



**Commonwealth Human Rights Initiative**

**ACCESS TO INFORMATION LAWS IN THE COMMONWEALTH**

**COMPARATIVE TABLE**

**CONTENTS**

<b>1. The Right</b>	<b>p 2</b>	<b>10. Time for Compliance</b>	<b>p 33</b>
<b>2. Applicability/Scope of the Law</b>	<b>p 4</b>	<b>11. Urgent Request</b>	<b>p 37</b>
<b>3. Private Bodies</b>	<b>p 8</b>	<b>12. Decision</b>	<b>p 39</b>
<b>4. suo motu/Proactive Disclosure</b>	<b>p 10</b>	<b>13. Review/Appeals</b>	<b>p 43</b>
<b>5. Request</b>	<b>p 16</b>	<b>14. Penalties</b>	<b>p 49</b>
<b>6. Exemptions</b>	<b>p 19</b>	<b>15. Protection for Whistleblowers</b>	<b>p 54</b>
<b>7. Public Interest Disclosure</b>	<b>p 25</b>	<b>16. Reporting and Ongoing Monitoring</b>	<b>p 58</b>
<b>8. Partial Disclosure/Severability</b>	<b>p 28</b>	<b>17. Implementation and Training</b>	<b>p 62</b>
<b>9. Fees and Waiver</b>	<b>p 30</b>		

**Updated by Ms. Gangotri Hazarika Nath in September 2016**

**1. THE RIGHT**

<a href="#"><u>Antigua and Barbuda</u></a>	S.15: Notwithstanding any law to the contrary, every person has the right to obtain, request, access information. Nothing in the Act prevents a public authority from giving access to information where it has the discretion or is required to do so by any written law or court order.
<a href="#"><u>Australia</u></a>	S.11: Every person has right to obtain access to documents.
<a href="#"><u>Bahamas</u></a>	S.6: Every Bahamian citizen, or permanent resident within the meaning of the Immigration Act shall have a right to obtain access to a record, aside from exempt records.
<a href="#"><u>Bangladesh</u></a>	S. 4: Every citizen has the right to information from the authority, and the authority is duty bound to provide him/her the information.
<a href="#"><u>Belize</u></a>	S.9: Every person has the right to obtain access to documents.
<a href="#"><u>Bermuda</u></a>	S 12(1): Every person who is a Bermudian or a resident of Bermuda has a right to be given access to any record held by a public authority.
<a href="#"><u>Canada</u></a>	S.4 (1): A Canadian citizen or permanent resident has the right of access, on request, to records under the control of government institution.
<a href="#"><u>Cayman Islands</u></a>	S.6 : Every person shall have a right to obtain access to a record other than an exempt record.
<a href="#"><u>Cook Islands</u></a>	S.23: (i) Every person has a right to and shall, on request, be given access to the latest edition of the publication published under section 22 of this Act and to any published supplementary material bringing that edition up-to-date. (ii) Every qualified person has a right to and shall, on request, be given access to any category of official information that is declared by regulations made under this Act to be a category of official information in respect of which a right of access exists.
<a href="#"><u>Guyana</u></a>	S. 12(1): Right of every Guyanese citizen or person domiciled in Guyana to obtain access to an official document.
<a href="#"><u>India</u></a>	S.1 (1) and 3: All citizens of India have the right to access information. The Act extends to the whole of India except to the State of Jammu and Kashmir.
<a href="#"><u>Jamaica</u></a>	S.2: All members of the public have a general right of access to official documents held by public authorities.

<a href="#"><u>Kenya</u></a>	S.4 : Every citizen has the right of access to information held by the State and another person. S.5 : Citizen means any individual who has Kenyan citizenship, and any private entity that is controlled by one or more Kenyan citizens.
<a href="#"><u>The Maldives</u></a>	S. 4(a): Information from a state-office in accordance with this act is a legally enforceable right available to every person. S. 76: person includes natural and legal personalities.
<a href="#"><u>Malta</u></a>	Art 3: Any eligible person has the right of access to documents held by public authorities.
<a href="#"><u>New Zealand</u></a>	S.12(1): Any person in New Zealand is entitled to request a Department or Minister of Crown for official information.
<a href="#"><u>Nigeria</u></a>	S. 1 (1): Every person has the right 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.
<a href="#"><u>Pakistan</u></a>	S.3: All citizens of Pakistan have the right to access public records.
<a href="#"><u>South Africa</u></a>	S.11, S.50: Every person has the right to access to information upon request.
<a href="#"><u>Sri Lanka</u></a>	S.3: Every citizen has a right of access to information which is in the possession, custody or control of a public authority. S. 43: Citizen includes a body whether incorporated or unincorporated, if not less than three-fourths of the members of such body are Sri Lankan citizens.
<a href="#"><u>St Vincent and The Grenadines</u></a>	S.10/11: Every person has the right to access, in accordance with the law, to official documents of a public authority.
<a href="#"><u>Trinidad and Tobago</u></a>	S.11: Members of the public have a general right of access to official documents of public authorities and for matters related thereto.
<a href="#"><u>Uganda</u></a>	S.5 (1): Every citizen has the right of access of information and records in possessions of the State or any public body.
<a href="#"><u>United Kingdom</u></a>	S.1 (1): Any person, upon request, has a right to be informed about the possession of information by the concerned authority and to have the information communicated.

## 2. APPLICABILITY/SCOPE OF THE LAW

<a href="#">Antigua and Barbuda</a>	S.3(1)/5/16(3): Public authorities – defined as (a) the Government; (b) a Ministry of the Government and a department, division or unit, by whatever name known, of the Ministry; (c) the Barbuda Council established under S.123 of the Constitution and the Barbuda Local Government Act; The Act binds the Crown. The Act binds private bodies where the information is required for the exercise or protection of any rights.
<a href="#">Australia</a>	Part I: Government Agencies and Departments. Some specific agencies are exempt from the applicability of the Act in certain respects.
<a href="#">Bahamas</a>	S.2 : Public authorities defined as (a) a Ministry or Department of Government; (b) a statutory body or authority, incorporated or not; (c) a public corporation wholly owned by Government, or in which Government holds more than 50% shares, or is specified in an order; (d) any other body listed in an order under Section 3(2).
<a href="#">Bangladesh</a>	S.2 (b): Authority means (i) any organization constituted in accordance with the Constitution of the People’s Republic of Bangladesh; (ii) any ministry , division established under the rules of Business made under Article 55(6) of the Constitution of People’s Republic of Bangladesh; (iii) any statutory body or institution established by or under any Act or ordinance; (iv) any private body or institution run on government funding or with the help from the government exchequer ; (v) any private organization or institution run on foreign funding; (vi) any organization or institution that undertakes public functions in accordance with any contract made on behalf of the Government or made with any public organization or institution or (vii) any organization or institution as may be notified in the official gazette from time to time by the Government.
<a href="#">Belize</a>	S.3 (1): Ministry or prescribed authority, i.e., local authority, public statutory body. Courts and the Office of the Governor General are not covered by the act.
<a href="#">Bermuda</a>	S. 3: Public authority means those listed at Column 1 of the Schedule: 17 public authorities listed, including at no.12 Every department of the Government, and at no.13. Every entity that is established by a statutory provision and carries out functions of a governmental or quasi-governmental nature. S. 3 (4): Includes a record held by an independent contractor relating to a contract for which the contractor is engaged by a public authority will fall under the Provisions of the Act.
<a href="#">Canada</a>	S.3: Any government department or Ministry or body listed in Schedule 1 of the Act. Can be extended to others by Order.
<a href="#">Cayman Islands</a>	S.2 : “Public authority” means- (a) a ministry, portfolio or department; (b) a statutory body or authority, whether incorporated or not; (c) a government company which is wholly owned by the Government or in which the Government holds more than 50% of the shares; or is specified in an Order under section 3 (2); (d) any other body or

	<p>organisation specified in an Order under section 3 (2);  S.3 : The applicability of the law is on Public Authorities and Records.</p>
<a href="#">Cook Islands</a>	<p>S.2 : "Official information" means any information held by a Ministry/ Minister of the Crown/ organisation; and includes any information held outside the Cook Islands by any branch or post of a Ministry; or an organisation; and in relation to information held by the Ministry of Justice, includes information held by the Rules Committee established by section 102 of the Judicature Act 1980-81; and in relation to information held by the University of the South Pacific, includes only information held by- (i) any full-time member of the academic staff of the University in the Cook Islands; or (ii) any other full-time officer or employee of the University in the Cook Islands; or (iii) any examiner, assessor, or moderator in the Cook Islands in any subject or examination taught or conducted by the University in the Cook Islands.</p>
<a href="#">Guyana</a>	<p>S. 2: Public Authority means: national assembly inclusive of parliamentary committees subject to standing orders; subject to S4(2) The Caribbean Court of justice, Court of Appeal, High Court, Income Tax board of review, Court of summary jurisdiction; Cabinet as constituted under the Constitution; ministry or division of ministry' local democratic organs; Regional Health Authority; statutory body responsibility for which is assigned to a Minister; company incorporated under the laws of Guyana which is owned or controlled by the State; a Constitutional Commission or any other Commission established by law; a body corporate or unincorporated entity in relation to any function it exercises on behalf of the state, or which is established by or on behalf of the state, or which is supported directly or indirectly government funds and over which the Government exercises control.</p>
<a href="#">India</a>	<p>S.2 (h): Any authority or body established or institution of self-government established or constituted: (i) by or under the Constitution; (ii) by any other law made by Parliament or a State Legislature, (iii) by notification made by an appropriate government and includes (a) any other body owned, controlled or substantially financed and (b) non-government organization substantially financed; by funds provided directly or indirectly by the appropriate Government.</p>
<a href="#">Jamaica</a>	<p>S.3: A Ministry, Department, Executive agency, statutory body or any other agency of Government; Parish Council; Council of the Kingston and St Andrew Corporation; any company wholly owned by the government or any Government agencies or in which the Government holds more than 50% of shares. Can be extended by Order to other bodies which provide services of a public nature which are essential to the welfare of the Jamaican society.</p>
<a href="#">Kenya</a>	<p>S.5: "Public entity" means: any public office, as defined in Article 260 of the Constitution; or any entity performing a function within a commission/ office/ agency or other body established under the Constitution.</p>
<a href="#">The Maldives</a>	<p>S.1 : Act applies to information held or maintained by a "State-Office".  S. 3(a): This Act, unless otherwise stated, obligates any private or public authority upon which a request has been made to inform whether it holds the information, or from which authority the record can be obtained.  S. 5: Details instances in which information is held by a state office that has ceased to exist. Responsibility shall be borne by the relevant office, or the authority in whose custody the information lies.  S.72 Associations and Organisations functioning in the Maldives under funds from a state budget, or under funds received from a foreign government or international body, shall be applicable to all the provisions that are applicable to</p>

	<p>state-offices in the Act.</p> <p>S. 76: State office includes the executive, legislature, judiciary, independent institutions, independent offices, security services and councils elected under the Constitution. Included are those bodies party to any state responsibilities and those functioning or receiving assistance from the state budget.</p> <p>Information of a state office shall mean every piece of information produced, held, or maintained by state office.</p>
<a href="#">Malta</a>	<p>Art 2: “public authority” means: (a) the Government, including any ministry or department thereof; (b) a Government agency established in terms of the Public Administration Act or any other law; and (c) any body established under any law, or any partnership or other body in which the Government of Malta, a Government agency or any such body as aforesaid has a controlling interest or over which it has effective control.</p>
<a href="#">New Zealand</a>	<p>S.2: Any Government Department (as defined in Part I of Schedule 1 to the Ombudsman Act apart from the Parliamentary Counsel Office); Minister of Crown; and any organization named in Part II of the Schedule 1 of the Ombudsman Act and Schedule 1 of this Act.</p>
<a href="#">Nigeria</a>	<p>S. 2 (7): Public institutions includes 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 utilizing public funds, providing public services or performing public functions.</p>
<a href="#">Pakistan</a>	<p>S.2: Any Ministry, Division or attached department of the Federal Government; Secretariat of Majlis-e-Shoora (Parliament); any office of any Board, Commission, Council, or other body established by, or under, a Federal law; courts and tribunals.</p>
<a href="#">South Africa</a>	<p>S.4: Any Department of Government, body performing public function under any legislation and private bodies where the information is required for the exercise or protection of any rights.</p>
<a href="#">Sri Lanka</a>	<p>S. 43 : “Public Authority” means – (1) All Ministries and Government Departments; (2) All bodies or offices created or established by or under the Constitution or any written law; (3) All public corporations and companies in which the State or a public corporation hold 25% of the shares (jointly or severally) or otherwise have a controlling interest (4) All local authorities; (5) All private entities or organisations which are carrying out a statutory or public function or service under a contract, a partnership, an agreement or a license from the government or its agencies or from a local body (but limited to the extent of such services and excluding their other work) (6) Departments or other authorities or institutions established or created by a Provincial Council; (7) NGOs substantially funded by the government or departments or other authorities established or created by a Provincial Council or by a foreign government or international organisation but only to the extent of such service rendered to the public (8) Higher educational institutions including private universities and professional institutions which are established, recognised or licensed under any written law or funded, wholly/partly, by the State/public corporation/any statutory body established or created by a statute of a Provincial</p>

	Council; (9) Private educational institutions including institutions offering vocational or technical education which are established, recognised or licensed under any written law or funded, wholly/partly, by the State/ public corporation/ any statutory body established or created by a statute of a Provincial Council; (10) All courts, tribunals and institutions created and established for the administration of justice.
<a href="#"><u>St Vincent and The Grenadines</u></a>	S.4: Parliament, committee of Parliament, Cabinet, Ministry, local authority, public statutory corporation or body; body corporate or an incorporated body; embassy, consulate or mission; any other body designated by the Minister.
<a href="#"><u>Trinidad and Tobago</u></a>	S.4: Parliament and some committees; Court of Appeal, High Court, Industrial Court, Tax Appeal Board or court of summary jurisdiction; Cabinet; a Ministry or department/division; municipal corporation; company owned or controlled by the State; a Service Commission; a body corporate or unincorporated entity in relation to any function it exercises on behalf of the State or which is supported, directly or indirectly, by Government funds and over which Government can exercise control.
<a href="#"><u>Uganda</u></a>	S.2: Government ministries, local departments, statutory corporations and bodies, commissions and other Government organs and agencies, unless specifically exempted.
<a href="#"><u>United Kingdom</u></a>	S.3: Public authorities specifically listed in Schedule 1 of the Act or designated as such by an order of the Secretary of State (eg. Bodies which appear to exercise functions of a public nature, or are providing under a contract made with a public authority any service whose provision is a function of that authority); or a publicly owned company.

### 3. PRIVATE BODIES

<a href="#">Antigua and Barbuda</a>	S.16(3): A person making a request for information to a private body which holds information necessary for the exercise or protection of any right shall, subject only to the relevant provisions of Parts II and IV of this Act, be entitled to have that information communicated to him.
<a href="#">Australia</a>	No provisions.
<a href="#">Bahamas</a>	No provisions.
<a href="#">Bangladesh</a>	S.2 (b) (v): any private organisation or institution run on foreign funding; (iv) any private organisation or institution run on government funding or with help from the government exchequer; (vi) any organisation or institution that undertakes public functions in accordance with any contract made on behalf of the Government or made with any public organisation or institution.
<a href="#">Belize</a>	No provisions.
<a href="#">Bermuda</a>	No provisions.
<a href="#">Canada</a>	No provisions.
<a href="#">Cayman Islands</a>	S.3 (2): Includes - (a) such companies, in addition to those Government Companies which are wholly or partly owned by the Government; (b) any other body or organization which provides services of a public nature which are essential to the welfare of the Caymanian society, or to such aspects of their operations as may be specified in the Order; (c) any other body or organization which receives government appropriations on a regular basis.
<a href="#">Cook Islands</a>	S.2 : "Personal information" means any official information held about an identifiable person.
<a href="#">Guyana</a>	No provisions.
<a href="#">India</a>	S.2 (h): Includes (a) any other body owned, controlled or substantially financed and (b) non-government organisation substantially financed; by funds provided directly or indirectly by the appropriate Government. S.2 (f) allows citizens to access information about private bodies from the public authorities that regulate or monitor them.
<a href="#">Jamaica</a>	S.5 (3): Bodies which provide services of a public nature which are essential to the welfare of the Jamaican society can be covered by the Act by Order.
<a href="#">Kenya</a>	S.2 : Private body means any private entity or non-state actor that (a) receives public resources and benefits, utilizes public funds, engages in public functions, provides public services and has exclusive contracts to exploit natural resources (b) is in possession of information which is of significant public interest due to its relation to the protection of human rights,



	environment, public health, or to exposure of corruption or illegal actions or where the release of such information may assist in exercising or protecting any right.
<a href="#">The Maldives</a>	No provisions.
<a href="#">Malta</a>	No Provision.
<a href="#">New Zealand</a>	No provisions.
<a href="#">Nigeria</a>	S. 2 (7): Public institutions includes private companies utilizing public funds, providing public services or performing public functions.
<a href="#">Pakistan</a>	No provisions.
<a href="#">South Africa</a>	S.50: A requester must be given access to any record of a private body if that record is required for the exercise or protection of any rights.
<a href="#">Sri Lanka</a>	S. 43 : Private Entities includes : (1) All private entities or organizations carrying out a statutory service, public service or function under a contract or agreement or license from the government or its agencies or local bodies (but limited to the extent of such services and excluding their other work); (2) NGOs substantially funded by the government or departments or other authorities established or created by a Provincial Council or by a foreign government or international organisation but only to the extent of such service rendered to the public; (3) Higher educational institutions including private universities and professional institutions which are established, recognised or licensed under any written law or funded, wholly or partly, by the State or a public corporation or any statutory body established or created by a statute of a Provincial Council; (4) Private educational institutions including institutions offering vocational or technical education which are established, recognised or licensed under any written law or funded, wholly or partly, by the State or a public corporation or any statutory body established or created by a statute of a Provincial Council.
<a href="#">St Vincent and The Grenadines</a>	No provisions.
<a href="#">Trinidad and Tobago</a>	S.4: A body corporate or unincorporated entity in relation to any function it exercises on behalf of the State or which is supported, directly or indirectly, by Government funds and over which Government can exercise control.
<a href="#">Uganda</a>	No provisions.
<a href="#">United</a>	S.5(1): Bodies which appear to exercise functions of a public nature, or are providing any service whose provision is a

