**The Report Of The House Of Representatives Joint Committee On Information and National Orientation, and Justice On A Bill For An Act To Make Public Records And Information More Freely Available, Provide For Public Access To Public Records And Information, Protect Public Records And Information To The Extent Consistent With The Public Interest And The Protection Of Personal Privacy, Protect Serving Public Officers From Adverse Consequences For Disclosing Certain Kinds Of Official Information Without Authorization And Establish Procedures For The Achievement Of Those Purposes And Related Purposes Thereof** (HB 3)

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| **PROVISIONS OF BILL** | **COMMITTEE RECOMMENDATIONS** | **Remarks** |
| **Long Title**  A Bill for An Act To Make Public Records And Information More Freely Available, Provide For Public Access To Public Records And Information, Protect Public Records And Information To The Extent Consistent With The Public Interest And The Protection Of Personal Privacy, Protect Serving Public Officers From Adverse Consequences For Disclosing Certain Kinds Of Official Information Without Authorization And Establish Procedures For The Achievement Of Those Purposes And Related Purposes Thereof. | **Long Title**  RETAINED |  |
| **Short Title**  **1.** This Act may be cited as the Freedom of Information Bill, 2007. | **Short Title**   1. This Bill may be cited as the *Right to Information Bill, 2011.* |  |
| **Right of Access to Records**  **2.**—(1) Subject to the provisions of this Act but notwithstanding anything contained in any other Act, Law, or Regulation, every citizen of the Federal Republic of Nigeria, has a legally enforceable right to, and shall, on request, be given access to record under the control of a government or public institution.  (2) An application herein need not demonstrate any specific interest in the information being requested for.    (3) For the purpose of this Act, any record requested under this under this Act that does not exist but can, subject to such limitations as may be prescribed by regulation, be produced from a machine, readable record under the control of a government and or public institution using computer hardware and software normally used by the government and or public institution shall be deemed to be record under control of the government and/or public institution. | **Right of Access to Records**  *2.-(1) Notwithstanding anything contained in any other Act, Law or Regulation, the right of any person to access or request information, whether or not contained in any written form, which is in the custody or possession of any public official, agency or institution howsoever described, is hereby established.*  (2) An *applicant* herein need not demonstrate any specific interest in the information being applied for.  *(3) Any person entitled to the right to information under this Bill, shall have the right to institute proceedings in a Court to compel* *any* *public institution* *to comply with the provisions of this Act.* | This provision was added to clearly establish and clarify the framework of the right being promoted and protected by this Bill  The word “application” is preferred to the word “request”, because of its consistency with the provisions of other laws.  The committee felt the need to replace the old Sub clause (3) with a new Sub clause (3), because the old Sub clause (3) was found to be both clumsy and unnecessary, having being covered by other provisions of the Bill, while there was the need to have a provision in the Bill that reaffirms the legal enforceability of the Right being promoted by the Bill. |
| **Information about Government Institution**  **3.**—(1) The head of every government and or public institution to which this Act applies shall cause to be published in the Federal Gazette update when changes occur—  *(a)* a description of the organization and responsibilities of the institution including details of programmes and functions of each division, branch and department of the institution;  *(b)* a description of all classes of records under the control of the institution in sufficient detail to facilitate the exercise of the right to access under this Act;  *(c)* a description of all manuals used by employees of the institution in administering or carrying out any of the programmes or activities of the institutions;  *(d)* a description of documents containing final options including concurring and dissenting options as well as orders made in the adjudication of cases;  *(e)* a description of document containing substantive rules of the institution;  *(f)* a description of documents containing statements and interpretations of policy which have been adopted by the institution;  *(g)* a description of documents containing final planning policies, and recommendations, and decisions;  *(h)* a description of documents containing factual reports, inspection reports, and studies whether prepared by or for the institution;  *(i)* a description of documents containing information relating to the receipt or expenditure of public or other funds of the institution;  *(j)* a description of documents containing the names, salaries, tiu, and dates of employment of all employees and officers of the institution;  *(k)* a description of documents containing options concerning the rights of the state, the public, sub-division of the State or a local government, or of any private persons;  *(l)* a description of documents containing the name of every official and the final records of voting in all proceedings of the institution;  *(m)* a description of files containing applications for any contract, permit, grants, or agreement;  *(n)* a list of reports documents, studies, or publications prepared by independent contractors for the institution;  *(o)* a description of materials containing information relating to any grant or contract made by or between the institution and another government and/or public institution or private organization; and  *(p)* the title and address of the appropriate officers or employees of the institution to whom requests for access to records under this Act should be sent, provided that the failure of any government and/or public institution to publish any information required to be published under this sub-section shall not prejudicially affect the right of access to public records and information in the custody of such government and/or public institution as provided for under this Act.  (2) Any person entitled to the right of access conferred by this Act shall have the right to institute proceedings in a Court to compel the head of any government institution and/or public body to comply with the provisions of this section.  (3) The government and or public institutions to which this Act applies are all authorities whether executive, legislative or judicial agencies, ministries, and extra-ministerial departments of the Federal Government and of all State and local governments, together with all corporations established by law and all companies in which a Federal, State or Local Government authority has a controlling interest ‘and also’ private companies performing public functions. | **Information about Government *Institutions***  ***3.****—(1) A public institution shall ensure that it records and keeps information about all its activities, operations and businesses.*  (2) *A public institution shall ensure the proper maintenance of*  *all information in its custody in a manner that facilitates public access to such information.*  *(3) A public institution shall cause to be published in accordance with Subsection (4) of this Section, the following information-*  *(a) a description of the organization and responsibilities of the institution including details of the programmes and functions of each division, branch and department of the institution;*  *(b) a list of all classes of records under the control of the institution in sufficient detail to facilitate the exercise of the right to information under this Act;*  *(c) a list of all manuals used by employees of the institution in administering or carrying out any of the programmes or activities of the institution;*  *(d) a description of documents containing final opinions including concurring and dissenting opinions as well as orders made in the adjudication of cases;*  *(e) documents containing substantive rules of the institution;*  *(f) documents containing statements and interpretations of policy which have been adopted by the institution;*  *(g) documents containing final planning policies, recommendations, and decisions;*  *(h) documents containing factual reports, inspection reports, and studies whether prepared by or for the institution;*  *(i) documents containing information relating to the receipt or expenditure of public or other funds of the institution;*  *(j) documents containing the names, salaries, titles, and dates of employment of all employees and officers of the institution;*  *(k) documents containing the rights of the state, public institutions, or of any private person(s);*  *(l) documents containing the name of every official and the final records of voting in all proceedings of the institution;*  *(m) a list of files containing applications for any contract, permit, grants, licenses or agreement;*  *(n) a list of reports, documents, studies, or publications prepared by independent contractors for the institution;*  *(o) a list of materials containing information relating to any grant or contract made by or between the institution and another public institution or private organization; and*  *(p) the title and address of the appropriate officer of the institution to whom an application for information under this Act should be sent, provided that the failure of any public institution to publish any information under this sub-section shall not prejudicially affect the public’s right of access to information in the custody of such public institution.