

STATEMENT

BY

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MINISTER FOR INFORMATION**

ON

THE IMPLEMENTATION OF THE RTI ACT, 2019 (ACT 989)

FOR

THE YEAR 2023

1. Right Honourable Speaker, I am grateful for the opportunity to make this Statement to this august House.
2. In accordance with Section 77(4) of Act 989, I appear before this House to present the Minister's report on the activities of public institutions and the Right to Information (RTI) Commission for the period January to December 2023.
3. Mr Speaker, the architecture for the implementation of the Right to Information Act, 2019 provides for three operational pillars upon which this Article 21 (1)(f) right is accessed.

These are:

- Supply Side Pillar
- Demand Side Pillar
- Regulatory Side Pillar

Mr. Speaker, the inter-relation between these sides is facilitated by the sector Ministry, the Ministry of Information. No single side, can, on its own, make the RTI Act work effectively. I must at this stage commend the various institutions representing the three sides for working together effectively so far.

4. Mr Speaker, my report will draw from each of these sides and deal with ancillary matters. For the purposes of this report, I have referenced:

- The 2023 report of the Access to Information Division of the Information Services Department (ISD) (representing the supply side)
- The 2023 report of the RTI Commission (representing the regulatory side)
- The RTI Act, 2019.

1.0 SUPPLY OF INFORMATION UNDER THE RTI ACT, 2019

5. To prepare public institutions to supply information under the RTI Act, the Ministry of Information established and commissioned the Access to Information (ATI) Division within the Information Services Department on 17th July 2020. The Division is responsible for the effective functioning of the supply side of the Right to Information (RTI) architecture in accordance with Section 3 of Act 989. Specifically, the mandate of the ATI Division is to recruit, train, deploy and provide technical support to information officers of public institutions.
6. In the year under review (2023), the ATI Division of the ISD executed seven (7) major tasks. These are:

1.1 Provision of support to information units and capacity building for RTI officers

7. In the year under review, the division assisted institutions in streamlining their processes for handling information requests. This was achieved through regular training programs and quarterly training workshops for RTI officers via Zoom including the “UNESCO Massive Open Online Course: Access to Information Laws and Policies and their Implementation.” This is a self-paced online course developed by the Centre for Law and Democracy (CLD) and UNESCO.
8. The initiative taken by the Division is to equip the RTI officers with the requisite knowledge and skills essential for the effective handling of information requests. The officers completed all eight modules of the course in one month and were issued certificates of participation. The certification does not only enhance their credentials but also their commitment to upholding the mandate of the RTI Act, 2019 and the Civil Service. This initiative is one of the measures to strengthen the

supply side of the RTI architecture to function effectively and efficiently.

1.2 Research on the Implementation of RTI in Ghana

9. The Access to Information division conducted a study on Ghana's implementation of the RTI law. The research provided a comprehensive understanding of the processes and strategies involved in implementing the law. It highlighted the crucial roles of different stakeholders and identifies the challenges faced, offering insights into areas that require improvement for better enforcement of the law. The research provided valuable insights and data, enabling the Ministry to continuously refine and improve our approach to ensuring universal access to information. It is anticipated that this research will contribute significantly to the body of knowledge on transparency and the right to information in Ghana, providing a foundation for ongoing and future efforts to uphold these principles.

1.3 The National RTI Forum

10. In 2023, the Access to Information Division (ATID) of the ISD, instituted "The National RTI Forum". The maiden edition was held on December 13, 2023. This event, held in collaboration with the RTI Commission, aimed at facilitating discussions and raising awareness about the implementation of the Right to Information (RTI) Act in Ghana.

1.4 Update on the Online Records Management System (ORMS)

11. The Ministry, through the ATI Division, and in consultation with the RTI Commission, successfully developed an Online Records Management System (ORMS) to enable applicants apply for information online, aid information officers in keeping accurate

records, and improve application response times. This unique platform, which has been developed in accordance with Section 18 of the RTI Act, 2019, will not only digitise the application and processing of RTI requests but will also transform records management across public institutions in the country. The ORMS is expected to be in full operation by the end of year 2024. The Ministry of Information will provide an update on its operationalisation in our 2024 annual report.

