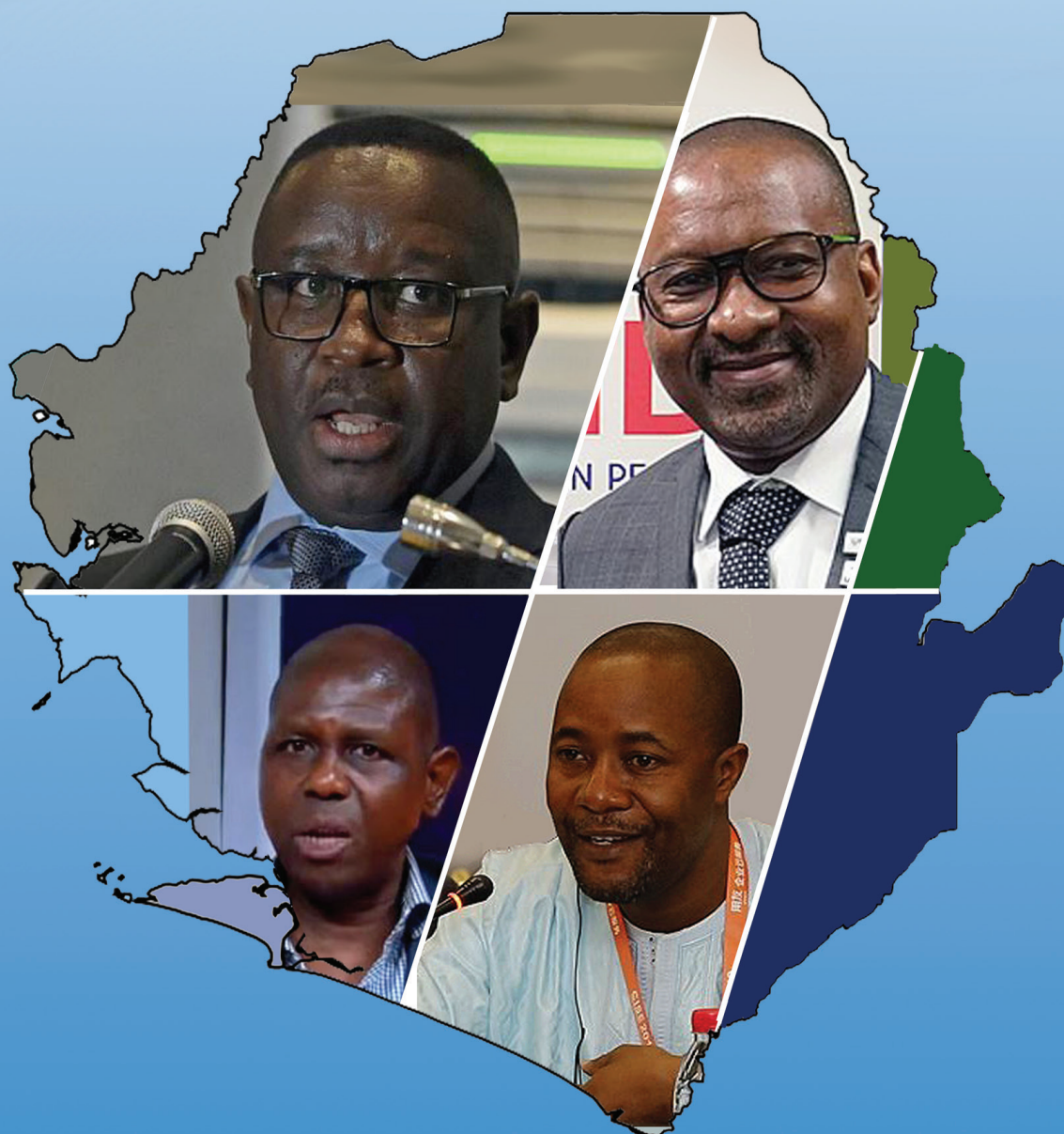




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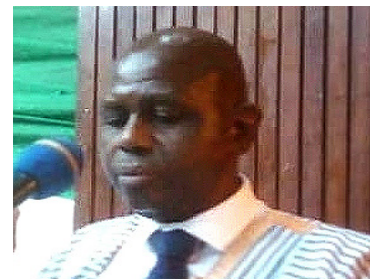
2019
2020



Right to Access Information Commission
Sierra Leone

CHAIRMAN AND INFORMATION COMMISSIONER'S MESSAGE

The enactment of the Freedom of Information (FOI) law in 2013 was a very important step towards democratic governance, transparency, accountability and the rule of law. The journey to get a Right to Access Information (RAI) law in Sierra Leone started in 2003. It was a moment Sierr Leoneans began the debate of joining the global information rights community. The debate took a whole decade making the airwaves before the law was enacted. This was largely owing to the slow graduation from a culture of secrecy in public management to transparency and accountability. The atmosphere was for the presumption of openness to replace the presumption of secrecy of official information. Civil society, media practitioners and other well-meaning state and non-state actors nationally and internationally played pivotal roles to see the enactment of the Right to Access Information Act (RAI Act) 2013. This became a very important step towards transparency, openness, and accountability. The law itself provides a democratic space for monitoring of government affairs at all levels and also widen 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.



Dr. Ibrahim Seaga Shaw

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 Sierr Leoneans across the board to pass this law. Commendation should be given to the drafters of the RAI Law, and the Civil Society activists, especially the Access to Information Civil Society Coalition, 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 of the Sustainable Development Goals (SDGs) which calls for ensuring public access to information and protection of fundamental freedoms in accordance with national legislation and international agreements, including 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 right 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 re-

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... CHAIRMAN & INFORMATION COMMISSIONER'S MESSAGE

quired 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 their roles, functions, activities and operations. Information can be withheld only if the law restricts their disclosure as provided for in Sections 12-26 of the RAI Act 2013. It is time we changed the mentality of secrecy to meet our statutory obligations.

As a nation, we cannot talk about access to information when we have a weak records management culture; when there is difficulty in adjusting the mindset of the bureaucracy and people who hold the information; when the citizens have little or no trust in the transparency and accountability of public authorities; insufficient resources and infrastructures to strengthen the capacity of those in the supply side so as to create the enabling environment for the flow of information, thereby ensuring a demand-driven, information knowledge society with vibrant information and communication technologies as the engine for socio economic growth. [Public Authorities such as Ministries, Departments, and Agencies (MDAs) need to share data to improve government efficiencies, service delivery, meet regulatory compliance, better communicate with citizens and stakeholders, create internal efficiencies and drive innovation and economic growth. This is key to enhancing good governance in a democracy. The rather lukewarm response of MDAs to the submission of their Pro-active Publication Disclosure Scheme to the Commission in 2019 shows that a lot needs to be done.

When we came as a newly constituted Commission in December 2018, our focus was not just to do the right thing, but also to get things right, and quickly. Against that background, we commissioned the first ever management and functional review of the commission and internal audit of accounts, systems and internal controls, covering the period since the commission was set up in 2014. We also held a series of high-level advocacy meetings with important national and international stakeholders, including non-state actors with a view to improve standards of information rights practice; stay relevant, provide excellent public service, build and strengthen the infrastructural and human resource capacities, keep abreast with evolving technologies; enforce the laws and ensure compliance, and set guidelines, codes of practice and regulations that will give us a clear positioning from an institutional standpoint.

As we progress, we will do our best to ensure that members of the public have the opportunity to understand their information rights and how to hold MDAs to account. We will also help the public to understand what to expect from organizations responsible for data and public information. We will also make sure that those responsible for public information have all the support and guidance they need to understand what it means to be transparent and how to embed these practices into their organizations. With this, we will maintain and develop influence within the global information rights community.

While acknowledging the significant role of the MDAs in providing access to public information, I would like to remind them of their obligation under the law to show compliance and to urge them to commit themselves in their management of records and proactive disclosure of information so that the lukewarm engagements with these compliance processes by most of them in 2019 are not repeated in 2020. I would also like to remind them that we will soon be moving from using the carrot to stick approach in ensuring and enforcing compliance and that the act gives the right to every citizen to resort to court action to enforce compliance by public authorities with Proactive Disclosure of Information (PDI) and Access to Information (ATI)

To conclude, I would like to register my profound appreciation to all my hardworking staff at RAIC, local and development partners namely, the CSOs, the Academics, the Media, PFMICP, NCD, the World Bank, OSIWA, UNESCO, and ICIC, for their invaluable cooperation and support in the year under review and we look forward for more support in 2020 and beyond.

I thank you all and hope that you would find this annual report, which includes an audited financial statement covering the period under review, interesting and useful.

Dr Ibrahim Seaga Shaw, Chairman and Information Commissioner, RAIC
Signature:



Date 25th June 2020

EXECUTIVE SUMMARY

This is the first ever Annual Report of the Right to Access Information Commission (RAIC) since it was set up in 2014. The Report encapsulates the work of RAIC spanning from the commencement of operation of this current Commission in December 2018, onto December, 2019. Accordingly, the Commission shall submit to the Minister of Information and Communications the Commission's activities and programmes, including the accounts, financial statement and the audit report in the year under review as provided for in Section 39 of the RAI Act 2013.