*  *(4) A public institution shall ensure that information referred to in this section is widely disseminated and made readily available to members of the public through various means, including print, electronic and online sources, and at the offices of such public institutions.*  *(5) A public institution shall update and review information required to be published under this section periodically, and immediately whenever changes occur.*  *(5)* Any person entitled to the right of access conferred by this Act shall have the right to institute proceedings in a Court to compel *any* *public institution* to comply with the provisions of this section.  6) *Public institutions* are all authorities whether executive, legislative or judicial agencies, ministries, and extra-ministerial departments of *the government*, together with all corporations established by law and all companies in which government has a controlling interest, and also, private companies performing public functions. | New sub-clause inserted.  It was introduced into the Bill because the Committee believes that there is the need to reaffirm the responsibility of public institutions to keep records of all their activities, without which the public’s right to information cannot be enforced/protected.  New sub-clause inserted.  It was introduced into the Bill to further strengthen the responsibility of public institutions to not only keep records but also maintain them in a way and manner that promotes public access to such information and also safe guard the institutional memory of public institutions which also promotes good governance, public accountability and transparency in public institutions.  Old Sub-clause (1) re-numbered as Sub clause (3) and amended to make the provision much clearer and simpler.  New sub-clause inserted.  This provision was introduced to reaffirm the need for wide dissemination of all information published by public institutions under this provision in keeping with the responsibility of public institutions to proactively disclose basic information about their operations that would aid the public’s understanding of their operational set up, functions and activities, amongst other things.  New sub clause inserted.  This new sub clause was introduced to reaffirm and clarify the duty of public institutions to regularly review and update basic information about their set up and operations, that is publicly disclosed in keeping with their responsibility of proactive disclosure under this Bill.  Old sub-clause (2), renumbered as sub-clause (5) and slightly amended for consistency in language with the use of the word “public institution”.  Old sub-clause (3), renumbered as sub-clause (6) and slightly amended for consistency in language. |
| **Request for Access to Records**  **4.** A request for access to a record under this Act shall be made in writing to the government and or public institution that has control of the record and shall provide sufficient detail to enable an experienced employee of the institution with a reasonable effort to identify the record. | ***Application* for *Information.***  **4.** A*n application* for *information* under this Act shall be made in writing, *addressed to the Head of the public institution* that has control of the *information* and shall provide sufficient detail to enable an employee of the institution identify the information applied for. | Clause 4 is slightly amended to make it much clearer and facilitate consistency in language. |
| **Notice Where Access to Records are Request**  **5.** Where access to record is requested under this Act, the head of the government and/or public institution to which the request is made shall, subject to Section 7, 8, and 10, within seven days after the request is received –  *(a)* give written notice to the person who made the request as to whether or not access to the record or a part thereof will be given; and    (b) if access is to be given, give the person who made the request access to the record or part thereof. | ***Time for Granting or Refusing Application***  ***5.*** Where *information* is *applied for* under this Act, the *public institution* to which the *application* is made shall, subject to *Sections 6, 7, and 8 of this Bill*, within 7 days after the application is received –  *(a)* *make the information available to the applicant*      *(b)* *where* *the public institution considers that the application should be denied, the institution shall give written notice to the applicant that access to all or part of the information will not be granted, stating reasons for the denial, and the section of this Bill under which the denial is made.* | Clause 5 is amended to correct the wrong referencing of other sections in the Bill, in this Section, as well as make it much clearer, particularly in terms of the responsibility of the public institution to give information viz-a-viz the timeline provided for doing so in this section, as well as what they should when application for information is denied. |
| **Transfer of Request**  **6.** – (1) Where a government and or public institution receives a request for access to a record under this Act, and the head of the institution considers that another government and / or public institution has a greater interest in the record, the head of the institution to which the request is made may, subject to such conditions as may the prescribed by regulation, within three days but not later than 7 days after the request is received, transfer the request, and if necessary, the record to the other government and/or public institution, in which case the head of the institution transferring the request shall give written notice of the transfer to the persons who made the request, which notice shall contain a statement informing the person who made the request that such decision to transfer the request can be reviewed by a Court.  (2) For the purpose of Section 6, where a request is transferred under Subsection (1) of this section, the request shall be deemed to have been made to the government and or public institution to which it was transferred on the day the government and o public institution received it.  (3) For the purpose of Sub-section (1), a government and / or public institution has a greater interest in a records if –  (a) the record was originally produced in or for the institution; or  (b) in the case of a record not originally produced in or for a government and or public institution, the institution was the first government and/or public institution to receive the record or a copy thereof. | **Transfer of *Application***  **6.** – (1) Where a *public institution* receives an application for access to information, and the institution is of the view that another *public institution* has greater interest in the information, the institution to which the *application* is made may within 3 days but not later than 7 days after the *application* is received, transfer the *application*, and if necessary, the *information,* to the other *public institution*, in which case, the institution transferring the *application* shall give written notice of the transfer to the *applicant*, which notice shall contain a statement informing the applicant that such decision to transfer the application can be reviewed by a Court.    (2) Where an *application* is transferred under Subsection (1), the application shall be deemed to have been made to the public institution to which it was transferred on the day the *public institution* received it.  (3) For the purpose of Sub-section (1), a *public institution* has “a greater interest” in information if –  (a) the information was originally produced in or for the institution; or    (b) in the case of information not originally produced in or for *the* *public institution*, the institution was the first public institution to receive the information. | Clause 6, is slightly amended to align the expressions “public institution” & “application” as used in the Bill, to include government institutions and “request for information” respectively. |