<u>Kingdom</u>	function of an authority under a contract made with that public authority can be covered, by Order of the Secretary of State.
----------------	---

#### 4. **SUO MOTU/PROACTIVE DISCLOSURE**

<u>Antigua and Barbuda</u>	S.10(1): Every public authority shall, in the public interest, publish and disseminate in an accessible form, at least annually, basic information including: description of structures, functions, duties, finances; details concerning services provided directly to the public; any direct request or complaints mechanisms regarding acts/failure to act by a body, together with a summary of requests/complaints and the body's response; simple guide re record-keeping systems, types and forms of information held, categories of information published and procedure for requesting information; description of powers and duties of senior officers; procedure followed in making decisions; any regulations, policies, rules, guides or manuals regarding the discharge of its functions; content of all decisions/policies adopted which affect the public, along with reasons, any authoritative interpretations of them, and any important background material; and any mechanisms by the public may make representations or otherwise influence the information or policy or exercise of powers by the public authority.
<u>Australia</u>	S.8: Publish, in a form approved by the Minister and in the Agency's annual report: particulars and functions of the agency; procedures for people to participate in policy-making, administration or development of schemes of the Agency; categories of documents; facilities to obtain access to information. Updated annually. Make available for inspection and purchase: manuals or other documents containing interpretations, rules, guidelines, practices, precedents; information relating to entitlements and obligations under schemes.
<u>Bahamas</u>	S5 (1): Public Authorities shall publish within twelve months of the appointment day, an initial statement of its organisation and functions, containing the information described in the <i>Schedule</i> . 5(3) Information shall be published in such a manner and updated with such frequency as prescribed. The Schedule (1)(a-e): Requires a list of departments and agencies of the public authorities; subjects handed by each department and agency; locations of and departments of agencies' opening hours of departments and agencies. Statements of records which are used by the public authority for the use of making decisions or recommendations under the purposes of any written law or scheme administered by the authority with respect of rights privileges, obligations or penalties. Record referred to include manuals, other records containing rules, guidelines, practices, interpretations or precedents, and records containing particulars of scheme which are not included in any written law or published under this Act. S. 51 : The Permanent Secretary shall publish a code on best practice regarding public bodies publishing information. S. 52: Every public authority is to maintain records in a manner which facilitates access to information.
<u>Bangladesh</u>	S.6(1): every authority shall publish and publicise all information pertaining to any decision taken, proceeding or activity executed or proposed by indexing them in such a manner as may easily be accessible to the citizen; (2) In publishing and publicising information under sub-section (1) no authority shall conceal any information or limit it's access; (3) Every authority shall publish a report every year which shall contain the following information- (a) particulars of its organisational structure, activities, responsibility of the officers and employees, and description and process of decision

	<p>making; (b) lists of all the laws, acts, ordinances, rules, regulations, notifications, directives, manuals of and classification of all information lying with the authority; (c) description of the terms and conditions under which a citizen may get service from the authorities in obtaining any license, permit, grant, consent, approval or other benefits and of such conditions that require the authority to make transactions or enter into agreements with him; (d) particulars of facilities ensuring right to information and the full name and designation, address, and in cases where applicable, fax number and e-mail address of the assigned officer; (4) if the authority frames any policies or takes any decisions important, it shall publish all such polices and decisions and if necessary explain the reasons and causes in support of such policies and decisions; (5) The report prepared by authority under this section shall, free of charge be made available for public information and its copies shall be shocked for the sale at nominal price; (6) All publications made by the authority shall be made easily available to public at a reasonable price; (7) The authority shall publish and publicise matters of public interest through press note or through any other means; (8) The Information commission shall by regulation frame instructions to be followed by the authority for publishing , publicising and obtaining information.</p>
<a href="#">Belize</a>	<p>S.6: Publish in the Gazette: particulars and functions of the organisation including decision-making powers, other powers affecting members of the public, particulars of any arrangements for consultation with or representations in relation to the formulation of policy or administration of, the organisation; and categories of documents. Make available for inspection and purchase: manuals or other documents containing interpretations, rules, guidelines, practices, precedents; information relating to entitlements and obligations under schemes.</p>
<a href="#">Bermuda</a>	<p>S. 5(1)(a-i) Every public authority is to prepare an information statement which includes description of the functions, powers and duties of the authorities and its obligations under the act; a description of all classes of records held by the authority; a description of the policies rules and guidelines used by the authority to make decisions. S. 5(2) Must be updated yearly.</p> <p>S. 4: Each authority is to publish a notice in the Gazette indicated where this information statement is available for public inspection.</p> <p>S. 6(1-6): Public authorities are to provide information to the public at regular intervals by various means of communication.</p> <p>S. 6(6) Public authorities shall publish in the Gazette, details of every contract entered into by the authority that has a total value of \$50,000 or more.</p>
<a href="#">Canada</a>	<p>S.5: Make available throughout Canada in conformity with the principle that every person is entitled to reasonable access: description and responsibilities of the organisation including details of programs and functions; description of classes of records under its control; description of all manuals used in administering or carrying out its programs; title and address of the officer to whom requests for access should be sent; other useful information relating to the operation of this Act. Updated every 6 months.</p>
<a href="#">Cayman Islands</a>	<p>S.5: A public authority shall publish an initial statement of its organization and functions, containing the information specified in the Schedule. The Schedule applies for the purposes of making available to the public the records described in that Schedule. The information required shall be published in such manner and be updated with such frequency as</p>

	may be prescribed.
<a href="#">Cook Islands</a>	<p>S.22: The Office of the Prime Minister shall publish and up to date at intervals of not more than 2 years, a publication that includes in respect of each Ministry and each organisation,-(a) a description of its structure, functions, and responsibilities including those of any of its statutory officers or advisory committees; and (b) a general description of the categories of documents held by it; and (c) a description of all manuals, and similar types of documents which contain policies, principles, rules, or guidelines in accordance with which decisions or recommendations are made in respect of any person or body of persons in his or her or its personal capacity; and (d) a statement of any information that needs to be available to members of the public who wish to obtain official information from the Ministry or organisation, which statement shall include particulars of the officer or officers to whom requests for official information or particular classes of information should be sent.</p> <p>The Office of the Prime Minister may publish a new edition or supplementary material on an internet website and in an electronic form that is publicly accessible at all reasonable times.</p>
<a href="#">Guyana</a>	<p>S. 13(1): Every public authority, after the commencement of the Act is to maintain its records, and ensure all records are computerised, and where possible, connected through a network all over the country.</p> <p>S. 13(3): Every public authority should take steps to provide as much information of its volition to the public, through various means of communication, at various intervals.</p> <p>S. 8(1):Commissioner of Information shall publish in the Gazette as soon as practicable following the Act, a statement setting out functions and particulars of the public authority, categories of documents maintained by the public authority; statement of procedure to be followed when a request for access to a documents is made. After no longer than two years, material is to be bought up to date.</p>
<a href="#">India</a>	<p>S.4: Particulars of its functions, powers and duties of officers; norms, rules, regulations; list of records available to citizens; details of facilities to get information; procedures following during decision-making process, incl. channels of accountability; list of categories of documents held; arrangements for consultation with or comment by the public; list of boards, councils, committees, etc and whether their meetings are public; directory of officers; monthly remuneration of officers; agency budgets, incl. plans, proposed expenditure and reports on disbursements; manner of execution of subsidy programmes, incl. amounts allocated and beneficiaries; recipients of concessions, permits, licenses; names of PIOs; relevant facts while formulating policies or announcing decisions; reasons for administrative or quasi-judicial decisions; any other information prescribed. Constant endeavor to provide as much information as possible suo motu. Information shall be disseminated as widely as possible and in such form and manner which is easily accessible to the public, including through notice boards, newspapers, public announcements, media, internet, inspection.</p>
<a href="#">Jamaica</a>	<p>S.4: Publish: description of subject area of the public authority (PA); list of the departments and agencies of the public authority, subjects handled, locations, opening hours; title and business address of PA's principal officer; list of documents used by the PA authority in making decisions or recommendations re schemes/benefits/ penalties/etc; manuals or documents containing interpretations, rules, guidelines, practices or precedents. Updated every 12 months.</p>
<a href="#">Kenya</a>	<p>S.5 : Every public entity in order to facilitate access to information shall publish and update each year such information</p>

	<p>which may include – (i) the particulars of its organization, functions and duties; (ii) the powers and duties of its officers and employees; (iii) the procedure followed in the decision making process; (iv) salary scales of its officers by grade; (v) the norms set by it for the discharge of its functions; (vi) guidelines used by the entity in its dealings with the public or with corporate bodies, including the rules, regulations, manuals etc.; (vii) a guide sufficient to enable any person wishing to apply for information under this Act to identify the classes of information held by it, the subjects to which they relate, the location of any indexes to be inspected by any person; (viii) all relevant facts while formulating important policies and before initiating any project, or formulating any policy, scheme, programme or law, which in its opinion should be known to them in the best interests of natural justice and promotion of democratic principles; (ix) provide to any person the reasons for any decision taken by it in relation to that person. A public entity upon signing any contract has to publish on its website or other suitable media the following particulars (i) the public works, goods acquired or rented, and the contracted service, including any sketches, scopes of service and terms of reference; (ii) the contract sum; (iii) the name of the service provider, contractor or individual to whom the contract has been granted; and (iv) the periods within which the contract shall be completed. The Information has to be disseminated taking into consideration the need to reach persons with disabilities, the cost, local language, the most effective method of communication in that local area, and the information shall be easily accessible and available free or at cost taking into account the medium used. The material referred to above shall be made available— (a) for inspection by any person without charge; (b) by supplying a copy to any person on request for which a reasonable charge to cover the costs of copying and supplying them may be made; and (c) on the internet, provided that the materials are held by the authority in electronic form.</p>
<a href="#">The Maldives</a>	<p>S. 37: Every state office shall publish annually, or within a shorter period, information such as the functions and duties of the state office; details of direct services provided to the public; mechanism to lodge a complaint against the state office; easily comprehensible details of how documents are maintained; information held by the state office and procedures for requested information' responsibilities and duties of high ranking officials of the state office; rules and policies followed by the state office' details of decisions taken that would affect the public; manner in which suggestions on decision making can be exercised by the public; budget allocated to the state office' individual remuneration received by all employees; norms followed by office for discharge of its functions; stages and procedures followed when decision making.</p>
<a href="#">Malta</a>	<p>Art 17: Publication of information by public authorities to include description of responsibilities, structures and functions; categories of documents held; description of manuals documents of policies, principles, rules etc; statements of information that needs to be made available to the public such as designation of officers along with officers to whom the request can be made.</p>
<a href="#">New Zealand</a>	<p>S.20: Publish for each Department: structures, functions and responsibilities; categories of documents; description of all manuals and similar types of documents which contain directions in accordance with which decisions or recommendations are made; information required by public seeking official information. When publishing, shall have regard to the need to assist the public to effectively exercise their rights under this Act. Updated every 2 years.</p>

<a href="#"><u>Nigeria</u></a>	S 2 (3) : Publish: description of organization and responsibilities of institutions including details of programmes and functions of each branch, division , department; a list of all classes of records; a list of manuals used by employees; a description of documents containing: final opinions and orders in the adjudication of cases; substantive rules; statements and interpretation of policies; final planning policies, recommendations and decisions; factual, inspection reports and studies; receipt or expenditure of public or other funds; names, salaries, titles, and dates of employment of all officers and employees; rights of the state, public institutions or of any private person(s) ; name of every official and the final records of voting in all proceedings of the institution; a list of files containing applications for any contract, permit, grant, licenses or agreement; a list of reports, documents, studies, or publications prepared by independent contractors; list of materials with information relating to any grant or contract made between institutions- public and private; title and address of the appropriate officer of the institution to whom application should be sent. Information shall be widely disseminated through various means including print, electronic and online sources and at offices of such public institutions.
<a href="#"><u>Pakistan</u></a>	S.5: The acts and subordinate legislation such as rules and regulations, notifications, by-laws, manuals, orders having the force of law in Pakistan shall be duly published and made available at a reasonable price.
<a href="#"><u>South Africa</u></a>	S.10: Human Rights Commission to compile in each official language a guide containing easily comprehensible info as may reasonably be required by a person wishing to exercise a right under the Act. S.14: Public bodies to publish in three official languages: description of structure, functions, services; details of info officer and procedures for applying for access; categories of records available; opportunities for consultation; remedies available for an act or failure to act. S.52: Private bodies to publish: contact details for head of body; access procedures; records held by the body; records available under other legislation. Updated at least every 12 months.
<a href="#"><u>Sri Lanka</u></a>	S.8: Every Minister has the duty to publish biannually before the 30 <sup>th</sup> of June and 31 <sup>st</sup> of December, a report containing a) the particulars relating to the organisation, functions, activities, powers and duties of the Minister/Ministry and of all public authorities falling under his/her/its jurisdiction including details of decision-making procedures; b) the norms set for the discharge of their functions, performance of their duties and exercise of their powers; c) rules, regulations, instructions, manuals and any other categories of records, which are used by its officers and employees; d) the details of facilities available to citizens for obtaining information; e) the budget allocated, indicating the particulars of all plans, proposed expenditures and reports on disbursements made; f) the name, designation and other particulars of the information officer or officers appointed. The reports shall be published in the official languages and be made available on the payment of such fee as shall be determined by the RTI Commission. S.9: It is the duty of the Minister to communicate, three months prior to the commencement of any project, to the public generally and to any particular persons who are likely to be affected by such project all information relating to the project that is available with the Minister. In the case of urgent projects information may be supplied one week prior to the commencement of the project and reasons for such urgency has to be given to the Information Commission. Subsequently, the Minister is required to provide updated information about the project to citizens who formally apply for

	<p>such information. This requirement is only for projects that are valued at more than USD 100,000 or SLR 500,000.</p> <p>S.26: Every public authority shall display in a conspicuous place within the official premises and on a website of such public authority: the contact details of the Information Commission, the members of the Information Commission, information officer, the designated officer and the fees to be charged for obtaining any information from such public Authority.</p>
<a href="#"><u>St Vincent and The Grenadines</u></a>	S.7 Not later than 12 months from the date of availability of forms approved by the Minister, every public authority shall publish particulars of its functions, indicate decision-making powers and other powers affecting members of the public that are involved in those functions, particulars of arrangement of consultation, statement of categories of documents, statement of the material prepared, inspection by public, statement of procedure.
<a href="#"><u>Trinidad and Tobago</u></a>	S.7: Publish in the Gazette and a daily T&T newspaper: particulars of and functions; decision-making and other powers affecting public; arrangements for consultation; categories of documents in its possession; procedure for requesting access; literature available by subscription; listing of all boards, committees, etc established to advise the public authority, whose meetings are open or whose minutes available for inspection; details of any library/reading room available for public use; statement of material prepared under this Part and places material can be inspected/ obtained – S.8(2). Updated every 12 months.
<a href="#"><u>Uganda</u></a>	S.7: Within 6 months of commencement of the section or setting up of a public body, Information Officer (IO) to compile a manual containing: its description, functions; contact details of its IO and deputy IOs; address for submitting information requests; all procedures to facilitate information request; description of subjects and categories of records held, details of notice on categories of records automatically available; details of services to be rendered to public and how to obtain these services; provisions for a person to participate/influence policy formulation or exercise of powers; details of available remedies in case it fails to act. Updated every two years.
<a href="#"><u>United Kingdom</u></a>	S.19: Public authorities to make their publications available through Publication Scheme formulated by the public authority and approved by the Information Commissioner. The Scheme must specify classes of info which the authority publishes or intends to publish, the manner of publication, if available for charge or free.

## 5. REQUEST

<a href="#">Antigua and Barbuda</a>	S.17 (1)-(5): In writing addressed to an official of a public authority or private body and in sufficient detail to facilitate the identification, with reasonable effort, of whether the body holds the information. Reasonable assistance to be given to applicants. Where the applicant is illiterate or disabled, an oral request may be made which the official can reduce into a written application.
<a href="#">Australia</a>	S.15 (3): In writing with reasonable information to identify document. Reasonable assistance to be given to applicant.
<a href="#">Bahamas</a>	S. 7: Applications shall be made in writing, and must provide information concerning the record requested, to enable the public authority to identify it.
<a href="#">Bangladesh</a>	S.8: Request in writing or through electronic means to the Designated Officer with reasonable assistance to be provided in the case of oral requests.
<a href="#">Belize</a>	S.12: In writing with reasonable information to identify document. Where practical, assistance to be given to applicant.
<a href="#">Bermuda</a>	S. 13: A request must be made in writing to the public authority. It must identify the record or, contain sufficient information to enable the public authority to identify the record.
<a href="#">Canada</a>	S.6: In writing and must provide sufficient detail to identify the record with reasonable effort.
<a href="#">Cayman Islands</a>	S.7: An application for access to a record has to be made to the public authority which holds the record in writing or transmitted by electronic means other than telephone and has to provide such information concerning the record as is reasonably necessary to enable the public authority to identify it.
<a href="#">Cook Islands</a>	S.11. Any qualified person may request a Ministry or Minister of the Crown or organisation to make available to him or her or it, any specified official information. The official information requested shall be specified with due particularity in the request.
<a href="#">Guyana</a>	S. 16: A person wishing to make a request shall make a request in the form set out in the Schedule, or on the website. The request shall identify the official document or provide sufficient detail to enable the public authority or Commissioner of Information to identify the document. Attached to the Act is the Schedule, which is essentially a request for information form to be filled in. S. 17: Commissioner should take reasonable steps to assist any person who makes a request.
<a href="#">India</a>	S.6: Request in writing or through electronic means to the Public Information Officer with reasonable assistance to be provided in the case of oral requests.
<a href="#">Jamaica</a>	S.7: Application in writing or transmitted by telephone or any other electronic means. The public authority shall assist the



	applicant with their request and acknowledge receipt for each application.
<a href="#">Kenya</a>	S.8: An application shall be made in writing in English or Kiswahili wherein the applicant shall provide details and sufficient particulars for the public officer or any other official to understand what information is being requested. In case an applicant is unable to make a written request due to illiteracy or disability, the information officer shall reduce it to writing in a prescribed form and then furnish the applicant with a copy of the written request. A public entity may prescribe a form keeping in mind that such form should not unreasonably delay requests or place an undue burden upon applicants. However no application can be rejected only on the ground that the applicant has not used the prescribed form.
<a href="#">The Maldives</a>	S. 6: Request for information must be made to the Information Officer of that office in writing and must provide details as reasonably necessary so the information can be identified. Must specify a return address, name and phone number of the person submitting the request and be accompanied by the fee payable. S. 6(b): If incapable of writing, requests may be made orally.
<a href="#">Malta</a>	Art 6: Manner in which requests for access shall be made. An applicant's request shall be delivered in writing, by post or electronically to an office of public officer; the applicant must/should provide such information concerning the document as is reasonably necessary to enable a responsible officer of the public authority to identify it; applicant should provide a copy of their Identity card accompanied with prescribed fee; no applicant shall be asked reasons for seeking such information
<a href="#">New Zealand</a>	S.12: Request (does not specify the form, whether written, oral or both) to be made to the Department, Minister or organisation. Must be specified with due particularity. Duty of every Dept, Minister and organisation to give reasonable assistance to a person to make a request and/or direct it to the appropriate authority.
<a href="#">Nigeria</a>	S. 3: An application for access to information can be made to an authorized official of a government or public institution regarding the information which is in the custody or possession of any public official, agency or institution. An authorized official of a government or public institution can reduce an oral application into writing in the prescribed form and provide a copy of the written application to the applicant. Illiterate or disabled may make applications through a third party.
<a href="#">Pakistan</a>	S.12: Application to the Designated Official in the form prescribed. Applicant must furnish necessary particulars and pay such fee and at such time as may be prescribed. Duty on public body to take necessary steps as may be prescribed to assist any requester.
<a href="#">South Africa</a>	S.18: Application in the prescribed form to the Information Officer (public bodies) and private bodies, with sufficient details to identify the info and the requester and stating the manner and language of access preferred. Illiterate/disabled persons can make the request orally to be converted into prescribed form by the Officer. There is also a duty to provide help to the requester – S.19.

<a href="#"><u>Sri Lanka</u></a>	S.24: Request to be made in writing to the appropriate information officer, citing– the details concerning the information requested as is reasonably necessary, the nature of the form and language in which the citizen prefers access and in cases wherein the citizen making the request believes that the information is necessary to safeguard the life or liberty of a person, a statement to that effect, including the basis for that belief. It is not required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him or her. If a citizen making a request under this subsection is unable due to any reason to make such request in writing, such citizen shall be entitled to make the request orally and it shall be the duty of the appropriate information officer to reduce such request to writing on behalf of the citizen.
<a href="#"><u>St Vincent and The Grenadines</u></a>	S.13: Request in writing to public authority, identifying the document or providing information reasonably necessary to enable an officer to identify the document, can request for all documents of particular description relating to particular subject matter. S.14: the public authority must take reasonable steps to assist a requester to make an application.
<a href="#"><u>Trinidad and Tobago</u></a>	S.13: Request shall identify the official document, or provide sufficient info to enable designated officer/employee of the public authority who is familiar with the document to identify it with reasonable effort. Reasonable assistance should be provided if necessary – S.14.
<a href="#"><u>Uganda</u></a>	S.11: Request to be made in writing in prescribed form with sufficient details to identify the records/information and the requester, address of the requester, the preferred form of access,. IO to assist illiterate/disabled persons to write down oral requests. General duty on IO to provide reasonable assistance.
<a href="#"><u>United Kingdom</u></a>	S.8: Request to be made in writing to a public authority stating the requester’s name, address for correspondence and description of the information requested. Text through electronic means considered to be in writing. Duty to provide reasonable assistance – S.16.

## 6. EXEMPTIONS

<p><a href="#">Antigua and Barbuda</a></p>	<p>S.26-33: 8 grounds for exemption  S.16: 4 additional grounds for refusal (eg. Document already open to public access where access is subject to a fee; document available for inspection, document which is stored for preservation or safe custody)  S.23: 4 additional grounds where request is vexatious, repetitive or unreasonable and where a request would unreasonably affect financial or other resources of a public authority or private body.  S.7: Certain bodies specifically exempted, eg. Commission of inquiry (including proceedings and findings); such public authorities or their functions as the Minister may determine by Order; a court or holder of a judicial office; or registry/office of a court and their staff re matters pertaining to administration of the court.</p>
<p><a href="#">Australia</a></p>	<p>Part IV: 18 categories of documents exempted. 3 additional grounds for exemption (request would substantially and unreasonably divert resources of the agency; would substantially and unreasonably interfere with the performance of the Minister's functions; and documents cannot be found or do not exist). Ministerial certificates can be issued to exempt certain information.</p>
<p><a href="#">Bahamas</a></p>	<p>S. 5 : Act will not apply to the judicial functions or a court, or holders or judicial office, or any other office connected with a court; statutory body or authority as Minister may specify by an order; private holdings of National Archives where contractual agreements do not allow for disclosure.  S. 7 : Security or intelligence services are exempt in relation to their strategic or operational intelligence gathering activities, 5 organisations listed.  Part 3, S15 – 24. 9 categories of records exempt from disclosure.  Additional ground for refusal: S. 9: Vexatious, repetitive or unreasonable requests.  S 54: The Act does not authorise the disclosure of records which are defamatory, or would constitute a breach of confidence or intellectual property rights.</p>
<p><a href="#">Bangladesh</a></p>	<p>S.7 (a) to (t) (20 exemptions): No public authority shall be bound to disclose information in these circumstances.  S.32 and Schedule: State Security agencies excluded from giving information except in relation to cases of corruption and human rights violation committed by their officers. Such information will be disclosed only with the approval of the Information Commission.</p>
<p><a href="#">Belize</a></p>	<p>Part IV: 12 categories of exemption. 1 additional grounds for exemption (request would interfere unreasonably with the operations of the Ministry or prescribed authority). Ministerial certificates can be issued to exempt certain information.</p>
<p><a href="#">Bermuda</a></p>	<p>S. 4(1) : Act does not apply to records relating the exercise of judicial or quasi judicial functions by any court, tribunal, or records obtained or create by any of the following public authorities in the course of carrying out their functions – 5 listed, includes Department of Public Prosecutions and the Human Rights Commission.  S. 4(2): Records does not include records relating to the general administration of the Court, tribunal or body, or the 5</p>

	<p>public authorities listed at S4. (1).  Part 4, S.22 – 38 : 16 exemptions listed.  S. 40: A record shall not exempt after the expiry of 30 years from the date when the record was created.</p>
<a href="#"><u>Canada</u></a>	S.13 to 27: 12 categories of exemption. 1 additional ground for refusal (info to be published within 90 days).
<a href="#"><u>Cayman Islands</u></a>	<p>S.15 : Records are exempt from disclosure if the disclosure would prejudice the security, defence or international relations of the Islands and those records contain information communicated in confidence to the Government by or on behalf of a foreign government or by an international organization.</p> <p>S.16:Records relating to law enforcement are exempt from disclosure if their disclosure would : (a) endanger any person's life or safety; (b) affect the conduct of an investigation/ prosecution/ trial/ adjudication of a particular case; (c) disclose, or enable a person to ascertain, the existence or identity of a confidential source of information, in relation to law enforcement; (d) reveal lawful methods or procedures for preventing, detecting, investigating or dealing with matters arising out of breaches or evasions of the law; (e) facilitate the escape of a person from lawful detention; or (f) jeopardize the security of prison.</p> <p>S.17: An official record is exempt from disclosure if- (a) it would be privileged from production in legal proceedings on the ground of legal professional privilege; or (b) the disclosure thereof would constitute an actionable breach of confidence; be in contempt of court; or infringe the privileges of Parliament.</p> <p>S.18: (1) An official record is exempt from disclosure if it will have a substantial adverse effect on the Caymanian economy, or the Government's ability to manage the economy.</p> <p>S.19: A record is exempt from disclosure if it contains- (a) opinions, advice or recommendations prepared for; (b) a record of consultations or deliberations arising in the course of, proceedings of the Cabinet or of a committee thereof.</p> <p>S.20 : (1) A record is exempt from disclosure if- (a) its disclosure would, or would be likely to, prejudice the maintenance of the convention of collective responsibility of Ministers; (b) its disclosure would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation; (c) it is legal advice given by or on behalf of the Attorney-General; or (d) its disclosure would otherwise prejudice, or would be likely to prejudice, the effective conduct of public affairs.</p> <p>S.21: A record is exempt from disclosure if- (a) its disclosure would reveal- (i) trade secrets; (ii) any other information of a commercial value, which value would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; (b) it contains information concerning the commercial interests of any person or organization (including a public authority) and the disclosure of that information would prejudice those interests.</p> <p>S.22 : A record is exempt from disclosure if its disclosure would result in the destruction of, damage to, or interference with, the conservation of- (a) any historical, archaeological or anthropological resources; (b) anything which is eligible for placement on the Heritage Register under section 21 of the National Trust Law (1997 Revision) or any other law relating to the preservation of the heritage of the Islands; (c) any species of plant or animal life so designated or which is endangered, threatened or otherwise vulnerable; (d) any other rare or endangered living resource.</p> <p>S.23 : A public authority shall not grant access to a record if it would involve the unreasonable disclosure of personal information of any person, whether living or dead. Records relating to personal information shall be exempt without limitation as to time.</p>

	<p>24. A record is exempt from disclosure if its disclosure would endanger the physical or mental health of any individual; or endanger the safety of any individual.</p> <p>S. 25: The Governor in Cabinet or the Minister responsible, as the case may require, may issue a certificate to the effect that the record is an exempt record and shall specify the basis of the exemption.</p>
<a href="#">Cook Islands</a>	<p>S.6 : Conclusive reasons for withholding information exists if it would – (a) prejudice the security of defence of the Cook Islands or the international relations of the Government; or (b) prejudice the entrusting of information on a basis of confidence by –(i) the government of any other country or an agency of such a government; or (ii) any international organisation; or (c) prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or (d) endanger the safety of any person; or (e) damage the economy of the Cook Islands by disclosing prematurely decisions to change or continue Government economic or financial policies.</p> <p>S.7: Special reasons for withholding official information related to New Zealand if the making available of the information would be likely to prejudice –(a) the security or defence of New Zealand; (b) relations between the Governments of the Cook Islands and New Zealand; and (c) the international relations of the Government of New Zealand.</p> <p>S.8: Withholding of the information is necessary to – (a) protect the privacy of natural persons, including that of deceased natural persons; or (b) protect information where the making available of the information would disclose a trade secret; or would be likely unreasonable to prejudice the commercial position of the person who supplied or who is the subject of the information; or (c) protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of an Act, where the making available of the information – (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or (ii) would be likely otherwise to damage the public interest; or (d) avoid prejudice to measures protecting the health and safety of members of the public; or (e) avoid prejudice to the substantial economic interests of the Cook Islands; or (f) avoid prejudice to measures that prevent or mitigate material loss to members of the public; or (g) maintain the constitutional conventions for the time being which protect –(i) the confidentiality of communications by or with the Sovereign or Her representative; (ii) collective and individual ministerial responsibility;(iii) the political neutrality of officials;(iv) the confidentiality of advice tendered by Ministers of the Crown and officials; or (h) maintain the effective conduct of public affairs through –(i) the free and frank expression of opinion by or between or to Ministers of the Crown or member or an organisation or officers and employees of any Ministry or organisation in the course of their duty; or (ii) the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment; or (i) maintain legal professional privilege; or (j) enable a Minister of the Crown or any Ministry or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities; or (k) enable a Minister of the Crown or any Ministry or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or (l) prevent the disclosure or use of official information for improper gain or improper advantage.</p> <p>S.10. Exclusion of public interest immunity in respect of – (a) any investigation by or proceedings before the Ombudsman; or (b) any application for the prerogative writs of certiorari, mandamus or injunction sought in respect of any decision under this Act, but not so as to give any party any information that he or she would not, apart from this section, be entitled to.</p>
<a href="#">Guyana</a>	<p>S. 4(1): Act does not apply to the President (functions of the Office of President shall not be exempt); Commission of</p>

	<p>Inquiry issued by the president, or information obtained in the course of an investigation conducted by the Auditor General; a public authority or function of a public authority as the President may, by order subject to a negative resolution of the National Assembly determine.</p> <p>S. 4(2): Act does not apply in relation to a courts judicial functions, a registry or other office or court administration and the staff of such an organization in their capacity as members of staff in relation to those matters which relate to court administration; disciplined forces in relation to their strategic or operational activities.</p> <p>Part V S. 27 – 37 lists 10 documents which are exempt from disclosure on various grounds. Includes cabinet documents; documents containing information likely to prejudice defense of the state; international relations documents; internal working documents; law enforcement documents' documents affecting legal proceedings or subject to legal professional privilege; documents affecting personal privacy; documents relating to trade secrets; documents containing material obtained in confidence; documents affecting the economy, commercial affairs and concerning operations of a public authority; documents to which secrecy provisions apply.</p>
<a href="#">India</a>	<p>S.8 and 9: 10 exemptions + 1 additional ground for refusal (infringes copyright).</p> <p>S.24 and Schedule 2: Certain specified intelligence and security agencies, except where the Information Commissioner holds that the requested information pertains to allegations of corruption or human rights violations.</p>
<a href="#">Jamaica</a>	<p>Part III: 9 categories of exemption. Ministerial certificates can be issued to exempt certain information.</p>
<a href="#">Kenya</a>	<p>S.6 : The right of access to information shall be limited in respect of information whose disclosure is likely to—(a) undermine the national security of Kenya; (b) impede the due process of law; (c) endanger the safety, health or life of any person; (d) involve the unwarranted invasion of the privacy of an individual; (e) substantially prejudice the commercial interests, including intellectual property rights; (f) cause substantial harm to the ability of the Government to manage the economy of Kenya; (g) significantly undermine a public or private entity's ability to give adequate and judicious consideration to a matter concerning which no final decision has been taken and which remains the subject of active consideration; (h) damage a public entity's position in any actual or contemplated legal proceedings; or (i) infringe professional. Clauses (d) and (e) shall not apply if a request for information relates to the results of any product or environmental testing, and the information concerned reveals a serious public safety or environmental risk. A public entity is not obliged to supply information to a requester if that information is reasonably accessible by other means. Information is presumed not to be exempt if the information has been held for a period exceeding thirty years.</p>
<a href="#">The Maldives</a>	<p>S. 22 – 32: 10 categories exempt from disclosure.</p> <p>All subject to S. 33: of a time limit of ten years.</p>
<a href="#">Malta</a>	<p>Art 29 to 33: 5 categories of exemptions- Documents affecting national security, defence or international relations, and Cabinet documents; documents affecting the enforcement of the law and the protection of public safety; documents subject to legal professional privilege or containing material obtained in confidence; documents relating to business affairs, economy and research; documents the disclosure of which would amount to contempt of Parliament or of Court.</p> <p>Art 5: Additionally the Act shall not apply to the documents as mentioned in Art 5 (1) to (3) i.e. information held by local</p>

	councils, documents transferred to national Archives, info accessible under any other law, info held by commercial partnership in which government has the controlling interest, personal data subject to data protection Act, information held by the Office of the Attorney General; the Electoral Commission; the Employment Commission; the Public Service Commission; the National Audit Office; the Security Service; the Broadcasting Authority.
<a href="#">New Zealand</a>	Part I: 5 categories of exemptions + 1 exemption for information related to New Zealand's self-governing territories and dependencies. 12 additional categories of exemption which are subject to a public interest override. 7 additional grounds for refusal (eg. Request is frivolous or vexatious, info will soon be publicly available, request requires substantial collation or research, constitutes contempt of court)
<a href="#">Nigeria</a>	S. 11/12/14/15/16/17/19/26: Access for information can be denied if: (i) Disclosure is injurious to the conduct of International Affairs and the defence of Federal Republic of Nigeria, (ii) Records compiled for administrative enforcement proceedings and for law enforcement purposes, (iii) Disclosure injurious to the Security and Penal Institutions, (iv) Disclosure of the information would facilitate the commission of an offence, (v) Information containing personal information like information maintained with respect to Employees, applicant, tax payer etc, (vi) Information containing trade secrets, commercial/financial information, academic data & research materials, identification of library users with specific materials, architects'/engineers' plans for buildings constructed partly with public funds to the extent that disclosure would compromise security, (vii) Information subject to professional privilege confidentiality like legal practitioner- Client Privilege etc. The Act does not apply to materials available for purchase by public, library/museum materials for exhibition, materials placed in National Library, National Museum or Non-public section of the National Archive of the Federal Republic of Nigeria on behalf of any person or organization other than a government / public institution.
<a href="#">Pakistan</a>	S.8/15/16/17/18: 4 categories of exemption + 9 exemptions related to the type of record. 5 additional grounds for refusal (eg. Application not in prescribed form; applicant has not furnished necessary particulars or paid prescribed fees; applicant is not entitled to receive such info; required info does not constitute a public record (NB: definition of public records is defined very specifically (ie. Naming types of records)); info already published in Official Gazette).
<a href="#">South Africa</a>	Chapter 4: 11 categories of exemption re records of public bodies. 2 additional grounds of refusal (eg. Request is manifestly frivolous or vexatious; work involved in processing the request would substantially and unreasonably divert the resources of the body). 7 categories of exemption re records of private bodies.
<a href="#">Sri Lanka</a>	S.5 : An Information Officer is required to refuse access to information on the following grounds : (i) Personal information including medical records, and the disclosure has no relationship to any public activity or interest or if disclosure will cause unwarranted invasion of the privacy of an individual (this exemption may be overridden in larger public interest or if confidentiality is waived by the person concerned); (ii) disclosure would undermine the defence of the State or its territorial integrity or national security or seriously prejudice Sri Lanka's international relations or its agreements with other countries or its obligations under international law or if information was given by it or obtained by it in confidence;

	<p><i>iii)</i> disclosure would seriously prejudice Sri Lanka's economy in relation to premature disclosure of decisions to change or continue the government's economic or financial policies relating to exchange rates, taxation, regulation of banking or credit or stabilising or controlling or regulating prices, rents, wages, salaries etc., and entering into overseas trade agreements;</p> <p><i>iv)</i> disclosure would reveal information of commercial confidence, trade secrets or intellectual property recognized by the 2003 law and such disclosure would harm the competitive position of a third party (this exemption may be waived by the public authority in the larger public interest);</p> <p><i>v)</i> it will disclose professional communication prohibited from disclosure under any law, including communication between the Attorney General or his/her assisting officers and any other public authority in the performance of his/her duties;</p> <p><i>vi)</i> it is information that needs to be kept confidential because of a fiduciary relationship;</p> <p><i>vii)</i> disclosure will cause grave prejudice to crime detection or prevention or the arrest of offenders or expose confidential sources of information used by law enforcement agencies;</p> <p><i>viii)</i> disclosure would constitute contempt of court or infringe privileges of Parliament or of a Provincial Council or if disclosure would be prejudicial to the authority and impartiality of the judiciary;</p> <p><i>ix)</i> disclosure would harm the integrity of an examination process;</p> <p><i>x)</i> it is information relating to a Cabinet Memorandum about which decision has not yet been taken; or</p> <p><i>xi)</i> it is election-related information that is required to be kept confidential under any election law.</p> <p>All exemptions will apply ceaselessly except those relating to the government's financial and economic policies. Exempted information relating to such policies may be disclosed after 10 years. Information relating to inconclusive trade negotiations will not be disclosed even after 10 years.</p>
<p><a href="#"><u>St Vincent and The Grenadines</u></a></p>	<p>Part IV S.25 – 34: Documents of ten kinds are exemptions plus additional ground for refusal in S.22: can refuse to give access where processing the request would substantially and unreasonably interfere with the normal operations of the public authority (must take reasonable steps to assist applicant to reformulate application first though). S.36 Minister in consultation with the Public authority in good faith may declare documents which is not within the ambit of S.25-35, to be an exempt document on grounds of national interest.</p>
<p><a href="#"><u>Trinidad and Tobago</u></a></p>	<p>Part IV: 11 categories of exemption. 2 additional ground for refusal (access previously requested and denied; processing the request would substantially and unreasonably divert the resources of the public authority).</p>
<p><a href="#"><u>Uganda</u></a></p>	<p>Part III: 9 categories of exemption. 1 addition exemption for health records where disclosure would constitute an invasion of privacy – S.21. 4 additional grounds for refusal (if access would result in unreasonable interference with effective administration; be detrimental to the preservation of record; or amount to infringement of copyright – S.20(3).</p>
<p><a href="#"><u>United Kingdom</u></a></p>	<p>Part II: 21 categories of exemption. 5 additional grounds for refusal (info accessible by other means; info intended for future publication) Ministerial certificates can be issued to exempt certain information; vexatious requests; repeated requests; costs of complying with request would exceed fee recovery limits).</p>



## 7. PUBLIC INTEREST DISCLOSURE

<a href="#"><u>Antigua and Barbuda</u></a>	S.24: Public authority may not refuse to indicate whether or not it holds a record, or refuse to communicate information, unless the harm that would result from the refusal outweighs the public interest in the disclosure of that information.
<a href="#"><u>Australia</u></a>	Part IV: 5 categories of exemption are subject to a public interest override (exemptions re: relations with states; financial interests of the Commonwealth; internal working documents; financial documents; documents related to operations of agencies).
<a href="#"><u>Bahamas</u></a>	S. 26: Notwithstanding the exemptions mentioned at S.18 – 24, access will be granted if it lies in the public interest to do so. Public interest is to be defined in regulations made under the Act.
<a href="#"><u>Bangladesh</u></a>	No provision.
<a href="#"><u>Belize</u></a>	S.34: No specific public interest override. But general duty on officials to act in good faith to provide maximum access to documents consistent with public interest.
<a href="#"><u>Bermuda</u></a>	S. 21: Test is whether the public interest would, on balance, be better served by disclosure than by non-disclosure.
<a href="#"><u>Canada</u></a>	S.20 (6): Public interest override applies only in relation to third party information related to financial, commercial, scientific or technical matters. In these cases, disclosure is permitted if in the public interest as it relates to public health, public safety or protection of the environment and, if the public interest in disclosure clearly outweighs in importance any financial loss or gain to, prejudice to the competitive position of or interference with contractual or other negotiations of a third party.
<a href="#"><u>Cayman Islands</u></a>	S.26: A request for access to Information will be granted if it is in public interest subject to the grounds of exemptions.
<a href="#"><u>Cook Islands</u></a>	S.8: Withholding of certain information is outweighed by other consideration which render it desirable, in the public interest, to make that information available.
<a href="#"><u>Guyana</u></a>	S. 38 Where there is reasonable evidence that: significant abuse of authority or neglect in performance of official duty; injustice to a person ; danger to health or safety of a person or the public ; or unauthorised use of public funds is likely to have occurred, access to the document is justified in the public interest.
<a href="#"><u>India</u></a>	S.8(2): But notwithstanding anything in the Official Secrets Act or exemptions, information may still be disclosed if the public interest in disclosure outweighs the harm to protected interests.
<a href="#"><u>Jamaica</u></a>	2 exemptions are subject to public interest override (advice prepared for and records of deliberations of Cabinet and its committees – S.19; Jamaican national heritage documents – S.21).

<a href="#">Kenya</a>	S.6: Public interest will override the exemptions for disclosure of information. A public entity or private body may be required to disclose information where the public interest in disclosure outweighs the harm to protected interests, as shall be determined by a Court (not the Commission on Administrative Justice which is the 1 <sup>st</sup> autonomous body to settle disputes). Referring particularly on the need to: (a) promote accountability of public entities to the public; (b) ensure that the expenditure of public funds is subject to effective oversight; (c) promote informed debate on issues of public interest; (d) keep the public adequately informed about the existence of any danger to public health or safety or to the environment; and (e) ensure that any statutory authority with regulatory responsibilities is adequately discharging its functions.
<a href="#">The Maldives</a>	S. 20: notwithstanding any exemptions, a state office shall disclose information requested where larger public interest warrants the disclosure of such information rather than denial of access, and where the interest protected by non-disclosure is outweighed by the interests of the larger public upon disclosure.
<a href="#">Malta</a>	No clear provision requiring disclosure of exempt information in public interest. Emphasis is more on non-disclosure to protect public interest. Eg. Art 35(2): A document may be withheld in accordance with the provisions of this Part only if it contains matter in relation to which the public interest that is served by non-disclosure outweighs the public interest in disclosure.
<a href="#">New Zealand</a>	Part I: 12 exemptions are subject to a public interest override.
<a href="#">Nigeria</a>	S.11 (2): An application for information shall not be denied where the public interest in disclosing the information outweighs whatever injury that disclosure would cause pertaining to International Affairs and the defence of Federal Republic of Nigeria. S.12 (2): An application for information shall not be denied where the public interest in disclosing the information outweighs whatever injury that disclosure would cause pertaining to Records compiled for administrative enforcement proceedings and for law enforcement purposes. S. 14 (3) : If the public interest in the disclosure of personal information clearly outweighs the protection of the privacy of the individual to whom such information relates, the public institution to whom request for disclosure is made shall disclose such information subject to Section 14 (2) of this Act. S.15 (4) : If disclosure would be in the public interest as it relates to public health, public safety or protection of the environment and, if the 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. S.19 (2): An application for information shall not be denied where the public interest in disclosing the information outweighs whatever injury that disclosure would cause pertaining to academic data & research materials, identification of library users with specific materials, architects'/engineers' plans for buildings constructed partly with public funds to the extent that disclosure would compromise security.
<a href="#">Pakistan</a>	No public interest override.

	Reverse public interest test included, such that the Government can broadly refuse to disclose any other record from the purview of this Ordinance in the public interest - S.8 (i).
<a href="#"><u>South Africa</u></a>	S.46: Both public and private bodies must disclose information when it reveals evidence of substantial contravention of law or imminent and serious public safety or environment risk AND the public interest in disclosure outweighs the public interest in refusing.
<a href="#"><u>Sri Lanka</u></a>	S. 5: All exemptions, excluding the exemption relating to inconclusive international trade negotiations, are subject to a public interest override. A request for information shall not be refused where the public interest in disclosing the information outweighs the harm that would result from its disclosure.
<a href="#"><u>St Vincent and The Grenadines</u></a>	S.35: A public authority shall give access to an exempt document where there is reasonable evidence that significant abuse of authority or neglect in the performance of official duty, injustice to individual, danger to the health or safety of an individual or of the public or unauthorised use of public funds has likely to have occurred or in the circumstances where giving access to the document is justified in the public interest with regard to both to any benefit and to any damage that may arise in doing so.
<a href="#"><u>Trinidad and Tobago</u></a>	S.35: Access to exempt documents will still be provided where there is reasonable evidence that: significant abuse of authority or neglect in the performance of official duty; injustice to an individual; danger to the health or safety of an individual or of the public; or unauthorised use of public funds, has or is likely to have occurred AND giving access to the document is justified in the public interest having regard both to any benefit and to any damage that may arise from doing so .
<a href="#"><u>Uganda</u></a>	S.34: Access to exempt documents provided where: (a) disclosure reveals evidence of substantial contravention or failure to comply with law or serious public safety, public health or environmental risk; and (b) public interest in disclosure is greater than contemplated harm.
<a href="#"><u>United Kingdom</u></a>	S.2: 15 exemptions are qualified by a public interest override whereby access will only be refused where the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## 8. PARTIAL DISCLOSURE/SEVERABILITY

<a href="#">Antigua and Barbuda</a>	S.25: Partial disclosure allowed where exempt information may reasonably be severed from the rest of the information.
<a href="#">Australia</a>	S.22: Severance allowed, where reasonably practicable.
<a href="#">Bahamas</a>	S. 12: Exempt matters may be deleted from records. Must inform the applicant which statutory provision allows for exemption of the matter.
<a href="#">Bangladesh</a>	S9(9): Severance is allowed, where reasonably possible.
<a href="#">Belize</a>	S.19: Severance allowed, where practicable.
<a href="#">Bermuda</a>	S. 18: Partial disclosure is allowed. Notice given that the copy does not purport to be a copy of the complete record requested.
<a href="#">Canada</a>	S.25: Severance is allowed, where reasonably possible.
<a href="#">Cayman Islands</a>	S.12(1) : An application made to a public authority for access to a record which contains exempt matter, the authority shall grant access to a copy of the record with the exempt matter deleted therefrom.
<a href="#">Cook Islands</a>	No provisions.
<a href="#">Guyana</a>	S. 19: Deletion of exempt matter is allowed. Commissioner of Information shall inform the applicant that it is such a copy, and of the statutory provision by virtue of which such deleted matter is exempted matter.
<a href="#">India</a>	S.10 (1): Information to be given if reasonably severable.
<a href="#">Jamaica</a>	S.11: Access will be granted with exempt matter deleted.
<a href="#">Kenya</a>	No provisions.
<a href="#">The Maldives</a>	S. 21: Having removed the exempt information, the remaining information is to be disclosed.
<a href="#">Malta</a>	Art 13: Deletion of exempt matter or irrelevant material is allowed.
<a href="#">New Zealand</a>	S.17: Provide a copy of the document with such deletions or alterations as are necessary.
<a href="#">Nigeria</a>	S. 18: Public institution shall disclose any part of the information that does not contain exempted information.

<a href="#"><u>Pakistan</u></a>	No provisions.
<a href="#"><u>South Africa</u></a>	S.28: Severance is allowed, where exempt information can be reasonably severed.
<a href="#"><u>Sri Lanka</u></a>	S.6: Access should be given to a part of any record/document which contains any information that is not exempted from being disclosed and which can reasonably be severed from any part that contains information exempted from being disclosed.
<a href="#"><u>St Vincent and The Grenadines</u></a>	S.18: Severance is allowed where it is practicable for the public authority to grant access to the severed document.
<a href="#"><u>Trinidad and Tobago</u></a>	S.16 (2): Severance allowed, where practicable and it appears the applicant would wish to have access to such a copy.
<a href="#"><u>Uganda</u></a>	S.19: Severance allowed where possible.
<a href="#"><u>United Kingdom</u></a>	No provisions.

## 9. FEES AND WAIVER

<a href="#">Antigua and Barbuda</a>	S.20: Providing information may be conditional upon payment of a reasonable fee, which shall not exceed the actual cost of searching for, preparing and communicating information. But there is no fee for requests for personal information or in the public interest and Regulations may be made providing for a fee waiver. No fee will be charged where the cost of collecting a fee would exceed the amount of the fee.
<a href="#">Australia</a>	S.29: Fees can be charged for a request for access to a document or the provision of access to a document. Fees can be reduced or waived where imposition of fees would cause financial hardship or where it is in the public interest to do so.
<a href="#">Bahamas</a>	S. 13: Minister may make regulations providing fees for reproducing, preparing and communicating the information. No fee shall be charged in respect for a request for information.
<a href="#">Bangladesh</a>	S.8(4): The person making the request shall pay reasonable fee as may be prescribed by the Designated Officer. Waiver prescribed in S.8 (5) The government may, in consultation with the Information Commission, fix the fees for having any information by notification in the official gazette, and, if necessary, may fix the price of information, or as the case may be, may exempt an individual or a class of individuals or any other class from paying such price.
<a href="#">Belize</a>	S.15 (1): Allows for imposition of fee which must be paid before access is granted. No provision for fee waiver.
<a href="#">Bermuda</a>	S. 20: Amount payable shall be calculated by the public authority concerned in accordance with regulations made under S. 59. S. 59(1)(a): Minister may make regulations prescribing fees payable for access to records, circumstances in which no fee is payable, and the maximum fee that may be charged. S. 19: no fee is payable for a request to amend a record of personal information.
<a href="#">Canada</a>	S.11: Applicant may have to pay application fee at the time of request not exceeding \$25, plus an additional amount for processing, production and time invested, as per regulations. Amount can be reduced or waived.
<a href="#">Cayman Islands</a>	S. 13: The communication of information may be made conditional upon the payment by the person making the request of a reasonable fee which shall not exceed the actual cost of searching for, reproducing, preparing and communicating the information.
<a href="#">Cook Islands</a>	S.14: Every Ministry or Minister of the Crown or organisation may charge for the supply of official information under this Act. Any charge fixed shall be reasonable and regard may be had to the cost of the labour and materials involved in making the information available to, and to any costs incurred pursuant to, a request of the applicant to make the information available urgently. The Ministry or Minister of the Crown or organisation may require that the whole or part of any charge be paid in advance.

