Departments in their MDA, while the remaining 5 reported that they do not have.

INTERNATIONAL PARTNERSHIPS

The Freedom of Information law became a reality in Sierra Leone through efforts of national and international collaboration and the accession to the open government partnership in 2014. The country as a signatory to international instruments, including Article 19 of the Universal Declaration of Human Rights and Article 19 of the African Charter on Human and Peoples Rights, creates the room for international partnership. Today, Sierra Leone is a member of the UNESCO convention on ATI, the convening agency for monitoring Sustainable Development Goal 16.10.2 which calls for ensuring public access to information and protection of fundamental freedoms in accordance with the national legislation and international agreements. Sierra Leone, through RAIC has a membership in the International Conference of Information Commissioners (ICIC). This is an international membership body established to foster the protection and the promotion of access to public information as a fundamental pillar to social, economic and democratic governance in the world. The RAIC Chairman and Information Commissioner, Dr Shaw served as a member of the Executive Committee of the ICIC representing Africa from 2019 and 2021.

The Commission is also in partnership with the World Bank on the implementation of many projects on open data, proactive disclosure, records management as well as the popularization of the RAI law. Also, it is in active collaboration with the Open Society Initiative for West Africa (OSIWA), which approved its grant application to support its staff capacity building projects; and with the Open Society for Justice Initiative (OSJI) on the implementation of the FOI law and the capacity building of relevant stakeholders. Nationally, the Commission is working in collaboration with the Freedom of Information (FOI) Coalition, relevant CSOs such as the Society for Democratic Initiatives, Campaign for Good Governance. media practitioners and academia on the implementation of the RAI law. Successes so far made by the Commission through partnerships are as follows:

World Bank

The World Bank has been a major partner to the RAIC on various programmes. This world governing body has been approached by the RAIC to support among others, the carrying out of data assessments in the country as part of the Open Data Readiness Assessment Report for Sierra Leone; the development of the proactive disclosure schemes of the MDAs, and the popularization of the RAI Act. The World Bank has been providing financial support to these RAIC projects with the Public Financial Management Improvement and Consolidation Project serving as the fiduciary institution. Through its Open and Big Data component, the World Bank in the year under review strengthened the RAI efforts in Sierra Leone by supporting ten government ministries, departments and agencies to develop their proactive disclosure schemes on data availability and publication schedules on the open data portal. The World Bank also supported the RAIC in the popularization of the RAIC Act and the mandate of the Commission, using the media and incorporating non-traditional media approaches such as Social Media platforms and popular musicians, comedians and theatre actors.

Open Society Initiative for West Africa

Open Society Initiative for West Africa (OSIWA) is a 21st century watch dog for sustainable development and effective democratic process. One major objective of this body is to support transparency, accountability and good governance in the West African sub-region. In the year under review, the Sierra Leone country office sponsored a capacity building training workshop for RAIC Commissioners and professional staff on the implementation of the RAI Law. Convinced by the efficiency and effective of the current leadership of the Commission, OSIWA approved its first ever grant application of US \$75,349.22 in August 2019 to promote Good Governance, accountability and transparency through Access to Information covering the period of 18 months. The core objectives of this project are:

- Public Engagement: Engage the general public in order to raise awareness, knowledge and understanding of the Right to Access Information (RAI) Act in & out of Sierra Leone
- Enforcement of the RAI Act 2013: to build the capacity of commissioners and professional staff, as well as judges and state lawyers to enable them handle complaints brought before them in respect of rights of access to information
- Capacity Building: Build the capacity of the RAIC commissioners & professional/administrative staff in order to improve their efficiency in handling FOI requests and better manage and plan their service delivery

ON GOING PROJECT ACTIVITIES INCLUDE:

Staff Retreat: Consistent with the OSIWA funding; the Commission organized a three-day residential staff retreat in Bo between November 14 and 16, 2019. The main objectives of the staff retreat were to provide clarity on roles and lines of reporting, capacity-building, promote staff-bonding and performance, institutional and governance reforms, and further discuss and validate the Commission's five-year draft strategic plan. Symposium and Award Ceremony in Commemoration of Human Rights Day: OSIWA supported the Commission through its ongoing projects in holding this event to achieve the following objectives:

- to create public awareness on the relevance of access to information in human rights
- to recognize individuals that contributed meaningfully in promoting access to information in 2019
- to recognize public institutions that complied with the 2019 Proactive Publication Scheme as provided for in the Right to Access Information Act (RAI) 2013
- to recognize public institutions that complied with Access to Information Requests in 2019

International Conference of Information Commissioners

The ICIC is an international membership body established to foster the protection and the promotion of access to public information as a fundamental pillar to social, economic and democratic governance. It also provides a platform for diverse voices to address current issues that impact on access to information, including transparency and accountability, competing interests, the rights of vulnerable societies and the diverse role of technology. It offers an opportunity to local, regional and international Information Commissioners, Non-Governmental Organizations and promoters of access to information to share experiences and insights on how to strengthen public access to information through international cooperation. Before the RAIC became an accredited member of the ICIC, its contributions have been solicited by the ICIC on various folds. These include:

- the amendment of the ICIC Charter
- ICIC Communication Plan and Objectives
- ICIC Conflict Resolution Process
- ICIC Executive Committee Election Process
- ICIC Observer Application Process

Between March 10 and 14 2019, the RAIC Chairman/Information Commissioner and his Executive Secretary attended and spoke at the 11th International Conference of Information Commissioners (ICIC) held in Johannesburg. UNESCO and the World Bank funded the Chairman and Information Commissioner's participation while that of the Executive Secretary was funded locally. The overall theme of the Johannesburg Conference was: 'Building international co-operation to strengthen public access to information globally.' At the same March 2019 conference, the RAIC Chairman and Information Commissioner, Dr Shaw was elected member of the Executive Committee of the ICIC representing Africa at the 11th ICIC conference in Johannesburg. The RAIC finally became an accredited member of the ICIC on September 24 2019 following a rigorous evaluation process.

This was confirmed in a letter from the ICIC Secretariat dated 19th November 2019 addressed to the RAIC Chairman and Information Commissioner, Dr Ibrahim Seaga Shaw.

The letter said: 'We are pleased to inform you that the ICIC Governance Working Group has concluded that the Right to Access Information Commission, Sierra Leone, meets all the eligibility criteria under the ICIC Charter and as such is successfully accredited as a new ICIC member.'

Accreditation with Observation was initially given to the RAIC in a letter from the ICIC secretariat dated 24th September 2019 and addressed to the RAIC Chairman and Information Commissioner and was asked to provide response to the observation by the 8th October 2019 before full accreditation would be granted. The Observation was that the RAIC should provide clarification on: - 'the circumstances and specific conditions under which the Heads of the authority can be dismissed. With this question, the GWG would like to ensure that the grounds for removal are transparent and subject to strictly defined conditions (to prevent the arbitrary removal of the heads).'

In its response to this Observation in a letter addressed to the ICIC Secretariat and dated 4th October, the RAIC wrote:

'Sections 31 (2) and (4) of The Right to Access Information Act 2013 which state that Members of the Commission shall be appointed by the President on the recommendation of the Minister and approved by Parliament and further that the Chairman and information Commissioner and the

other members of the Commission shall hold office for a term of five years and shall be eligible for re-appointment to a further term of five years only.

The Act does not have provisions for the removal of a Commissioner thus the Head and regional members of the Commission shall have a minimum of 5 years in office and a maximum of 10 years if re-appointed.

Notwithstanding the above, as per labour law a Commissioner shall be removed from office if found guilty of a criminal offence by a competent court or it is proved that at the time of appointment the person was ineligible pursuant to Section 31 (3) (a) & (b) of The Right to Access Information Act 2013 which states that No person shall be appointed as a member of the Commission if that person is an employee of a political party or holds an elected or appointed position in central or local government; or has been convicted of an offence involving fraud or dishonesty.'