| **Extension of Time Limits**  **7.** The head of government and or public institution may extend the time limit set out in Section 6 or Subsection 7 (1) in respect of a request under this Act for a reasonable period of time, and in any event not exceeding seven days if –   1. the request is for a large number of records and meeting the original time limit would unreasonably interfere with the operations of the government and/or public institution; or 2. consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit;   by giving notice of the extension stating whether the extension falls under the circumstances set out in paragraph (a) or (b), which notice shall contain a statement that the person has a right to have the decision to extend the time limit reviewed by a Court. | **Extension of Time Limit *for Granting or Refusing Application***  **7.** The *public institution* may extend the time limit set out in Section *5* or Subsection *6* (1) in respect of an application for a time not exceeding *7* days; if –   1. the application is for a large number of records and meeting the original time limit would unreasonably interfere with the operations of the public institution; or 2. consultations are necessary to comply with the application that cannot reasonably be completed within the original time limit;   by giving notice of the extension stating whether the extension falls under the circumstances set out in paragraphs (a) or (b), which notice shall contain a statement that the applicant has a right to have the decision to extend the time limit reviewed by a Court. | Clause 7, is slightly amended to align the expressions used in the Bill for purposes of consistency. |
| **Where Access is Refused**  **8**.—(1) Where the head of a government and or public institution refuses to give access to a record requested under this Act, or a part thereof, the head of the institution shall state in the notice given under Section 6 (a) the specific provision of this Act on which the refusal was based and shall State in the notice that the person who made the request has a right to have the decision refusing access reviewed by a Court.  (2) Any notification of denial of any request for records shall set forth the names of each person responsible for the denial of such request.  (3) The head of a government and or public institution shall be required to indicate under Subsection (1) whether a record exists.  (4) Where the head of a government and or public institution fails to give access to record request under this Act or part thereof within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access. | **Where Access *to Information*  is *Denied***  **8**.—(1) Where the *public institution* denies an application in whole or in part, the institution shall state in the notice given under Section *5* *(b)* the reasons as well as the specific provision of this Act on which the *denial was made*. It shall also state in the notice that the applicant has a right to have the decision reviewed by a Court.    (2) Any notification of denial of an application shall state the name of the *officer* responsible for the denial of such *application*.  (3) The *public institution* shall be required to indicate under Subsection (1) whether the information exists.  (4) Where the *public institution* fails to *respond to an application* within the time limit set out in this Act, the *institution* shall, for the purposes of this Act, be deemed to have *denied the application*. | Clause 8 is amended to correct the wrong referencing of another section of the Bill, align the expressions used in the bill particularly when information is denied, in other to make this provision much clearer. |
| **Fees, etc. and Action for Waivers**  **9**.—(1) A government or public regulations shall provide that –  (a) fees shall be limited to reasonable standard charges for document search, duplication, review and transcription where necessary, when records are requested for commercial use;  (b) fees shall be limited to reasonable standard charges for document search, duplication, review and transcription where necessary, when records are not sought for commercial use and the request is made by an educational or noncommercial, scientific research, or a representative of the news media; and  (c) for any request described in (a) or (b) fees shall be limited to reasonable standard charges for document search, duplication, review and transcription where necessary.  (2) Document shall be furnished without any charge reduced below the fees established under Section 10 (1) (b) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.  (3) Fees schedules shall provide for the recovery of only the direct costs of search, duplication, reproduction, review or transcription where the record being requested under this Act is produced as a result of the request from a machine readable record under the control of a government and /or public institution.  (4) Review costs shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed under this section and for the purpose of withholding any portions exempt from disclosure under this Act.  (5) Review costs may not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section.  (6) No fee may be charged by any government or public institution—  (a) if the costs of routine collection and processing of the fee are likely to equal or exceed the amount for the fee; or  (b) for any request described in Section 10 (1) (a) (b) or (c) for the first two hours of search time or for the first one hundred pages of publication.  (7) No government or public institution may request advance payment of any fees unless the requester has previously failed to pay fees in a timely fashion.  (8) Nothing in this Act shall supercede fees charge able under a statute specifically providing for setting the level of fees for particular types of records.  (9) In any action by a requester regarding the waiver of fees under this section, the court shall determine the matter *de novo*, provided that court’s fees review of the mater shall be limited to the record before the Government of Public institution. | ***Fees***  ***9****. Fees shall be limited to standard charges for document duplication and transcription where necessary.* | Clause 9 is amended to make it so much simpler and clearer for easy understanding and implementation. |
| **Destruction or Falsification of Record**  **10.** It shall be a criminal offence punishable on conviction with 3 years imprisonment for any officer or the head of any government and/or public institution to which this Act applies who tries to either willfully destroy any records kept in his/her custody or attempts to doctor or otherwise alter same before they are released to any person, entity or community requesting for it. | **Destruction or Falsification of *Information***  **10.** *It shall be an offence punishable with 3 years imprisonment for any officer of a public institution to destroy, alter, falsify or deliberately misrepresent information kept in his custody.* | Clause 10 is slightly amended to make it much simpler and clearer. |
| **Access to Records**  **11.**—(1) Access to a record shall be given to the person requesting such access in one or more of the following forms—  (a) a reasonable opportunity to inspect or copy the record;  (b) in the case of a record that is an article or thing from which sounds or visual images are capable of being reproduced, the making of arrangements for the person to hear or view these sounds or visual images;  (c) in the case of a document by which words are recorded in a manner in which they are capable of being reproduced in the form of sound or which words are contained in the form of shorthand writing or in codified form, provision by the government and/or public institution of a written transcript or the words recorded or contained in the document.  (2) Subject to Subsection (3) of this section, where the person requesting access has requested such access in a particular form, access shall be given in that form.  (3) If the giving of access in the form requested by the person –  (a) would interfere unreasonably with the operations of the government and or public institution, or the performance by any officer or employee thereof of his functions,  (b) would be detrimental to the preservation of the record or, having regard to the physical nature of the record, would not be appropriate; or  (c) would, but for the provisions of this Act, involve an infringement of copyright (other than copyright owned by the Federal Republic of Nigeria, a state, or a local government, or a government and or public institution thereof) subsisting in mater contained in the record, being matter that does not relate to the affairs of a government and/or public institution, access in that form may be refused and access shall be given in another form.  (4) Subject to Subsection 13 (1), where a person requests access to a record in a particular form and, for a reason specified in Subsection (3) hereof, access in that form is refused but access is given in another form, the person requesting access shall not be requested to pay a charge in respect of the provision of access to the record that is greater than the charge that he would have been required to pay if access had been given in the form requested. | ***Forms in which information shall be given***  **11.**—(1) *Information* shall be given to *an* *applicant* in one or more of the following forms—  (a) a reasonable opportunity to inspect or copy the information;    (b) in the case of *information contained in* an article or thing from which sounds or visual images are capable of being reproduced, the making of arrangements for the applicant to hear or view these sounds or visual images;     1. Retained     (2) where *an applicant applies for information to be given in a particular form, the information shall be given in that* form;  *Provided that giving the information in* the form required by the *applicant*; –  *(a) would not be detrimental to the preservation of the record or, having regard to the physical nature of the record, would not be appropriate; or*  (b) *would not involve an infringement of copyright.