



Manual for Operationalization of Section 4 & 5 of KP RTI Act, 2013

Submitted to:

USAID Khyber Pakhtunkhwa Governance Project

By:

Centre for Governance and Public Accountability (CGPA)

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Introduction

As part of the Good Governance Legislative Framework, the Khyber Pakhtunkhwa (KP) Government enacted the KP Right to Information (RTI) Act in November 2013. The primary objective of the law was to promote transparency and accountability in the functioning of government departments/ public bodies. The introduction of the law also provided a legal mechanism to the citizens to exercise their constitutional right of having access to information enshrined in article 19-A of the Constitution of Pakistan 1973.

Why this Manual?

The KP RTI Act 2013 is all about providing information of public importance to citizens, subject to reasonable restriction and regulation imposed by law. The term 'information' as defined in the Act means, material which communicates meaning and which is held in recorded form. Now, to be able to comply with its obligation under the Act, each public body shall ensure that all of the records which it holds are properly maintained in accordance with the relevant rules and standards established by the KP Information Commission as referred under Section 4 of the KP RTI Act, 2013. Similarly, section 5 of the Act binds all public bodies to publish certain important categories of information in an updated fashion and in a manner which best ensures that they are accountable to the public, including over the internet.

The KP Right to Information Commission (RTIC) which is the oversight body for RTI Law observed that compliance of section 4 and 5 of the KP RTI Act 2013 by public bodies relating to maintenance of records and proactive disclosure was not up to the desired standards, therefore, a need was felt to prepare a manual for the guidance of the public bodies so that the provisions contained in the sections of law referred to above are implemented in their true spirit.

As desired by KP RTIC, the Centre for Governance and Public Accountability (CGPA) with the support of Khyber Pakhtunkhwa Governance (KPG) Project developed this manual so that these two weak areas are visibly improved for the ultimate benefit and convenience of the Citizens.

What are the Objectives of the Manual?

This manual has been prepared for:

First and foremost, objective is to guide the government Officers/officials and government departments/public bodies about the implementation of section 4 & 5 under KP RTI Act 2013.

Building capacities of government officials on how to manage, index and digitize the record in accordance with the Act. Secondly, to make them aware of international best practices about maintenance of public record proactive disclosures of information for the convenience of information seekers.

What are the contents of this Manual?

The manual is divided into two parts.

Part I: Maintenance, Indexing, and Digitization of Record under Section 4 of KP RTI Act, 2013.

Part II: Proactive Disclosure of Information under Section 5 of the KP RTI Act 2013

Who can Use this Manual?

This manual can be used by all public bodies in KP, especially government departments as guidelines for implementing section 4 & 5 of KP RTI Act, 2013.

Organizers: Government Department themselves, KP RTIC.

Trainers: Trainers conducting capacity building workshops for implementing section 4 & 5 of KP RTI Act 2013.

PART I:

**Maintenance, Indexing, and Digitization of Record
under Section 4 of KP RTI Act, 2013**

Maintenance, Indexing and Digitization of Record under Section 4 of KP RTI Act 2013

Ensuring proper maintenance of records, the KP RTI Act, 2013, mandates that every public authority shall maintain all its records duly cataloged and indexed in a proper manner. Right to information is a “Master Key to Good Governance”. It has been observed that the weakest link in our information system is the neglect of record keeping. There is a dire need for updating records, improving infrastructure and creating manuals for this purpose. The maintenance and updating of records is a continuing process which every public authority is obligated to do. Improving the infrastructure and bringing out the necessary manuals are also continuing processes and the responsibility of the concerned public authorities. All the public authorities should update their records, improve their infrastructure, bring out necessary manuals from within their resources. The concerned departments may make specific budgetary provision for the purpose as per their requirement.

Sec 4 KP RTI Act, 2013. Maintenance and indexing of records.---*Subject to the provisions of this Act and in accordance with the rules as may be prescribed, each public body shall ensure that all of the records which it holds are properly maintained, including so as to enable it to comply with its obligations under this Act, and in accordance with any relevant rules or standards established by the Information Commission.*

The review of the whole RTI regime in KP has highlighted that the systematic failure in maintenance of records is resulting in delayed information, the supply of incomplete and misleading information. Such failure appears to be due to the fact that the public authorities do not adhere to the mandate of Section 4 of the KP RTI Act 2013, which requires every public authority to maintain all its records duly managed, indexed and digitized in a manner and form which would facilitate the right to information. Proper maintenance of records is vital for the success of the RTI Act but many public authorities have not paid due attention to the issue despite the fact that it is a legal obligation.