Following this response, the ICIC Governance Working Group, acting as the Executive Committee, met on November 1 and decided to give the RAIC full accreditation as member of the ICIC. For more information about ICIC. Please visit its web site: <https://www.informationcommissioners.org/>

International Day on Universal Access to Information (IDUAI)

One of the landmark achievements of the RAIC under the new leadership of the commission was the unwavering support and noteworthy endeavour made by Sierra Leone to co-sponsor the draft resolution: A/74/L.1 which necessitated the Proclamation of September 28 as International Day for Universal Access to Information by the United Nations General Assembly, on 15th October, 2019. The draft resolution submitted to the United Nations General Assembly stemmed from Resolution 38 C/70, adopted unanimously by the Member States of UNESCO at its General Conference in Paris, France in 2015, proclaiming September 28 as International Day for Universal Access to Information. Since the adoption of the UNESCO Resolution, several countries and civil society organizations celebrate the day annually, raising awareness on the importance of access to information. The Proclamation of September 28 as IDUAI by the United Nations General Assembly in October 2019 created the biggest global platform for governments, civil society organizations, citizens and development partners to reflect on the importance of access to information; identify challenges and design new and innovative ways to promote the advancement of access to information; as a tangible tool for development and the realization of the Sustainable Development Goals (SDGs). The Proclamation also sent a clear and important message globally that countries like Sierra Leone are committed to enhancing access to information and achieving the Sustainable Development Goals.

Since 2019, Sierra Leone has commemorated 28 September as the International Day for Universal Access to Information. RAIC adhered to the UNESCO requirement of oversight bodies to commemorate this day. The RAIC kick-started the commemoration of this day in Sierra Leone with a series of media engagements on 27th September and wrapped it up on 3rd October, 2019 at the Family Kingdom Resort. CSOs, the Media, Academia and MDAs convened on a roundtable to reflect on the headways Sierra Leone has made in the implementation of the Right to Access Information law. The day created an opportunity for national stakeholders to shed light on where Sierra Leoneans are as a nation and where they need to strengthen their open governance objective to ensure sustainable social and economic development. The global focus for IDUAI 2019 was: 'Leaving no one behind in the implementation of best practices by civil society and government institutions to provide access to information.' However, the localized theme adopted in the year under review by RAIC was: 'The Role of Access to Information in Promoting Transparency, Accountability and Good Governance.' These annual themes have been essential in shaping the conduct of the oversight bodies in the implementation of the FOI law.

CONCLUSION: PROSPECTS, CHALLENGES AND KEY PRIORITIES

Sierra Leone has since 2019 participated in an annual UNESCO survey on Public Access to Information (SDG 16.10.2) and the country scored 5 out of 5 on adoption and 4 out of 4 on implementation of the FOI law with a total score of 9 in the 2020 UNESCO survey. Sierra Leone also scored 85% on FOI in the MCC compact assessment for 2020.

Increased popularisation, public engagement, and capacity building activities involving state and non-state actors throughout the country over the past two years have contributed immensely to this steady progress the country has made on FOI. However, while we recognise this steady progress, the following challenges have impacted the adoption and implementation of the FOI law in Sierra Leone.

- Very limited ceiling on government budgetary allocation and delays in payment of quarterly allocations (1.24 billion for 2019 and 1.58 billion in 2020)
- Lack of adequate staff at all RAIC offices, especially in the regions, to undertake its statutory activities.
- Lack of enough ICT office equipment in the national and regional offices
- Limited transportation (in fact the commission has only one old rickety vehicle used by the Chairman and Information Commissioner) and funds to effectively undertake massive civic engagement nationwide and other outreach activities on the RAI Act, 2013.
- Lack of institutional support/incentives to attract high caliber of staff to strengthen the Human Resource capacity of the Commission.
- Non-provision of sufficient allocation to enhance more effective and efficient synergies and partnerships building with CSOs, NSAs, DBOCs, Local Communities representatives, Traditional Leaders, Religious Leaders, MDAs and other stakeholders to enhance effective service delivery in our interventions.
- Conflicts in some of the provisions of the RAI Act, 2013, with the ACC and Civil Acts on non-disclosure of classified information/data (secrecy).
- Lack of executive support to the commission to help it fully carry out its statutory regulatory function of ensuring unhindered access to information, data protection, and records management.
- Delay on the part of MIC to seek parliamentary endorsement of the RAI regulations to support the implementation of the RAI law.
- Very limited cooperation and participation from duty bearers such as MDAs and other public authorities to complement our work poses threats to the smooth running of our operations.
- Low compliance with proactive disclosure of information by MDAs
- Some MDAs deliberately refusing to comply with Freedom of Information (FOI) requests for example NACSA, EPA, Ministry of Works, Kenema City Council
- Fixed mindset of the bureaucracy and people who hold information
- weak accountability mechanisms on the part of MDAs
- poor records management system among MDAs
- lack of capacity in relation to records keeping and records making
- inappropriate use of exemptions
- inadequate support for those who are administering access requests
- weak human resource management
- weak guidelines for disclosure of reason for the request of information