*  *(3) Where information cannot be given in the form required by the applicant under subsection (2), access shall be given in another form.*    (4) *where an applicant requires access to information in a particular form, and for a reason specified in the proviso to Subsection (2), access in that form is denied, but the information is given in another form, the applicant shall not be required to pay an extra charge over and above what the applicant would have paid if the information had been given in the form in which it was originally requested.* | Clause 11 is amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Where Information is not Available in Discrete form**  **12.** Where a request is made to a government and or public institution and ---  (a) it appears from the request that the desire of the person requesting access is for information that is distinct form in documents of the government and/or public institution, an  (b) the government and or public institution could produce a written document containing the information in distinct form by –  (i) the use of a computer or of other equipment that is ordinarily available to the government and/or public institution for retrieving or collating stored information, or  (ii) the making of a transcript from a sound recording held in the government and or public institution, the government and/or public institution shall deal with the request as if it were a request for access to a written document so produced and containing that information, and, for that purpose, this Act applies as if the government and or public institution had such a document in its possession. | **Where Information is not Available in Discrete form**  **12. Deleted** | The committee felt the need to delete the provision of clause 12 because is the wording of section clumsy; the issue that the section seeks to address is already dealt with by Clauses 11 and 21 of this Bill. |
| **International Affairs and Defence**  **13.** –(1) The head of a government and or public institution may refuse to disclose any record requested under this Act that contains information the disclosure of which may be injurious to the conduct of international affairs and the defence of the Federal Republic of Nigeria.  (2) However, such right to refuse the disclosure of any record requested by an applicant ceases to exist where the interest of the public in having the said record being made available to them outweighs whatever injury disclosing such records would have to the aforementioned interests provided that such public overriding interest is to be determined by a Court of law. | **Exemption of International Affairs and Defence**  **13.** –(1) *A public institution may deny an application for any information* the disclosure of which may be injurious to the conduct of international affairs and the defence of the Federal Republic of Nigeria.  (2) Notwithstanding subsection (1), an application for information shall not be denied where the public interest in disclosing the information outweighs whatever injury disclosure would cause. | Clause 13 is slightly amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Law Enforcement and Investigation**  **14.** –(1) The head of a government and or public institution may refuse to disclose any record requested under this Act contains—  (a) records complied by any government and/or public institution for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a government and/or public institution, but only to the extent that disclosure would—  (i) interfere with pending or actual and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency.  (ii) interfere with pending administrative enforcement proceedings conducted by any government and/or public institution.  (iii) deprive a person of a fair trial or an impartial hearing,  (iv) unavoidably disclose the identity of a confidential source,  (v) constitute an invasion of personal privacy under Section 19 of this Act, however, where the interest of the public would be better served by having such record being made available, this exempting to disclosure shall not apply.  (vi) obstruct an ongoing criminal investigation;    (b) information the disclosure of which could reasonably be expected to be injurious to the security of penal institutions.  (2) The head of a government and or public institution may refuse to disclose any record requested under this Act that contains information that could reasonably be expected to facilitate the commission of an offence.  (3) For the purposes of paragraph (1) (a), “Investigate” means an investigation that—  (a) pertains to the administration or enforcement of any enactment;  (b) is authorized by or pursuant to any enactment. | ***Exemption of* Law Enforcement and Investigation**  **14.** –(1) A public institution *may deny an application for any information which* contains—      (a) records complied by any public institution for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public institution, but only to the extent that disclosure would—  (i) interfere with pending or actual and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency.  (ii) interfere with pending administrative enforcement proceedings conducted by any public institution.    (iii) deprive a person of a fair trial or an impartial hearing,  (iv) unavoidably disclose the identity of a confidential source,    (v) constitute an invasion of personal privacy under *Section 16* of this Act, however, where the interest of the public would be better served by having such record being made available, this exempting to disclosure shall not apply.  (vi) obstruct an ongoing criminal investigation;  (b) information the disclosure of which could reasonably be expected to be injurious to the security of penal institutions.  (2) *A public institution* may deny and application for information that could reasonably be expected to facilitate the commission of an offence.  (3) For the purposes of paragraph (1) (a), “Investigation” means an investigation that—  (a) pertains to the administration or enforcement of any Acts, law or regulation;  (b) is authorized by or pursuant to any Acts, law or regulation. | Clause 14 is slightly amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Economic Interest of the Federal Republic of Nigeria**  **15.** The head of a government and or public institution may refuse to disclose any record requested under this Act that contains –  (a) trade secret, financial, commercial, or technical information that belongs to the government of the Federal Republic of Nigeria or any State or Local Government thereof, and has substantial economic value or is likely to have substantial value;  (b) information the disclosure of which could reasonably be expected to prejudice the competitive position of a government and / or public institution;  (c) scientific or technical information obtained through research by an officer or employee of a government and/or public institution, the disclosure of which could reasonably be expected to deprive the officer or employee of priority of publication; or  (d) information the disclosure of which could reasonably be expected to be materially injurious to the financial interest of the Federal Republic of Nigeria, or any State or Local Government thereof, or the ability of the Federal Government, a State or Local Government to manage its economy, or could reasonably be expected to result in an undue benefit to any person including but not limited to the following information –  (i) the currency, coinage or legal tender of the Federal Republic of Nigeria,  (ii) a contemplated change in he rate of banks interest or in government borrowing;  (iii) a contemplated change in the conditions of operation of financial institutions; and  (iv) a contemplated sale or purchase of securities or of foreign or Nigerian currency. | ***Exemption of Information Related to the* Economic Interests of Nigeria.**  **15.** *A public institution may deny an application for information that contains –*  (a) trade secret, financial, commercial, or technical information that belongs to the government, and has substantial economic value or is likely to have substantial value;  (b) information the disclosure of which could reasonably be expected to prejudice the competitive position of a public institution;  (c) scientific or technical information obtained through research by an officer or employee of a public institution, the disclosure of which could reasonably be expected to deprive the officer or employee of priority of publication; or  (d) information the disclosure of which could reasonably be expected to be materially injurious to the financial interest of the Federal Republic of Nigeria, or the ability of the government to manage its economy, or could reasonably be expected to result in an undue benefit to any person including but not limited to the following information –   1. RETAINED   (ii) a contemplated change in *the* rate of banks interest or in government borrowing;   1. RETAINED   (iv) RETAINED | Clause 15 is slightly amended to align some of the expressions used in the Bill as well as make it much simpler and clearer. |
