

**PUNJAB INFORMATION COMMISSION
LAHORE**

Mr. Muhammad Imran Zia (the Complainant)

Vs.

Deputy Secretary (Admn.)/ Designated PIO, Information & Culture Department,
Lahore (the Respondent)

ORDER:

The Complainant submitted a complaint to the Commission on 07/09/2015 alleging that the Respondent had not provided him the requested information within the time period specified in section 10(7) of the Punjab Transparency and Right to Information Act 2013. The information sought by the Complainant, through his application dated 12/08/2015, is about the recruitment of staff for Punjab Journalists Housing Foundation (PJHF) and includes the following:

1. Advertisements published in the newspapers in 2014 & 2015;
2. Official file noting of this recruitment process i.e. relating to both advertisements;
3. Both notifications of selection committees 2014 and 2015;
4. Name of the competent authority for notification of committees;
5. Minutes of meetings of selection committees in which selection was finalized;
6. Both lists of applicants who applied for the posts of Estate Officer and Law Officer;
7. Criteria adopted for selection;
8. Approved requirement for the job of Estate Officer;
9. Approved requirement for the post of Law Officer;
10. Copy of documents and CVs of the selected candidates;
11. Both lists of shortlisted candidates for Estate Officer according to both advertisements;
12. List of shortlisted candidates for Law Officer;
13. Copy of offer letter of Estate Officer and Law Officer.

2. Through a letter dated 22/09/2015, the Commission called upon the Respondent to either immediately provide the requested information to the complainant or explain the reasons, including rebuttal if any, of alleged non-response or delay in deciding the application submitted by the complainant. In the meanwhile, through a letter No. SOP(INF)4-1/2015(P-1) dated 21/09/2015, the Respondent informed the complainant that his application "does not fall under the ambit of public interest". The complainant shared this letter with the Commission. Following this, the Commission informed the Respondent vide letter dated 22/10/2015 that his response was vague and unsatisfactory, and that he should appear before the Commission on 04/11/2015 to further explain his point of view. However, the Respondent didn't appear for hearing, while the complainant was present. Another hearing was fixed for 13/11/2015. The

Respondent appeared before the Commission on 11/11/2015 and the Commission heard his arguments regarding the complaint.

3. During the hearing, the Respondent stated that information sought by the complainant relates to his personal interest and that its disclosure would not serve any larger public interest. He argued that the Act is primarily meant to be used in public interest, and not to serve personal interests of individuals. He further stated that the complainant has also sought access to noting portion of files and minutes of meetings, which are confidential and hence can't be provided. He also informed the Commission that information sought relates to the PJHF, and that he had responded to the applicant on the basis of the response that was furnished to him by the management of the PJHF. The Commission informed the Respondent that the Act makes no distinction between the information involving personal interest vis-à-vis public interest, and that access to information can only be denied if its disclosure is likely to cause harm to one or more of the interests mentioned in section 13 of the Act. He was further informed that noting portion of files or minutes of meetings *per se* are not exempt from disclosure. However, a specific part of noting or minutes can be withheld, provided it could be justified in the light of exceptions mentioned in section 13 of the Act. The Respondent's attention was also drawn towards section 2(f) of the Act, which provides a comprehensive definition of the term "information", which lists various documents and then goes on to state that "...and any other documentary material regardless of its physical form or characteristics." In this respect, the Commission also advised the Respondent to read some of the earlier orders of the Commission, including a detailed order dated 14/10/2015 on an Objection Petition moved by the PIO of Governor House, wherein the questions relating to, *inter alia*, personal interest vs. public interest and noting on files have been thoroughly discussed and decided.

4. The Commission reviewed the list of documents sought by the complainant in the presence of the Respondent, and held that the disclosure of requested information can't be denied in the light of section 13 of the Act. The Commission further highlighted that, under section 7 of the Act, one or more PIOs should be designated for each administrative unit of a public body and, in view of this, at least one PIO should be designated for the PJHF as well. It was further emphasized that the objective of the Act is to ensure maximum transparency in public functions and, therefore, the public bodies must decide applications for access to information with a positive mind and in the interest of transparency, instead of relying upon technicalities to delay or deny access to information. Maximum transparency in the recruitment process shall help public bodies in dispelling the perception of wrongdoing, and hence the disclosure of relevant information is very much in the public interest. It is for this reason that most of the information relating to the recruitments should be proactively disclosed and posted on the website. The Commission, vide its Order dated 01/07/2015 (Zahid Abdullah vs. Secretary, Information & Culture Department), had directed the Information and Culture Department to establish its website and disclose maximum information about its functions in the light of section 4 of the Act and directions of the Commission issued from time to time. The Commission is of the view that the PJHF should also establish a dedicated

website, which should host information about, among others, its objectives, operations, recruitments, procurements and allotment of plots.

5. The complaint is allowed. The Respondent is directed to provide all the requested information to the Complainant as soon as possible but not later than 02/12/2015, and submit a compliance report to the Commission. The Respondent is further directed to take up with the top management of the Information & Culture Department the issues of (a) early designation of a PIO for PJHF in the light of section 7 of the Act; and (b) setting up of websites for the Information & Culture Department as well as the PJHF for maximum proactive disclosure in the light of section 4 of the Act and directions of the Commission. A copy of this order may be sent to the Complainant for information.

Announced on:
18/11/2015

(Mukhtar Ahmad Ali)
Information Commissioner

(Mazhar Hussain Minhas)
Chief Information Commissioner

(Ahmad Raza Tahir)
Information Commissioner