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 centerpiece 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 year under review brought onboard a host of ideas to be 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.

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... EXECUTIVE SUMMARY

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.

The Report is divided into five broad parts:

Part One gives a synopsis of the historical background of the Commission. It expands on the Commission's statutory mandate and composition, roles and responsibilities, its Mission, Vision, Core Values, and Objective.

Part Two covers in general, the activities of the Commission and its achievements: its institutional and infrastructural developments; programmes and projects; compliance and investigation mechanisms; its public awareness and sensitization efforts, and its national and international partnerships.

Part Three involves the accounts and financial statement, and the audit on the accounts.

Part Four dilates on the challenges faced and lessons learnt in the course of implementing the RAI Act.

Part Five suggests the areas the Commission should concentrate on in the implementation of the RAIC Act, and the direction it should take to achieve its Mission and Vision, as well as recommendations for the future

PART I - THE COMMISSION

2. ABBREVIATIONS AND ACCRONYMS

ACHPR	African Charter on Human and Peoples Rights
CSOs	Civil Society Organizations
CIC	Chairman and Information Commissioner
ES	Executive Secretary
FOI	Freedom of Information
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICIC	International Conference of Information Commissioners
MDAs	Ministries Departments and Agencies
MIC	Ministry of Information and Communications
MoF	Ministry of Finance
NCD	National Commission for Democracy
NGO	Non-Governmental Organizations
NSA	Non-State Actors
OGP	Open Government Partnerships
OSIWA	Open Society Initiative for West Africa
PIO	Public Information Officer
PMSD	Performance Management Service Delivery
PFMICP	Public Financial Management Improvement and Consolidation Project
PSRU	Public Sector Reform Unit
RAIC	Right to Access Information Commission
UNESCO	United Nations Educational, Scientific and Cultural Organization
UDHR	Universal Declaration of Human Rights

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**CHAIRMAN
AND
INFORMATION
COMMISSIONER**



Dr. Ibrahim Seaga Shaw

REGIONAL COMMISSIONERS



Mary Wuyata Karimu,
Commissioner, East



Abu Bakar Kargbo,
Commissioner, North



Biah Yormah Idriss,
Commissioner, South



Yeama Sarrah Thompson,
Commissioner, West

**EXECUTIVE
SECRETARY**

Hon Mustapha Braima



BACKGROUND

The Right to Access Information Commission (RAIC) was established as a result of the Right to Access Information Act (RAI Act) of 2013. 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 October 2018 by the newly elected President of Sierra Leone, His Excellency, Dr. Julius Maada Bio 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

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.

3. ROLES & RESPONSIBILITIES OF MEMBERS OF THE COMMISSION

The Chairman / Information Commissioner is entrusted with the following roles and responsibilities:

- Provide overall leadership for the Commission and professional staff to deliver the core mandate of the RAI Act.
- Initiate and lead on designing the Commission's overall strategic plan and key projects and programmes geared towards the realization of the core objectives of the Commission.
- Initiate and lead on proposal for funding from donors and other development partners to support the Commission's strategic annual work plans.
- Provide leadership over the designing of the commission's strategic plan
- Prepare the Annual Report of the Commission to be presented to the Hon Minister of Information and Commission for onward presentation to Parliament
- Monitor and report on the compliance by public authorities with obligations under the Right to Access Information Act 2013.
- Make recommendations for reform of policies, rules and regulations, both of a general and specific nature of the Commission.
- Cooperate with, or undertake, training activities for public authorities on the right to access information and the effective implementation of the Act.
- Refer to the appropriate public authority, cases which reasonably disclose evidence of lack of compliance under the Act.
- Publicize and implement the requirements of the RAI Act 2013 and the rights of the individuals and institutions under it.

REGIONAL COMMISSIONERS

The Roles and Responsibilities of the Regional Commissioners are as follows:

- Provide oversight function of the commission in their regions of station
- Make recommendation for reform both of a general nature and specific authorities
- Cooperate with, or undertake, training activities for public authorities in their regions of station on the right to access information and the effective implementation of the act
- Refer to the appropriate public authority in their regions of station cases which reasonably disclose evidence of criminal offences under the Act
- Publicize the requirements of the act and the rights of individuals under it, especially in their regions of station

EXECUTIVE SECRETARY

In addition to their regional roles and responsibilities, the Commissioners shall, based on their expertise and experience support the work of the Chairman and Information Commissioner on national programmes / activities of the Commission whenever called upon.

As the head of the day-to-day administration of the Commission, the Executive Secretary performs the following:

- Support the formulation of the strategic plan for implementation by the Commission.
- Work closely with the Chairman as his Principal Adviser.
- Collaborate with governance institutions and Civil Society Organizations to ensure compliance with the provisions of the RAI Act.
- Source funding from donor partners and government for the smooth operations of the Commission
- Identify staffing needs of the Commission and facilitate recruitment of the requisite staff
- Facilitate the implementation of the Commission's activities for presentation to the commission
- Undertake any other duties assigned by the Commission



4. 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.

RAIC National and Regional Offices & Data Centres Locations:

National Secretariat:

46 Kroo Town Road, Freetown,
Tel: +23279-101314 / 030359669 /
030-319948
Email: accessinfo@raic.gov.sl;
ibrahim.shaw@raic.gov.sl;
mustapha.braima@raic.gov.sl

Southern Region:

188 New Gerihun Road,
Bo City,
Bo District
Mobile Tel: +
Email: idriss.biah@raic.gov.sl

Eastern Region:

22 Turay Street,
Kenema City,
Kenema District
Tel: +232-77680662 / 099-673360
Email: marywuyatta.karimu@raic.gov.sl

Western Region:

46 Kroo Town Road,
Freetown,
Western Area Urban
Tel: +232379107752
Email: yeama.thompson@raic.gov.sl

Northern Region:

31, Mabanta Road,
Makeni City,
Bombali District
Tel: +232-76787903
Email: abubakarr.kargbo@raic.gov.sl

Web Site:

<http://www.Raic.gov.sl>

PART II. ACTIVITIES AND ACHIEVEMENTS

7. INSTITUTIONAL AND INFRASTRUCTURAL DEVELOPMENTS

7.1 INSTITUTIONAL DEVELOPMENT: Admin and Human Resource

One of the key priorities of the current Commission was to strengthen the administrative and professional wings of the Commission to ensure that they effectively complement its Secretariat in the day to day administration and management of its affairs. The prime focus of the Commission was to create a dynamic and congenial working environment, staff bonding and teamwork among staff so as to foster a cohesive and productive human resource capital network where the capacity, competence and capability of employees is enhanced through management-by-objective in order to ensure that the strategic drive of the Commission match with the employees' aspiration through the maintenance of a proactive, rewarding, motivational, fair, just and results-oriented system.

The Commission commenced its institutional development drive by looking into the overall human resources management and administrative policies. These include:

- training programs that sustainably build the Commission's human capacity
- conditions of service of staff and management
- career development framework together with a staff performance management system
- policies on remuneration, healthcare, benefits, training, procurement and other benefits
- effective information technology infrastructure for the execution of the Commission's mandate
- internal information technology needs
- physical assets of the Commission

Realizing upon its internal findings that much was not put in place to create a congenial working environment, the leadership of the Commission in February of the year under review took further steps to invite the Public Sector Reform Unit (PSRU) to carry out a management and functional review of the commission covering the period since the commission was set up in 2014 to present. The aim of the review was to examine the roles, institutional structure, staffing, functional relationships and service delivery and proffer recommendations. This followed a full internal audit conducted in January 2019 on the accounts and internal controls used in the utilization of funds by the Commission for the period 2014 to 2018 as requested by the leadership of the Commission. The essence of this was to assist the Commission in delivering its statutory mandates as enshrined in the RAI Act. This was part of the Commission's leadership willingness towards building a resilient RAIC needed to promoting the demand and supply of information to the citizens, and to also align the operational and management function of the Commission to the new development priorities of the government of Sierra Leone.

Findings

In its findings, the PSRU Review Team identified, among other things, that the Commission was grossly understaffed to carry out its core functions; lack of training opportunities and systematic training programmes in place since the establishment of the Commission in 2014. The team also noted the lack of effective records management system; no proper file referencing and classification system; lack of adequate ICT equipment in the Commission to perform its duties. The review result also showed that in the regional offices, the ICT infrastructure is ill-developed with regular breakdown of computers and week internet connectivity. It also showed the lack of sufficient funding which posed a major challenge to the effective operation of the Commission, and resulted to the inability of the Commission to acquire and maintain necessary equipment, and ensure institutional resource satisfaction and maintenance, and effective service delivery. The Internal Audit Team on the other hand found no master inventory records; no identification codes on the assets of the Commission; no maintenance plan for vehicles, generator and other office equipment; no human resource policy; no standard terms and conditions of service; internal controls not properly implemented; no procurement officer, unit, committee and plans.



Recommendations

The PSRU Review Team recommended that the Commission recruit more competent staff to fill in more technical positions; that the Commission conduct needs assessments for all staff to ensure that their felt needs are incorporated in the training plans and policies of the Commission; that the Commission included a training budget in its annual budget to take care of its planned training programmes; that the Commission provided technical staff with sufficient computers, printers and photo copying machines to all regional levels; that the Commission institutionalized effective records management systems and established a records center that could be used by members of staff, researchers and the public.

The Internal Audit recommended that the Commission maintained a proper master inventory records and all assets must be coded; that every year a survey is done in order to check the quality of all assets held and produce a plan on how these assets could be maintained during the year; that terms and condition of service be developed and maintained in each and every personal file of staff who have gone through the stipulated probation period and whose appointment has been duly confirmed; that an operational manual should be put in place with an explicit job description for all members of staff; that the Commission request for a procurement officer from the Procurement Directorate and establish a procurement unit and subsequently a procurement committee in the Commission

Guided by the recommendations of the PSRU Review Team and the Internal Audit Team, the Commission developed systems in place that would ensure a congenial working environment going forward. These include among others the development of policies on staff welfare and benefits, human resource capacity, procurement and recruitment policies, employee personal record files, succession planning, reviewing the performance appraisal system to evaluate jobs and to ascertain job grade and pay structures, improvement of the records management / filing system and documentation. Owing to the fact that the Commission worked on a very tight budget, it was systematically addressing its development plans with the extant funds as it awaited allocations for 2020 and possible funding from development partners.





Operational Matters

With the Commission's tremendous efforts to address the existing institutional challenges, a steadily strengthened Administrative and Human Resources department has been giving administrative and management support to the commission in basic management functions such as planning, directing, organizing and controlling the day to day activities of the Secretariat. The Admin / HR Department has also been involved in analyzing current situations around staffing needs and motivation and finding better solutions that will further improve efficiency on the part of staff members which will consequently impact the effectiveness of the institution. It reviewed and compiled a host of data on staff recruitment and selection, contractual conditions, entitlements, performance and training requirements, existing vacant positions, etc.

The department has also reinforced the maintenance of confidential personnel records to ensure data and files are accurately stored and updated in compliance with the established standards. The department is building relationships with a number of national institutions including HRMO, NCD, PSRU, for effective collaboration. It has taken the lead in the development of a Memorandum of understanding (MOU) between RAIC and NCD for knowledge exchange.

Photo: A cross-section of RAIC Staff with Ms C Akram from Stat SI during one Of the PDI Wednesdays

Staff Welfare and Benefits

Since there was no guiding policy over the years to create an enabling and healthy working environment for staff both in the head office and the regions, the Administrative and Human Resources department drafted a Staff Welfare Development Policy that was laid on the desk of the Executive Secretary for review and onward submission to the Commission for further review and validation. The policy aims at addressing the existing staff welfare to meet current demands. Advice from human resource experts was drawn on in the development of this policy. The department also consulted qualified medical outfits that helped identify the ingredients needed in the policy to improve on the quality of the staff medical welfare in a more responsive manner. In addition to this, the department was catering for better conditions of service for staff. It was engaging the Human Resource Department Office in this direction. To ensure timely payment of annual rents, leave and related allowances, the Admin and HR Department built a close communicative relationship with the Accountant General's office. There was unwavering cooperation from the office of the Accountant General in this direction.

Capacity Building (training, seminars and workshops)

The major challenges encountered by the Commission were the lack of effective managerial, administrative, financial and institutional capacity to derive value for its work so as to improve the implementation of the access to information law. The Commission administered a career development framework together with a staff performance system. This framework guided the Commission in developing and enhancing employee skills through training for greater output. Capacity building is a strategic pillar in the Commission's five year Strategic Plan to be fully implemented in 2020. The Strategic Plan captured the gamut of capacity building programmes to be carried out by the Commission in the coming years. In the period under review, the Commission held a three-day capacity building workshop at the Radisson Blu Hotel on 28-30 August 2019 with support from OSIWA and facilitation from the Open Society Justice Initiative (OSJI) to empower staff with skills that would help the Commission make sound decisions, being efficient in handling FOI requests, formulate guidelines, rules, principles that may foster competency, creativity and above all effectiveness.



Mohamed Rahman Swarray
Minister for Information

Strategic Planning Retreat

Thanks to funding from OSIWA, the commission organized its first Strategic Planning Retreat from 14th to 16th November 2019 at Dohas Hotel in Bo City, for its leadership and staff to agree on critical issues relating to its structure, systems and processes, as well as its strategic goals and activities. The Retreat provided an opportunity for the leadership and staff to reflect on their scope of work, achievements and shortcomings over the past year, and the way forward, using the recently developed draft Strategic Plan as a working document. The key deliverables from the Retreat were the review of the draft Strategic Plan, Action Points and Recommendations for strengthening structures, systems and processes in order to position the RAIC to effectively engage with clients and external stakeholders and deliver on its mandate and support achievement of the objectives of the New Direction administration.

Key Objectives of the Strategic Planning Retreat

- To have better clarity on its legal mandate and identify its vision, mission and core values
- To review the Commission's scope of work to ensure alignment and fit between its institutional mandate and the higher-level objectives of freedom of information and accountability for good governance
- To review its Strengths, Weaknesses, Opportunities and Threats in order to allow for proper allocation of people, resources, funds and time for achievement of its strategic priorities
- To review and validate the draft Strategic Plan; agree on strategic goals and priorities for the next 12 months, 3 years, 5 years
- To examine its internal work systems for effectively collaborating with partners, clients and the general public
- To strengthen communication, collaboration and team work within the Commission
- To clarify the roles and responsibilities of all officers, i.e, Chairman and Information Commissioner, Regional Commissioners, Executive Secretary and other staff.
- To review the appropriateness of the Commission's current organizational structure
- To identify critical supporting components related to funding, human resources and other inputs for effective work
- To highlight management and service delivery challenges and proffer solutions
- To identify training needs and areas of additional support for its personnel a

Expected Outcomes

- Agreement on the Institutional Mandate, Mission, and Vision
- Greater clarity on the strategic objectives and priority activities the RAIC will focus on for the next 12 months 3 years, and 5 years
- Greater clarity on an appropriate organizational structure that supports effective service deliver
- Greater clarity on the roles and responsibilities of the Chairman/Information Commissioner, Commissioners, Executive Secretary and Staff of the RAIC
- Greater level of trust and professional respect amongst all staff, in order to achieve the objectives of the RAIC
- Validated RAIC Strategic Plan



Recommendations

for addressing challenges in the short to medium-term.

Immediate/Quick- wins:

A. Validation of MFR and Strategic Planning Retreat Reports:

- Internal review by RAIC- convene a small committee to review the reports and recommendations and give feedback to Facilitators;
- Once final report has been issued convene a senior management meeting (including regional staff) and develop a plan of action for implementing the recommendations – seek help from an M&E or Organizational development professional;
- For MFR it is advisable for the report to be presented to the sector Minister for onward submission to Cabinet for endorsement – this helps with implementation; seek assistance from Cabinet Secretariat for a Cabinet briefing;
- Convene a general staff meeting and present the key recommendations from the reports and the implementation plan highlighting timelines for implementation and reporting on progress, resources and the responsible officers for each item;
- Meet periodically to assess progress and address blockages
- Provide periodic progress updates to all staff

B. Staff harmonization

- Develop an organizational structure and plan for rationalization and engagement of the right people
- Seek assistance from the HRMO on developing the plan, engage Hon. VP, Minister of Information and Communications, and Secretary to the President on seeking Executive Clearance for recruitment.

C. Identify critical activities for implementation in 2020 – Annual Work Plan

- Short-term – by mid-2020

D. Finalization of 2020-2025 Strategic Plan – engage a Professional to revise the draft Strategic Plan including the Logical Framework in line with the recommendations from the Strategic Planning retreat

- Short-term - by end 2020

E. Develop resource mobilization framework- engage a Professional to develop a Resource Mobilization Plan for RAIC

F. Internal policies – HR, OPS, ICT, FM –engage Professional to develop Operational Guidelines (including training options), for these key components

G. Cabinet approval for amending RAI Act 2013

7.2 INFRASTRUCTURAL DEVELOPMENTS

The Commission also took a critical look into its infrastructural development drive. With this, it successfully relocated to a new, cheaper, bigger and more centrally located national office (from Hill Station to Krootown Road) in February 2019, saving government 10,000 US dollars per annum. It also relocated the Eastern Regional office in Kenema from a much smaller building to a much bigger building on Turay Street in Kenema; procurement of office equipment for the national secretariat and regional offices, recently completed the development of its first ever website www.raic.gov.sl which was launched live in May 2019. The website sits on a two terra byte dedicated server which also provides staff emails with outlook.



