



2 St. Paul Drive, Hill Station/IMATT, Freetown, Sierra Leone
Tel: 232-79-101314 /232-30-319948; Email: accessinfo.gov.sl

FINAL DRAFT A-1

PUBLIC NOTICE NO ----- of 2016

Published ----- 2016

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

Short Title **THE RIGHT TO ACCESS INFORMATION REGULATIONS, 2016**

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

Date of Commencement. **ENACTED** by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

Interpretation. 1. In these Regulations, unless the context otherwise Requires:

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

“Minister” means the Minister of Information and Communications;

“Public Information Officer” means a public information officer appointed under section 28 of the Act.;

“Applicant” means any person (whether natural or legal) who submits a request for information pursuant to sub-regulation (i) of Regulation 2;

“Commission” means the Right to Access Information Commission.;

“Public Authority” means Public Authority as defined in Section 1 Of the Right to Access Information Act;

“Public Officer” means any person in the employment of a Public Authority and/or a person holding or acting in public office.

“Person”: any person who is a Sierra Leonean citizen, resident or who is deemed to be authorized by the authority and eligible to apply and who wishes to access information.

- (i) These Regulations shall apply to all public authorities, including non-governmental bodies or organizations that qualify as “public authorities” under Section 1 of the Act;***
- (ii) In the event of any uncertainty, these Regulations and the Act shall be interpreted and applied in a manner as to maximize the freedom of information, and shall not be interpreted or applied in a manner calculated to limit or restrict the freedom of information, unless such limitation or restriction is explicitly permitted by the Act;***
- (iii) No request by an applicant for information (or any complaint or appeal in connection with such a request) may be denied or delayed by reason of not being submitted on a proper Form. A valid request for information need only contain those minimum elements required by the Act;***
- (iv) Any failure to conform to any timeline or deadline set out in these Regulations shall be deemed a refusal of the request for purposes of complaints and appeals. For the purposes of calculating deadlines set out herein:***
 - (a) weekends and public holidays shall not be counted in any calculation;***
 - (b) provided however, that weekends and public holidays shall be counted in any calculation pertaining to an application in which the applicant has asserted that the information sought concerns the life or liberty of a person.***

PART II – REQUEST FOR INFORMATION

- | | |
|--------------------------------|--|
| Request for Information | <ul style="list-style-type: none">2 (1) Any person who wishes to access information held by or under the control of a public authority, in accordance with section 2 of the Act, may complete and Submit Form A as set out in the First Schedule to the public information officer of the Public Authority;(2) In lieu of submitting Form A, a person may make a valid request for information by submitting the essential information required by the Act in any alternative format permitted by section 3 of the Act (including, but not limited to, by fax, post, telephone, or orally in person);(3) Where a public authority receives a completed Form A |
|--------------------------------|--|

Submitted to it by an applicant under sub-regulation (1), it shall :

- (a) assign a unique reference number to the applicant which shall be printed out in the relevant section in Form A;
 - (b) Provide the applicant a receipt as set out in Form B of the First Schedule
- (4) A receipt to be issued by a public authority to an applicant under clause (b) of sub-regulation 2 (3), may be issued in the same manner as the request, and if the request is made in person, the receipt shall be provided to the applicant prior to the applicant's departure from the premises. In any event, a receipt must be issued to an applicant within 48 hours of submission of the applicant's request for information.
- (5) All Receipts issued pursuant to sub-rule 2(3) shall prominently display the following:
 - *The public authority from which you have requested information must provide you with a written response (or request an extension of time from the information commission) within five (5) days of the date of your request.*
 - *If you indicated in your application that the information you requested concerns the life or liberty of a person, then the public authority must provide you with a written response or request an extension within forty-eight (48) hours*
If these deadlines are not met, or if you believe that your request for information has been improperly denied, you have the right to make a complaint or appeal to the information commission. For details on complaints and appeals procedures, you may contact the information commission on [phone] 079-101313, by [email accessinfo.gov.sl., or (Address) 2, St. Paul's Drive, IMATT, Regent.

PART III –PROCESSING REQUEST FOR INFORMATION

Processing request for information

3. (1) Where a request for information is received by the public information officer, under sub-regulation (1) of Regulation 2, he shall review the request to ensure that the request is in compliance with subsections (1) and (3) of section 3 of the Act.

Provided that the public information officer's review shall be limited to an inquiry as to whether the request is substantially (as opposed to formulaically) in compliance with the Act, and the public information officer shall render reasonable assistance to bring any non-compliant request into compliance with section 3 of the Act.