Key Priorities and the Ways Forward

Development of a Strategic Plan for the next five years:

- Engage the executive, judiciary and legislative arms of government for much needed resources such as sufficient budgetary allocations and staff, as well as creating an enabling legal environment to enable the commission carry out its core mandate.
- Work closely with other stake-holders to develop a holistic Access to Information (ATI) policy and a Multi-Sectoral Access to Information Council to provide oversight support to its effective implementation.
- Work closely with other stake-holders to develop a comprehensive Access to Information Policy and set up a Multi-sectoral Access to Information Council to provide oversight support to its effective implementation.
- Work Closely with other stake-holders to develop an open data policy and a multi-sectoral Open Data Council to provide oversight support to its effective implementation.
- Work closely with other stake-holders to develop the Data Protection law and Multi-sectoral Data Protection Council to provide oversight support to its effective implementation
- Work closely with other stake-holders to develop the Records Management Law and the Multi-sectoral Records Management Council or Task Force to provide oversight support to its effective implementation.
- Work closely with other stake-holders to set up three main directorates at the RAIC, each overseeing open data, data protection, and records management, as part of the medium-term strategic objective of the commission
- A slight amendment of the RAI Act to include the North West Region and the appointment of its commissioner to ensure fairer representation and efficiency in the commission's devolution programmes.
- A training and development plan on experience sharing for staff to be expedited to enhance their capacity.
- Installation of information request boxes in strategic locations nationwide and to encourage Information officers to make regular collection of those requests.
- The installation of landline telephone services for information requesters who may want to remain anonymous.
- Develop the Rules of Procedure to guide the work of the commission in hearing FOI complaints and settling of disputes.
- Develop the manual for complaint handling to enforce the compliance of public authorities
- Develop and rollout a communication and advocacy strategy to ensure an effective popularization of the RAI Act.
- Translation of the Act into major local languages.
- Hold workshops with institutions aimed at enhancing proactive disclosure
- Hold public engagements with key Access to Information Civil Society Organizations
- Develop the RAIC web site to make it more user-friendly and interactive with a discussion forum, social media features as well as Freedom of Information request and complaint forms that can be completed and submitted online.
- Work with the Ministry of information and Communications to further develop and manage the Open Data Portal for promoting Access to Information by MDAs

- Work with MDAs to develop a framework for regularly updating their websites and publishing their Annual Reports.
- Developing the ICT infrastructure and digital systems of the RAI and MDAs.
- Work with GoSL and other stakeholders in accessing adequate and timely funding for implementing the RAI Act, 2013.
- Work with MIC and other relevant partners to implement the RAI Act Regulations and the Code of Practice for Records and Archives Management.

Robustly implement the World Bank support project, covering Popularization of the RAI Act, Capacity Building of Commissioners and Professional staff, Records and Archives management, and Pro-active disclosure and Publication schemes.

Enactment by GoSL of the Records and Archives Management Act

Work with the relevant GoSL and relevant Stakeholders to enhance mobility and efficiency of the Commission from one vehicle

Explore opportunities for support to enhance implementation of its programmes under the RAI Act, from national and international institutions.

Name of Requester	Date of Request Received	Nature of Information Requested	Response by Public Authority to the Request (YES/NO)	Was the Information Provided (YES/NO)	Date of response (If any)	Reason(s) for not responding to the request and/or providing the information

ANNEX 1

**RIGHT TO ACCESS INFORMATION COMMISSION ANNUAL COMPLIANCE REPORT
TEMPLATE**

Name of MDA:.....

Address:

Report Submitted by:

Designation:.....

Date:

Year under Review: 2020

FREEDOM OF INFORMATION REQUESTS AND COMPLAINTS

TOTAL NUMBER OF REQUESTS RECEIVED

TOTAL NUMBER OF REQUESTS (Wherein The Information Was Provided).....

TOTAL NUMBER OF CASES PENDING.....