<a href="#">Guyana</a>	<p>S. 21: No fee charged for making of a request. Where official document is given in printed copies, or in some other form, the applicant shall pay the prescribed fee. Fees payable shall be made in accordance with regulations under S46.</p> <p>S. 21(4): information is provided free if it is not provided in the specified time limit, unless there is extenuating circumstances.</p> <p>S. 21(5): Commissioner of Information has the authority to waive the fees.</p> <p>S.46(3): Where fees have not been prescribed for access to a document, fees chargeable shall be on a recovery basis.</p>
<a href="#">India</a>	<p>S.7 (5): Must be reasonable &amp; will not be imposed where the applicant is below the poverty line. Amount to be prescribed.</p> <p>S.7 (6): Information is provided free if the public authority fails to comply with time limits.</p>
<a href="#">Jamaica</a>	<p>S.12: No mention of application fee. Applicant shall assume the costs of reproducing the documents. Responsible Minister may waive, reduce or remit the cost if justifiable.</p>
<a href="#">Kenya</a>	<p>S.12: No fee is required while submitting an application for request to information. A public entity or private body may charge a prescribed fee for the provision of the information and the fee shall not exceed the actual costs of making copies of such information and if applicable, supplying them to the applicant. The Cabinet Secretary shall make regulations prescribing the fees payable for expenses incurred in providing information to an applicant.</p>
<a href="#">The Maldives</a>	<p>S. 19: Circumstances in which fees shall be charged will be determined in a regulation made in accordance with this Act.</p> <p>S. 19(e): If information is not provided within the time limit, information is to be provided free of charge.</p>
<a href="#">Malta</a>	<p>Art. 6 (1) (e) : An applicant's request to a public authority in terms of article 3 must be accompanied by a fee that will be prescribed in the regulations.</p> <p>Art. 9 (5): A public authority may waive any fees payable in respect of a particular application if, in the opinion of the authority- the fee payable is so small and it's not worth collecting; fee that would cause financial hardship to the applicant; disclosure is in public interest; where a public authority fails to meet the time limit.</p>
<a href="#">New Zealand</a>	<p>S.15 (2): No mention of application fee. Provides for a reasonable charge to be fixed with regard to the cost of labour and materials involved in making the information available.</p>
<a href="#">Nigeria</a>	<p>S. 8: Fees shall be limited to standard charges for document duplication and transcription where necessary.</p>
<a href="#">Pakistan</a>	<p>S.12: To be prescribed by the Government. Copy of regulations not yet accessible by CHRI.</p>
<a href="#">South Africa</a>	<p>S.22: Application fee as prescribed. Additional fees for reproduction and for search and preparation. Fees can be waived by notice in Gazette by the Minister.</p>

<a href="#"><u>Sri Lanka</u></a>	<p>S.14 : The Information Commission issues guidelines for determining fees to be levied by public authorities ; prescribes the circumstances in which information may be provided by an information officer, without the payment of a fee and prescribes the fee Schedule based on the principle of proactive disclosure.</p> <p>S.15 (g) The Commission has the power to direct a public authority or any relevant information officer to reimburse fees charged from a citizen due to any information requested for not been provided in time.</p>
<a href="#"><u>St Vincent and The Grenadines</u></a>	<p>S.19: Minister may regulate fees for applications; access to the information; manner in which fees are payable, calculated and a maximum amount; any exemptions for any person or category of persons and where the information requested is in public interest.</p>
<a href="#"><u>Trinidad and Tobago</u></a>	<p>S.17: No fee to be charged for making a request for access. Where access is granted, the applicant shall pay the “prescribed fee”. Fees shall be commensurate with the cost incurred in making documents available. Where the authority fails to comply with time limits, access is provided free. Where fees are paid but access is still not granted within 7 days, fees will be refunded.</p>
<a href="#"><u>Uganda</u></a>	<p>S.47: Fee can be charged in accordance with regulations framed by the Minister. Regulations may include provisions for fee waiver or reduction. Prescribed fee shall be the fee for actual cost of retrieval and reproduction of information.</p>
<a href="#"><u>United Kingdom</u></a>	<p>S.9: Fee can be charged in accordance with regulations framed by Secretary of State. Regulations may include provisions for fee waiver, set a maximum limit, and advise re manner of calculation. Requests will not be processed until required fees are paid.</p>



## 10. TIME FOR COMPLIANCE

<a href="#"><u>Antigua and Barbuda</u></a>	S.18: From the day of receipt of request, must respond within 20 working days if request approved and fees paid. Can extend compliance period by no more than 40 working days, where request is for large number of records and compliance within 20 working days would unreasonably interfere with the operations of the body.
<a href="#"><u>Australia</u></a>	S.15 (5): From the day of request: - must acknowledge receipt of request within 14 days; - must notify decision within 30 days.
<a href="#"><u>Bahamas</u></a>	S. 7(4): As soon as practicable, not later than 30 calendar days after receipt or application ; if information is to be transferred, 30 calendar days after receipt by subsequent authority. If the authority defers access, or extends the 30 day time limit, it shall state the reasons therefore. S. 8: Transfers of applications shall be made not later than 14 calendar days after receipt of application.
<a href="#"><u>Bangladesh</u></a>	S 9(1): Ordinarily information is provided within 20 working days. S 9(2): Time limit may be extended to 30 days if more than one unit or authority is involved. S9 (3): Reasons for refusal must be communicated within 10 days. S9 (6): Applicant must be informed about additional fee within 5 days. S 9 (8): If the information sought involves third party, the Designated Officer must give notice to the third party within five days.
<a href="#"><u>Belize</u></a>	S.16: No later than 14 days from the date of receipt of the request.
<a href="#"><u>Bermuda</u></a>	S. 14: A public authority shall decide no later than 28 days of receipt, or deemed receipt, whether to grant or refuse request. S. 15: Public authority may extend time by a time period not exceeding 28 days if compliance within the original time limit is not practicable if there is insufficient time to consider third party representations, or where the original 28 day limit would substantially interfere with the day to day operations of the authority.
<a href="#"><u>Canada</u></a>	S.7: Written notice of decision to be given within 30 days of receipt of request; and if access is to be given, give the person who made the request access to the record or part thereof.
<a href="#"><u>Cayman Islands</u></a>	S.7(4): A public authority shall respond to an application as soon as practicable but not later than 30 calendar days after the date of receipt of the application; or in the case of an application transferred to it by another authority pursuant to section 8, 30 calendar days after the date of the receipt by that authority. An authority may, for good cause, extend the period of 30 calendar days for a further period, not exceeding one period of 30 calendar days. S.8 : A transfer of an application has to be made as soon as practicable but not later than 14 calendar days after the

	date of receipt of the application.
<a href="#">Cook Islands</a>	<p>S.14: The Ministry or Minister of the Crown or organisation to whom a request is made or is transferred in accordance with this Act shall make a decision as soon as reasonably practicable, and in any case not later than 20 working days after the day on which the request is received.</p> <p>S.15: Extension of time limit if the request is for a large quantity of official information or necessities a search through a large quantity of information and meeting the original time limit would unreasonably interfere with the operations of the Ministry or the Minister of the Crown or the organisation; or consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit. Any extension shall be for a reasonable period of time by giving or posting notice of the extension to the person who made the request within 20 working days after the day on which the request is received. The notice effecting the extension shall specify the period of the extension; and give the reasons for the extension; and state that the person who made the request for the official information has the right under section 30(3) of this Act, to make a complaint to an Ombudsman about the extension; and contain such other information as is necessary.</p>
<a href="#">Guyana</a>	<p>S.18 : On receipt of a request, Commissioner of Information shall acknowledge receipt of request within 30 days, and advise if the request is approved or denied within 60 days from date request is received.</p> <p>Commissioner has discretion to extend the period of 60 days, and must inform the applicant if they intend to do so.</p> <p>S. 40(2): Where information involves a third party, the third party on receipt of such notice, has the opportunity to make representation to the Commissioner of Information within a 21 day period.</p>
<a href="#">India</a>	S.7: 30 working days for granting or refusing information. S.11 (3): 40 days where confidential third party information has been requested.
<a href="#">Jamaica</a>	S.7 (4): Response to be provided as soon as practicable as but not later than 30 days from the receipt of the request.
<a href="#">Kenya</a>	<p>S.9: A public officer shall make a decision on an application as soon as possible, but in any event, within 21 days of receipt of the application. The information officer may further extend the period for response on a single occasion for a period of not more than 14 days if – (a) the request is for a large amount of information or requires a search through a large amount of information and meeting the stipulated time would unreasonably interfere with the activities of the information holder; or (b) consultations are necessary so as to comply with the request and the consultations cannot be reasonably completed within the stipulated time. As soon as the information access officer has made a decision as to whether to provide access to information, he or she shall immediately communicate the decision to the requester</p> <p>S.11: An information access officer shall send to the applicant a written response within 15 working days of receipt of the application informing about the decision to provide the information. Upon receipt of the fee payable, an information access officer shall provide the information to the applicant or permit the relevant inspection immediately but in any event not later than 2 working days from the date of receipt of the payment.</p>
<a href="#">The Maldives</a>	<p>S. 7: Period in which to reply shall not exceed 21 days.</p> <p>S. 7(b): If information concerns life or liberty, to be decided within 48 hours of receipt of the request.</p> <p>S. 7 (c): If information requires an excessive amount of time, discretion to extend the 21 day period by a further 14 days.</p>

<a href="#">Malta</a>	Art 10: Within 20 working days the authority shall (a) decide whether the request is to be granted , if granted, in what manner and what charge (if any); and (b) inform the applicant accordingly in writing. Time limit may be extended to a maximum of 40 days if the information requested is voluminous or extensive consultation is required to make a decision regards providing access.
<a href="#">New Zealand</a>	S.15: Decision to be made and notice of decision to be provided to the applicant as soon as reasonably practicable, and in any case not later than 20 working days after receipt of the request.
<a href="#">Nigeria</a>	S. 4: A Public institution, upon receiving an application for access to information, shall make the information available to the Applicant within 7 days. S. 6: The time limit can be further extended for a time not extending 7 days if: i) the application is for a large number of records; or ii) consultations are necessary to comply with the application; by giving due notice to the Applicant which shall also contain a statement that the applicant has a right to have such a decision reviewed by the Court.
<a href="#">Pakistan</a>	S.13: Required information or, as the case may be, a copy of any public record must be provided with 21 days of receipt of the request.
<a href="#">South Africa</a>	S.25: Decision to be made and notified within 30 days of receipt of request.
<a href="#">Sri Lanka</a>	S. 25: The information officer will decide whether to provide or reject the information requested within 14 days. Where a decision is made to provide the information requested for, access to such information shall be granted within 14 days. The period of 14 days may be extended for a further period of not more than 21 days where- (a) the request is for a large number of records and providing the information within 14 days would unreasonably interfere with the activities of the public authority concerned; or (b) the request requires a search for records in, or collection of records from, an office of the public authority not situated in the same city, town or location as the office of the information officer that cannot reasonably be completed within the 14 days. In case the period for providing information is to be extended for any of the above circumstances, the information officer, within 14 days, shall notify the citizen concerned of such fact giving the period of the extension and the reasons for the extension.
<a href="#">St Vincent and The Grenadines</a>	S.16: Decision to be notified as soon as practicable but in no case later than 30 days from the date on which the request is made. S.21: Possibility to defer access until a certain event or the expiration of a specified time where it is reasonable to do so in public interest or having regard to normal and proper administrative practice.
<a href="#">Trinidad and Tobago</a>	S.15: Public authority shall take reasonable steps to enable an applicant to be notified of approval or refusal of his/her request as soon as practicable but not later than 30 days after the day on which the request is made.
<a href="#">Uganda</a>	S.16/17: Information Officer/IO shall provide information as soon as reasonably possible and no later than 21 days from

	date of receipt of request. Original period can be extended for a maximum additional 21 days if request is for large number of records or public body not situated in the same city/town as the IO or both or if requester consents to such extension in writing.
<a href="#"><u>United Kingdom</u></a>	S.10: A public authority must provide information promptly and in any event not later than 20 working days from receipt of the request.

## 11. URGENT REQUEST

<a href="#"><u>Antigua and Barbuda</u></a>	S.18 (2): Must be within 48 hours where request relates to life and liberty of a person.
<a href="#"><u>Australia</u></a>	No provision.
<a href="#"><u>Bahamas</u></a>	No provision.
<a href="#"><u>Bangladesh</u></a>	S.9 (4): Despite anything contained in sub-section (1) and (2), if a request made under sub-section (1) of section 8 is relating to the life and death, arrest and release from jail of any person, the officer-in-charge shall provide preliminary information thereof within 24 (twenty-four) hours.
<a href="#"><u>Belize</u></a>	No provision.
<a href="#"><u>Bermuda</u></a>	No provision.
<a href="#"><u>Canada</u></a>	No provision.
<a href="#"><u>Cayman Islands</u></a>	No provision
<a href="#"><u>Cook Islands</u></a>	S.11 (3): If the person making the request asks that his request be treated as urgent, he shall give his reasons for seeking the information urgently.
<a href="#"><u>Guyana</u></a>	No provision.
<a href="#"><u>India</u></a>	S.7 (1): Where the information requested concerns the life and the liberty of a person, it should be provided within 48 hours of receipt of the request.
<a href="#"><u>Jamaica</u></a>	Where a request is urgent, reasons for the urgency must be given.
<a href="#"><u>Kenya</u></a>	S.9 (2): Where the information sought concerns the life or liberty of a person, the information officer shall provide the information within 48 hours of the receipt of the application.
<a href="#"><u>The Maldives</u></a>	S. 7(b): If request relates to life or liberty, response must be given within 48 hours of receipt.
<a href="#"><u>Malta</u></a>	No provision.
<a href="#"><u>New Zealand</u></a>	S.12 (3): If the applicant notifies that the request is urgent he shall give reasons for the urgency.

<a href="#"><u>Nigeria</u></a>	No provision.
<a href="#"><u>Pakistan</u></a>	No provision.
<a href="#"><u>South Africa</u></a>	No provision.
<a href="#"><u>Sri Lanka</u></a>	S.25 (3) Where the request is concerning the life and personal liberty of the citizen, the response shall be made within 48 hours of the receipt of the request. Reasons must be given for justifying the urgency of the request
<a href="#"><u>St Vincent and The Grenadines</u></a>	No provision.
<a href="#"><u>Trinidad and Tobago</u></a>	No provision.
<a href="#"><u>Uganda</u></a>	No provision.
<a href="#"><u>United Kingdom</u></a>	No provision.

## 12. DECISION

<a href="#">Antigua and Barbuda</a>	<p>S.19: Decision made by an official of the body. (NB: S.9 requires the nomination of Information Officers who MAY be given additional responsibilities for processing applications.) Where access granted, written notice must advise the applicable fee and the form in which the information will be communicated, and once fee paid, information must be communicated forthwith. Where access rejected, written notice must provide adequate reasons for the refusal in relation to any part of the request which is not granted and information re the right to appeal to the Commissioner or to a judicial review.</p>
<a href="#">Australia</a>	<p>S.23: Decision made by the responsible Minister or principal officer, or his/her delegate.  S.26 (1): Where access is refused, the refusal notice refusal must: (a) state the reasons and facts on which the decision was based; (b) state the name and designation of the person giving the decision; and (c) provide information concerning rights to have the decision reviewed and/or complain to the Ombudsman.</p>
<a href="#">Bahamas</a>	<p>S. 49: Requests dealt with by an Information Manager. Every public authority must appoint an Information Manager, who will receive requests for records, and assist individuals seeking access to records. Manager may be full time, or may be appointed from staff performing other functions for the public authority concerned. The public authority shall ensure members of the public know the name, function and contact details of the information manager.  S. 7(3) Public authority must acknowledged receipt of every application.  S. 7(5) Must state the reasons for the decision, and the options available to the applicant.</p>
<a href="#">Bangladesh</a>	<p>S. 9: The Designated Officer is competent to make a decision regards access. Written notice of the decision must be given to the applicant. However approval of the Information Commission is required for invoking any of the exemptions.</p>
<a href="#">Belize</a>	<p>S.21 (1): Decision made by the responsible Minister or principal officer, or his/her delegate. Where access is refused, the refusal notice must: (a) state the reasons and facts on which the decision was based; (b) state the name and designation of the person giving the decision; and (c) provide information concerning right to have the decision reviewed.</p>
<a href="#">Bermuda</a>	<p>S. 62: Every public authority shall designate one of its officers to be the person to whom requests under the Act are made.  S. 14 (2): Decisions must be given in writing, specifying the reasons for the decision, and any matters of public interest taken into account. Must also provide information on the Provisions of the Act regarding review and appeal of the decision.  S. 16: decision can be refused on administrative grounds, as listed at 16(a) – (g).</p>
<a href="#">Canada</a>	<p>S.10 (1): Decision made by the head of the institution. Where access is refused, the refusal notice must state the right of the applicant to complain to the Information Commissioner.</p>
<a href="#">Cayman Islands</a>	<p>S.7(5) : The response of the public authority shall state its decision on the application, and where the authority or body decides to refuse or defer access or to extend the period of thirty calendar days, it shall state the reasons therefor, and the options available to an applicant.</p>

	<p>S.27: Public authorities shall ensure that decisions and the reasons for those decisions are made public unless the information that would be disclosed thereby is exempt under this Law.</p> <p>S.33: An Applicant can apply for internal review of the decision by a public authority.</p> <p>S.34 (3): A person who conducts an internal review shall take a decision in relation to the application within a period of thirty calendar days after the date of receipt of the application .</p> <p>S.43: The Commissioner shall decide an appeal within thirty calendar days, after giving both the complainant and the relevant public authority an opportunity to provide its views in writing. The Commissioner may further extend this period not exceeding thirty calendar days by giving written notice to the parties.</p>
<a href="#">Cook Islands</a>	<p>S.14: The Ministry or Minister of the Crown or organisation to whom a request is made shall decide whether the request is to be granted and, if it is to be granted, in what manner and for what charge (if any); and give or post to the person who made the request, notice of the decision on the request. Where a request in accordance with section 11 of this Act is made or transferred to a Ministry, the decision on that request shall be made by the permanent head of that Ministry or an officer or employee of that Ministry authorized by that permanent head unless that request is transferred in accordance with section 13 of this Act to another Ministry or to a Minister of the Crown or to an organisation. Nothing in this section prevents the permanent head of a Ministry or any officer or employee of a Ministry from consulting a Minister of the Crown or any other person in relation to the decision that the permanent head or officer or employee proposes to make on any request made to the Ministry in accordance with section 11 of this Act or transferred to the Ministry in accordance with section 13 of this Act.</p>
<a href="#">Guyana</a>	<p>S.5. The President shall appoint a Commissioner of Information who “shall be a clearing house for processing requests” and discharging his functions under the Act. Is to be provided with officers and employees as may be necessary for efficient discharge of his functions.</p> <p>S. 7: Commissioner of Information has the power to require a public authority to comply with the provisions of the Act, including providing access to information.</p> <p>S. 18: Commissioner of Information acknowledges receipt of request and advises the applicant is approved or denied.</p> <p>S. 20: Where access is allowed, the Commissioner of Information shall provide access to the document.</p> <p>S. 25: If the application is refused, the Commissioner of Information must give the applicant a written notice, stating the intention to refuse access and identifying an officer of the Commissioner with whom the applicant may consult with a view to making the request in a form that would remove the ground for refusal.</p>
<a href="#">India</a>	<p>S.7 (3) (b) and (8): Decision made by the Public Information Officer. Must give notice concerning right to review re decision on fees and form of access and/or refusal, including reasons for refusal, the period for appealing the decision and the particulars of the appellate authority.</p>
<a href="#">Jamaica</a>	<p>S.7 (5): Decision made by the “public authority”. The public authority shall state its decision, the reasons thereof and the options available to an aggrieved applicant.</p>
<a href="#">Kenya</a>	<p>S.9: An Information officer shall make a decision on an application as soon as possible, but in any event, within 21 days of receipt of the application. If the request is declined the reasons for making that decision, including the basis for deciding</p>