(2) Where the public information officer determines that the request complies with section 3 of the Act, the public information officer shall register the request and determine whether the public authority holds that information.

(3) Notwithstanding that a public authority may not have the requested information at hand, and does not actively collect the information, every effort should be exercised to respond to a request. It shall not refuse a request on the grounds that it does not have the information when, with reasonable effort, the information may be:

- a.) Produced from records held by the public authority, using equipment which is normally available to the public authority; or
- b.) Compiled from different records held by the public authority
- c.) Available at another government department or agency

(4) Where the public authority does not hold the information requested or have direct access to it, the public information officer shall, within five working days from the receipt of the request:

- (a) Transfer the request to another public authority; or
- (b) Return the request to the applicant by completing Form C as set out in the First Schedule.
- (c) On behalf of the applicant make the request to the responsible public authority; and
- (d) Monitor the response to the request on behalf of the applicant
- (e) Inform the applicant of the request to the third party and do the necessary follow up until the requested response is completed and returned.

(5) Notwithstanding the foregoing, where an applicant has asserted that the information sought concerns the life or liberty of a person, the actions set forth in this sub-regulation 3(4) shall be taken within forty-eight hours.

(6) Where the public authority holds the information, but the information is reasonably accessible to the applicant in accordance with section 14 of the Act, the public information officer shall within five days of receiving the request inform the applicant of the accessibility of the information by completing Form C as set out in the First Schedule.

Provided, that the public authority may not rely on section 14 (2)(b) of the Act as grounds for denying a request, if such public

authority is itself the person bound by law to communicate the information.

Extension of Time 4. (1) A public authority may pursuant to section 4(3) of the Act extend the period within which the public authority may respond to a request before the end of the original time period stipulated for the request:

- (a) the application for an extension shall contain a detailed description of why the extension is merited and a proposed new deadline for responding to the request, not to exceed thirty days (or five days, where an applicant has asserted that the information sought concerns the life or liberty of a person)
- (b) the Commission shall render a decision as to whether to allow the extension within three days of the receipt of the application for extension (where an applicant has asserted that the information sought concerns the life or liberty of a person, within twenty-four hours of receipt of the application);
- (c) the Commission shall only grant an extension, if the application for extension meets the requirements set forth in sub-regulation 4(1)(a) and if the application for extension makes it clear that compliance with the timeline set out in these Regulations would be impossible or would impose a burden on the public authority of such a magnitude as to prevent the public authority from carrying out its functions. The mere fact that compliance with the timeline in question would cause a minor burden or require extra work on behalf of the public authority shall not be grounds for granting an extension.
- (d) the Commission may, in its sole discretion, grant an extension of more or less time than requested by the public authority, provided, however, that the Commission shall not have the authority to grant any extension that exceeds the limits set forth in sub-regulation 4(1)(a). Only two extensions may be granted in connection with a given request for information.

(2) Where the request for extension is granted under sub-regulation (1), the public information officer shall notify the applicant of the extension by completing Form C as set out in the First Schedule and shall set out the appropriate length of time that is needed for the request to be completed and submitting it to the applicant within Forty Eight hours of receiving the extension from the Commission.

Applications Exceptions

5. (1) Any determination by a public authority that the duty to disclose information is inapplicable under section 15, 16, 17, 18, 22, 23, 24, or 25 of the Act shall be subject to mandatory review as follows:

- (a) the public authority making such a determination shall submit a written notice of its findings to the Commission;
- (b) the written notice shall include a detailed and comprehensive account

of the public authority's rationale underlying the determination that the duty to disclose is inapplicable.

- (c) the written notice to the Commission shall be strictly confidential and the information therein shall not be disclosed to the applicant or any third party (whether public or private), other than the judge(s) of a court examining the propriety of the denial of the applicant's request for information;
- (d) within three days, the Commission shall decide whether it is in agreement with the public authority's determination that the duty to disclose the requested information is inapplicable, and, if the Commission is in agreement with the determination, the public authority may deny the applicant's request by completing Form C as set out in the First Schedule and submitting it to the applicant within forty-eight hours of receiving the notice of agreement from the Commission;
- (e) if the Commission does not agree with the public authority's assertion that the duty to disclose is inapplicable, then the public authority shall be ordered to comply with the request by completing Form C as set out in the First Schedule and submitting it to the applicant within forty-eight hours of receiving the notice from the Commission
- (f) in evaluating whether the duty to disclose is inapplicable, the Commission shall consider the precise language of the section of the Act in question, and in the event that any uncertainty remains, shall consider whether the interests of the people of Sierra Leone will be best served by disclosure or non-disclosure.
- (g) the Commission shall make a written memorandum of the rationale underlying his, her or its determination under this sub-regulation.