8. PROGRAMMES & PROJECTS

The foundational elements of access to information are records management, open data, data protection, and proactive disclosure. Access to information cannot be talked about without a foundation for records management to ensure an efficient records-keeping culture in the country, especially at MDA level. Transparency, accountability and good governance can only be given a clean bill of health when data is seen to be open, easily understandable, freely available and directly accessible to those who will be affected by government policies and practices; when the citizens at large are seen to have confidence in the process. Data, when shared in an open and standardized format, can foster collaboration and enable greater and timely access to vital information.

Sierra Leone has made significant strides towards establishing the structural and legal foundations for a comprehensive Open Data Initiative. The government established the Open Government Initiative (OGI) in 2008, followed by the enactment of the Right to Access Information Act in 2013, the accession to the Open Government Partnership (OGP) in 2014 and the establishment of an Open Data Portal which provides further justification for a dedicated open data initiative. The Right to Access Information Act provides an important basis for open data and proactive publication obligations for every public authority and the approval of publication schemes. The RAI Act also provides for the record and maintenance of records by public authorities in a manner that facilitate the right to access information and in accordance with the Code of Practice referred in subsection (2) of section 27 of the RAI Act which provides for record keeping, maintenance, as well as transfer of records to public archives.

Records Management, Open Data, Data Protection, and Proactive Disclosure of Information form the core programmes of the Commission. The implementation of these programmes constitutes another big challenge of the Commission. In its effort to ensure an effective implementation of the RAI Act, the Commission looked into the existing projects supporting these programmes, reviewed and expanded on them through collaboration and coordination. Furthermore, it strengthened the units that provide the professional direction in the delivery of these programmes. However, limited funding has been an impediment to the programme implementation process, hence the need for collaboration.



Proactive Disclosure

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, accountability 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 by the then Deputy Minister of Information and Communications, Solomon Jamiru on behalf the Vice President, Dr. Mohamed Juldeh Jalloh. The forum attracted about 200 participants; these 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.



... Proactive Disclosure

These carefully selected ten pilot 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

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 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

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... Proactive Disclosure

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 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 RAIC 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

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-sectoral 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.



NSA Engagement in the Eastern Region

DATA PROTECTION

The Commission is 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 defense 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



... Data Protection

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 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).



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

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.



... Open Data in the Regions



At the Launch of the Western Area Region Centre

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.



Records Management

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.

Public Sensitization & Awareness



Public sensitization and awareness of the RAI Act was one of the flagship programmes of the Commission in the year under review. Mindful of the fact that much was not done in the past in the popularization of the RAI Act, the current Commission created the enabling environment for a robust awareness raising and public knowledge in this direction. With funding from the World Bank through the PFMICP, the Commission stretched the RAI popularization campaign effectively from Western Area to the provinces. In the year under review, the Commission incorporated the civil society in its awareness drive; it engaged public authorities and sensitized them on their obligations as provided for in the RAI Act. It used the media such as the radio and television as a platform for citizens' engagement and citizens' feedbacks. It ensured that press coverage was prioritized in all its public functions and issued out press / news releases to media outlets in respect of its programme and oversight activities. It is using the RAIC website as an effective channel of information dissemination. The Commission expanded this drive by incorporating non-traditional media approaches such as the use of grassroots community engagement with popular musicians, comedians and theatre actors.

Public Sensitization and Awareness by Regional Offices

With the World Bank funding through the PFMICP, the Commission stretched the RAI popularization campaign effectively to the provinces.

Eastern Region

The Commission commenced its public sensitization in the eastern part of the country with a press briefing. The Eastern Regional Commissioner (ERC) Mary Wayata Karimu together with her staff members, held the Regional Office's inaugural press briefing at the former Maxwell Khobe Street office in Kenema. The press briefing attracted media representatives and a few members of the public. At the press briefing, journalists were briefed on the mandate of the Commission and ATI facilities available, not least, its resource centre. The ERC also assured the journalists and the members of the public of her commitment to promoting their right to information provided for in the RAI Act of 2013.

Having made reasonable effort in the eastern region as regards public awareness of the RAI Act and the mandate of the Commission, the eastern regional office held a well-attended press conference with journalist at the Kenema District Council Hall. In May 2019. At the press conference, the mandate of the Commission and the activities of the regional offices were discussed. Journalists present were assured of the Commission's fullest commitment to promoting and protecting their right to know. Press releases were also issued out. Through the radio discussion programs, consultative meetings and press briefings held by the Commission, the Eastern Region Office was able to succeed in ensuring public knowledge of the activities and mandate of the Commission. The Eastern Regional Office also succeeded in increasing the number of users of its open data resource centre. Increasingly, it embarked on school to school engagements with school authorities. In addition to the RAI Act, the engagements were aimed at educating schools authorities on the proactive publication scheme and enlightening them on the essence of records management. Consistently, this had been ongoing in the year under review.

Northern Region

The Northern Regional Office carved out its public sensitization efforts with monthly media engagements with civil society activists, media practitioners, the academia, heads of parastatals, among others. During these monthly engagements, the Northern Regional Office was able to map out strategies that were critical to its public engagement activities. In the year under review, it succeeded in holding radio talk shows using one radio station in each of the seven districts headquarter towns within the region. With initiatives of the Northern Regional Commissioner, Abu Bakarr Kargbo and his northern region team, Information, Education, and Communication (IEC) materials such as brochures bearing the mandate of the Commission, wooden file boxes, etc, were distributed to district libraries, MDAs, Educational Institutions within the northern region. Through institutional collaboration, the Anti-Corruption Commission consented to supporting a weekly airtime to the RAIC regional office in Makeni to help popularise the RAI Act.

Western Region

The Western Region office carried out community engagement in the Tombo Community, Western Rural District. Participants comprising women and girls, youth, the elderly, Councillors and the Chairman of the Western Rural District. The objective of this event was to create healthy social awareness, deliberations and clarifications on the Right to Access Information Law. This one day program was very fruitful in terms of popularising the Right to Access to Information Law with the locals in the Western Rural areas. Participants were very happy with the initiative taken by RAIC and congratulated the Commission for working on the social cause and creating awareness for future generation even in these busy days. They requested the RAIC team to conduct more of such activities in the future.

10 Radio and 2 live TV discussions forums were carried out by the Western region office to enhance popularisation of the Act. One on one meetings were also held with MDAs including the Mayor's office in Freetown and the Chairman of the Western Rural area.

Southern Region

Through the leadership of the Regional Commissioner, Idris Yormah Beah, and other staff, alongside the civil society, the Southern Regional Office in the year under review held a host of radio discussions in the major radio stations in Bo, e.g. SLBC ,Radio New Song , Kiss 104, etc. The Bo regional Office also held press conferences thereby bringing together journalists from different media houses in Bo. Participants in the press conference were university students, civil society and other stakeholders.

The Southern Regional office organized a stakeholders meeting in Pujehun Districts with the motive of creating a network between the Commission and the MDAs in the district. This movement was supported by World Vision SL. The meeting went well as views were expressed regarding the importance of having an office in Pujehun. Similar sentiments were also expressed in the other districts that were visited like Bonthe and Moyamba in the southern region.



Southern Regional Team on Public Sensitization

RAIC: Promoting Open Governance for Sustainable Socio-Economic Development through Transparency and Accountability. We work with local, national, and international Partners to achieve this Goal.



Training of Public Information Officers

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 information. 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.



PIOs at the Training

9. COMPLIANCE & ENFORCEMENT

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 in 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 request and complaints provision. In its effort to strengthen these provisions, the Commission processed 112 FO1 requests/complaints (64 of which were processed since the appointment of the new leadership of the Commission in October 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. 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. To date the requests and complaints are as follows:

TOTAL NUMBER OF REQUESTS / COMPLAINTS BY REGION

Western Area

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 has so far 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 of the 42 successful FOI requests in the northern region is as follows:

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

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 for. 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.



WhistleBlower 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:

- 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.
- 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 Management and Functional Review Report and Recommendations by the PSRU to the minister 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

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 requested 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.

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. The Access to Information Advocates Awards 2019 were given to two local civil society activists: Emanuel Saffa Abdulai and Charles Keff Kobai, and two international



... RAIC Compliance Awards 2019

advocates: Maxwell Kidiri and Dr. Ololade Shyllon. Dr Emmanuel Gaima, Governance Advisor in the Office of the President and Sonia Umu Karim, Director of Performance Evaluation in the Chief Minister's office and Cabinet Secretariat were among recipients of awards for supporting the work of the commission.

This awards ceremony climaxed RAIC's Human Rights Day commemoration joining the international community and the Human Rights Commission of Sierra Leone..

In commemorating this year's Human Right Day, the RAIC, with support from the Open Society Initiative for West Africa (OSIWA), brought human rights organizations, MDAs, CSOs, media practitioners, local and development partners together in a Symposium and awards ceremony in the evening of Tuesday 10th December 2019. The objective of the event was to discuss issues of human rights and access to information and create an opportunity for participants to shed light on where Sierra Leoneans have been on human rights and where they are as a nation. Also, to reward individuals and institutions that have played immense role in promoting Access to Information. The localized theme of the event was: "Access to Information as a Vehicle to Enjoy Other Human Rights".