| **Personal Information**  **16.**—(1) Subject to Subsection (2), the head of a government and or public institution shall refuse to disclose any record requested under this Act that contains personal information. Information exempted under this subsection shall include –  (i) files and personal information maintained with respect to clients, patients, residents, students, or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or government and or public institutions;  (ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any government and/or public institution or applicants for such positions;  (iii) files and personal information maintained with respect to any applicant, registrant or licensee by any government and/or public institution cooperating with or engaged in professional or occupational registration, licensure or discipline;  (iv) information required of any tax payer in connection with the assessment or collection of any tax unless disclosure is otherwise requested by state status; and  (v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies.  (2) The head of a government and or public institution may disclose any record requested under this Act that contains personal information if –  (a) the individual to whom it relates consents to the disclosure;  (b) the information is publicly available.  (3) Where disclosure of any information referred to in this section would be in the public interest, and if the public interest in the disclosure of such information clearly outweighs the protection of the privacy of the individual to who such information relates, the head of the government and/or public institution to whom a request for disclosure is made shall disclose such information subject to Section 14 (2) of this Act. | ***Exemption of* Personal Information**  **16.**—(1) Subject to Subsection (2), a public institution shall *deny* an application for information that contains personal information. Information exempted under this subsection shall include –  (i) files and personal information maintained with respect to clients, patients, residents, students, or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from public institutions;  (ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public institution or applicants for such positions;  (iii) files and personal information maintained with respect to any applicant, registrant or licensee by any government and/or public institution cooperating with or engaged in professional or occupational registration, licensure or discipline;  (iv) information required of any tax payer in connection with the assessment or collection of any tax unless disclosure is otherwise requested by state status; and  (v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies *on the commission of any crime*.    (2) A public institution shall disclose any information that contains personal information if –  (a) the individual to whom it relates consents to the disclosure;  (b) the information is publicly available.  (3) Where disclosure of any information referred to in this section would be in the public interest, and if the public interest in the disclosure of such information clearly outweighs the protection of the privacy of the individual to who such information relates, the public institution to whom a request for disclosure is made shall disclose such information subject to Section 14 (2) of this Act. | Clause 16 is slightly amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Third Party Information**  **17.**—(1) Subject to this section, the head of a government and/or public institution shall refuse to disclose any record requested under this Act that contains –  (a) trade secrets and commercial or financial information obtained from a person business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm. Nothing contained in this subsection shall be construed to prevent a person or business from consenting to disclosure;  (b) information the disclosure of which could reasonably be expected to interfere with the contractual or other negotiations of a third party;  (c) proposal and bids for any contract, grants, or agreement, including information which it were disclosed would frustrate procurement or give an advantage to any person.  (2) The head of a government and or public institution shall not, pursuant to Subsection (1), refuse to disclose a part of a record if that part contains the result or product of environmental testing carried out by or on behalf of a government and/or public institution.  (3) Where the head of a government and or public institution discloses a record requested under this Act, or a part thereof, that contains the results of a product or environmental testing, the head of the institution shall at the same time as the record or part thereof is disclosed provide a person who requested the record with a written explanation of the methods used in conducting the test.  (4) The head of a government and public institutions shall disclose any record requested under this Act, or any part thereof, that contains information described in paragraph (1) (a) and (b) if that disclosure would be in the public interest as it relates to public health, public safety or protection of the environment and, if he public interest in the disclosure clearly outweighs in importance any financial loss or gain to, or prejudice to the competitive position of or interference with contractual or other negotiation of a third party. | ***Exemption of* Third Party Information**  **17.**—(1) A public institution shall deny an application for information that contains –  (a) trade secrets and commercial or financial information obtained from a person business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause harm to the interests of the third party. Provided that nothing contained in this subsection shall be construed as preventing a person or business from consenting to disclosure;    (b) information the disclosure of which could reasonably be expected to interfere with the contractual or other negotiations of a third party;  (c) proposal and bids for any contract, grants, or agreement, including information which it were disclosed would frustrate procurement or give an advantage to any person.  (2) A public institution shall not, pursuant to Subsection (1), deny disclosure of a part of a record if that part contains the result or product of environmental testing carried out by or on behalf of a public institution.  (3) Where the public institution discloses information, or a part thereof, that contains the results of a product or environmental testing, the institution shall at the same time as the information or part thereof is disclosed provide *the applicant* with a written explanation of the methods used in conducting the test.  (4) A public institution shall disclose any information described in paragraph (1) (a) and (b) if that disclosure would be in the public interest as it relates to public health, public safety or protection of the environment and, if he public interest in the disclosure clearly outweighs in importance any financial loss or gain to, or prejudice to the competitive position of or interference with contractual or other negotiation of a third party. | Clause 17 is slightly amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Advice, etc.**  **18.**—(1) The head of a government and or public institution may refuse to disclose any record requested under this Act, that contains preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion thereof shall not be exempted when the record is publicly cited and identified by the head of the government and/or public institution. The exemption provided in this subsection extends to all those records of officers and agencies of National or State Houses of Assembly which pertain to the preparation of legislative documents.  (2) Subsection (1) does not apply in respect of a record that contains –  (a) an account of, or a statement of reasons for a decision that is made in the exercise of a discretionary power or an adjudicative function and which affect the rights of a person; or  (b) a report prepared by a consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government and/or public institution or a member of staff of a Ministry of the Federal Government or Commissioner of a State Government. | **Advice, etc.**  **18. DELETED.**  . | This clause was deleted because it relates information that have not been perfected and no public institution can be held responsible for proposals and decisions not perfected. . |
| **Legal Practitioner/Client Privilege**  **19.** The head of a government and or public institution may refuse to disclose any record requested under this Act that contains information that is subject to Legal Practitioner Client privilege. | ***Exemption of Professional or other* Privilege*s* *conferred by Law***  **19.** A public institution may deny an application for information that is subject to the following privileges;  a) Legal Practitioner-Client privilege;  b) Health Workers-Client privilege;  c) Journalism confidentiality privileges; and  d) Any other professional privileges conferred by an Act. | This clause 19 is amended to exempt confidential information provided under various legally recognized professional-client privileges. |