Record Management

Meaning of Records:

There is sometimes a lack of clarity about what is meant by “records” in relation to the more general term information. There are many definitions of the term record however the most convenient and wide-ranging definition is “Records include all the documents that institutions/ organizations create or receive in the course of administrative and executive transactions”. It is a document or other electronic or physical entity in an organization that serves as evidence of an activity or transaction performed by the organization and that requires retention for some time period. The records themselves form a part of or provide evidence of such transactions. As evidence, they are subsequently maintained by or on behalf of those responsible for the transactions. While all records convey information, not all sources of information are necessarily records. For example, a published book or an externally provided database will not

be a record, although information selected from it and reused in a new context may itself become a record.

Records arise from “actual happenings”. They are a snapshot of an action or event. They offer a picture of something that happened. To serve their purpose in providing reliable evidence for greater accountability, records in both paper and electronic format must be accurate, complete and comprehensive. While most records do not need to be kept permanently, small but significant portions have enduring value.

*Section 2 (j) of KP RTI Act, 2013:
“record” means information which is
recorded in any form;*

Importance of Record Management

Information or records have always been a prime resource of any organization. Without it, no modern organization would be able to function. Organizations operate as well as strategize based on the records. Those have economic, legal, fiscal, and competitive values. However, many organizations face a lot of problems in creating proper record and risks of losing record, due to lack of effective policies and procedures of systematic control on record management, As a result, they keep some records for too long, spend too much to store those, waste time to look for misplaced information, fail to comply with the record-keeping rules/regulations, and ultimately as a whole fail to protect vital information and government organizations are no exceptions to this. Lack of proper record management often creates the following issues for an organization:

- Paperwork becomes a major overhead/cost for the organization.
- A number of active files grow day by day.
- Managers waste time searching through misfiled, mislabeled, untracked or lost information.
- Office workers waste time on misplaced paperwork.
- Many records, due to lack of proper record management, are removed/destroyed.
- At any point in time, some files/records are found to be lost or misplaced.
- Recreating a destroyed/misplaced file/information is a challenge as well as a waste of time and money and lack of authenticity.

These days public offices create and receive records at an ever-increasing rate. Not only is the volume of record amazing, but the records come in a variety of formats, such as:

- Word processing documents
- Emails
- Faxes
- Digital images (e.g., scanned paper documents)

These documents may reside in different storage media, e.g.,

- Local hard drives
- Network drives
- Cloud

- Backup drives/tapes
- CDs and DVDs
- Flash drives

The situation gets more complex, as a significant part of such information in public offices are paper-based. Considering the volume and types of documents and their saving options, organizations find it almost impossible to manage all the documents without a well-defined and efficient document management system.

Record Management through Paper

Since independence in 1947, public offices in Pakistan have mostly been following the paper-based document management system. Even a few decades ago, the documents were not so versatile and detailed and document management systems were also not as elaborate as now. Still, there was some 'system' which was relied upon. However, in course of time, technology has advanced and there are new ways of using it. Today paper-based document management is gradually becoming obsolete, inadequate and often inefficient.

Disadvantages / Challenges of Maintaining Paper documents

Though many public offices still depend on paper-based record keeping, surely there are a lot of challenges with that, such as the following:

- Lack of storage space:** Paperwork requires a significant amount of space to place/store, which gets bigger as the quantum of documents grows over time. Furthermore, paper records need to be stored close to hand for quick access as and when needed, which is not always possible.
- Prone to damage:** With the passage of time paper quality deteriorates. Also, natural calamities like disasters (cyclone, flood, storm, earthquake etc.) can damage and destroy the record. In the absence of any backing up system, a document once lost is gone forever.
- Document vulnerability:** Loss of any critical document of value causes a serious problem. Also, there could be a possibility of a confidential document being accessed by unwanted/unauthorized persons, who may even tamper with it or steal it, leading to a disastrous effect on a certain person(s) or the organization as a whole.
- Inefficient document transportation:** Transporting documents in the paper-based system is always problematic. Even if it is possible to fax, courier, or deliver it in person, it is slow and inefficient.
- The problem in collaboration:** Collaboration on documents is harder when working with paper documents. If multiple people need to access/use one paper document, multiple copies need to be printed and provided for progressing in parallel and different notes/comments on each paper will need to be consolidated. Otherwise, the whole process will need to proceed in serial mode, which makes the process even slower.

