

**PUNJAB INFORMATION COMMISSION
LAHORE**

File No. AD(A&C)PIC 2-377/2015

Mr. Ahmad Bilal Mehboob, President PILDAT, PO Box 11098, L.C.C.H.S, Postal Code: 54792, Lahore.

(the complainant)

Vs.

1. Director General (DG), Directorate General of Public Relations (DGPR), 21-Mehmood Ghaznavi Road, Lahore.

2. Director (Coordination), Directorate General of Public Relations (DGPR), 21-Mehmood Ghaznavi Road, Lahore.

(the respondents)

ORDER:

1. The Complainant submitted a complaint to the Commission on 30/12/2015 alleging that the Respondent No. 1 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 20/10/2015, was about month-wise breakdown of expenditures of the Government of Punjab (between January 01 and October 20, 2015) on promotional advertisements released through DGPR in accordance with Provincial Advertisement Policy 2012.

2. Through a letter dated 31/12/2015, the Commission called upon the Respondent No. 1 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 for access to information.” He was further asked to submit his response to the Commission latest by 11/01/2016, which must “specifically include explanation about (a) why the DGPR has not disclosed through its website the contact details of its PIO designated u/s 7 of the Act? (b) why the complainant’s application was not transferred to or decided by the designated PIO in accordance with sections 11 & 10 of the Act? And (c) why the complainant’s request

for internal review was not decided within 14 days in accordance with section 12 of the Act?” The Respondent No. 2, vide his letter dated 6/01/2016, stated that the DGPR had already responded to the complainant regarding his information request, and that the details of expenditures were “strictly classified” and could not be disclosed under section 13(1-b) & (1-d) of the Act. Consequently, through its letter dated 19/01/2016, the Commission called the Respondent No. 2 for hearing on 28/01/2016 to explain how exactly the disclosure of requested information will harm protected interests under sections 13(1)b & d of the Act.

3. No one appeared in the hearing fixed on 28/01/2016 and, therefore, another hearing was fixed on 08/02/2016, which was attended by Mr. Adnan Rashid, Deputy Director (Finance) and Mr. Abdul Nasir, Assistant Director (Design, Display and Circulations). The designated Public Information Officer (PIO) of DGPR was not present, and the Commission was informed that DGPR was in the process of designating PIOs for its various sections. During the hearing, it was argued on behalf of the respondents that the requested information cannot be provided until the relevant accounts have been audited. However, they could not cite any legal provision, which barred DGPR from disclosing information before the finalization of audit. They also reiterated their stance that the information being sought is exempt from disclosure under sections 13(1)b and 13(1)d of the Act. However, the Commission informed the DGPR officers that section 13(1)b is about protection of privacy of individuals, whereas the requested information is about government expenditures on advertisements, disclosure of which was not likely to harm privacy of any individual. Similarly, when asked as to how the disclosure of requested information would harm the commercial interests of DGPR in terms of section 13(1)d of the Act, they failed to provide any satisfactory explanation. The fact is that DGPR is not involved in any commercial activity and, therefore, it cannot claim that disclosure of requested information will undermine its competitive advantage or business interests. On the contrary, DGPR is a public sector organization, which uses public funds and which is expected to exercise its powers and authority in a transparent and publicly accountable manner. Even if any other law or rules bar DGPR from disclosing information to citizens, the same are of no legal consequences in the presence of Article 19-A of the Constitution and section 24 of the Punjab Transparency and Right to Information Act 2013.

4. The complaint is allowed. The Respondents are directed to provide all the requested information to the complainant latest by 18/02/2016 under intimation to the Commission. They are also directed to ensure that, from now onwards, all information about the number and types of advertisements as well as related expenses is proactively disclosed and updated through website of the DGPR on monthly basis. It is further directed that the Respondent No. 1 must take immediate steps to ensure full compliance with, *inter alia*, section 4, 7, 8 and 10 of the Act, especially in terms of automation of records, designating PIOs and posting their contact details on notice-boards and website of DGPR. A copy of this Order may be sent to the complainant as well.

Announced on:
08/02/2016

(Mukhtar Ahmad Ali)
Information Commissioner

(Mazhar Hussain Minhas)
Chief Information Commissioner

(Ahmad Raza Tahir)
Information Commissioner