| **Course or Research Material**  **20.** The head of a government and or public institution may refuse to disclose any record requested under this Act which contains course materials or research materials prepared by faculty members. | ***Exemption of* Course or Research Material**  **20.** A public institution may deny an application for information which contains course materials or research materials prepared by faculty members. | Clause 20 is slightly amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Severability**  **21.** Notwithstanding any other provision of this Act, where a request is made to a government and or public institution for access to a record that the head is authorized to refuse to disclose under this Act by reason of information or other materials contained in the record, the head of the institution shall disclose any part of the record that does not contain, and can be severed from any part that contains any such information or material. | **Severability**  **21.** Notwithstanding any other provision of this Act, where *an application* is made to *a public institution* for *information* *which is exempted from disclosure by virtue of this Bill, the institution shall disclose any part of* *the information* *that does not contain such exempted information.* | Clause 21 is slightly amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Judicial Review**  **22.** Any person who has been refused access to a record requested under this Act, or a part thereof may apply to the Court for a review of the mater within thirty days after the head of the government and / or public institution refuses or is deemed to have refused the request, or within such further time as the Court may either before or after the expiration of those thirty day fix or allow. | **Denial by A Public Institution to Disclose Records**  **22.** A public institution may deny an application for information that contains information pertaining to –    (a) test questions, scoring keys and other examination data used to administer an academic examination or determine the qualifications of an application for a license or employment;  (b) architects’ and engineers’ plans for buildings not constructed in whole or in part with public funds and for buildings constructed with public funds, to the extent that disclosure would compromise security, and  (c) library circulation and other records identifying library users with specific materials. | Clause 22 is the old 23 clause renumbered. It is swapped to enable proper sequencing and alignment of the sections. This is also important because the old Section 23 relates to a category of exempted material, which needs to follow from the other sections immediately preceding it which deal with exempted material, before going into a new Section dealing with Judicial review which is now the new Section 23.. |
| **Refusal by Head of Government and/or Public Institution to Disclose Records**  **23.** The head of a government and or public institution may refuse to disclose any record requested under this Act that contains information pertaining to –  (a) test questions, scoring keys and other examination data used to administer an academic examination or determine the qualifications of an application for a license or employment;  (b) architects’ and engineers’ plans for buildings not constructed in whole or in part with public funds and for buildings constructed with public funds, to the extent that disclosure would compromise security, and  (c) library circulation and other records identifying library users with specific materials. | **Judicial Review**  **23.** Any *applicant* who has been denied access to *information*, or a part thereof may apply to the Court for a review of the matter within thirty days after the *public institution* *denies* or is deemed to have *denied* the *application*, or within such further time as the Court may either before or after the expiration of the thirty days fix or allow. | Please kindly see remarks in Clause 22. |
| **Hearing in a Summary Way**  **24.** An application made under section 23 shall be heard and determined summarily. | **Hearing in a Summary Way**  **24. RETAINED.** |  |
| **Access to Record by Court**  **25.** Notwithstanding anything contained in any other Act or enactment or any privilege under the law of evidence, the Court may, in the course of any proceedings before the Court arising from an application under Section 23 of this Act, examine any record to which this Act applies that is under the control of government and/or public institution, and no such record may be withheld from the court on any ground. | **Access to *Information* by Court**  **25.** Notwithstanding anything contrary contained in the Evidence Act, or any regulation made under it, the Court may, in the course of any proceedings before it arising from an application under *Clause* 23 of this *Bill*, examine any *information* to which this *Bill,* applies that is under the control of a public institution, and no such *information* may be withheld from the court on any ground. | Clause 25 is slightly amended to align some of the expressions used in the Bill purposes of consistency and clarity. |
| **Court to Take Precautions Against Disclosing Information**  **26.** In any proceedings before the Court arising from an application under Section 23, the Court shall take precaution, including when appropriate, receiving representations ex parte and ‘conducting hearings in camera to avoid the disclosure by the Court or any person of any information or other material on a basis of which the head of a government and/or public institution will be authorized to disclose a part of a record requested under this Act, | **Court to Take Precautions Against Disclosing Information**  **26.** In any proceedings before the Court arising from an application under *Clause* 23, the Court shall take precaution, including when appropriate, receiving representations ex parte and ‘conducting hearings in camera to avoid the disclosure by the Court or any person of any information or other material on a basis of which any public institution will be authorized to disclose *the information* *applied for.* | Clause 26 is slightly amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Burden of Proof**  **27.** In any proceedings before the Court arising from an application under Section 23, the burden of establishing that the head of a government and or public institution is authorized to refuse to disclose a record under this Act or a part thereof shall be on the government and/or public institution concerned. | **Burden of Proof**  **27.** In any proceedings before the Court arising from an application under Clause 23, the burden of establishing that the public institution is authorized to deny an application for information or part thereof shall be on the public institution concerned. | Clause 27 is slightly amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Order to Disclose Information**  **28.**—(1) Where the lead of a government and or public institution refuses to disclose a record requested under this Act, or a part thereof on the basis of a provision of this Act, the Court shall order the head of the institution to disclose the record or part thereof to the person who requested for access to the record—  (i) if the Court determined that the head of the institution is not authorized to refused to disclose the record or part thereof; or  (ii) where the head of the institution is so authorized, but the Court nevertheless determines that the head of the institution did not have reasonable grounds on which to refuse to disclose the record or part thereof;  (iii) where the Court makes a finding that the interest of the public in having the record being made available is greater and more vital than the interest being served if the application is refused, in whatever circumstance.  (2) Any order the Court makes in pursuance of this section may be made subject to such conditions as the Court deems appropriate. | **Order to Disclose Information**  **28.**—(1) Where a public institution denies an application for information, or a part thereof on the basis of a provision of this *Bill,* the Court shall order the institution to disclose the *information* or part thereof to the *applicant* —  (i) if the Court determined that the institution is not authorized to deny the application for information; or  (ii) where the institution is so authorized, but the Court nevertheless determines that the institution did not have reasonable grounds on which to denay the application;  (iii) where the Court makes a finding that the interest of the public in having the record being made available is greater and more vital than the interest being served if the application is denied, in whatever circumstance.  (2) Any order the Court makes in pursuance of this section may be made subject to such conditions as the Court deems appropriate. | Clause 28 is slightly amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Exempted Materials**  **29.** This Act does not apply to—  (a) published material or material available for purchase by the public;  (b) Library or museum material made or acquired and preserved solely for public reference or exhibition purposes; or  (c) material placed in the National Library, the National Museum or the non-public section of the National Archives of the Federal Republic of Nigeria on behalf of any person or organization other than a government and/or public institution | **Exempted Materials**  **29. RETAINED.** |  |