Our dependency on paper documents

Though we know about the disadvantages of a paper-based system, we cannot get completely rid of the dependency on paper due to various reasons, such as:

- a) **Government requirements:** If the government needs a specific paper record to be maintained, there is not much choice. However, because of the advantages of using digital documents, many government departments/agencies are moving towards it.
- b) **Legal requirement:** In some scenarios, such as an application for the processing of a loan, selling of business/property etc., signed paperwork is often a requirement. However, there is a growing awareness of digital documents and its benefits, which is causing some changes here too.
- c) **Durability:** As far as durability is concerned, people still rely on paper. It has been seen that even century-old paper documents can still be used. By contrast, 20-year old computer documents in some cases cannot be accessed due to various technical issues. However, digital storage methods have stabilized and improved a lot to extend/enhance the lifetime of digital documents. Formats like PDF, JPEG, PNG etc. are accepted and supported as standard worldwide, and are usable for many years.

Recommended good practice in records management

Good practice in records management is made up of a number of key elements. These practices are also aligned with the RTI regime in place. The following list summarizes the good practice recommended:

- a) Public bodies should have in place organizational arrangements that support records management
- b) Public bodies should have in place a records management policy, either as a separate policy or as part of a wider information or knowledge management policy which should also ensure implementation of the RTI law;
- c) Public bodies should ensure maintenance of records they will need for their routine business, regulatory, legal and other purposes;
- d) Public bodies should keep their records in systems that enable records to be stored and retrieved efficiently and promptly;
- e) Public bodies should know what records they hold and where they have been kept and should ensure that they facilitate the information seekers under the RTI law;
- f) Public bodies should ensure that records are stored securely and that access to them is not time-consuming;
- g) Public bodies should determine how long they need to keep particular records, should dispose of them when they are no longer needed and should be able to explain why records are no longer held to the public;
- h) Public bodies should ensure that records shared with other bodies or held on their behalf by other bodies are managed and properly disclosed to the public under RTI law;
- i) Public bodies should monitor compliance of the RTI law and assess its overall effectiveness in this regard.

Organizational arrangements to support records management



Figure 1: Record Management

Arrangements which Public bodies should have in place for ensuring proper record management.

- a) Recognition of records management as a core function, either separately or as part of a wider information or knowledge management function. The function should cover maintenance of records in all formats throughout their lifecycle, from planning and creation through to disposal and should also include records maintenance on behalf of the third party such as a contractor;
- b) A governance framework that includes defined roles and lines of responsibility. This should include allocation of lead responsibility for the records and information management function to a designated member of staff at the sufficiently senior level and sub-allocation of operational responsibility to another member of staff with the necessary knowledge and skills. In the small public bodies, the two roles could be combined. These persons should be fully conversant with KP RTI Act, 2013;
- c) Identification of information systems that hold records and provision of resources needed to maintain and protect the integrity of those systems and the information they contain;
- d) Consideration of records management issues when planning or implementing ICT systems, when extending staff access to new technologies during restructuring or major changes in the public bodies;
- e) Induction and other training to ensure that all staff is aware of the official records management policies, standards, procedures and guidelines, and their responsibilities. This should also be extended to temporary and contract staff, contractors and consultants who are undertaking work that it has been decided

should be documented in the official records. If the organization is large enough to employ staff whose work is primarily about records and information management, they should be given opportunities for professional development;

- f) An agreed program for managing records in accordance with this public office and under KP RTI Act, 2013;
- g) Provision of the financial and other resources required to achieve agreed objectives in the records management program as well as for indexing, digitization and proactive disclosure of information

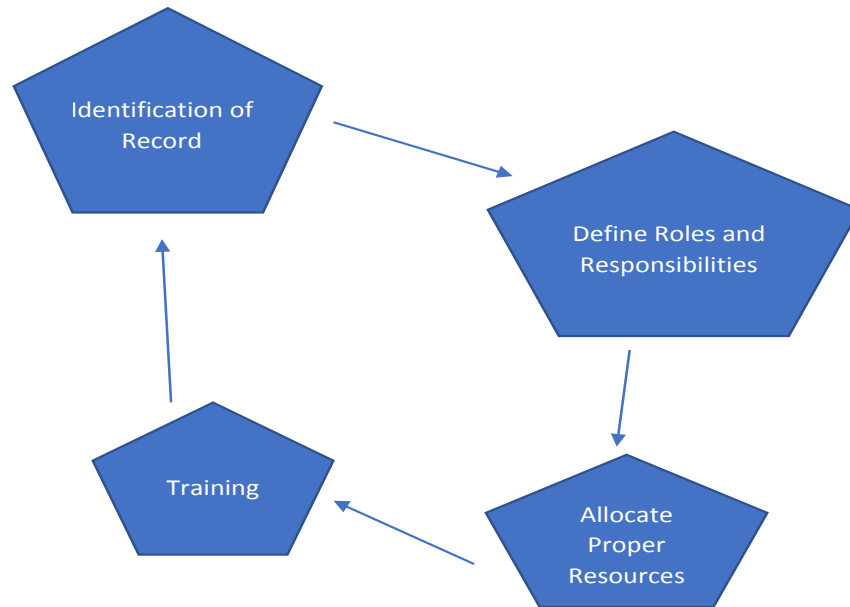


Figure 2: Arrangement Cycle

Records management policy

Departments should have in place a records management policy, either as a separate policy or as part of a wider information or knowledge management policy.

1. The policy should be endorsed by senior management and should be readily available to staff at all levels.
2. The policy provides a mandate for the records and information management function and a framework for supporting standards, procedures, and guidelines. The precise contents will depend on the particular needs and culture of the public office but it should as a minimum:
 - a) Set out the statutory commitments to create, keep and manage records which document its principal activities; Outline the role of records management and its relationship to the official strategy;

- b) Identify and make appropriate connections to related policies, such as those dealing with email, information security and data protection;
 - c) Define roles and responsibilities, including the responsibility of individuals to document their work in the departments, records to the extent that, and in the way that, the department has decided their work should be documented, and to use those records appropriately;
 - d) Indicate how compliance with the policy and the supporting standards, procedures, and guidelines will be monitored.
3. The policy should be kept up-to-date so that it reflects the current needs of the department. One way of ensuring this is to review it at agreed intervals, for example, every two to three years, and after major organizational or technological changes, in order to assess whether it needs amendment.
4. The department should consider publishing the policy so that members of the public can see the basis on which it manages its records.

A. Ensuring those records are kept

1. All staff should be aware of the records the department has decided to keep and their individual responsibilities to follow the official rules of business and keep accurate and complete records as part of their duties. Heads of departments as well as managers of different units, programs and projects should take responsibility for ensuring that the agreed records of the unit are kept and are available for any required use including under KP RTI Act, 2013.
2. Departments should ensure that staff creating or filing records are aware of the need to give those records titles that reflect their specific nature and contents so as to facilitate retrieval and provision of information under the KP RTI Act, 2013.
3. Staff should also be aware of the need to dispose of ephemeral material on a routine basis. For example, print-outs of electronic documents should not be kept after the meeting for which they were printed, trivial emails should be deleted after being read, and keeping multiple or personal copies of documents should be discouraged.

Records systems

Departments should keep their records in systems that enable records to be stored and retrieved as necessary.

Choosing, implementing and using records systems

1. Departments should decide the format in which their records are to be stored. This includes a requirement in for records and information to be created and held electronically, if the department is operating electronically, for example using email for internal and external communications or creating documents through word processing software, it is good practice to maintain the resulting records electronically. Additionally, the departments should note that the KP RTI Act 2013 requires them progressively to make information available to the citizens by electronic means such as through websites and the internet.