	<p>that the information sought is exempt.</p> <p>S.11: Where a decision is taken to provide the information applied for, an information access officer shall send to the applicant a written response within 15 working days of receipt of the application.</p>
<a href="#">The Maldives</a>	<p>S. 36: Information Officer is responsible for providing information to the public who request information under this Act. Each state office must have a designated Information Officer. Shall be designated from among the employees of each state office.</p> <p>S.12 : State office must state whether the application for information is accepted; whether the information requested is available; reasons for non-disclosure; amount payable; applicants right to appeal.</p> <p>S. 13: if information is refused the applicant must be notified in writing the reason for the decision.</p> <p>S. 15: Information may be disclosed in the following ways; inviting applicant to inspect the information; providing a copy of the information; if information can be heard, by giving the applicant a chance to hear the information; or if it is in shorthand or recorded form, by providing a cognitive transcript of the same. If applicant requests access in a particular form, access must be granted in that form.</p>
<a href="#">Malta</a>	<p>The public authority decides whether to grant access or not. No specific official is designated to make these decisions. Decision must be communicated in writing.</p>
<a href="#">New Zealand</a>	<p>S.15: Decision made by the Department, Minister or organisation to whom request is made. Where access is refused, reason must be given, and if requested, the grounds for the decision, as well as information concerning the applicant's right, by way of complaint to an Ombudsman, to seek an investigation and review of the refusal.</p>
<a href="#">Nigeria</a>	<p>S.7 (1) and (2) : Where the government or public institution refuses to give access to a record or information, the institution shall state in a notice the grounds for refusal, the specific provisions of the Bill that it relates to and that the applicant has a right to challenge the decision refusing access and have it reviewed by a Court. The notification of denial shall have the names, designation and signature, of each person responsible for the denial.</p>
<a href="#">Pakistan</a>	<p>S.13: Designated Official shall record his/her decision in writing and the applicant shall be informed about such decision.</p>
<a href="#">South Africa</a>	<p>S.25: Information Officer decides the request for public body and the head of the private body decides for requests to private body. The decision must contain details about access fee, form of access (S.29), right of appeal to court and reasons in case of refusal.</p>
<a href="#">Sri Lanka</a>	<p>S.25: The Information Officer makes a decision within 14 working days of the receipt of a request, whether to provide the information requested for or not and communicates such decision to the citizen who makes the request.</p> <p>S. 27. Where decision has been made to grant a request for information, such information shall be provided in the form in which it is requested for, unless the information officer is of the view that providing the information in the form requested for would not be detrimental to the safety or preservation of the relevant document or record in respect of which the request was made.</p> <p>S. 28 : Where a request for information is refused by an information officer, such officer shall specify the grounds on which</p>

	such request is refused and the period within which and the person to whom an appeal against such refusal may be preferred under section 32 of this Act.
<a href="#"><u>St Vincent and The Grenadines</u></a>	S.23: Decision to be made by the chief executive officer of the public authority, or subject to regulations, by an officer of the public authority acting within the scope of authority exercisable by him in accordance by arrangements approved by chief executive officer of public authority.
<a href="#"><u>Trinidad and Tobago</u></a>	S.22: Decision made by the Responsible Minister, Permanent Secretary, Head of Department, Chief Executive Officer or a delegated officer. S.23: Where access is refused, the written refusal notice must: (a) state the reasons and facts on which the decision was based; (b) state the name and designation of the person giving the decision; and (c) provide information concerning rights to appeal to the High Court for judicial review; (d) where the decision is that the doc does not exist or cannot be found, advise of right to complain to the Ombudsman.
<a href="#"><u>Uganda</u></a>	S.16: Decision made by Information Officer/IO to whom request is made/transferred. If request granted, notice sent to requester stating fees payable, form of access + right to lodge appeal against fees payable, form of access granted, and period for lodging appeal. If access is refused, refusal notice must: state the reasons and provisions of Act relied upon and advise of right to lodge internal appeal or application in court against refusal, including details of procedure.
<a href="#"><u>United Kingdom</u></a>	S.17: Decision made by the “public authority”. Where access is refused: must state facts, the applicable exemption and reason for application of the exemption; procedures for internal complaints (if any); and information re the right to apply to the Information Commissioner.

### 13. REVIEW/APPEALS

<a href="#"><u>Antigua and Barbuda</u></a>	<p>S.41/42/45/46: A requester may apply in writing to the Information Commissioner for a decision that a public authority or private body has failed to comply with the provisions re requests. The Commissioner shall decide the application within 30 days, giving both parties an opportunity to provide their views in writing. An appeal then lies within 28 days to the High Court. If no appeal is made, the Commissioner’s decision becomes binding and failure to carry out the decision is to be treated as contempt of court.</p>
<a href="#"><u>Australia</u></a>	<p>S.54: When the decision is made by an authorised person other than the responsible Minister or the principal officer of the agency, a review lies to an internal appeal to any other appointed person. An appeal then lies to the Administrative Appeals Tribunal, which can make a binding decision. An appeal then lies to the Courts. A complaint can also be made to the Ombudsman (but other rights to review and appeal will be suspended).</p>
<a href="#"><u>Bahamas</u></a>	<p>S. 33: Applicant may request an internal view of a public authority to refuse access to the record, grant access to partial information only, and to defer the grant of access to the record. S. 34: Internal reviews shall be conducted by the Responsible Minister, but not by the same person who made the initial decision. Application for internal review shall be made within 30 calendar days after the date of a notification.</p> <p>S. 42: A person who exhausted internal review may appeal to the Information Commissioner if the public authority has a) failed to state whether they hold a record; b) failed to communicate within the time period; c) failed to respond to a request; d) failed to provide a notice in writing of its response; e) charged a fee that is in contravention with the Act, or f) failed to comply with other Act obligations.</p> <p>S. 47: Following the Information Commissioners decision, the complainant or public authority may appeal to the Supreme court by way or judicial review, within a 45 day time period.</p>
<a href="#"><u>Bangladesh</u></a>	<p>S.24 (1): Any person who does not receive a decision within the time specified in sub-section (1), (2) and (4) of section 9, or is aggrieved by a decision of the Designated Officer, may, within 30 (thirty) days from the expiry of such period or as the case may be from the receipt of such a decision, prefer an appeal to the Head of the office of the concerned authority.</p> <p>S.25: Direct complaint may be filed with the Information Commission on grounds such as non-appointment of the Designated Officer; refusal of the Officer to accept information requests, non-adherence to time limits; charging unreasonably high fees; denying access to information or obstructing access to information in any manner.</p>
<a href="#"><u>Belize</u></a>	<p>S.36: When the decision is made by an authorised person other than the responsible Minister or the principal officer of the agency, a review lies to an internal appeal to any other appointed person. An appeal then lies to the Ombudsman, who can make a binding decision. An appeal then lies to the Supreme Court.</p>
<a href="#"><u>Bermuda</u></a>	<p>S. 41: A requester, or a third party may request internal review of a public authority of any decision made by the Authority under Part 3, or failure of the authority to take the action it is required to take. An application for internal review must take place within 28 days after requestor, or third party is notified of the decision made by the public authority.</p>

	<p>S. 43 : internal reviews must be conducted by the head of the public authority concerned. Lists of the Heads of Public Authority can be found at Column 2, Schedule 1.</p> <p>S. 44: If the review calls for a review of a decision made by the head of a public authority, the public authority must refer the application the Commissioner.</p> <p>S. 45: Requestor or third party may appeal to the Information Commissioner for a review following an internal review, or failure by a public authority to undertake an internal review.</p> <p>S. 46: Commissioner may attempt to have the matter resolved by mediation.</p> <p>S. 40: Following a decision of the Commissioner, any person, including the public authority may apply to the Supreme Court for a review of the decision.</p>
<a href="#"><u>Canada</u></a>	<p>S.37: Applicants can appeal decisions to the Information Commissioner, who has powers to investigate and make recommendations to the government regarding disclosure. A right of review then lies to the Federal Court (S.41). The Information Commissioner has the power to start an investigation suo motu into any matter relating to requesting or obtaining access, based on reasonable grounds.</p>
<a href="#"><u>Cayman Islands</u></a>	<p>S.33: An applicant for access to a record may apply for an internal review of a decision by a public authority to refuse to grant access to the record or grant access only to some of the records specified in an application; or defer the grant of access to the record; or charge a fee for action taken or as to the amount of the fee. An applicant for amendment or annotation of a personal record may, apply for a review of a decision by a public authority to refuse to make that amendment or annotation.</p> <p>S.42: An Applicant person who has exhausted the other means of redress may in writing apply to the Commissioner for a decision that a public authority has-(a) failed to indicate whether or not it holds a record; (b) failed to communicate the information contained in a record within the time allowed by this Law; (c) failed to respond to a request for a record within the time limits; (d) failed to provide a notice in writing of its response to a request for a record; (e) charged a fee that is in contravention of this Law; or (f) otherwise failed to comply with an obligation imposed under this Law. On the consideration of an appeal, the Commissioner may make any decision which could have been made on the original application or shall not nullify a certificate issued under section 25.</p> <p>S.43: The Commissioner, on its decision of an Appeal, may -(a) reject the appeal; (b) require the public authority to take such steps as may be necessary to bring it into compliance with its obligations under the law; (c) in cases of egregious or wilful failures to comply with an obligation under this Law, refer the matter to the appropriate disciplinary authority.</p> <p>S.46: Notwithstanding the provisions of this Law relating to appeal, the Commissioner may on his own initiative conduct an investigation into any matter and where he does so, the matter shall be treated as an appeal to the extent practicable.</p> <p>S.47: The complainant, or the relevant public or private body, may, within 45 days, appeal to the Grand Court by way of judicial review of a decision of the Information Commissioner.</p>
<a href="#"><u>Cook Islands</u></a>	<p>S.30: It shall be a function of the Ombudsman to investigate and review any decision by a Ministry/Minister of the Crown/organisation in case of refusal to make official information available, imposing conditions on the use, communication, or publication of information made available etc.</p> <p>S.31: An investigation may be made by the Ombudsman only on complaint being made to the Ombudsman in writing.</p>

	<p>The provisions of the Ombudsman Act 1984 shall apply in respect of investigations and other proceedings carried out.</p> <p>S.32: Requirement of Ombudsman to be complied with within certain period and in no case later than 20 working days after the day on which that requirement is received. There can be an extension of the time limit but it shall be effected by giving or posting notice of the extension to the Ombudsman within 20 working days after the day on which the requirement is received. The notice effecting the extension shall specify the period of the extension; and give the reasons for the extension; and contain such other information as is necessary. If any Ministry or Minister of the Crown or organisation fails, within the time limit fixed to comply with any requirement, the Ombudsman may report such failure to the Prime Minister, and may thereafter make such report through the Speaker to Parliament on the matter as the Ombudsman thinks fit.</p> <p>S.33: Where, after making an investigation, an Ombudsman is of the opinion that the request made should not have been refused; or that the decision complained of is unreasonable or wrong or is otherwise a decision to which subsection (1) or subsection (2) of section 19 of the Ombudsman Act 1984 applies, the Ombudsman shall, report his or her opinion and his or her reasons therefore to the appropriate Ministry or Minister of the Crown or organisation; and make such recommendation as he thinks fit; and give to the complainant a copy of his or her recommendations (if any); and such other information as he or she thinks proper.</p> <p>S.35: Where a recommendation is a public duty to observe, that recommendation shall be imposed on that Ministry or organisation from the commencement of the twenty-first working day after the day on which that recommendation is made to the Ministry or organisation unless, before that day, the Queen's Representative by Order in Executive Council, otherwise directs. After an Order in Executive Council is made under this section, the Minister who recommended the making of that Order in Council shall give a copy of that Order to the Ombudsman who made the recommendation.</p> <p>S. 37. Where a recommendation is made and accordingly an Order in Executive Council is made, the person who made that request may within 21 days of the publication of the Order in the <i>Gazette</i> apply to the High Court for a review of the making of that Order in Executive Council. An application may be made only on the ground that the Order in Executive Council was beyond the powers conferred by sections 35 and 36 of this Act or was otherwise wrong in law. The High Court may –(a) make an order confirming that the Order in Council laws were validly made; or (b) make an order declaring that the making of the Order in Council was beyond the powers conferred by sections 35 and 36 of this Act or was otherwise wrong in law.</p> <p>S.38. Any party who is dissatisfied with any final or interlocutory order in respect of the application may appeal to the Court of Appeal and Part II of the Judicature Act 1980-81 shall apply to any such appeal.</p>
<a href="#">Guyana</a>	S. 43(1): A person aggrieved by a decision of the Commissioner of Information may apply to the High Court for review of the decision.
<a href="#">India</a>	S.19 (1): First internal appeal to the officer senior in rank to the PIO. S.19 (3) Second appeal to the Central or State Information Commissions, which are independent appeal bodies set up under the Act. S.18: Direct complaints to the Commission also possible. S. 23; Jurisdiction of Courts barred prior to the exhaustion of these procedures. Challenge to the decision of the Commission is possible by way of a writ petition under the Constitution. Decisions of the Tribunal may be challenged in the Court of Appeal.

<a href="#">Jamaica</a>	Part V: Where the decision is made by someone other than the Minister, the Permanent Secretary or the principal officer, an internal appeal can be made to one of those parties, within 30 days of notification. An appeal then lies to the Appeal Tribunal, which can make binding decisions, within 60 days.
<a href="#">Kenya</a>	<p>S.14: The Commission on Administrative Justice has the power to review the decision of a public entity or a private body. An applicant may apply in writing to the Commission requesting a review of any of the following decisions-- (a) a decision refusing to grant access to the information applied for; (b) a decision granting access to information in edited form; (c) a decision purporting to grant access, but not actually granting the access in accordance with an application; (d) a decision to defer providing the access to information; (e) a decision relating to imposition of a fee or the amount of the fee; (f) a decision relating to the remission of a prescribed application fee; (g) a decision to grant access to information only to a specified person; or (h) a decision refusing to correct, update or annotate a record of personal information in accordance with an application made under section 13. Such an application shall be made within 30 days. The procedure for submitting a request for a review by the Commission on Administrative Justice shall be the same as the procedure for lodging complaints with the Commission stipulated under section 22 of this Act or as prescribed by the Commission</p> <p>S.23: The Commission on Administrative Justice may, if satisfied that there has been an infringement of the provisions of this Act, order—(a) the release of any information withheld unlawfully; (b) a recommendation for the payment of compensation; or (c) any other lawful remedy or redress. A person who is not satisfied with an order made by the Commission may appeal to the High Court within 21 days from the date the order was made.</p>
<a href="#">The Maldives</a>	<p>S. 41: Each state office shall set up a Review Committee; task of examining and reviewing complaints lodged by those unsatisfied with decisions made by Information Officers. Request for reviews of decisions should be made within 30 days of receipt of the decision. Reviews must be made within 30 days, and in special circumstances within an additional 15 days.</p> <p>S. 59: If unhappy with the decision reached by the Review Committee, party may appeal to the Information Commissioner, within 90 days from the date the decision was made.</p> <p>S. 60: Direct complaints to the Information Commissioner can be made in the following circumstances: no Information officer has been appointed to that state office; state office refuses to receive information without reasonable justification; refusal to provide a receipt of request; failure to comply with the time limits set by the Act; Information officer fails to comply with a directive issued by the Information Commissioner; where the Information Office breaches any provision in the Act.</p> <p>S. 61 : Lists 3 instances in which the Information Commissioner has the power to refuse an appeal.</p> <p>S. 67: Parties unsatisfied with the decision of the Information Commissioner may appeal to the High Court within 30 days from the date of the decision. Appellant has the onus of establishing that he followed the law correctly in his suit against the Information Commissioner.</p>
<a href="#">Malta</a>	Art 23: Any person may approach the Information and Data Protection Commissioner with a grievance but internal complaints mechanisms must be exhausted first. Commissioner has powers to investigate such matters and issue a

	decision notice. Any person or public authority may approach the Information and Data Protection Tribunal against such decision notices.
<a href="#">New Zealand</a>	S.28: Applicants can appeal to the Ombudsman, who has powers to investigate and make recommendations to the Executive. Such recommendations will be complied with as an Order unless the Executive passes an order within 21 days to the contrary. A right of appeal then lies to the High Court and then the Court of Appeals.
<a href="#">Nigeria</a>	S. 20: Any applicant who has been denied access to information can apply to the Court (High Court or Federal Court) for a review of the matter within 30 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 30 days fix or allow.
<a href="#">Pakistan</a>	S.19: Applicant can file a complaint with the head of the public body within 30 days of notification. "On failing to get the requested information from him within the prescribed time", the applicant may file a complaint with the Mohtasib (Ombudsman) or Federal Tax Ombudsman.
<a href="#">South Africa</a>	S.75: Public body: Internal appeal can be made by the applicant or a relevant third party to a specified authority within 60 days of notice. An appeal to the Courts is then available. Private bodies: Appeal to the Courts directly from the decision of the head of the body.
<a href="#">Sri Lanka</a>	S.31: The 1st stage of appeal lies with the public authority which holds the information sought. Any citizen aggrieved due to : rejection of request, non-compliance with time frames, incomplete or misleading information, excessive fees, refusal of Information Officer to provide information in the form requested and sufficient reason to believe that the information sought has been destroyed in order to prevent access, may prefer an appeal to the designated officer within 14 days. The designated officer has to issue a receipt within 3 days and the decision has to be made within 3 weeks of the receipt of the appeal citing the reasons and grounds thereof. S.32: The 2 <sup>nd</sup> stage of appeal is with the Information Commission which has to be made within 2 months against the decision or the failure to obtain a decision from the designated information officer. The Information commission has a time limit of 30 days to either vary or reverse the decision appealed against and has to give reasons for its decision in writing to the Appellant, the information officer and the public authority concerned. The burden of proof at this stage of appeal lies with the Public Authority. S. 33: At the 1 <sup>st</sup> and 2 <sup>nd</sup> stages, appeals can be made on behalf of an aggrieved party by an authorized representative. S.34: The 3 <sup>rd</sup> stage of Appeal lies with the Court of Appeal wherein the aggrieved citizen or public authority may appeal against the decision made u/s 32 within one month of the date on which such decision was communicated.
<a href="#">St Vincent and The Grenadines</a>	S.39: A person aggrieved by a decision of a public authority may apply to the High Court for judicial review. The phrase 'decisions of the public authority' is stated to include situations where the public authority fails to comply with the provisions of the Act.
<a href="#">Trinidad and</a>	S.38A: A person aggrieved by the refusal of a public authority to grant access may within 21 days of receiving notice of