(2) For an exemption to the duty to disclose set out in the Act other than the exemptions set forth in sections 15, 16, 17, 18, 19, 22, 23, 24, or 25, the public information officer shall utilize the following procedure to resolve any uncertainty as to whether a request for information falls within the exemption:

(a) first, the public information officer shall consult with other officers of the same rank within the public authority to make a determination, and if this fails,

(b) the public information officer shall refer the question to one or more superior officers responsible for managing the information for a final determination of the question of applicability of the exemption.

(3) (1) The duty not to disclose information under section 25 of the Act shall not apply if the disclosed information does not harm traditional customary usages.

(2) A finding by a public authority or the Commission under sub-regulation 5(1) or 5(2) shall not impair in any way, an

applicant's other rights to complaints, appeals, and litigation with respect to their rights under these Regulations, the Act or any other applicable provision of law.

**Third
party
information**

6. (1) Where a request for information is to be provided by a third party on a confidential basis, the public authority shall contact the third party to obtain his consent to disclose the information.

(2) Where a third party objects to the disclosure of information under sub-regulation (1), the objection shall be recorded by the public authority.

(3) The public authority shall on the basis of the objection by the third party, assess whether the information requested falls within the exceptions under Part III of the Act and inform the Applicant of the findings.

(4) If consent is given, then the public authority shall disclose the information by completing Form C and submitting it to the applicant within the required timeframe; and the applicant shall be informed and given the option to appeal the third party decision not to disclose the reason for rejecting the applicant's request for information" after "the objection shall be recorded by the public authority.

(5) Notwithstanding the objection, the public authority shall make an independent determination as to whether the obligation of confidence in question is binding and actionable (that is, whether the third party would likely prevail in a confidentiality lawsuit against the public authority or another public authority). If the obligation of confidence is neither binding nor actionable, then the public authority shall disclose the information, notwithstanding the third party's objection, by completing Form C and submitting it to the applicant within the required timeframe.

**Severing
Information**

7. (1) Where a request for information relates to some exempt information, the exempt information shall be severed from the rest of the record in an appropriate manner taking into account the form in which access to information is provided and shall inform the Applicant.

(2) Where information is severed from a document in accordance with sub-regulation (1), the place and amount of information that has been removed shall be discernible on the face of the document that is provided.

**Payment
Of fees**

8. (1) Where a fee is to be charged for providing information in accordance with section 6 of the Act, the applicant shall be informed of the fee and shall be given twenty days to pay.

(2) Fees shall be paid in cash, cheque or electronic bank card.

(3) Fees charged under the Act and these Regulations, shall be in accordance with the fees specified in Schedule 2.

PART IV-COMPLAINTS AND APPEALS

Complaints **9.** **(1)** Where an applicant wishes to lodge a complaint in accordance with section 42 of the Act, he shall complete Form D as specified in the First Schedule. Provided in lieu of submitting Form D, a person may make a valid request for information by submitting the essential information required by the Act in any alternative format permitted for the original request for information by section 3 of the Act.

(2) If an applicant makes a complaint or appeal pursuant to section 42 of the Act but the relevant public authority has not established an internal appeal mechanism pursuant to section 42(1) of the Act, then the applicant may have direct recourse to the Commission pursuant to section 43 of the Act

Appeals **10. (1).** An appeal made in accordance with section 43 of the Act shall be free of charge and the appellant shall be represented by a legal representative.

(2) Where an applicant is not represented by legal counsel, the Commission shall make extra effort to inform the applicant of his rights and guide him through the appeals process and its deadlines.

(3) Prior to hearing any appeals under section 43 of the Act, the Commission shall set forth, in writing, the procedures for section 43 appeals (including, but not limited to, guidelines for written arguments, written rebuttals, oral arguments, written decisions by the Commission, and timelines related to each of the foregoing).

(4) If a party to an appeal fails to meet a deadline or other material requirement of the Commission's appeal procedures then in force, the Commission may, in its sole discretion, enter a default finding against such party. If the Commission fails to meet a deadline or other material requirement of its own appeal procedures then in force, then a default finding in favour of the applicant shall be entered. A finding (or default finding) of the Commission shall be final and binding, and may be enforced against the non-prevailing party by any court of competent jurisdiction

(5) In considering an appeal, the Commission (and any court enforcing a Commission decision) shall have access to all internal records associated with the application in question, including confidential records and memoranda, but shall keep any sensitive or confidential information under seal and take all other such measures as shall be necessary to maintain the confidential or sensitive nature of the information.