2. Departments are likely to hold records and other information in a number of different systems. These systems could include a dedicated electronic document and records management system, such as a case management, finance or geographical information system, a website, shared workspaces, audio-visual material, and sets of paper files with related registers. In some cases, records of the same activities may be held in different formats, for example, digital files with supporting paper material.
3. Records systems should be designed to meet the department's operational needs and using them should be an integral part of core operations and processes. Records systems should have the following characteristics:
 - a) These should be easy to understand and use so as to reduce the effort required of those who create and use the records within them;
 - b) These should enable quick and easy retrieval of information. With digital systems this should include the capacity to search for information requested under the KP RTI Act, 2013;
 - c) These should be set up in a way that enables routine records management processes to take place. For example, digital systems should be able to delete specified information in accordance with agreed disposal dates and leave the rest intact;
 - d) These should enable the context of each record and its relationship to other for easy understanding. In a records management system this can be achieved by classifying and indexing records within a file plan or classification scheme to bring together related records and enable the sequence of actions and context of each document to be understood;
 - e) These should contain both information and metadata. Metadata enables the system to be understood and operated efficiently, the records within the system to be managed and the information within the records to be interpreted;
 - f) They should protect records in digital systems from accidental or unauthorized alteration, copying, movement or deletion;
 - g) They should provide secure storage to the level of protection required by the nature, contents, and value of the information in them. For digital systems, this includes a capacity to control access to particular information if necessary, for example by limiting access to named individuals or by requiring passwords. With paper files this includes a capacity to lock storage cupboards or areas and to log access to them and any withdrawal of records from them;
 - h) They should enable an audit trail to be produced on occasions on which selected records have been seen, used, amended and deleted.
4. Records systems should be documented to facilitate staff training, maintenance of the system and its reconstruction in the event of an emergency.

Storage and maintenance of records

Departments should know what records they hold and where they are and should ensure that they remain usable for as long as they are required.

Moreover, under KP RTI Act, 2013 the departments are bound to proactively disclose the details of information which has been disclosed and which have not been disclosed and provide the mechanism to get the information which is not proactively disclosed to the citizens.

A. Knowing what records are held

1. The effectiveness of records systems depends on knowledge of what records are held, what information they contain, in what form they are made accessible, what value they have to the organization and how they relate to organizational functions. Without this knowledge, the department will find it difficult to:
 - a) Locate and retrieve information required for functional purposes or to respond to an information request;
 - b) Produce a Publication Scheme or a reliable list of information assets available for re-use;
 - c) Apply the controls required to manage risks associated with the records;
 - d) Ensure records are disposed of when no longer needed.
2. Authorities should gather and maintain data on records and information assets. This can be done in various ways, for example through surveys or audits of the records and information held by the department. It should be held in an accessible format and should be kept up to date.

B. Storing records

1. Storage should provide protection to the level required by the nature, contents, and value of the information in them. Records and information will vary in their strategic and operational value to the department, and in their residual value for historical research, and storage and preservation arrangements reflecting their value should be put in place.
2. Departments should be aware of any other specific requirements for records storage that apply to them. For example, the requirement of keeping the record under Manual of Secretariat Instruction 2008.
3. Storage should follow accepted standards in respect to the storage environment, fire precautions, health and safety and, if applicable, physical organization. It should allow easy and efficient retrieval of information but also minimize the risk of damage, loss or unauthorized access.
4. Records that are no longer required for frequent reference can be removed from current systems to off-line or near off-line (for digital media) or to off-site (for paper) storage where this is a more economical and efficient way to store them. They should continue to be subject to normal records management controls and procedures.
5. The whereabouts of records should be known at all times and movement of files and other physical records between storage areas and office areas should be logged.

C. Ensuring records remain usable

1. Records should remain usable for as long as they are required. This means that it should continue to be possible to retrieve, use and rely on them.
2. Records in digital systems will not remain usable unless precautions are taken. Departments should put in place a strategy for their continued maintenance designed to ensure that information remains intact, reliable and usable for as long as it is required. The strategy should provide for updating of the storage media and migration of the software format within which the information and metadata are held, and for regular monitoring of integrity and usability.

3. Records in digital systems are particularly vulnerable to accidental or unauthorized alteration, copying, movement or deletion which can happen without a trace. This puts at risk the reliability of the records which could damage the department's interests. Departments should assess these risks and put appropriate safeguards in place.
4. Backup copies of records in digital systems should be kept and stored securely in a separate location. They should be checked regularly to ensure that the storage medium has not degraded and the information remains intact and capable of being restored to operational use. Back-ups should be managed in a way that enables disposal decisions to be applied securely without compromising the department's capacity to recover from system failures and major disasters.
5. Physical records such as paper files may also require regular monitoring. For example, formats such as early photocopies may be at risk of fading, and regular checks should be made of any information in such formats that is of continuing value to the department.
6. Metadata for records in any format should be kept in such a way that it remains reliable and accessible for as long as it is required, which will be at least for the life of the records.