TOTAL NUMBER OF REQUESTS DECLINED

TOTAL NUMBER OF FOI COMPLAINTS AGAINST

TOTAL NUMBER OF FOI COMPLAINTS RESOLVED

TOTAL NUMBER OF FOI COMPLAINTS UNRESOLVED

TICK WHERE APPLICABLE

RECORDS MANAGEMENT AND DOCUMENTATION UNIT/DEPARTMENT: DOES YOUR PUBLIC
AUTHORITY HAVE THIS?...YES / NO

PUBLIC INFORMATION OFFICER/INFORMATION OFFICER: DOES YOUR PUBLIC AUTHORITY
HAVE THIS?YES / NO

INFORMATION, COMMUNICATION, AND TECHNOLOGY (ICT) DEPARTMENT/UNIT: DOES YOUR
PUBLIC AUTHORITY HAVE THIS?YES / NO

ANNEX 2

MONITORING & EVALUATION OF PROACTIVE PUBLICATION SCHEME

CHECKLIST

NO	CLASS OF INFORMATION	STATUS				REMARKS
		Approved	Approved With Observation	Conditional Approval	Reject	
	Name of Public Authority					
	Functions of Public Authority					
	Name & Title of Principal Officer					
	Subject Matters handled					
	Governing Legislation and Regulations					
	Address: Physical address: Mailing Address:					
	Telephone: Facsimile:					
	Email: Website:					
	Hours of Work:					
	Governing Ministry or Portfolio (if applicable):					
	List of Committees, Boards, Councils, Associations, Trusts, Foundations etc. that the Public Authority oversees:					
a.	The particulars of its organization, functions and duties;					
b.	The powers and duties of its officers and employees;					
c.	The procedure followed in the decision-making process, including channels of supervision and accountability;					
d.	The norms set by it for the discharge of its functions;					
e.	any guidance used by the authority in relation to its dealings with the public or with corporate bodies, including the rules, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;					
f.	a guide sufficient to enable any person wishing to apply for information under this Act to identify					

	the classes of information held by it, the subjects to which they relate or the location of any indexes to be consulted by any person;					
g.	the particulars of any arrangement that exists for consultation with or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;					
h.	a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of advising it with information as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of the meetings are accessible to the public;					
i.	a directory of its officers and employees;					
j.	the monthly remuneration received by each of its officers and employees, including the system of compensation;					
k.	the budget allocated to each of its agencies, including the particulars of all plans, proposed expenditures and reports on disbursements made;					
L.	the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;					
m.	particulars of concessions, permits or authorizations granted by it;					
n.	details in respect of the information available to or held by it, in an electronic form;					
o.	the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;					
p.	the names, designation, contact details of its public information officers, appellate authorities and the particulars and contact details of the Commission;					
q.	A list of all applications under this Act received by the public authority, including an indexed register containing copies of records released in response to requests made under this Act other than					

	records relating to the personal affairs of the applicant.					
	Special Conditions					
r	Every public authority shall adopt and disseminate widely, including on its website, a publication scheme which has been approved by the Commission, within six months of the coming into operation of this Act or its approval, whichever comes later					
s.	In adopting a publication scheme, a public authority shall have regard to the public interest– (a) in allowing access to the information it holds; and (b) in making information available proactively so as to minimize the need for individuals to make requests for information.					
t.	The publication scheme shall set out– (a) the classes of records that the authority will publish on a proactive basis; and (b) the manner in which it will publish these records.					
u.	Every public authority shall publish information in accordance with its publication scheme.					
V	Every publication scheme shall, within seven years of the adoption of the first publication scheme by a public authority, cover all of the core proactive publication obligations set out in subsection (8)					
w	Any person may institute proceedings in a court to compel the head of a public authority, to comply with this section.					

PLEASE NOTE COMMENTS / REMARKS

STATUS COMMENT	DESCRIPTION	AVERAGE
APPROVED	All of the classes are completed	22 in all
APPROVED WITH OBSERVATION	Most classes of information are completed with few missing	15 - 19
CONDITIONAL APPROVAL	Few classes of relevant Information are provided	10 – 14
REJECT	Inadequate information / poor attempt	5 – 9
GENERAL COMMENTS	

NAME OF EVALUATOR: NAME OF EVALUATOR:

DESIGNATION..... DESIGNATION

SIGNATURE..... SIGNATURE.....

DATE.....DATE.....

APPROVED BY:

DESIGNATION:

SIGNATURE:

DATE: