

FAQs ABOUT THE RIGHT TO INFORMATION ACT, 2019 (ACT 989)

1. WHAT IS THE RIGHT TO INFORMATION ACT?

Answer

It is an Act to provide for the implementation of the constitutional right to information held by a public institution, subject to the exemptions that are necessary and consistent with the protection of the public interest in a democratic society, to foster a culture of transparency and accountability in public affairs and to provide for related matters.

Takeaways:

- The right may be exercised through an application made in accordance with Sec. 18.
- A person may apply for information without stating any reason for the application Sec. 1(3)
- Despite Sec. 1(3), where an applicant requests that the application be treated urgent, the applicant shall state the reason for the urgency. Sec. 1(4)
- The Act guarantees the General Public access to Information from public institutions and relevant private bodies.
- Access to information is a right under article 21 paragraph (f) of clause (1) of the 1992 constitution of Ghana.
- The Right to Information law empowers all persons to have access to information from public institutions and relevant bodies in order to promote a culture of transparency and accountability

2. WHY IS THE RTI ACT IMPORTANT?

Answer

The right to information helps us to enjoy and protect our fundamental freedoms, makes institutions more transparent and accountable, improves service delivery from MDAs & MMDs and encourages public participation in matters that concern them.

Parliament of Ghana passed the RTI Act to:

- make it easier for the people to enjoy the right to access information as it is provided by the 1992 constitution;
- create an obligation for public institutions and relevant private bodies to provide information when requested;
- create a way for educating the public about the RTI Act,2019 (Act 989).
- Act 989 gives the RTI Commission the mandate to promote, monitor, protect and enforce the right to information that is granted to a person under Article 21 (1) (f) of the constitution.

3. WHO QUALIFIES TO REQUEST/ACCESS INFORMATION?

Answer

Section 1(1) states, “A person has the right to information, subject to the provisions of this Act.”

Based on section 1(1), any individual can apply for information from various public institutions. Whether the person is a Ghanaian or not; educated or illiterate; poor or rich, etc. The underlined word in the section is *a person*.

4. HOW SHOULD ONE REQUEST TO ACCESS INFORMATION?

Answer

- Put your request into writing to the public institution. Sec. 18 (1)(a)
- Where an applicant is unable to make the application in writing due to illiteracy or disability, the applicant may make the request orally [Sec. 18 (2)], which will be reduced into writing by the Information Officer to whom the application is made, who shall give a copy of the written request as recorded and duly authenticated to the applicant. Sec. 18 (3)
- The application should contain sufficient description or particulars to enable the information to be identified by the information officer. 18 (5)
- Indicate the form and manner of access required Sec. 28

5. WHO SHOULD ONE CONTACT WHEN REQUESTING INFORMATION? OR A PERSON TO DEAL WITH APPLICATIONS?

Answer

Sec. 19 states: “an application shall be dealt with by the information officer to public institution”.

Sec. 73 explains who an information officer is.

6. IS THERE AN APPLICATION FEE TO BE PAID BEFORE REQUESTING FOR INFORMATION?

Answer

Information produced by public institutions belongs to the public and is therefore not paid for. **Applicants are only required to pay for the cost of reproducing the information.** However, Sec. 75 (2) (e) explains that an indigent must not pay for the reproduction of the information requested. Such an individual bears the burden of proof according to sec. 72 (3) (b) (ii). He or she must prove beyond reasonable doubt that he or she is indigent.

Below are the approved fees by parliament;

REVENUE ITEM	APPROVED FEES AND CHARGES (GHS)
For every photocopy of an A4 size page or part thereof	0.27
For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	0.38
For a copy in a computer-readable form on an external storage device	0.29
For a transcription of visual images, for an A4 size page or part thereof	1.28
For a copy of visual images	3.50
For a transcription of an audio record, for an A4 size page or part thereof	0.70
For a copy of an audio record	1.0

Sec. 76 (1, 2a&b) states how the money is to be kept and what the money can be used for.

However, Sec. 75(2) states some exemptions to the fees and charges.

- a. Indigent people
- b. Persons with disability
- c. Persons who request for information in public interest

7. DO ALL ORGANIZATIONS QUALIFY AS PUBLIC INSTITUTIONS?

Answer

Sec. 84 explains a public institution as “public institution includes a private institution or a private organization that receives public resources or provides a public function”.

8. SHOULD ALL INFORMATION HELD BY PUBLIC INSTITUTIONS BE MADE AVAILABLE TO THE PUBLIC?

Answer

NO. Sec. 5 – 16 states information that are exempt from disclosure.

List of exempt information;

- * information for the President or Vice-President
- * information relating to law enforcement and public safety.
- * information affecting international relations.
- * information that affects the security of the state.
- * economic and any other interest
- * economic information of third parties
- * information relating to tax
- * internal working information of public institutions
- * parliamentary privilege, fair trial, contempt of court
- * privileged information
- * disclosure of personal matters.

According to Sec. 17, exempt information is not absolute. Exemption information can be granted access based on Sec. 17 (1) (a-e)

9. IS THERE A GOVERNING BODY THAT OVERSEES THE IMPLEMENTATION OF THE ACTS?

Answer

Yes. That is the Right to Information Commission
Sec. 43 – 45 states the functions of the Right to Information in the implementation of the RTI Act.

10. CAN A REQUEST BE DENIED?

Answer

Yes, based on section 27 of the RTI Act.

11. WHEN AN APPLICATION IS DENIED, WHAT SHOULD THE APPLICANT DO?

Answer

When access to information is denied, applicants may seek **internal review from the head of the institutions** to which they made the application **within Thirty (30) days**.
Sec. 31

If an applicant is not satisfied with the response from the head of the institution, the applicant can seek another review of his or her application from the RTI Commission (Sec. 65), if still not satisfied with the response from the commission, the applicant may go further to the high court to appeal.

12. SHOULD ONE PROVIDE REASONS FOR REQUESTING FOR INFORMATION IN THE APPLICATION?

Answer

No. according to Sec. 1(3). Despite Sec. 1 (3), where the applicant requests that the application be treated urgent, the applicant shall state the reason for the urgency.

13. WHAT IS THE TIMEFRAME FOR PROCESSING AN APPLICATION?

Answer

An information Officer shall take a decision on the application and send a written notice to the applicant **within fourteen days** from the date of receipt of the application. Sec 23.

14. WHAT IS THE DIFFERENCE BETWEEN ACCESS TO INFORMATION DIVISION AND THE RIGHT TO INFORMATION COMMISSION?

Answer

RTIC has been established by Parliament to facilitate the right of access to information; promote and sustain awareness of the citizenry in their right of access to information and of public institutions in their obligation to disclose information. Its mission is to build an informed citizenry, to promote transparency of information held by or under the control of public institutions, and to hold government and its institutions accountable to all (Sec 40-64).

ATID was established and commissioned on the 17th of July, 2020 within the Information Services Department (ISD) of the Ministry of Information. The Division was initially established as a secretariat to support the implementation processes.

The mandate of the Division is to train and deploy RTI Officers to Ministries, Departments and Agencies (MDAs) & MMDAs to facilitate access to Information requests to their respective institutions. It also provides back-end support to RTI Officers in their daily activities. The ATI Division is also responsible for executing all other obligations of the Minister under the RTI Act.