D. Disposal of records

Departments should define how long they need to keep particular records, should dispose of them when they are no longer needed and should be able to explain why records are no longer held.

1. For the purpose of this manual, the disposal means the decision as to whether the record should be destroyed, transferred to an archives service for permanent preservation or presented,¹⁴ and the putting into effect of that decision.

General principles

2. As a general principle, records should be kept for as long as they are needed by the department: for reference or accountability purposes under KP RTI Act, 2013, to comply with regulatory requirements or to protect legal and other rights and interests. Destruction at the end of this period ensures that office and server space are not used and costs are not incurred in maintaining records that are no longer required.
3. Records should not be kept after they have ceased to be of use to the department unless:
 - a) They are known to be the subject of litigation or a request for information under KP RTI Act, 2013. If so, destruction should be delayed until the litigation is complete or, in the case of a request for information, all relevant complaint and appeal provisions have been exhausted;
 - b) They have long-term value for historical or other research and have been or should be selected for permanent preservation.
 - c) They contain or relate to information recently released in response to a request under the KP RTI Act, 2013. This may indicate historical value and destruction should be delayed while this is re-assessed.

Making disposal decisions

4. Disposal of records should be undertaken only in accordance with clearly established policies that:
 - a) Reflect the department's continuing need for access to the information or the potential value of the records for historical or other research;
 - b) Are based on consultation between records management staff, the staff of the relevant unit and, where appropriate, others such as legal department and advisers, archivists or external experts;
 - c) Have been formally adopted by the department;
 - d) Are applied by properly authorized staff;
 - e) Take account of security and confidentiality needs.
5. The policies should take the form of:
 - a) An overall policy, stating in broad terms the types of records likely to be selected for permanent preservation. The policy could be a separate policy, part of the records management policy or a preamble to a disposal schedule;
 - b) Disposal schedules which identify and describe records to which a pre-defined disposal action can be applied, for example, destroy x years after [trigger event]; review after y years, transfer to archives for permanent preservation after z years.
6. Disposal schedules should contain sufficient details about the records to enable the records to be easily identified and the disposal action applied to them on a routine and timely basis. The amount of detail in disposal schedules will depend on the department's needs but they should at least:
 - a) Describe the records, including any relevant reference numbers;
 - b) Identify the function to which the records relate and the business unit for that function (if that is not clear);
 - c) Specify the retention period, i.e. how long they are to be kept;
 - d) Specify what is to happen to them at the end of that period, i.e. the disposal action;
 - e) Note the legal, regulatory or other reason for the disposal period and action, for example, a statutory provision.

Disposal schedules should be arranged in the way that best meets the department's needs.
7. Disposal schedules should be kept up to date and should be amended if a relevant statutory provision change. However, departments should consider keeping information about previous provisions so that the basis on which records were previously destroyed can be explained.
8. If any records are not included in disposal schedules, special arrangements should be made to review them and decide whether they can be destroyed or should be selected for permanent preservation. Decisions of this nature should be documented and kept to provide evidence of which records have been identified for destruction when the decision was made, and the reasons for the decision, where this is not apparent from the overall policy.

Implementing disposal decisions

9. Disposal schedules and disposal decisions should be implemented by properly authorized staff. Implementation arrangements should take account of variations caused by, for example, outstanding requests for information or litigation.
10. Records scheduled for destruction should be destroyed in as secure a manner as required by the level of confidentiality or security markings they bear.
11. In some cases, there will be more than one copy of a record. For example, there are likely to be backup copies of digital records, or there may be digital copies of paper records. A record cannot be considered to have been completely destroyed until all copies, including backup copies, have been destroyed if there is a possibility that the data could be recovered.