<a href="#"><u>Tobago</u></a>	the refusal, complain in writing to the Ombudsman. The Ombudsman has only recommendatory powers. A person aggrieved by a decision of a public authority may also apply to the High Court for judicial review of the decision. Application shall be heard by a Judge in Chambers.
<a href="#"><u>Uganda</u></a>	SS.16,17 and 37,38: An internal appeal or an application to the court or a complaint with the Chief Magistrate may be filed for review of any decision made by the IO. If third party is aggrieved by decision of Chief Magistrate with regard to disclosure, an appeal to the High Court may be filed within 21 days after communication of decision.
<a href="#"><u>United Kingdom</u></a>	Part V: The law requires the Secretary of State to issue a Code, which among other things, should provide guidance on setting up internal complaints procedures. Complaint from any such procedures lie to the Information Commissioner, who can make a binding decision. A second appeal lies to the Information Tribunal by either the complainant or the public authority. A third appeal lies to the High Court (England, Wales and Northern Ireland) or Court of Sessions (Scotland).



#### 14. PENALTIES

<a href="#"><u>Antigua and Barbuda</u></a>	S.48: A person shall not wilfully obstruct access to any record, obstruct the performance of a public authority under the Act; interfere with the work of the Commissioner; or destroy records without lawful authority. If an offence is committed, the person is liable to summary conviction to a fine not exceeding \$5,000 or to imprisonment for a period not exceeding two years or to both.
<a href="#"><u>Australia</u></a>	No offence or penalties are provided for non-compliance with the Act. However, the review Tribunal can make recommendation regarding payment of costs of appeals (S.66).
<a href="#"><u>Bahamas</u></a>	S. 55: A person commits an offence if they alter, block, destroy or conceal any records. Liable to a fine of ten thousand dollars or imprisonment for a term not exceeding 6 months, or both.
<a href="#"><u>Bangladesh</u></a>	S.27: Information Commission may impose monetary penalty on the Designated Officer on grounds such as (a) refusal to receive any request for information or an appeal without assigning any reasons; (b) failure to provide information to the applicant or make decision within the time limits determined by this ordinance; (c) refusal to receive a request or an appeal with mala fide intention; (d) providing wrong, incomplete, confusing and distorted information in place of the information that is sought for; (e) creating impediments in providing information. Penalty could be from a minimum of 50 taka per day. Maximum limit is 5,000 taka.
<a href="#"><u>Belize</u></a>	No offences or penalties are provided for non-compliance with the Act.
<a href="#"><u>Bermuda</u></a>	S. 64: A person who alters, erases, destroys or conceals any record with the intention of preventing its disclosure under the Act is liable to fine of \$10,000, or imprisonment for 6 months, or to both. S. 65: Any person who knowingly contravenes any provision of this Act or its regulations is guilty of an offence, and is liable to a fine of \$5,000, imprisonment for 6 months, or both.
<a href="#"><u>Canada</u></a>	S.67: Any person who obstructs the Information Commissioner (or any person acting on his behalf) in the performance of his/her duties is guilty of an offence and liable on summary conviction to a fine not exceeding \$1000. Any person who: destroys, mutilates or alters a record; falsifies or makes a false record; conceals a record; or directs, proposes, counsels or causes any other person to do so, with intent to deny a right of access under the Act, is guilty of an indictable offence and liable to imprisonment for up to 2 years, a fine up to \$10,000 or both; or an offence punishable on summary conviction and liable to imprisonment for up to 6 months or a fine up to \$5,000 or both.
<a href="#"><u>Cayman Islands</u></a>	S.55: A person who commits an offence by altering/defacing, blocking/erasing, destroying or concealing the record with the intention of preventing its disclosure is liable on summary conviction to a fine of one hundred thousand dollars or to imprisonment for a term not exceeding six months or to both.
<a href="#"><u>Cook Islands</u></a>	No Provisions

<p><a href="#">Guyana</a></p>	<p>S. 50(2): A person who wilfully destroys or damages a record or document that is required to be preserved under the Act will be subject to a fine of three hundred thousand dollars and imprisonment for six months.</p> <p>S. 50(3): A person who destroys or damages a record which is required to be preserved under the Act, and while a request for access to the record is pending commits an offence is liable on summary conviction to imprisonment for 1 year.</p> <p>S. 50(4): Persons knowingly in possession of an exempt document is liable to a fine of three hundred thousand dollars and to imprisonment for six months.</p> <p>S. 50(5): A person who received a document, and who then alters or defaces the document, to conceal any part of the document, is liable to a fine of three hundred thousand dollars and imprisonment for six months.</p> <p>S. 50(6) Obstructing the Commissioner of Information, or anyone acting on the Commissioners behalf is an offence, and will be liable to a fine of three hundred thousand dollars and 6 months imprisonment.</p> <p>S. 50(7): Disclosure of exempt documents is an offence in which one is liable to imprisonment for 6 months.</p> <p>S. 7(b) : Information Commissioner has the power to require a public authority to compensate the complainant for inconvenience suffered.</p>
<p><a href="#">India</a></p>	<p>S.20: Where a Public Information Officer has, without any reasonable cause, refused to receive an application, has not furnished information within time limits, or malafidely denied the request or knowingly gave incorrect, incomplete or misleading information or destroyed information subject to as request or obstructed the process, a penalty of Rs 250 per day will be imposed until the application is received or information furnished. Total penalty not to exceed Rs 25,000. In the above cases, the Information Commission can also recommend disciplinary action against the PIO under the applicable service rules.</p>
<p><a href="#">Jamaica</a></p>	<p>S.34: Any person who commits an offence under the Act – i.e. they alter or deface, block or erase, destroy or conceal a document with the intention of preventing disclosure of an official document to which a right of access is conferred under the Act – is liable upon summary conviction to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both.</p>
<p><a href="#">Kenya</a></p>	<p>S.28: Any person who knowingly discloses exempt information in contravention of this Act commits an offence and is liable, upon conviction by a competent authority, to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding three years, or both.</p> <p>An information access officer who- (a) refuses to assist a requester who is unable to write to reduce the oral request to writing and provide a copy to the applicant in accordance with section 8(2); (b) refuses to accept a request for information;(c) fails to respond to a request for information within the prescribed time; or (d) fails to comply with the duty to take reasonable steps to make information available in a form that is capable of being read, viewed or heard by a requester with disability in accordance with section 11(3), commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or both.</p> <p>Any person who —(a) charges a fee exceeding the actual costs (b) fails to respond to a request for information; (c) fails to respond to a request to correct personal information; or (d) it having been ascertained that information held is out of</p>

	<p>date, inaccurate or incomplete, fails within the prescribed time, or within a reasonable time if no time is prescribed, to correct, destroy or delete the information, or to attach a statement to the information in accordance with section 13, commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings, or imprisonment for a term not exceeding six months, or both.</p> <p>Any person who is convicted of an offence under section 18(3) after a request has been made for disclosure of the information in question, with the intention of preventing the disclosure is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.</p> <p>Any relevant private body that fails to make publicly available the name and contact details of its information access officer or officers commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings. Any relevant private body that is convicted, or any officer of which is convicted of an offence under this Act, or which, although not convicted is in serious breach of this Act may, after a fair hearing, be debarred from entering into any future contract with government under the laws relating to matters of procurement and disposal.</p> <p>A person who fails to attend before the Commission on Administrative Justice or knowingly gives any false or misleading statement of information or causes an obstruction or disturbance in the course of any proceedings before the Commission on Administrative Justice, commits an offence and shall be liable, on conviction, to a fine not exceeding three hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.</p> <p>A person shall not be criminally liable for the disclosure or authorisation of the disclosure made in good faith in reliance on this Act.</p> <p>A person to whom information is disclosed under this Act, conveys that information to others but who alters the information, or conceals part of the information or misrepresents the information, with intent to deceive, commits an offence, and is liable on conviction to fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.</p>
<p><a href="#">The Maldives</a></p>	<p>S. 64(9): Information Commissioner can fine any Information Officer who has breached provisions of this Act.  S. 64(10): Information Commissioner can fine any party who breached a lawful order given by the Information Commissioner  S. 71(a): Information Commissioner may impose a fine on the Information Officer of 5000 Rufiya for 4 reasons.  S. 71©Can charge state-offices a fine of not more than 25000 Rufiya for 4 reasons.</p>
<p><a href="#">Malta</a></p>	<p>Art 27(1): Where a public authority or an officer of such an authority refuses without good reason, or fails to comply with a decision notice or an information notice; or an enforcement notice, it shall be regarded as an offence in terms of sub-article (2) of Article 41 of the Data Protection Act. The Commissioner may levy an administrative fine against the defaulting authority or officer. Actions such as embezzling, destroying, mutilating or purloining a document with the intention of preventing disclosure will be treated as criminal offences under Art. 144 of the Criminal Code. These acts will be triable in the appropriate court.</p>
<p><a href="#">New Zealand</a></p>	<p>No offences or penalties are provided for non-compliance with the Act.</p>

<a href="#">Nigeria</a>	S. 7 (5): Where a case of wrongful denial of access is established, the defaulting officer or institution shall on conviction be liable to a fine of N 500,000 (Five hundred thousand Naira).
<a href="#">Pakistan</a>	S.21: Any person, who destroys a record which was the subject of a request, or of a complaint with the intention of preventing its disclosure under this Ordinance, commits an offence punishable with imprisonment for a term not exceeding two years, a fine or both. S.20: Where a complaint instituted is found to be malicious, frivolous or vexatious, the complaint may be dismissed by the Mohtasib, and fine may be imposed on the complainant up to an amount not exceeding Rs 10,000.
<a href="#">South Africa</a>	S.90: Any person intentionally destroying, damaging, altering concealing or falsifying records commits an offence punishable with imprisonment not exceeding two years.
<a href="#">Sri Lanka</a>	S.39. Every person shall be liable to a fine not exceeding Rs. 50,000 or to imprisonment for a term not exceeding two years or to both, upon conviction after summary trial by a Magistrate when he commits the following offences :- (a) deliberately obstructs the provision of information (b) destroys or alters or conceals information under one's custody (c) fails or refuses to appear before the Information Commission when requested (d) appears before the Information Commission, and fails or refuses to be examined by the Commission or to produce any information or deliberately provides false information under oath (e) fails or refuses to comply with a decision of the Information Commission (f) resists or obstructs the Commission or employee in the exercise of any power conferred on the Commission by this Act; (g) discloses any information in contravention of the provisions of section 12(7) of this Act. An officer will be liable to a fine not exceeding Rs.10, 000 when such officer fails without reasonable cause to provide assistance sought for by an information officer under section 23(3) upon conviction after summary trial by a Magistrate. A prosecution under this Act shall be instituted by the RTI Commission. The fine imposed upon the above stated offences shall be in addition to and not in derogation of any disciplinary action that may be taken against such officer by the relevant authority empowered to do so.
<a href="#">St Vincent and The Grenadines</a>	No provisions.
<a href="#">Trinidad and Tobago</a>	S.42(2): A person who wilfully destroys or damages a record or document required to be maintained and preserved under the law commits an offence and is liable on summary conviction to a fine of \$5,000 and imprisonment for 6 months. S.42(3): A person who knowingly destroys or damages a record or document which is required to be maintained and preserved while a request for access to the record or document is pending commits an offence and is liable on summary conviction to a fine of \$10,000 and imprisonment for 2 years.
<a href="#">Uganda</a>	S.46/47: Person guilty of offence of denying access by destroying/altering/concealing/falsifying records shall be penalized by a fine not exceeding 240 currency points or imprisonment not exceeding 3 years or both. For contravention of any of the regulations, Minister may prescribe any penalty not exceeding 240 currency points or imprisonment not

	exceeding 3 years or both. (NB: 1 currency point is equivalent to 20,000 Uganda Shillings.)
<a href="#">United Kingdom</a>	S.77: An employee, officer or person subject to the direction of a public authority who alters, defaces, blocks, erases, destroys or conceals any record held by that public authority intending to prevent the disclosure by that authority commits an offence and is liable on summary conviction to a fine “not exceeding level 5 on the standard scale”.

## 15. PROTECTION FOR WHISTLEBLOWERS

<a href="#">Antigua and Barbuda</a>	<p>S.40: Protection to staff of the Information Commissioner’s Office for criminal or civil liability, including defamation to some extent, for any act done in good faith under the Act.</p> <p>S.47: Whistleblower protection provided where a person discloses information to the Commissioner or to any other authority on wrongdoing by a public authority if the information was disclosed in good faith and in the reasonable belief that it was substantially true.</p>
<a href="#">Australia</a>	<p>S.91: Protection to officials from actions for defamation, breach of confidence and immunity provided against criminal proceedings for bona fide actions in accordance with Act.</p> <p>Detailed scheme for whistleblower protection not provided under this Act.</p>
<a href="#">Bahamas</a>	<p>S. 50: No person may be subject to any legal administrative or employment related sanction for releasing information on wrongdoing, as long as he acted in good faith and in the belief that the information was substantially true. Wrongdoing includes the commission of a criminal offence; failure to comply with a legal obligation; miscarriage of justice; corruption, dishonesty or serious maladministration.</p> <p>S. 55(4): Official Secrets Act shall apply in relation to the grant of access to an official document which is contravention of this Act.</p>
<a href="#">Bangladesh</a>	<p>S.31: No prosecution, suit, or other legal proceedings shall be initiated against the Commission, the Chief Information Commissioner or any Commissioner, officers or employees thereof or Officer in Charge of any authority or any other officer or employee thereof in respect of any information made public or deemed to be made public in good faith under this ordinance or rules or regulations made there under.</p>
<a href="#">Belize</a>	<p>S.44: Protection to officials from actions for defamation or breach of confidence and immunity provided against criminal proceedings where access is given in the bona fide belief that access was required by this Act.</p> <p>Detailed scheme for whistleblower protection not provided under this Act.</p>
<a href="#">Bermuda</a>	<p>S. 63: No civil or criminal proceedings shall be brought against any public authority or its employees in respect of disclosure or non-disclosure, unless it can be shown they acted in bad faith.</p> <p>S. 54: No civil or criminal proceedings to brought against the Commissioner, or any person engaged under S52 in respect of anything omitted or done in the performance, or intended performance of their functions under this Act, unless it can be shown it was done in bad faith.</p> <p>No detailed scheme for whistle-blower protection.</p>
<a href="#">Canada</a>	<p>S.66: No criminal or civil proceedings lie against the head of an institution or the Information Commissioner for anything done in good faith in performance of function under the Act.</p> <p>Information Commissioner has the authority to disclose information relating to the commission of an offence against any</p>

	law by any government officer or employee.
<a href="#">Cayman Islands</a>	S.50: No person may be subject to any legal, administrative or employment related sanction, regardless of any breach of a legal or employment-related obligation, for releasing information on wrong-doing, or that which would disclose a serious threat to health, safety or the environment, as long as he acted in good faith and in the reasonable belief that the information was substantially true and disclosed evidence of wrong-doing or a serious threat to health, safety or the environment.
<a href="#">Cook Islands</a>	S.48: Protection against certain actions where any official information is made available in good faith pursuant to this Act-(a) no proceedings, civil or criminal, shall lie against the Crown or any other person in respect of the making available of that information, or for any consequences that follow from the making available of that information; and (b) no proceedings, civil or criminal, in respect of any publication involved in, or resulting from, the making available of that information shall lie against the author of the information or any other person by reason of that author or other person having supplied the information to a Ministry or Minister of the Crown or organisation.
<a href="#">Guyana</a>	s. 42: If access to a document has been given in good faith, unless malice is proved, no action for defamation, breach of confidence or infringement of copyright may be brought against the Commissioner of Information, the public authority, Minister, or an officer or employee of the public authority giving access to the record. No specific whistleblower provision.
<a href="#">India</a>	S.21: Protection to officials against suits, prosecution or any other legal proceeding for anything done in good faith under the Act. Detailed scheme for whistleblower protection not provided under this Act.
<a href="#">Jamaica</a>	S.33 (2): The person who authorises access in accordance with the Act and any other person concerned in the granting thereof, shall not be guilty of any criminal offence. Detailed scheme for whistleblower protection not provided under this Act.
<a href="#">Kenya</a>	S.16: A person shall not be penalized in relation to any employment, profession, voluntary work, contract, membership of an organization, the holding of an office or in any other way, as a result of having made or proposed to make a disclosure of information which the person obtained in confidence in the course of that activity, if the disclosure is of public interest. A disclosure which is made to a law enforcement agency or to an appropriate public entity shall be deemed to be made in the public interest.
<a href="#">The Maldives</a>	S. 58: Grants immunity to the Information Commission, provided they are acting in good faith. S. 69: Persons, having gained information or wrong doings or illegal acts, or corruption shall not be subject to disciplinary measures of punishment for releasing such information. Subject to the party acting in good faith. S.70: No criminal or civil suit is to be filed against any person responsible to discharge the provisions of this act, provided his actions were carried out in good faith. No specific whistle-blower provision.