Objective of the Awards

- 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



Statistics Sierra Leone Receiving Gold Award from OSIWA Rep



RAIC Staff at the Awards Ceremony

Awards Categories

1. PROACTIVE PUBLICATION COMPLIANCE AWARD

Awardees

- Statistics Sierra Leone-Gold
- Environment Protection Agency-Silver
- National Youth Commission-Bronze
- Ministry of Information and Communications – Bronze

2. ACCESS TO INFORMATION COMPLIANCE AWARD

Awardees

- Ministry Foreign Affairs and International Corporation – Gold
- Sierra Leone Police – Silver
- Energy Distribution and Supply Authority – Bronze

3. ACCESS TO INFORMATION ADVOCATES AWARD

Awardees

- Emmanuel Saffa Abdulai
- Charles Kobai
- Maxwell Kadiri
- Dr. Shola Shyllon

4. ACCESS TO INFORMATION PROMOTERS AWARD

Awardees

- Dr. Emmanuel Gaima
- Sonia Umu Karim
- Muniru Kawa
- Albert Moore

5. PROACTIVE PUBLICATION SUBMISSION CERTIFICATE

Awardees

- Government Printing Department
- Sierra Leone Police
- Health Service Commission
- Cabinet Secretariat
- Ministry of Basic and Senior Secondary Education

10. NATIONAL & 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's 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 is a member of the Executive Committee of the ICIC representing Africa.

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 made by the Commission in the year under review through partnerships are as follows:



Mamadi-Gobeh-Kamara-Shaw - World bank Event



THE 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 and 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



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 for the Universal Access to Information



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.

In the year under review, Sierra Leone 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.



United Nations
Educational, Scientific and
Cultural Organization

UNESCO Survey: UNESCO is the convening monitoring body for the Sustainable Development Goal 16.10 indicator 2. The RAIC 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. This Survey focused on central information about 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 survey required the following:

- binding national right to information rules
- guiding strategies, 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

Other activities and achievement made by the Commission in the year under review through national and international partnership include:

- The Chairman and Information Commissioner made a statement at an Access to Information event hosted by the Society for Democratic Initiatives in November 2018
- The Chairman/Information Commissioner attended the Open Government Partnership summit in Ottawa, Canada between May 29 and 31 where he delivered a presentation on the status of Proactive Disclosure of Information in Sierra Leone and its relevance to open government and participated in a special workshop on open ownership.
- The Chairman and Information Commissioner gave a presentation on the role of public access to information in creating an enabling environment for the implementation of SDG 16 at a workshop on the Voluntary National Review of SDG 16 organised by the Coalition of Civil Society Organisations in Sierra Leone in June, 2019 in Makeni.
- The Chairman and Information Commissioner was invited by UNESCO to participate in their conference on SDG 16.10.2 as part of the 2019 High Level Political Forum on the SDGs at the UN between July 16 and 17, 2019. UNESCO is funding this participation.
- The Western Region Commissioner, who is the focal Commissioner for Open Data and Proactive Disclosure, is actively collaborating with the African Network of Open Data and Collaborates actively with the Open Government Partnership.
- The Western Region Commissioner of the RAIC has represented the RAIC at two Workshops on Open Data in Nairobi, Kenya, in 2019.



PART III

FINANCIAL STATEMENT

Background

The reconstituted commission under the leadership of Dr Ibrahim Seaga Shaw in 2018 faced numerous challenges, especially a very weak financial base with one year rent arrears for the then head office at Hill Station in Freetown and those in the regions, very limited number of office furniture and ICT equipment, NRA withholding tax and NASSIT contributions arrears, all of which it inherited from the former commission. The Commission also inherited a flawed internal control system where the former Chairman and Information Commissioner was both the final approver of all payments and Vote Controller of the institution. However, following advice from some relevant stakeholders, the new Chairman and Information Commissioner gave up the Vote Controller role to the Executive Secretary to ensure checks and balances. Moreover, it inherited a very limited government budgetary allocation of Le 1,024,000,000 approved for the 2019 Financial Year, significantly down from the Le 1,500,000,000 budgetary allocation approved in the previous year (2018).

However, the new commission leadership considered this amount as being far below the amount it needed to carry out its rigorous restructuring, rebranding, and public engagement activities in its strategic plan for that year. The new commission therefore put together a document with a list of additional urgent needs, including building an institutional web site with staff emails and the buying of office furniture and ICT equipment as justification why the Parliamentary Committee of Supplies would need to consider approving an additional 1 billion Leones for the RAIC for the 2019 Financial Year. This document was submitted and defended by the new RAIC Chairman and Information Commissioner (CIC) at the budget parliamentary hearing, and the Parliamentary Committee of Supplies rightly responded by recommending and ensuring approval of an additional Le 300,000,000. However, during the course of the 2019 financial year this approved additional budget was never paid to the commission.

Moreover, the Commission only received the first three quarters of budgetary allocation for 2019, and never received the fourth quarter until the end of the year, a situation which adversely affected its operations. The new Commission was however grateful for the timely approval of its request by the Ministry of Finance for a budgetary enhancement to pay two years rent for its new cheaper, bigger and more centrally located headquarters and Western Area offices at 46 Kroo Town Road in Freetown and for the designing of its first ever institutional web site www.raic.gov.sl.

Following the reconstitution of the RAIC in November 2018, the newly appointed RAIC CIC, Dr Ibrahim Seaga Shaw, with the support of his regional commissioners, carried out a situation analysis and realized that there was no annual report and audited financial statement of the commission since it was set up in 2014. In view of this, he wrote a letter to the Financial Secretary dated 10th January 2019 and requested an internal, finance, systems and risk-based Audit of the commission covering the period since the commission was set up in 2014 to November 2018 when he took over as head of the commission to help them draw a line between what the newly reconstituted Commission inherited from its predecessor and the way forward. The RAIC CIC's letter added: 'As a Commission responsible for championing the rights of the public to access information and in this way promote transparency, accountability and good governance, the rest of the newly constituted commission and I do not intend to just move on with business as usual without taking proper stock of activities under our predecessors and be able to draw a line at the point from which we took over the commission.'



Situation Analysis

& First Ever Auditing of the RAIC Covering 2014-2018

The Financial Secretary quickly responded to this request and asked the Director of Internal Audit in his ministry to send a team of auditors to carry out this exercise. The first draft report of this auditing exercise released in August 2019 revealed lack of standard financial internal controls, processes and procedures which led to, among other things, unpaid salary advance loans to former commissioners and staff, as well as undocumented and unexplained expenditure, all totaling Le 467,915,000. This draft report was shared with members of the former commission and senior management staff who served in the period under review (2014-2018) to give them the opportunity to respond to red flags raised therein associated with them. However, following the response of the former commissioners and senior management staff, only Le 65,681,000, out of the Le 467,915,000 unpaid salary advance loans and unexplained expenditure, was paid back and accounted for, while the whopping remainder of Le 402,234,000 remains accounted for by the former commissioners and senior Management according to the Final Audit Report which was released on March 11 2020.

In a letter to the Auditor General dated 21st April 2020 in reply to her letter dated March 3 2020 requesting the commission to provide and submit a financial statement and an Audit Report covering 2017, 2018, and 2019, RAIC CIC Dr Shaw said the timing of her letter was indeed spot on as the Final Report of the internal auditing his Commission requested the MOF to carry out covering 2014-2018 had just been released and said he has attached it to that letter for her attention and action. To that letter to the Auditor General and another addressed to the Financial Secretary dated 23rd April 2020, the RAIC CIC attached a list showing funds totaling Le 402,234,000 which were not properly documented and accounted for, and which also include unpaid salary advance, in that report and which need to be paid back by those former members of staff of the commission indicated. In the 23rd April 2020 letter to the Financial Secretary, the RAIC CIC made the following requests:

That these funds (Le 402,234,000) still owed to the Commission and the government of Sierra Leone by the former Chairman and Information Commissioner, Mr Unisa Sesay, former commissioner for the Eastern Region, Margaret Vandi-Thoronka, former Commissioner for the Northern region, Mr. Daniel Kanu, former Commissioner for the Southern Region (now Commissioner for the Western Region), Ms Yeama Thompson, former Commissioner for the Western Region, Mr. Kishore Wood, and former Executive Secretary, Mr. Mark Abass Gbla, be taken from their EX GRATIA PAYMENTS which were put on hold following the commencement of the internal auditing exercise.

That Le 210,685,235 be deducted from the overall amount Le 402,234,000 to be recouped from the EX GRATIA payments of the former Chairman, regional commissioners and executive secretary, and paid to NASSIT to off-set the debt incurred by the former Commission leadership who failed to make these payments in lieu of NASSIT contributions of staff of the commission during their tenure. The current commission leadership inherited this financial liability and is currently grappling with a court order to clear it, or face the consequences, and it would therefore appreciate if immediate action is taken by the MOF to recoup these funds from the ex gratia payments of the former commission staff and use part of it to pay off this debt owed to NASSIT.