Documenting the destruction of records

12. Details of the destruction of records should be kept, either as part of the audit trail metadata or separately. Ideally, some evidence of destruction should be kept indefinitely because the previous existence of records may be relevant information. However, the level of detail and for how long it should be kept will depend on an assessment of the costs and the risks to the department if detailed information cannot be produced on request.
13. At the very least it should be possible to provide evidence that as part of the routine records management processes destruction of a specified type of record of a specified age range took place in accordance with a specified provision of the disposal schedule. Evidence of this nature will enable a department and its staff to explain why records specified in a court order or order passed by KP Information Commission cannot be provided or to defend themselves against a charge under section 28 of the KP RTI Act, 2013 that records were destroyed in order to prevent their disclosure in response to a request for information.

Records for permanent preservation

14. Records selected for permanent preservation and no longer required by the department should be transferred to an archives service that has adequate storage and public access facilities. The transfer should take place in an orderly manner and with a level of security appropriate to the confidentiality of the records.

Monitoring and reporting of records and information management

Authorities should monitor compliance with the record management system and policy and assess the overall effectiveness of the policy

1. Departments should identify performance measures that reflect their information management needs and arrangements and the risks that non-compliance with the KP RTI Act, 2013 would present to the department, including the impact on risks identified in the overall risk management framework.
2. The performance measures could be general in nature, for example that a policy has been issued, or could refer to processes, such as the application of disposal schedules to

relevant records with due authorization of destruction, or could use metrics such as retrieval times for paper records held off-site that have been requested under the Act.

3. Departments should put in place the means by which performance can be measured. For example, if metrics are to be used, the data from which statistics will be generated must be kept. Qualitative indicators, for example, whether guidance is being followed, can be measured by spot checks or by interviews.
4. Monitoring should be undertaken on a regular basis and the results reported to the person with lead responsibility for records management so that risks can be assessed and appropriate action taken.
5. Assessing whether the records management program meets the needs of the organization is a more complex task and requires consideration of what the program is intended to achieve and how successful it is being. This requires consideration of benefits in relation to core objectives as well as risks and should include consultation throughout the department.

Manual of Secretariat Instruction, 2008

This manual has been in use within the government departments at provincial level since 1972. For the efficient and smooth running of the official business, it has been modified and updated many times. It provides rules and procedures for day to day running of official business along with details of duties and obligations of concerned staff, officers from all cadres functioning under KP Government. This manual has specific provisions for maintaining record and information. It also includes vital instruction on timelines to hold, archive and for destroying the official record. It is presumed that following these instructions by the officials of the concerned department would ensure to some extent the implementation of section 4 & 5 of the KP RTI Act, 2013. Details of some important sections are hereunder:

Under Section 2 (w) “Index Card” means a document showing the subject and number of files used for the purpose of tracing and linking references on the subjects.

Under Part II – Procedure, specific provisions have been provided regarding maintenance of Files:

MAINTENANCE OF FILES

Section 52. The name of the Department to which the file belongs should be printed in bold letters or should be written clearly in the space provided for it on the file cover.

Section 53. Every Section/Branch shall maintain an approved list of main subject-headings, serially numbered, in respect of all matters dealt with by the Section/Branch. This list of main subjects-headings shall only give general subjects e.g. in a Section/Branch dealing with establishment matters some of the subject heads may be:-

- (a) recruitment of staff;
- (b) leave and transfer; and
- (c) pensions.

Section 54. The list of main subjects-headings should be pasted on the opening pages of the File Register. The series of file numbers should run from 1st January to 31st December each year, after which, it should again start from the beginning, retaining as far as possible, the file numbers allotted to various subjects in the preceding year.

Section 55. Assignment of subject titles and numbers of files. Every file shall be given:-

- (a) a suitable subject title; and
- (b) an appropriate number.

Section 56. The subject and file number shall appear prominently on the front pages of the file covers in places provided for them.

Section 57. The main subject headings shall be split into appropriate sub-headings and serially numbered. For example under the main headings "Recruitment of Staff" the sub-heading may be:-

- (a) stenographers;
- (b) typists;
- (c) clerks; and
- (d) naib-qasids, etc.

Section 58. The subject title of the file dealing with the recruitment of clerks will be: "Recruitment of staff Clerks"

Section 59. The number on each file will indicate:

- (a) the Section or Branch to which the file pertains;
- (b) the name of the department in an abbreviated form;
- (c) the serial number of the sub-headings;
- (d) the serial number of the file; and
- (e) the year in which the file is opened.