| **Protection of Public Officers, Cap. 77 LFN, 1990, Cap 245 LFN, 1990, Cap 335, 1990**  **30.**—(1) Notwithstanding anything contained in the Criminal Code, Penal Code, the Official of Secrets Act, or any other enactment, no civil or criminal proceedings shall lie against any government and or public institution, or against any person acting on behalf the government and/or public institution, and no proceedings shall lie against the Federal Government, State or Local Government or any institution thereof, for the disclosure in good faith of any record or any part of a record pursuant to this Act, for any consequences that flow from that disclosure, or for the failure to give any notice required under this Act, if care is taken to give the required notice.  (2) Nothing contained in the Criminal Code or the Official Secrets Act shall prejudicially affect any public officer who, without authorization discloses to any person, any public record an/or information which he reasonably believes to show –  (a) a violation of any law, rule or regulation,  (b) mismanagement, gross waste of funds, fraud, and abuse of authority; or  (c) a substantial and specific danger to public health or safety notwithstanding that such information was not disclosed pursuant to the provision of this Act.  (3) No civil or criminal proceedings shall lie against any person receiving the information or further disclosing it. | **Protection of Public Officers, Cap. 77 LFN, 1990, Cap 245 LFN, 1990, Cap 335, 1990**  **30.**—(1) Notwithstanding anything contained in the Criminal Code, Penal Code, the Official of Secrets Act, or any other enactment, no civil or criminal proceedings shall lie against an officer of any public institution, or against any person acting on behalf of a public institution, and no proceedings shall lie against such persons thereof, for the disclosure in good faith of any information, or any part thereof pursuant to this Act, for any consequences that flow from that disclosure, or for the failure to give any notice required under this Act, if care is taken to give the required notice.  (2) Nothing contained in the Criminal Code or the Official Secrets Act shall prejudicially affect any public officer who, without authorization discloses to any person, any information which he reasonably believes to show –  (a) a violation of any law, rule or regulation,  (b) mismanagement, gross waste of funds, fraud, and abuse of authority; or  (c) a substantial and specific danger to public health or safety notwithstanding that such information was not disclosed pursuant to the provision of this Act.  (3) No civil or criminal proceedings shall lie against any person receiving the information or further disclosing it. | Clause 30 is slightly amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Documents Under Classification, Cap 335 LFN, 1990**  **31.**—(1) The fact that any record in the custody of government and/or public institution is kept by that institution under security classification or is classified document within the meaning of the Official Secrets Act does not preclude it from being disclosed pursuant to a request for disclosure thereof under the provisions of this Act, but in every case the head of the security government and/or public institution to which a request for such record is made shall decide whether such record is of a type referred to in Sections 14, 15, 16, 17, 18, 19, 20, or 21 of this Act.  (2) If the head of the government and or public institution to which the request for a record mentioned in Subsection (1) is made, decides that such record is not a type mentioned in the sections referred to in Subsection (1) hereof, access to such record shall be given to the person requesting for such access.  (3) If the head of the government and or public institution to which the request for a record mentioned in Subsection (1) is made decides that such record is of a type mentioned in sections referred to in Subsection (1) hereof, he shall give notice to the requesting for the record. | **Documents Under Classification, Cap 335 LFN, 1990**  **31.**—(1) The fact that any information in the custody of a public institution is kept by that institution under security classification or is classified document within the meaning of the Official Secrets Act does not preclude it from being disclosed pursuant to an application for disclosure thereof under the provisions of this Act, but in every case the public institution to which the application is made shall decide whether such information is of a type referred to in Sections 13, 14, 15, 16, 17, 18, 19, or 20 of this Act.  (2) If the public institution to which the application in Subsection (1) is made, decides that such information is not a type mentioned in the sections referred to in Subsection (1) hereof, access to such information shall be given to the applicant.  (3) If the public institution to which the application mentioned in Subsection (1) is made decides that such information is of a type mentioned in sections referred to in Subsection (1), he shall give notice to the applicant. | Clause 30 is slightly amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Submission of Reports**  **32.**—(1) On or before February 1 of each year, each government or public institution b of shall submit to the Attorney-General of the Federal Republic of Nigeria a report which shall cover the preceding fiscal year and which shall include—  (a) the number of determinations made by the Government or Public Institution not to comply with requests for records made to such Government Public Institution under this Act and the reasons for each such determinations;  (b) the number of appeals made by persons under this Act, and the reason for the action upon each appeal that results in a detail of information;  (c) a description of whether a court has upheld the decision of the Government or Public Institution to withhold information under such circumstances and a concise description of the scope of any information withheld;  (d) the number of requests for records pending before the Government or Public Institution as of October 31 of the preceding year and he median number of days that such request had been pending before the Government or Public Institution as of that date;  (e) The number or requests for records received by the Government or Public Institution and the number of requests which the Government or public institution processes;  (f) the median number of days taken by the Government or Public Institution to process different types of requests;  (g) the total amount of fees collected by the Government or Public Institution to process such request; and  (h) the number of full-time staff of the Government or Public Institution devoted to processing requests for records, and or the total amount expended by the Government or Public Institution for processing such requests.  (2) Each government or public institution shall make such report available to the public including by computer telecommunications, or if computer telecommunications means have not been established by the Government or Public Institution, by other electronic means.  (3) The Attorney-General shall make each report, which has been submitted to him, available at a single electronic access point.  (4) He shall notify the Chairman and ranking minority member of the Committee on Government Reform Oversight of the House of Representatives and the Chairman and ranking minority member of the Committees on Government Affairs and the Judiciary of the Senate, not later than April of the year in which each such report is issued, that such reports are available by electronic means.  (5) The Attorney-General shall develop reporting and performance guidelines in connection with reports required by this section and may establish additional requirements for such reports as the Attorney-General determines may be useful.  (6) The Attorney-General shall submit an annual report on or before April 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this Act, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed.  (7) Such report shall also include a description of the efforts taken by the Ministry of Justice to encourage all government or public institutions to comply with this Act.  (8) For purposes of this section, the term –  (a) “government” includes any executive department, military department, government corporation, government controlled corporation, or other establishment in the executive branch of the government (including the Executive Office of the President), or any other independent regulatory government or public institution; and  (b) “record” means any term used in this Act in reference to information which includes any information that would be government or public institution record subject to the requirements of this Act when maintained by government or public institution in any format, including an electronic format. | **Submission of Reports**  **32.