PART V-PROMOTIONAL MEASURES

Public Information Officer

- 11.**(1). A public authority shall develop a comprehensive set of terms of reference for public information officers to which each public authority shall append agency-specific guidelines, provided that such guidelines do not conflict with any provision of the Act or these regulations, and serve to facilitate and not restrict freedom of information (except as explicitly permitted by the Act)
- (2) Employees and officials of a public authority are public servants and parts of their duties are to respond to public requests for information; therefore they shall make reasonable efforts to cooperate with public information officers in the discharge of their functions.
- (3) A public information officer shall be responsible for –
- (a) Receiving and processing requests in accordance with the Act and these Regulations;
 - (b) Consulting on and developing internal procedures for processing request that comply with the Act and these Regulations;
 - (c) Preparing and ensuring that the public authority meets its proactive publication obligations as set out in sections 8 and 11 of the Act;
 - (d) Organizing and ensuring that the public authority maintains its records in accordance with section 27 of the Act, including by implementing internal guidelines and education schemes aimed at preventing unlawful destruction;
 - (e) Planning and ensuring that the public authority publishes its annual report in accordance with sub-section (4) of section 41 of the Act; and
 - (f) Diligently developing an action plan for the public authority to meet its obligations under the Act and Regulations.

Duties of Public Authorities

- 12.** A public authority shall undertake the following measures and activities to ensure proper implementation of the Act-
- (a) Provide the necessary support to the public information officer to enable him discharge his duties effectively;
 - (b) Develop and publish comprehensive packages of information and/or develop a website which shall contain-

- (i) A comprehensive explanation and description of the right to information and the rights of citizens to request information;
 - (ii) The relevant legal documents;
 - (iii) Archive of information and historical annual reports produced by the public authority;
 - (iv) Forms for public use contained in the Regulations; and
 - (v) list of categories of information and other types of information available at the public authority;
- (c) put in place a system for ensuring that information subject to proactive publication is kept up-to-date;
 - (d) put in place a system for ensuring that information which has been disclosed pursuant to a request and which is likely to be of interest to others is disclosed on a proactive basis;
 - (e) adopt internal rules on the processing of requests
 - (f) ensure that public information officers receive appropriate training on the implementation of the Act;
 - (g) ensure that officials receive training on the public right to information;
 - (h) adopt an action plan setting out the steps to meet its obligations under the Act and these Regulations.
 - (i) Notice to the public of the right of any person to institute proceedings in a court to compel the public authority to comply with its proactive publication obligations under section 8 of the Act.

Annual

13. Annual reports required to be prepared by public authorities in accordance with section 41 of the Act shall include the following information:-

- (a) general information dealing with –
 - (i) description of any action plan that has been adopted and the extent to which the public authority is meeting its targets ;
 - (ii) description of the steps taken to improve records management;

- (iii) a description of the training provided to public information offers and other employees and officials;
 - (iv) a description of the key challenges and issues the public authority is facing in implementing the Act and these Regulations;
- (b) information regarding proactive publication, including;
 - (i) whether or not the public authority has established a website; and
 - (ii) the extent to which the public authority has met its proactive obligations as set out in sections 8 and 11 of the Act and the ways in which information has been disseminated; and
- (c) information regarding the processing of requests including a description of and where relevant statistics regarding –
 - (i) the internal rules the public authority has adopted for processing requests;
 - (ii) the number of requests received and the manner in which they were received;
 - (iii) the number of times assistance is provided to applicants and an overview of the main types of assistance provided;
 - (iv) the number of requests granted, refused in full or in part and which are pending and the average time taken to process requests;
 - (v) requests which are granted in full or in part, information about the form in which access is provided, the fees charged and the number of fee waivers granted;
 - (vi) requests which are granted in full or in part, information about the form in which access is provided, the fees charged and the number of fee waivers granted;
 - (vii) request for information which was not held, the number of requests transferred to other public authorities and the number of applicants referred to in the information
 - (viii) the number of complains to the Commission , appeals to the court and the outcome of complaints and appeals decided.