That his ministry (MOF) takes the Le 175,000,000 request the commission recently made for the payment of rent arrears to the landlord of its former office at 2 St Paul's Drive. Hill Station (which his ministry has kindly approved), another debt which it inherited from the

... Situation Analysis & First Ever Auditing of the RAIC Covering 2014-2018

former commission leadership, from the remainder of the Le 402,234,000 that is to be recouped from the EX-GRATIA PAYMENTS of the former chairman, regional commissioners and executive secretary.

RAIC CIC Dr Shaw added in that letter that 'it would really be helpful to the current Commission leadership if funds owed to the commission and recouped from the ex gratia payments of the former commission leadership are used to settle the financial liabilities it inherited from them (its predecessor) so as to avert the deduction of these payments from our very limited financial budgetary allocation of 1,058,000,000 for this financial year (2020) by his ministry, especially given the fact that there are administrative running costs and other activities tied to this budgetary allocation.

This would also help government to save since it would not incur any extra cost of settling these financial liabilities inherited by the current commission leadership from its predecessor.' He concluded by thanking the Financial Secretary and Director of Internal Audit for their timely response to their request to carry out this auditing exercise which has proved very worthwhile given the Le 402,234,000 to be recovered from unpaid salary advance loans and unexplained expenditure from the former commission leadership and the many recommendations therein on how to improve the commission's internal controls and financial processes going forward. Some of the key recommendations in the Final Audit Report covering the period 2014-2018 are as follows:

1. That the commission must maintain a proper master inventory records and all assets must be coded.
2. That the missing assets must be returned.
3. Management must ensure that every year a survey is done in order to check the quality of all assets held and produce a plan on how these assets could be kept in good working order during the year.
4. That management must ensure that there is a fuel policy in operation which addresses all issues relating to fuel handling and distribution
5. Management must ensure that in future, vehicle owners eligible for fuel must submit their vehicle life cards for easy verification.
6. That officers receiving fuel should acknowledge receipt of it by signing the fuel register. Also, Management must give satisfactory explanation for the under allocation of fuel given to staff.
7. Management must maintain an updated vehicle logbook that will address the anomalies that were happening.
8. Evidences (such as contract agreement etc.) must be provided by management to justify these payments.
9. Management must ensure that they request for a procurement officer from the Procurement Directorate and establish a procurement unit and subsequently a procurement committee in the commission.
10. That an operational manual should be put in place, with an explicit job description for all members of staff.

Audited RAIC Financial Statement 2019

FINANCIAL STATEMENT

for the period ended 31st December 2019

GENERAL INFORMATION

Address:

46 Krootown Road,
Freetown,
Sierra Leone.

Members of the Commission

Dr Ibrahim Seaga Shaw - Chairman & Information
Commissioner

Abu Bakarr Kargbo - Commissioner North
Mary W. Karimu - Commissioner East
Baih Y. Ideiss - Commissioner South
Yeama S.Thompson - Commissioner West

Bankers:

Bank of Sierra Leone,
Siaka Stevens Street,
Freetown.

Auditors

ARVS Partners,
Chartered Accountants,
18B Gooding Drive,
Off Regent Road, Lumley,
Freetown.

...Financial Statement for the period ended 31st December 2019

Commission Responsibility Statement

The Vote Controller confirms that the Financial Statements have been prepared in accordance with the provisions of the Public Financial Management Act of 2016 and in compliance with the International Public Sector Accounting Standard: Financial Reporting under the Cash Basis of Accounting (Cash Basis IPSAS), adopted by the Government of Sierra Leone.

Sections 86 of the Public Financial Management Act, 2016, requires that within three months after the accounts of the financial year are closed, the Vote Controller of every entity of sub-vented agency, and every other entity in the central government shall submit to the Auditor General annual financial statements of the entity for the financial year. The Vote Controller is responsible for the preparation and presentation of the public sector entity's financial statements, which give a true and fair view of the state of affairs of the entity for and as at the end of each financial year. This responsibility is stipulated in Sections 13 and 15 of the Public Financial Management Act, 2016, includes:

- (i) maintaining efficient and effective systems of financial management and internal controls;
- (ii) safeguard and manage assets and public money of the entity in the best interest of the entity with the due care and diligence;
- (iii) keep full and proper records of the financial affairs of the entity; and
- (iv) submit in a timely manner financial reports, accounts and statements of the entity.

The Vote Controller is of the opinion that the public sector entity's financial statements give a true and fair view of the state of the public sector entity's transactions during the financial year-end. The vote controller confirms that the public sector entity has complied fully with applicable Government Regulations, and that the funds received during the year under review were used for the eligible purposes for which they were intended and were properly accounted for. The vote controller also confirms the adequacy of the system of internal controls. Further, the vote controller confirms that in preparing the Financial Statements, the most appropriate accounting policies have been consistently applied and supported by reasonable and prudent judgment and estimates. The vote controller further confirms to the best of his/her knowledge and belief the completeness of the accounting records maintained and that the Financial Statements agree with the books of accounts, which have been properly kept.

The Vote Controller accepts responsibility for the integrity of the financial statements, the financial information they contain and their compliance with the provisions of Section 15 (4) of the Public Financial Management (PFM) Act of 2016.

Principal Activity

The principal activity of the Commission is to provide for the disclosure of information held by Public Authorities or by persons providing services for them and provides for other related matters.

Reporting Entity

The Commission was established under the Sierra Leone Government Right to Access Information Commission Act 2013 with the key aim to provide for the disclosure of information held by Public Authorities or by persons providing services for them and provides for other related matters.

...Financial Statement for the period ended 31st December 2019

The address of the Commission's registered office is 46 Krootown Road, Freetown, Sierra Leone. The Financial Statement of the Commission as at the end of the year ended 31st December 2019 comprise those of the Commission alone.

Results

The annexed Financial Statements disclose the financial activity of the Commission for the period ended 31st December, 2019.

Standardized Statement of Accounting Policies

The Standardised Accounting Policies given below have been developed using the cash basis of accounting that prescribed how financial transactions are treated and reported in the general purpose financial statements.

These are developed based on the fundamental principles underlying the preparation of financial statements, including going-concern assumption, consistency of presentation and classification, cash basis of accounting, and aggregation and materiality. They prescribed consistency in the definition, recognition, measurement and treatment of similar accounting items or financial transactions.

The Accounting Policies section of the notes to the financial statements should describe each specific accounting policy that is necessary for a proper understanding of the financial statements. The Accounting Policies will be subject to periodic review and update when it is deemed necessary by the government. The standardised accounting policies adopted in the preparation of the general-purpose financial statements are set out below:

a. Statement of compliance and basis of preparation

The financial statements have been prepared in accordance with the requirements of the Public Financial Management (PFM) Act, 2016 and comply with the International Public Sector Accounting Standard - Financial Reporting under the Cash Basis of Accounting (Cash Basis IPSAS).

The measurement basis applied is the historical cost basis, except where otherwise stated in the accounting policies below. The financial statements have been prepared on the cash basis using the Government's standard chart of accounts. The accounting policies adopted have been consistently applied to all the years presented.

b. Reporting Currency

The financial statements are presented in Leones, which is the functional and reporting currency of the Government of Sierra Leone.

c. Reporting Period

The reporting period for these financial statements is a period of twelve months starting on 1st January 2019 to 31 December 2019, as specified in Section 1 of the PFM Act, 2016.

...Financial Statement for the period ended 31st December 2019

(Note - The general-purpose financial statements should be presented at least annually. When, in exceptional circumstances, an entity's reporting date changes and the annual financial statements are presented for a period longer or shorter than one year, an entity should disclose in addition to the period covered by the financial statements:

- (a) The reason(s) for a period other than one year being used; and
- (b) the fact that comparative amounts may not be comparable.)

d. Receipts

Receipts are cash inflows within the Financial Year, comprising of receipts from Statutory/ Authorised Allocations, Taxes, External Assistance (Bilateral and Multilateral Agencies), Other Aid and Grants, other borrowings, Capital receipts (Sale of Assets etc.), Receipts from Trading activities, fines, levies, and other receipts.