**—(1) On or before February 1 of each year, each public institution shall submit to the Attorney-General of the Federation a report which shall cover the preceding fiscal year and which shall include—  (a) the number of determinations made by the Public Institution not to comply with applications for information made to such public institution and the reasons for each such determinations;  (b) the number of appeals made by persons under this Act, and the reason for the action upon each appeal that results in a detail of information;  (c) a description of whether a court has upheld the decision of the public institution to withhold information under such circumstances and a concise description of the scope of any information withheld;  (d) the number of applications for information pending before the public institution as of October 31 of the preceding year and the median number of days that such application had been pending before the public institution as of that date;  (e) The number or applications for information received by the public institution and the number of applications which the public institution processes;  (f) the median number of days taken by the public institution to process different types of requests;  (g) the total amount of fees collected by the public institution to process such request; and  (h) the number of full-time staff of the public institution devoted to processing applications for information, and the total amount expended by the public institution for processing such applications.  (2) Each public institution shall make such report available to the public, among other means, by computer telecommunications, or if computer telecommunications means have not been established by the Government or Public Institution, by other electronic means.  (3) The Attorney-General shall make each report, which has been submitted to him, available at a single electronic access point.  (4) the Attorney General shall notify the Chairman and ranking minority member of the Committee on Government Reform Oversight of the House of Representatives and the Chairman and ranking minority member of the Committees on Government Affairs and the Judiciary of the Senate, not later than April of the year in which each such report is issued, that such reports are available by electronic means.  (5) The Attorney-General shall develop reporting and performance guidelines in connection with reports required by this section and may establish additional requirements for such reports as the Attorney-General determines may be useful.  (6) The Attorney-General shall submit an annual report on or before April 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this Act, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed.  (7) Such report shall also include a description of the efforts taken by the Ministry of Justice to encourage all government or public institutions to comply with this Act.  (8) For purposes of this section, the term –  (a) “government” includes any executive department, military department, government corporation, government controlled corporation, or other establishment in the executive branch of the government (including the Executive Office of the President), or any other independent regulatory government or public institution; and  (b) *“information”* means any term used in this Act in reference to information *or record* which includes any information that would be or public institution information subject to the requirements of this Act when maintained by any public institution in any format, including an electronic format. | Clause 32 is slightly amended to align some of the expressions used in the Bill for purposes of consistency and clarity. |
| **Complimentary Procedures**  **33.**—(1) This Act is intend to complement and not replace existing procedures for access to public records and information and is not intended to limit in any way access to those types of officials information that have, hitherto, been normally available to the general public.  (2) Where the question whether any public record and or information is to be made available, where that question arises under this Act, the question shall be determined in accordance with the provision stated herein, unless otherwise exempted by this Act. | **Complimentary Procedures**  **33.**—(1) RETAINED. |  |
| **Interpretation**  **34.** In this Act, unless the text otherwise requires –  “Court” means a State High Court where the official information in question is kept by a local or State government institution and he Federal High Court where the official information in question is kept by a Federal Government institution.  “Foreign State” means any State other than the Federal Republic of Nigeria;  “Public/Government Institution” means any legislative, executive, judicial, administrative or advisory body of the Federal, State and Local Governments, boards, bureaux, committees or commissions of the State, and any subsidiary body of those bodies including but not limited to committees and sub-committees which are supported in whole or in part by public fund or which expends public fund and private bodies carrying out public functions;  “Public record or document” means a record in any form having been prepared, or having been or being used, received, possessed or under the control of any public or private bodies relating to maters of public interest and includes –   1. any writing on any material, 2. any information recorded or stored or other devices; and any material subsequently derived from information so recorded or stored, 3. any label, marking, or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means, 4. any book, card, form, map, plan, graph, or drawing, 5. any photograph, film, negative, microfilm, tape, or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced;   “Minister” means the Minister charged with responsibility for information;  “Person” include a corporation sole, and also body of persons whether corporate or incorporate; acting individually or as a group;  “Personal Information” means any official information held about an identifiable person; but does not include information that bears on the public duties of public employees and officials. | **Interpretation**  **34.** In this Act, unless the text otherwise requires –  *“applicant” refers to any person who applies for information under this Act.*  *“application” refers to any request for information made under this Act.*  *“Court” means a High Court or Federal High Court respectively.*  “Foreign State” means any State other than the Federal Republic of Nigeria;  *“Information” includes all records, documents and information stored in whatever form, including written, electronic, visual images, sound, audio recording, etc.*  “Public Institution” means any legislative, executive, judicial, administrative or advisory body of the Government, including boards, bureaux, committees or commissions of the State, and any subsidiary body of those bodies including but not limited to committees and sub-committees which are supported in whole or in part by public fund or which expends public fund and private bodies *performing* public functions or *utilizing public funds*;  “Public record or document” means a record in any form having been prepared, or having been or being used, received, possessed or under the control of any public or private bodies relating to maters of public interest and includes –   1. any writing on any material, 2. any information recorded or stored or other devices; and any material subsequently derived from information so recorded or stored, 3. any label, marking, or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means, 4. any book, card, form, map, plan, graph, or drawing, 5. any photograph, film, negative, microfilm, tape, or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced;   “Minister” means the Minister charged with responsibility for information;  “Person” include a corporation sole, and also body of persons whether corporate or incorporate; acting individually or as a group;  “Personal Information” means any official information held about an identifiable person; but does not include information that bears on the public duties of public employees and officials. | Clause 34 is slightly amended to provide interpretation of a few expressions used in the Bill, for purposes of clarity and consistency. |
| **EXPLANATORY MEMORANDUM**  This Bill seeks to provide a right of access to public information or records kept by government, public institution and/or private bodies carrying out public functions for citizens and non-citizens of the country.  This will increase the availability of public records and information to citizens of the country in order to participate more effectively in the making and administration of laws and policies and to promote accountability of public officers. | **EXPLANATORY MEMORANDUM**  This Bill seeks to provide *any person with a right of access to public information* or records kept by government, public institution and/or private bodies carrying out public functions *or utilizing public funds.*  This will increase the availability *of information to the public in order to facilitate their ability to* participate more effectively in the making and administration of laws and policies and to promote *good governance, transparency* and accountability of *public institutions* and public officers. |  |