SCHEDULES

FIRST SCHEDULE

FORM A

REQUEST FOR INFORMATION

FOR DEPARTMENTAL USE

Reference number -----

Request received by -----

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

Signature of Receiving Officer

A. APPLICANT'S INFORMATION

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

B. INFORMATION REQUESTED

1. Name of public authority-----

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

(use additional pages, if necessary)

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

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

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

(Add additional pages if necessary)

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

- | | |
|---|--------------------------|
| (a) inspecting the document(s) | <input type="checkbox"/> |
| (b) copying the document(s) using your own equipment | <input type="checkbox"/> |
| (c) obtaining a copy of the document(s) in electronic form | <input type="checkbox"/> |
| (d) obtaining a true copy of the document(s) in physical form | <input type="checkbox"/> |
| (e) obtaining a written transcript of sound or visual document(s) | <input type="checkbox"/> |
| (f) obtaining a transcript of the content of document(s) | <input type="checkbox"/> |

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

(add additional pages if necessary)

FORM B

ACKNOWLEDGEMENT OF A REQUEST FOR INFORMATION

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

2. Request received by -----

(state name, surname, position, unit and contact details of receiving officer)
on----- (date) at ----- (place)

3. Address provided for delivery of information -----

4. Short description of the information sought -----

signature of Receiving Officer

FORM C

RESPONSE TO A REQUEST FOR INFORMATION

A. Information about the request

1. Reference number of the request-----
2. Name of the Public Authority-----
3. Date the request was received and the name of the receiving officer-----

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

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

B. Response to the request

1. The information is already available in published form
location where the information is available including where applicable the URL
2. The information is not held by the public authority
 - (a) the request was transferred to another public authority
 - (b) name of the public authority -----
 - (c) the request is being returned to the applicant
- 3
 - (a) The information is being provided
 - (i) in whole
 - (ii) in part (see below under refusal)
 - (b) The information is being provided in the following form
 - (i) inspecting the document(s)
 - (ii) copying the document(s) using your own equipment
 - (iii) obtaining a copy of the document(s) in electronic form
 - (iv) obtaining a true copy of the document (s) in physical form
 - (v) obtaining a written transcript of sound or visual document(s)
 - (vi) obtaining a transcript of the content of document(s)
 - (c) If this is not the form stipulated by the applicant, the reasons are as follows

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

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

4 (a) The request is refused in

(i)whole

(ii)part

(b)Description of the part of the information which is being refused-----

(c)The reasons why the request is refused in whole or in part-----

(d)The sections of the Sierra Leone Right to Access Information Act 2013 which are being relied upon to refuse access -----
--

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

signature

Name of Officer

Date

INTERNAL COMPLAINT

2. The substance of the complaint

----- (use additional pages if necessary)

SECOND SCHEDULE

| ACTIVITY | TYPE | COLOUR | SIZE | FEES |
|----------|--------------|---------------|--------------------|-------------|
| | Photocopying | Black & white | A4 (8 ¼ x 11 ¾) | Le 200/pg |
| | | | A5 (148x210mm) | Le 200/pg |
| | | Coloured | A4 (8 ¼ x 11 ¾) | Le 1,000/pg |
| | | | A5 | |

| | | | | |
|--|--|---------------|---------------------------|--|
| | | | (148x210mm) | Le 1000/pg |
| | | Black & white | A3 (11 ¾ x 16 ½) | Le 600/pg |
| | | Coloured | A3 (11 ¾ x 16 ½) | Le 8,000/pg |
| | Plain printing | | A0 (36x46) | <u>Le10,000</u> persq ins Le 165,000 |
| | | | A1 (24x34) | Le 81,000 |
| | | | A2 (17x27) | Le 40,000 |
| | Digital Printing | Black & white | A4 | Le 1,000/pg |
| | | | A5 | Le 1,000/pg |
| | | Coloured | A4 | Le 2,000/pg |
| | | | A5 | Le 2,000/pg |
| | Comb binding | | Up to 30 pgs with cover | Le 9,000 |
| | | | Up to 90 pages With cover | Le 10,000 |
| | Audio | | CD-plate | Le 6000.00 |
| | Video | | CD-plate | Le 6000.00 |
| | Collection by Applicant | | | - Free |
| | Delivery to Applicant : | | | |
| | (i) E-mail | | | - Free |
| | (ii) Surface mails – as per Sierra Leone Postal Service rates or links with District Councils and SLRTA or other | | | |
| | (iii) Bulk mails as per Sierra Leone Postal Service rates or other | | | |

Important note

- (i) All fees are based on current market rates which may be adjusted by the RAIC, depending on prevailing market charges
- (ii) All Public Authorities must inform those requesting information about the prevailing current fees before dispatch of their requests.