<a href="#">Malta</a>	No Provision.
<a href="#">New Zealand</a>	S.48: No civil or criminal proceedings will lie against a person who provides information (or the author of the information) where the information is made available in good faith. Detailed scheme for whistleblower protection not provided under this Act. See the <i>Protected Disclosures Act 2000</i> .
<a href="#">Nigeria</a>	S. 27: No civil or criminal proceedings against any officer of any public institution or against any person acting on behalf of a public institution and no proceedings shall lie against such persons, for information disclosed in good faith, for consequences that flow from that disclosure. Detailed scheme for whistleblower protection not provided under this Act.
<a href="#">Pakistan</a>	S.22: No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in pursuance with the Ordinance or its Rules. Detailed scheme for whistleblower protection not provided under this Act.
<a href="#">South Africa</a>	S.89: No person is criminally or civilly liable for anything done in good faith in the exercise of any power or duty in terms of the Act. Detailed scheme for whistleblower protection not provided under this Act. See the <i>Protected Disclosures Act 2000</i> .
<a href="#">Sri Lanka</a>	S.30: Exemption from suit or prosecution against any public authority/ information officer/ other officer of such public authority, for anything done in good faith during the exercise of any function or power imposed or assigned to such officer under this Act. S.40: No officer or employee of a public authority shall be subjected to any punishment, disciplinary or otherwise, for releasing or disclosing any information which is permitted to be released or disclosed under this Act.
<a href="#">St Vincent and The Grenadines</a>	S.38: No person can be guilty of a criminal offence for providing access where it was done in the bona fide belief that access was required to be given.
<a href="#">Trinidad and Tobago</a>	S.38: No action for defamation, breach of confidence or infringement of copyright may be brought where access to a document has been given in accordance with the requirements of this Act or in good faith, in the belief that it was required to be given in accordance with this Act, unless malice is proved. Detailed scheme for whistleblower protection not provided under this Act.
<a href="#">Uganda</a>	S.45: No civil or criminal liability shall lie against any IO/public officer or any person acting under directions of such person for any act done/committed to be done in good faith and in exercise of power/duties under the Act. S.44: Whistleblower protection – No legal, administrative, or employment related sanctions for breach of any obligation for the release of any information shall lie against a person if act is done in good faith.



<a href="#"><u>United Kingdom</u></a>	No action for defamation if info provided to a public authority by a third person which contains defamatory material is released, if publication is made without malice. Detailed scheme for whistleblower protection not provided under this Act. See the Public Interest Disclosures Act 1998.
---------------------------------------	---

## 16. REPORTING AND REGULAR MONITORING/REVIEW

<a href="#">Antigua and Barbuda</a>	S.37/39: Commissioner shall monitor and report on the compliance by public bodies with their obligations under the Act and make recommendations for reforms to facilitate compliance with the Act. Commissioner shall prepare and submit to the Minister a report on the operations of the Office of the Commissioner and the report shall be laid before the House of Representatives as soon as practicable.
<a href="#">Australia</a>	S.93: The Minister in charge of the Act must prepare an annual report on the working of the Act to be laid before each House of Parliament.
<a href="#">Bahamas</a>	S. 39(b): Commissioners duty to monitor and report on the compliance by public authorities with their obligations under the Act. S. 40: The Information Commissioner shall lay a report of the operation of the Act at the end of each year. From time to time he may submit other such reports, as he thinks is appropriate. (Included in the Bill, but not in the Act)
<a href="#">Bangladesh</a>	S.30: The Information Commission shall by 31 March of every year submit an annual report to the president about activities of the previous year which include – number of request made to authorities, decisions refusing request, number of appeals file, particulars of any disciplinary action, amount of money collected by authorities, description of activities undertaken, reform proposals, number of officers punished by the commission, compensation imposed, description of the regulations made and instructions issued, accounts, expenditure, recommendations. The president shall lay the report before the National parliament.
<a href="#">Belize</a>	S.46: The Minister administering the Act must prepare an annual report on the operation of the Act which is to be laid before each House of the National Assembly.
<a href="#">Bermuda</a>	S. 58: Commissioner shall prepare a report on the operation of this Act to be laid before each house of the Legislature. To be done annually. S. 54(4) Accounts of the Office of Commissioner shall be audited and reported on annually by the Auditor General.
<a href="#">Canada</a>	S.38/39: The Information Commissioner must submit an annual report to Parliament on the activities of his/her office. The Commissioner can also submit special reports to the Parliament where necessary. Reports must also be submitted to Parliament by each department head regarding the administration of Act.
<a href="#">Cayman Islands</a>	S.39: The Information Commissioner has the responsibility to monitor and report on the compliance by public authorities with their obligations under this Law. S.40: The Information Commissioner shall, after the end of each year, lay before the Legislative Assembly a report of the operation of this Law during the year, specifying (a) the number of applications for access received, granted, deferred, refused or granted subject to deletions; (b) the categories of exemptions claimed and the numbers of each

	<p>category; (c) the number of applications received for amendment of personal records and annotation of personal records; (d) the number of applications for internal review of relevant decisions and appeals against relevant decisions, and the rate of success or failure thereof. A public authority shall from time to time and in any case by the end of the year send to the Commissioner a written report containing the details specified to the extent that such information is in their custody or control.</p> <p>S.58: This Law shall be reviewed from time to time by a committee of the Legislative Assembly appointed for that purpose.</p>
<a href="#">Cook Islands</a>	<p>S.22: The Office of the Prime Minister shall publish a Publication at intervals of not more than 2 years and bring the material contained in the publication up to date either by publishing a new edition or by publishing supplementary material. Each Ministry and each organisation shall assist the Office of the Prime Minister to comply with this section and shall supply to that Office such information as it requires for the purposes of those subsections. The Office of the Prime Minister shall have regard, among other things, to the need to assist members of the public to obtain official information and to effectively exercise their right under this Act.</p>
<a href="#">Guyana</a>	<p>S.44 (1) Minister shall, at the end of each year lay a report on the operation of the Act in the National Assembly.</p> <p>S. 44(2): Each responsible Minister, in relation the public authorities in which he has been assigned, shall furnish the necessary information required by the Minister in preparation of the report.</p>
<a href="#">India</a>	<p>S.25: Information Commissions is required to monitor the Act and produce Annual Reports on the implementation of the Act, including recommendations for improvements. To be forwarded to the appropriate Government for tabling in Parliament. Each Ministry or Department shall, in relation to their public authorities, collect and provide to the Information Commissions such information as needed to comply with their monitoring duties.</p>
<a href="#">Jamaica</a>	<p>S.36: The Minister shall as soon as practicable after the end of each year submit a Report of the operation of the Act to both Houses of Parliament. Each public authority shall submit to the Minister, quarterly reports on the matters to be included in the Report.</p>
<a href="#">Kenya</a>	<p>S.21: It is the function of the Commission on Administrative Justice to monitor state compliance with international treaty obligations relating to freedom of and right of access to information and protection of personal data. The Commission may request any further information from the public entity or the relevant private body to facilitate and enhance monitoring at any time and may issue an order compelling the provision of such further information if there has been an infringement of provisions of the Act. The annual report submitted by the Commission on Administrative Justice shall include an overall assessment by the Commission of the performance of the Government with regard to access of information during the period under review.</p> <p>S.23: The Commission on Administrative Justice may request any further information from the public entity or the relevant private body to facilitate and enhance monitoring at any time and may issue an order compelling the provision of such further information.</p>

	S.26: The Commission on Administrative Justice shall submit an annual report to Parliament and may, at any time, submit special reports to the Cabinet Secretary on any matter relating to any of its functions.
<a href="#">The Maldives</a>	S. 42: Each state office must, compile an annual report and submit it to the Information Commissioner, stating amongst others, the number of applications received, and total value of fees paid. S. 57: Office of the Information Commissioner shall produce an annual report based on the activities of the Commission before the end of February to the President of the Republic. Must include the work carried out by the Information Commissioner within the year; expenditure statement audited by the Auditor General. Annual report is to be published.
<a href="#">Malta</a>	Art 21(5): Within three months following the end of each calendar year the Commissioner shall prepare and submit to the Minister an annual report on the workings of this Act during that year, and the Minister shall at the first available opportunity cause a copy of the report to be laid on the table of the House of Representatives. Art 23 (3): Without prejudice to articles 22, 24 and 25, the Commissioner may, with the consent or at the request of any public authority, assess whether that authority is following good practice.
<a href="#">New Zealand</a>	S.30: No monitoring provisions are included. However, where an Ombudsman has made a report to a body recommending action, but no adequate or appropriate action is taken, the Ombudsman may send a copy of the report and recommendations to the Prime Minister, and may thereafter make such report to the House of Representatives on the matter as she/he thinks fit.
<a href="#">Nigeria</a>	S. 29: The Attorney General of the Federation shall submit to the National Assembly 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 Bill, the exemption involved in each case, the disposition of such cases, and the cost, fees and penalties assessed. The report shall also have description of the efforts taken by the Ministry of Justice to encourage all government and public institutions to comply with this Act.
<a href="#">Pakistan</a>	No provisions.
<a href="#">South Africa</a>	S.84: The Human Rights Commission must report annually to the National Assembly on the implementation of the Act in public bodies and may at that time make recommendations regarding the development, improvement, modernisation, reform or amendment of the Act or other legislation having a bearing on access to information.
<a href="#">Sri Lanka</a>	S.8: Every Minister is required to publish biannually before the 30 <sup>th</sup> of June and 31 <sup>st</sup> of December respectively of each year, a report which would enable a citizen to exercise the right of access to information granted under section 3 of this Act. The reports shall be published in the official languages and be made available in electronic form. It should be available for public inspection and copies of the same may be issued to a citizen on the payment of fee. S.10 : Every public authority shall submit annual reports to the Information Commission before the thirty first day of

	<p>December immediately succeeding the year to which the report relates which shall be made available to the public in its office and on its official website.</p> <p>S.37: The Information Commission shall prepare a report of its activities at least once in each calendar year. The Commission shall transmit a copy of every such report to be tabled before Parliament and a copy of same shall also be sent to the President. A copy of the report shall, within two weeks of it being tabled before Parliament, be made available for public inspection at the office of the Commission and wherever possible, a copy of the same may be made available on its website.</p>
<a href="#"><u>St Vincent and The Grenadines</u></a>	S.40: The Minister responsible for the Act shall prepare a report to Parliament on the operation of the Act as soon as possible after December 31 every year.
<a href="#"><u>Trinidad and Tobago</u></a>	S.40: The Minister responsible for the Act shall annually prepare a report on the operation of the Act lay the Report before each House of the Parliament. Each responsible Minister shall, in relation to the public authorities within his/her portfolio, give the Minister such information as she/he requires to prepare the Report.
<a href="#"><u>Uganda</u></a>	S.43: Each minister shall submit an annual report on whether access was given or not and the reasons for denial to the Parliament. This annual report may be included in the annual policy statement of the Ministry.
<a href="#"><u>United Kingdom</u></a>	<p>S.49 (1): The Information Commissioner (IC) shall submit an annual report on his/her functions before each House of the Parliament.</p> <p>The requirements of the Act and the practice codes are monitored and enforced through the IC. The IC may, with the consent of any public authority, assess whether that authority is following good practice. The IC can make good practice recommendations and issue notices seeking compliance.</p>

**17. IMPLEMENTATION – PUBLIC EDUCATION, TRAINING FOR OFFICIALS ETC.**

<a href="#"><u>Antigua and Barbuda</u></a>	S.13/37: Every public authority shall ensure appropriate training for its officials on the right to information and implementation of the Act. The Information Commissioner shall also undertake or promote training of officials and publicise the requirements the rights and obligations under the Act.
<a href="#"><u>Australia</u></a>	No provisions.
<a href="#"><u>Bahamas</u></a>	S. 49: Every public authority is to appoint an information manager who will promote the best practices of record maintenance, and receive all requests from individuals seeking access to records. Manager may be full time, or may be appointed from staff performing other functions for the public authority concerned. S. 53: Every public authority shall provide training for its officials regarding the right to information and effective implementation.
<a href="#"><u>Bangladesh</u></a>	S.13 (5) (m): The Information Commission has functions such as holding events to increase public awareness on the right to information, conducting research, seminars, symposiums, workshops and disseminating the result obtained from the research. S.13 (n): Commission can give the authority, technical and other assistance for better compliance. S.13 (k) & (l): Commission can give advice to the government & other authorities for preservation and implementation of right to information.
<a href="#"><u>Belize</u></a>	No provisions.
<a href="#"><u>Bermuda</u></a>	S. 61: Minister shall ensure that appropriate measures are taken by public authorities regarding training of staff and other matters appropriate for facilitating compliance with the Act.  Contained within the mandate of the Commissioner at S. 52 to raise public awareness and rights conferred by the Act, and to provide guidance to public authorities with regards to public authority’s obligations under the Act.
<a href="#"><u>Canada</u></a>	No provisions.
<a href="#"><u>Cayman Islands</u></a>	S.53: Every public authority shall ensure that training is provided for its officials regarding the right to information and the effective implementation of this Law.
<a href="#"><u>Cook Islands</u></a>	No Provisions
<a href="#"><u>Guyana</u></a>	S. 7(a)(iv): Information Commissioner has the power to require a public authority to enhance the provision of training on the right to information for its officials. S.43 (3): Decision of the Information Commissioner for failure to comply with the Act includes (a) developing and organising education programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights conferred in the act, (b) encourage public authorities to participate in creating public awareness of the Act, and (e) to train public authorities to produce relevant training materials for the

	<p>authorities themselves and the public.</p> <p>S 43(2) Minister shall, within 18 months of the Act's commencement, produce a guide in easily comprehensible form, as may be reasonably required by a person who wishes to exercise their rights under the Act. To be periodically updated as necessary.</p>
<a href="#">India</a>	<p>S.26: Where resource are available, appropriate Government must: conduct educational programmes for the public (in particular of disadvantaged communities) on how to exercise rights under the Act and encourage public authorities to do the same; train info officers in public bodies; promote timely and effective dissemination of info by public bodies about their activities.</p>
<a href="#">Jamaica</a>	<p>No provisions.</p>
<a href="#">Kenya</a>	<p>S.21 : The function of the Commission on Administrative Justice is to i) develop and facilitate public education awareness and develop programmes on right to access to information and right to protection of personal data; ii) work with public entities to promote the right to access to information and work with other regulatory bodies on promotion and compliance with data protection measures in terms of legislation;</p>
<a href="#">The Maldives</a>	<p>S. 40: Information Commissioner shall employ personnel and train them with regard to the right to information and the policies laid down in the Act.</p> <p>S. 56(c): Information Commissioner has the power to participate, run and cooperate in providing training programmes for Government employees for the purpose of administering the Act, and (e) to wifely publicise the purpose and objective of the Act and the right it confers on individuals.</p>
<a href="#">Malta</a>	<p>No provisions.</p>
<a href="#">New Zealand</a>	<p>No provisions.</p>
<a href="#">Nigeria</a>	<p>S. 13 : Every government or public institution must ensure the provision of appropriate training for its officials on the public's right to access to information or records held by government or public institutions, as provided for in this Bill and for the effective implementation of this Bill.</p>
<a href="#">Pakistan</a>	<p>S.6: Each public body shall endeavour within reasonable time and subject to availability of resources that all records covered by the provisions of this Ordinance are computerised and connected through a network all over the country on different systems so that authorised access to such records is facilitated.</p>
<a href="#">South Africa</a>	<p>S.83: Where resource are available, Human Rights Commission must: conduct educational programmes for the public (in particular of disadvantaged communities) on how to exercise rights under the Act and encourage public and private bodies to do the same; train info officers in public bodies; promote timely and effective dissemination of info by public bodies about their activities; on request, assist people to exercise their rights.</p>

<a href="#"><u>Sri Lanka</u></a>	S.14 (f): The Information Commission shall co-operate with or undertake training activities for public officials on the effective implementation of the provisions of this Act.
<a href="#"><u>St Vincent and The Grenadines</u></a>	No provisions.
<a href="#"><u>Trinidad and Tobago</u></a>	No provisions.
<a href="#"><u>Uganda</u></a>	No provisions.
<a href="#"><u>United Kingdom</u></a>	S.47: The Information Commissioner must promote the following of good practice by public authorities and arrange for dissemination of info to the public re the operation of this Act, good practice, and other matters within the scope of his functions .The Commissioner shall from time to time consult the Keeper of Public Records about promoting observance by public authorities of the Records Management Code.