1.5 Engagement with Stakeholders

12. The ATI Division continuously engaged stakeholders as part of efforts to improve the delivery of supply side function. The Division worked together with UNESCO to improve the effectiveness of RTI Officers in the implementation of the RTI law. As part of measures to further strengthen relations with UNESCO, the ATI division paid a working visit to the UNESCO Office in Accra. The visit provided the platform to discuss and appreciate the RTI Implementation journey so far.

13. A delegation from Ghana led by the former Minister for Information, Hon. Kojo Opong Nkrumah participated in the Global Conference for the celebration of the International Day for Universal Access to Information (IDUAI) 2023 held at the University of Oxford, United Kingdom.

1.6 Public education by RTI Officers

14. Public education is a major tool to create awareness of the right of individuals to access information in public institutions. The RTI officers in various districts of the country have actively conducted sensitisation programmes to educate citizens about their rights under the RTI Act, 2019. These programmes aim to educate citizens, students, public

officials, and other stakeholders about their rights under the RTI Act, the procedures for accessing information, and the importance of using this right to foster good governance.

2.0 REGULATORY FUNCTIONS BY THE RTI COMMISSION

15. In 2020, the Government through the Ministry of Information facilitated the composition of the Seven-Member Governing Board of the Right to Information Commission.

16. In the year 2023, the RTI Commission executed nine (9) major tasks. These include:

2.1 Outdooring of RTIC's five-year strategic plan

17. The Commission took a pivotal step towards strengthening transparency and accountability in Ghana by launching its five-year strategic plan. This roadmap, meticulously crafted with the support of the Bureau for Community Action and Development (BUCAD), outlines a clear vision for the Commission's activities over the next five years.

18. Some strategic goals outlined in the document include adopting digital platforms to facilitate access to information, improve gender equity and social inclusion, improve the human resource capacity and capability of the Commission, establish a presence in at least five (5) regional capitals, and strengthen the independence of the Commission in the performance of its functions.

2.2 Building Strong Ties through Stakeholder Engagements

19. The Commission worked actively in enhancing stakeholder relations towards the effective implementation of the RTI law. Key stakeholders engaged included UNESCO, Bureau for Community Action and Development, GIZ, Centre for Democratic Empowerment (CDE), Stanbic Bank, Vitamilk Ghana Ltd, World University Services of Canada (WUSC), DW Akademie and Star Ghana Foundation.

2.3 Establishing two regional offices

20. To facilitate the decentralisation of its operations and make its services available to the wider public, the Commission in collaboration with the Regional Coordinating Councils took steps to open offices in the Bono and Ashanti Regions. With dedicated staff now deployed to these regional offices, the Commission aims to increase its awareness, improve its access, strengthen its outreach, and decentralize its operations. The Commission is set to open offices in the remaining regions.

21. The Commission's efforts to decentralise operations have been significantly boosted by public promises made by the Yagbonwura, King of the Gonja Kingdom; the Wa Naa, Paramount Chief of the Waala Traditional Area; and the Upper East Regional Information Services Department, all of whom offered spaces for the establishment of RTIC offices in their respective regions.

Mr Speaker, this is commendable, and I salute these traditional leaders for their support and kind gestures.

2.4 Legislative Instrument

22. The Commission has made significant progress toward completing the draft regulations for the Legislative Instrument (L.I.). The final stage entails extensive consultations with the Ministry of Information, the Ministry of Justice and Attorney General Department, and the Committee for Subsidiary Legislation prior to laying it before the plenary.

2.5 Research and law reform

23. In 2023, the Commission also undertook research activities in line with Section 46(2) of Act 989. The research conducted took into

consideration the right to information laws from various jurisdictions, legal procedures, and experiences garnered from practice so far.

Conduct of compliance surveys

24. In the 2023 compliance survey conducted by the Commission Two Hundred and Fifty (250) public institutions were monitored.

Out of a total of 250 institutions visited, 198 were found to be compliant, constituting approximately 79.2% of the sample. On the other hand, 43 institutions were deemed non-compliant, representing about 17.2% of the total. Additionally, 9 institutions warranted a revisit, comprising approximately 3.6% of the sample. For the institutions deemed non-compliant, limited knowledge of the Act, was identified as a contributing factor.

2.6 Determination of review applications

25. In the year under review, sixty-five (65) applications for review were submitted to the Commission, while twenty-seven (27) applications for review pending from the previous year were brought forward, to give a total of ninety-two (92) applications. Thirty-eight (38) cases representing 41.3% of the total applications were settled through alternative dispute resolution means, twenty-four (24) applications representing 26.1% were processed through to the Commission's decision, and two (2) application representing 2.2% were forwarded to the applicant for referral to the relevant institution. As at the end of 2023, twenty-eight (28) of the applications representing 30.4% were undergoing various phases of evaluation.

2.7 Promotion of the right to information

26. One of the functions of the Commission is to participate in the promotion of RTI in accordance with Section 45 of Act 989. In

accordance with this provision, the Commission undertook a series of activities aimed at sensitising persons and institutions on Act 989. Some of these activities included provision of training to management and staff of some public institutions and collaborating with some public institutions, civil society organisations, and media houses to educate the public on right to information and Act 989.

2.8 Administrative Penalties and Recoveries

27. The Commission imposed administrative penalties to the sum of One Million Ghana Cedis (GHS1,000,000.00) on Twenty-Three (23) non-compliant public institutions in the year 2023. At the end of the reporting year 2023, the Commission had made recoveries of administrative penalties of Two Million and Forty-Three Thousand, Five Hundred and Seventy-One Ghana Cedis and Forty-Four Pesewas (GHS2,043,571.44). This includes administrative penalties imposed in the preceding years of 2022 and 2021.

3.0 APPLICATIONS FOR ACCESS TO INFORMATION (DEMAND)

28. Mr Speaker, the successful implementation of the RTI law in Ghana partly depends on the demand for access to information by individuals, institutions, or groups. In accordance with Section 1 of Act 989, a person is the one who has the right to information and may apply for access to that information.

29. It is important for citizens to understand, Mr Speaker, that in some limited circumstances as outlined between section 5 to 17 of Act 989, public institutions have a right, to exempt some classes of information from access under this Act. The RTI Act, 2019 has clearly identified and classified some information as exempt which calls for safeguards, including those related to national security, public safety and/or individual privacy. The RTI Commission however, as an independent and impartial body, has also been resourced to deal with any unwarranted denials by public institutions.

30. In the year under review, Three Hundred and Twenty-Two (322) out of an expected six hundred and eighty-three (683) institutions submitted annual reports to the RTI Commission.

This, Mr Speaker, is totally unacceptable.

The Ministry of Information strongly urges the RTI Commission to impose administrative penalties against public institutions that failed, according to Section 71(2)(6) of the RTI Act, 2019.

31. Of the complying Three Hundred and Twenty-Two (322) institutions, one hundred and seventy-three (173) received applications for information. These institutions in total received One Thousand, Seven Hundred and Forty-Nine (1,749) requests.

The Ghana Revenue Authority processed the highest number of requests, amounting to 115.

3.1 Number of Applications Approved

32. Out of the One Thousand, Seven Hundred and Forty-Nine (1,749) requests received by the various public institutions, One Thousand Two Hundred and Twenty-Five (1225) were approved by the information officers of the public institutions representing 70% of the total number of applications received.

3.2 Number of Applications Rejected

33. The total number of applications rejected for varied reasons by the various public institutions was Two Hundred and Eighty-One (281) representing 16% of the total requests for information. The following reasons were cited for rejecting applicants' requests:

1. Exempt information.
2. Information not in the custody of the public institution.

3.3 Number of Applications Transferred, Referred and Deferred

34. Forty-Two (42) of the requests were transferred to other institutions for processing, Twenty (20) were deferred, Nineteen (19) were partially granted and One Hundred and Sixty-Two were referred.

3.4 Number of Internal Review Requested, Granted or Dismissed

35. Out of the Two Hundred and Eighty-One (281) requests that were rejected by information officers, One Hundred and Ninety-Four (194) internal reviews were requested. The respective heads of institutions dealt with the review applications from the dissatisfied applicants. Of

these applications for review, One Hundred and Ten (110) were eventually granted whilst Eighty-Four (84) were dismissed.