These items shall be disclosed in summary on the face of the Statement of Cash Receipts and Payments for the year in accordance with the standardised GPFS. Notes shall be provided with detailed Statement of Revenues collected during the year by source of revenue and by line item accounts code. Also, a Statement of Arrears of Revenues as at end of the financial year shall be provided by source of revenue and by line item accounts code. Disposal proceeds from the sale of assets are recognized as receipts at the time of disposal.

e. Interest Received

Interest actually received during the financial year shall be treated as a receipt under item 'other receipts'.

f. Government Business activities

Cash receipts from trading activities shall be recorded net in the GPFS (after deducting direct expenses) unless otherwise provided for by law or policy in force. Total net receipts from all trading activities shall be disclosed in the Statement of cash receipts and payments under 'trading activities' item

Wherein gross revenue is recorded, corresponding payments shall be charged under a corresponding payment item head 'Government Business activities' in the Statement of Cash Receipts and Payments.

g. Payments

Payments are recurrent and capital cash outflows made during the financial year and shall be categorised either by major economic categories/programme (activities) and/or by function in the statement of cash receipts and payment. Payments for purchase of items of capital nature shall be expensed in the year in which the item has been purchased. It shall be disclosed under capital payments. Investments shall also be treated in the same way as capital purchases. At the end of the financial year, a schedule of fixed (physical) assets purchased shall be provided as part of the Additional Disclosures to the GPFS.

Prepaid expenses are amounts paid in advance of receipt of goods/services or work done (under contractual arrangements) and are charged directly to the respective expenditure item in the period of payment.

h. Interest on Loans

Actual Interest on loans and other bank commissions charged on Bank Accounts during the year shall be treated as payments and disclosed under interest payment in the Statement of Cash Receipts and Payments.

i. In-kind contributions/third party payments

In-kind contributions are donations that are made to the entity in the form of actual goods and/or services rather than in money or cash terms. These donations may include vehicles, equipment or personnel services. Where the financial value received for in-kind contributions can be reliably determined, the entity includes such value in the statement of receipts and payments (in a separate column) both as revenue and as an expense in equal and opposite amounts; otherwise, the contribution is not recorded.

...Financial Statement for the period ended 31st December 2019

j. Foreign Currency Translation

Cash flows arising from foreign currency transactions are translated into Leones using the spot exchange rates prevailing at the date of payment/receipt. Foreign currency balances, as at the year end, shall be translated at the exchange rates prevailing on that date (closing spot rate or year-end exchange rate). Foreign exchange gains and losses resulting from the settlement of foreign transactions and from the translation at year-end exchange rates of monetary assets and liabilities denominated in foreign currencies are recognised in the Statement of Cash Receipts and Payments accordingly either as receipts/payments.

k. Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. These comprise mainly Bank account balances, include amounts held at the Bank of Sierra Leone, cash imprests and other short term highly liquid investments held at the end of the financial year.

l. Imprests and Advances

The Government policy specifically states that all imprests and advances shall be retired before the end of the financial year. However, should circumstances occur (including an Emergency) where either an imprest/advance is given out close to the financial year end or an imprest/advance already given could not be accounted for, such an imprest/advance (or balance outstanding) shall be treated as cash equivalent since there shall be no proof that such funds have been utilised.

m. Budget

The budget is developed on the same accounting basis (cash basis), the same accounts classification basis, and for the same period as the financial statements. The Budget Figures are the amounts approved by the Legislature in accordance with the Appropriation Act (annual budget and supplementary budget) and as detailed in the Government of Sierra Leone Budget Printed Estimates. An assessment of the actual budgetary performance, at the level of legislative approval, against the comparable budget for the financial year under review has been included as Statement B of these Financial Statements.

n. Contingencies

Contingent liabilities (including Guarantees) are recorded in the Statement of Contingent Liabilities (on memorandum basis) when the contingency becomes evident and under the cash accounting method they are recognized only when the contingent event occurs and payment is made. Contingent assets are not recognized and where not probable neither disclosed.

o. Unpaid (Outstanding) Commitments

Unpaid (Outstanding) Commitments including operating and capital commitments arising from non-cancellable contractual or statutory obligations are in the Statement of Unpaid (Outstanding) Commitments (shown on memorandum basis – as additional disclosure).

p. Comparative Information

The GPFS shall disclose all numerical information relating to previous period (at least one year).

Where necessary comparative figures for the previous financial year have been amended or reconfigured to conform to the required changes in presentation.

q. Subsequent events

Events subsequent to submission of the financial year-end financial statements to the Accountant General Department and other stakeholders with a significant impact on the financial statements may be adjusted with the concurrence of the Accountant General's Department.

By order of the Chairman



Date: 17th August 2020

INDEPENDENT AUDITORS' REPORT TO THE MEMBERS OF RIGHT TO ACCESS INFORMATION COMMISSION

We have audited the financial statements of Right to Access Information Commission which comprise the balance sheet as at 31st December, 2019, Income Statement, Cash Flow Statement and the notes to the Financial Statements which include a summary of significant accounting policies and other explanatory notes.

The Commissioners Responsibility for the Financial Statements

As described on page 2, members of the Commission are responsible for the preparation and fair presentation of these Financial Statements in accordance with International Financial Reporting Standard (IFRS) and in the manner required by the Government Budgeting and Accountability Act, 2005 and the Right to Access Information Commission Act, 2013. This responsibility includes; designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are freed from material misstatement whether due to fraud, error or other irregularities.

Our report had been prepared pursuant to the requirements of the Government Budgeting and Accounting Act, 2005, the Right to Access Information Commission, 2013 and the International Auditing Standards as promulgated by International Federation of Accountants. No person is entitled to rely on this report unless such person is a person entitled to rely upon this report by virtue of and for the purpose of Right to Access Information Commission Act, 2013 and the Government Budgeting and Accountability Act, 2005 or has express responsibility for any other purpose and we hereby expressly disclaim any and all liability.

Basis of Opinion

We conducted our audit in accordance with International Auditing Standards as promulgated by the International Federation of Accountants. An audit includes examination, on a test basis of evidence relevant to the amounts and disclosures in the Financial Statements.

It also includes assessment of significant estimates and judgements made by members of the Board with regards the preparation of the Financial Statements and of whether the accounting policies are appropriate to the organization's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the Financial Statement are free from material misstatement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the Financial Statements.

In common with many organization of this nature, the system of control of Right to Access Information Commission is dependent on the close involvement of management. We have accepted assurance from Management and the Board that all the financial transactions for the year ended 31st December 2019 has been reflected in the accounting records of the organization.

Opinion

In our opinion the Financial Statement referred to above present fairly, in all material respect, the financial position of the Agency as at 31st December 2019 and the results of its activities and its Cash Flow for the year then ended in conformity with generally accepted accounting principles.

Freetown, ARVS PARTNERS CHARTERED ACCOUNTANTS

Date: 17th August 2020

Statement of Financial Position

As at 31 December 2019

	Notes	2 019
	Le,000	Le,000
Non-Current Assets		
Property plant & equipment	6	285,856
Current assets		
Cash & Cash Equivalent	7	864,601
Current liabilities		
Payables	5	58,396
Current asset less current Liability		806,205
Net Assets		<u>1,092,061</u>
Represented by:		
Accumulated Fund		<u>1,092,061</u>

The Financial Statements were approved by the Commission at its meeting on 21st August 2020

Chairman/Information Commissioner



Income Statement for the year ended 31st December 2019

In thousands of Leones

	Notes	2019
		Le,000
Income	3	1,120,989
Administrative Expenses	4	(1,087,830)
Depreciation charges		<u>(71,464)</u>
Deficit for the year		<u>(38,305)</u>

Cash Flow Statement

Deficit	(38,305)
Depreciation	71,464
Net cashflow from operating activities	33,159

Investing Activities

Purchase of property, plant & equipment	(357,320)
Net increase/decrease in cash	(324,161)
Cash and cash equivalent at start	<u>1,188,762</u>
Cash and cash equivalent at close	<u>864,601</u>

...Financial Statement for the period ended 31st December 2019

Notes forming part of the Financial Statement for the year ended 31st December 2019

1. Reporting Entity

The Commission was established under the Sierra Leone Government Right to Access Information Commission Act 2013 with the key aim to provide for the disclosure of information held by Public Authorities or by persons providing services for them and provides for other related matters. The address of the Commission's registered office is 46 Krootown Road, Freetown, Sierra Leone. The Financial Statement of the Commission as at the end of the year ended 31st December 2019 comprise those of the Commission alone.

a) Basis of Preparation

The Financial Statement have been prepared in accordance with International Financial Reporting Standards (IFRSs) and the Laws of Sierra Leone including Right to Access Information Commission Act, 2013.

b) Foreign Currencies

Transactions in foreign currencies are translated to Leones at the rate of exchange ruling at the date of the transaction. Monetary assets and liabilities denominated in foreign exchange rate ruling as at that date. Foreign exchange differences arising from such transactions have been recognized and form part of the income statement.

c) Depreciation

Depreciation of tangible fixed assets has been provided on a straight line basis at the following annual rates, which have been calculated to write off the cost of each asset over its expected useful lives as follows:

Computer and Accessories - 20%

Furniture & Fittings - 20%

d) Income

Government grant and other grants are accounted for as and when they are received and no provision is made for grants due but not received by the Commission as at the balance sheet date.

Notes to the Financial Statements (Continue)

(f) Expenditure

All expenses are accounted for on an cash basis.

2(a) Accounting Policies

The accounting policies set out below have been applied consistently to all periods presented in these financial statements.