Mr Speaker, this is evidence that the internal reviews are being properly conducted.

36. Further analysis of the data from the annual reports showed that in 2023, 76.92% of the applicants requesting information were male, while 23.08% were female. Another point of interest was the age distribution of the applicants. The data revealed that the majority, representing 65.52%, were within the age bracket of 30-49 years. The second highest proportion, 20.94%, fell within the age bracket of 18-29 years. The third highest proportion, 13.3%, was within the age bracket of 50-69 years. The least proportion, 0.25%, fell within the age bracket of 0-17 years.

4.0 IMPLEMENTATION CHALLENGES AND RECOMMENDATIONS

37. Mr. Speaker, in 2023, there were a number of challenges faced in the implementation of the RTI Act, 2019.

- Lack of adequate financial resources to undertake activities that will ensure effective functioning of the supply side of the Right to Information (RTI) architecture including quality assurance.
- Logistical constraints including reliable internet infrastructure hindering the work of Information officers particularly those in the MMDAs.
- Attrition among RTI officers: During the year under review, we observed a notable number of resignations among RTI officers. The reasons cited by the exited officers included traveling for further studies and job opportunities. This has reduced the number of RTI officers across various public institutions, making it difficult for the Division to provide back-end support to institutions.
- Limited cooperation from public institutions: - The Ministry experienced challenges in getting some public institutions to comply with some aspects of the law. Some Heads of public institutions still sign-off responses to RTI requests contrary to Section 19 of the RTI Act, 2019.
- Bureaucratic practices in public institutions impede the turnaround time on response to requests.

These challenges were faced by the RTI Commission in similar measure as they were faced by the ATI Division of the ISD.

38. In the ensuing years, it is imperative that the budgetary allocations for the RTI Commission and the ATI Division are shored up to enable them to function effectively.

39. Additionally, Mr Speaker, financial clearance needs to be provided as a matter of urgency to enable:

I. The RTI Commission complete the recruitment of its full complement of staff to resource its regional offices in Kumasi, Sunyani and Bolgatanga.

II. The ATI Division replace exited officers and also populate the outstanding three and thirty-three (333) public institutions with information officers to ensure full compliance with the Act.

5.0 2024 OUTLOOK

40. For the year 2024, the focal areas for the implementation of the Act are as follows:

- Hosting of the 2024 Global Conference of the International Day for Universal Access to Information (IDUAI). This prestigious event will take place in Accra on October 1–2, 2024, under the theme "Mainstreaming Access to Information and Participation across the Public Sector."
- Operationalisation of an Online Records Management System (ORMS) to enable applicants apply for information online, aid information officers in keeping accurate records, and increase efficiency. This unique platform, which has been developed in accordance with Section 18 of the RTI Act, 2019, will not only digitise the application and processing of RTI requests but will

also transform records management across public institutions in the country. The ORMS is expected to be in full operation by end of year 2023. This will be implemented by the ATI Division of the ISD.

- Presentation of the Legislative Instrument for the RTI Act, 2019 to Parliament this year by the Ministry of Information. The initial draft has been prepared by the RTI Commission, and final consultations are currently being arranged with the Ministry of Information, the Ministry of Justice and Attorney General Department, and the Parliamentary Select Committee on Legislature.

41. In conclusion Mr Speaker, I will like to use this opportunity to applaud the contribution of key stakeholders (some of whom are present in the gallery today), namely the RTI Commission, the RTI Coalition of Civil Society Organizations, UNESCO Ghana, the Heads of the Civil and Local Government Services and the Ministry of Finance for their support. I thank the staff of the Ministry of Information and the Access to Information Division of the Information Services Department for their hard work, commitment, and perseverance in ensuring that RTI works thus far.

42. Mr. Speaker, finally, I express my sincere gratitude to you and Honourable Members, in particular to Leadership and Members of the Committee on Communications for your support and partnership in the implementation of the RTI ACT. Long may this continue.

I thank you Mr Speaker for the opportunity.

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