Depreciation is recognised in income statement on a straight line basis over the estimated useful lives of each assets. The estimated useful lives of the assets are as follows:

...Financial Statement for the period ended 31st December 2019

Notes to the Financial Statements (Continue)

3. Income	2019 LE,000
Government of Sierra Leone (Subvention)	1,063,500
Funds from AFOIC	4,656
Bank balance at beginning of year	24,833
Loan Repayment	28,000
	<u>1,120,989</u>

The commission received grant from Africa Freedom of Information Network (AFOIC) based in Kampala, Uganda. The purpose for the grant is to help Sierra Leone Right to Access Information Commission to celebrate September 28th Universal Access to Information Day declared by the United Nations and UN-ESCO.

4. Administrative Expenses	2019 LE,000
Fuel	119,378
Electricity and Water	14,100
Programming/meetings	87,655
Rent	367,535
Repairs and Maintenance –Equipment	7,963
Imprest	157,296
Security	64,838
Stationery	15,413
Others	24,670
Stipend	26,000
Sundry/provision	23,149
Travelling	71,070
Vehicle maintenance	32,640
Website, internet, modems	76,123
	<u>1,087,830</u>

Note : See annex A for more details

...Financial Statement for the period ended 31st December 2019

5. Payables	2019 LE,000
Trade Payables	7,500
Withholding Tax	50,896
	58,396

6. Property, Plant and Equipment

	Computer & Accessories LE,000	Furniture & Fittings LE,000	Total LE,000
Bal as at 1 Jan 2019	-	-	-
Additions	193,820	163,500	357,320
Balance as at 31 Dec	<u>193,820</u>	<u>163,500</u>	<u>357,320</u>
Depreciation			
Bal as at 1 Jan 2019	-	-	-
Charge for the year	38,764	32,700	71,464
	<u>38,764</u>	<u>32,700</u>	<u>71,464</u>
Net Book value			
As at 31 Dec 2019	<u>155,056</u>	<u>130,800</u>	<u>285,856</u>

7. Cash & Cash Equivalent	2019 LE,000
Bank of Sierra Leone	<u>864,601</u>

8. Accumulated Fund	2019 LE,000
Support from PFMICP	316,320
Surplus/deficit	(38,305)
Prior year adjustment	<u>00814,046</u>
Accumulated Fund	<u>1,092,061</u>

PART IV

CHALLENGES AND LESSONS LEARNT

In the year under review, the Commission faced the following critical challenges:

- 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, due to the prevailing moratorium on recruitment.
- 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
- Lack of political support from the Ministry of Information and Communications (MIC) to create an enabling legal environment to support the effective implementation of the RAI law. For example, there are many instances where MIC has held meetings regarding drafting records management and data protection policies without involving RAIC when they are aware that sections 12 to 26 of the RAI Law speak directly to exemptions to the law which fall under data protection while sections 27 to 29 of the Law speak directly to regulating records management and documentation.

Moreover, in a letter to the Minister dated 19th March 2020, the RAIC CIC expressed very serious concern that the commission received no official acknowledgement of receipt nor

any response from his ministry to the issues raised in 7 letters he listed and some others written by himself and other staff of the commission and stressed that this has negatively impacted on their efforts to deliver the mandate of the commission. The CIC emphasized that this is particularly the case with letters/reminders calling for the intervention of his ministry on the problematic data protection policy/law and requesting for the setting up of meetings with him to present the revalidated RAIC Regulations and Functional and Management Review (FMR) report and recommendations by the Public Sector Reform Unit for him to kindly present them for cabinet and parliamentary endorsement.

- 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

PART V. KEY PRIORITIES & 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.

... KEY PRIORITIES & THE WAYS FORWARD

- 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.

Annex:

Notes on Audited Financial Statements 2019

The Right to Access Information Commission Financial Statements for the year ended 31st December, 2019 have been audited by an External Auditor (ARVS Partners) who were commissioned by Audit Service Sierra Leone to carry out the audit exercise. The RAIC's audited Financial Statements for the 2019 Financial year comprise the Statement of Financial Position, Income Statement, Cashflow Statement and the notes to the Financial Statements which includes a summary of significant accounting Policies and other explanatory notes.

The Commission has an UNQUALIFIED OPINION which present fairly in all material respect, the Financial Position of the commission as at 31st December 2019 and the results of its activities and its Cashflow for the year then ended is in conformity with generally accepted accounting principles.

NARRATIVE OF THE FIGURES IN THE INCOME STATEMENTS FOR THE YEAR ENDED 31 s t DECEMBER 2019.

Income

The Commission received a total amount of one billion, one hundred and twenty million, nine hundred and eighty nine thousand leones (1,120,989,000).

The breakdown of the Income is as follows:

GOVERNMENT OF SIERRA LEONE	1,063,500,000	This amount is given by Government of Sierra Leone as Subvention or Grant for the operational running of the Commission. This Subvention are accounted for as and when they are received.
FUNDS From AFOIC	4,656,000	This is a Grant received from Africa Freedom of Information network (AFOIC) based in Kampala, Uganda. The purpose for the Grant is to help Sierra Leone Right to Access Information Commission to celebrate September 28th Universal Access to Information Day declared by United Nations and UNESCO.
Bank Balance at Beginning of year	24,833,000	This is the Opening Bank Balance at Bank of Sierra Leone as at 1st January 2019.
Loan Repayment	28,000,000	This amount was given to Staff as Salary Advance/Loan during the early part of 2018 before the reconstitution of the Commission in November 2018. These Repayments were made in 2019 by two Staff of the former Commission.
Total Income	<u>1,120,989,000</u>	

... Annex - Notes on Audited Financial Statements 2019

ADMINISTRATIVE EXPENSES

These are operational Costs incurred for the smooth running of the Commission. All expenses are accounted for on a Cash Basis. Breakdown Below:

<u>Expenditure</u>	<u>Amount</u>	
Fuel	119,378,000	This amount was incurred for the purchase of fuel for Generator, Official Vehicles and Private Vehicles of Staffs above Grade 7.
Electricity & Water	14,100,000	These are expenses on EDSA Top up for the Office and payment of water rates for the Commission.
Program- ming/Meet- ings	87,655,000 -	These are expenses incurred on: 1. Commissioners' Meeting – DSA/Per diem given to Commissioners in the three regions in the Provinces to attend Commissioners' Meeting at the Headquarter Office in Freetown and refreshments for the Commissioners. 2. Workshop/Training – Transport and food given to participants in attendance. 3. Counterpart Funding – Contributions/percentage towards DSA and travelling for meeting or programs hosted by the Commission such as the three-day capacity training at Radisson Blu in August 28,29,30 2019 partly supported by OSIWA and Universal Access to Information Day celebrated by the Commission with Seminars and Media engagements in Freetown and the regions on September 28 partly supported by African Freedom of International Network based in Kampala, Uganda.
Rent	367,535,000	Expenses on rent for the Freetown Office at Kroo Town Road and the Regional Offices at Bo, Kenema and Makeni.
Repairs & Maintenance	7,963,000	Costs incurred in repairing the Commissions equipment.
Equipments	157,296,000	These are floats given as petty Cash for the Day to Day running of the Commission which have been retired during the period under review.

... Annex - Notes on Audited Financial Statements 2019

Security	64,838,000	These are Security Fees paid to Security Agencies/ Company for security guards assigned to the Commission's Offices in Freetown and the three regions.
Stationery	15,413,000	These are expenses on stationery items such as (A4 Papers, files, Toner, Staple machine, calculator etc.).
Others	24,670,000	These are expenses on: 1. Transportation cost for relocation of RAIC Headquarters from Hill Station to Kroo Town Road. 2. Payment for service passport in respect of the Chairman and the Executive Secretary. 3. Payments of medical bills for Staffs.
Stipend	26,000,000	Allowance/Transport given to volunteers working in the Commission as Contract Staffs.
Sundry/ provision	23,149,000	Expenses incurred on Provisions such as (milk, Tea leaf, coffee) and Toiletries for Staffs in the Commission.
Travelling	71,070,000	These comprise of local and international travelling for-training, workshops, meetings and visit to the regional Offices.
Vehicles Maintenance	32,640,000	This expense is incurred in servicing the Commission's Official vehicles.
Website, Internet and Modems	76,123,000	This expense is incurred in: 1. Designing & maintainance the Commissions Website: 2. Website hosting on 2 Terra Bytes web space. 3. Outlook Express email service. 4. Internet Facilities for the commission. 5. Purchase of Modems and internet subscriptions for Senior management staff to carry out the Commission's work outside the Office.
	<u>1,087,830,000</u>	
Depreciation	71,464,000	This is depreciation of tangible Fixed assets which is recognised in the Income Statement on a Straight Line basis at the following annual rates, which have been calculated to write off the cost of each asset over its expected useful lives as follows: <i>Computers and Accessories – 20%</i> <i>Furniture and Fittings - 20%</i>



Promoting Open Governance
for Sustainable Socio-Economic Development
Through Transparency and Accountability



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