Section 60. The number of the file entitled "Recruitment of Staff" will, therefore, be: Clerk S.O./(Administration)/FD/1-3/88

Section 61. The new file may not be opened unnecessarily. The opening of the part file should also be avoided as far as possible. Part files may, however, be opened when the main file is not likely to be available for some time, and action on a freshly received communication cannot brook delay. Where more than one part file is opened, each of them should be given a distinct number to indicate its relationship with the main file e.g.

- S.O.(Administration)FD/13/88(Part File.I),
- S.O.(Administration)FD/13/88(Part File.II)

- Section 62. (a) The part file or files, should be merged with the main files as soon as the latter becomes available. In this process, care should be taken to preserve the chronological order of the notes and correspondence as far as possible. For this purpose, the part number of the notes of the part file after the merger with the main file should be renumbered and the page number is given therein corrected accordingly;
- (b) If a file has assumed such proportion that it is difficult to handle it conveniently a second volume should be started bearing the same number after about 300 pages; and
- (c) It is the duty of every member of staff to protect the official paper from rough and careless handling and keep them in good conditions. Crumpled, soiled and damaged sheets should be repaired as noticed.

PRESERVATION OF RECORDS

RECORDING, INDEXING, CLASSIFICATION, WEEDING, AND PRINTING OF RECORD

Section 200. Definitions:—

- (1) Preservation of records includes recording, indexing, printing, classification, and weeding of files, which should be done as a continuous process, action on a file should not be treated to have been completed unless it has been properly recorded.
- (2) In these instructions:-
- (a) 'Recording' means the process of closing of a file after action on all issues has been completed;
 - (b) 'Indexing' means the preparation of index slips for each file and ultimately an Annual Index of the files of the Department;
 - (c) 'Classification' means the classification of files into "Secret" and "Confidential";
 - (d) 'Categorization' means categorization of files into various categories on the bases of the period for which they should be preserved; and
 - (e) 'Weeding' means sorting out and destroying of those records which have outlived their utility and need no longer be preserved.

Section 201. Recording: Where a communication issued finally disposes of a case, the Section Officer shall take the following further action before passing it on to the Section Assistant/Section Clerk-cum-Record Keeper (as the case may be):-

- (a) Read through the notes and correspondence and verify that no further action remains to be taken on the case.

- (b) Take extracts of important orders, decisions, advice, etc; for incorporation in the reference register;
- (c) Check and satisfy himself that all pages are complete and intact;
- (d) Remove and destroy all unimportant papers, routine notes and slips and other papers not material to the case;
- (e) Remove and destroy drafts or papers which have been printed or typed (except copies initialed by officers), proofs and any other duplicates of papers otherwise appearing in full on the record;
- (f) Remove all pins, clips, and tags, if any;
- (g) Transfer notes to the correspondence file (Notes at the bottom following the correspondence) and lace them together securely, changing the file cover, if necessary, in case the existing one is mutilated; and
- (h) The index card already prepared may be appropriately revised where necessary.

Section 202. On receipt of a file marked for the record, the Section Assistant/Section Clerk-cum-Record Keeper, as the case may be, shall:

- (a) Note the recording date and the classification of the file in the relevant columns of the file register. He/She should also maintain an annual register of the recorded file.;
- (b) Enter the serial number of the file on the relevant page of the Register of Files due for destruction This register should contain at least one page for each calendar year and the serial number of files due for destruction in a particular year should be entered on the relevant page;
- (c) Place the file among other recorded files in its appropriate place; and
- (d) The Section Assistant/Section Clerk cum Record Keeper shall also perform the following duties:
 - (i) Note the number of connected File(s) or previous reference(s) on the file cover of the file being recorded and also on the cover of the file under reference;
 - (ii) Have all torn pages mended and twisted pages straightened;
 - (iii) See that all marginal references both in the notes and correspondence are either available on the file or in Appendix at the end of the file or are duly referenced so as to make them readily traceable. (In this process flags shall be clearly identified with or replaced by names or relevant document, number of files, page numbers, Para numbers, etc);
 - (iv) Write or type the full names of officers (who deal with the file) with correct spelling and their designation below signature where signatures of the officers are not legible; and
 - (v) Having completed the above action, place the file among other recorded files in its appropriate place or stamp the file "Recorded" in the margin of the last Para of the Notes, initial it and mark the file to the Record Room.

Section 203. Preparation for Index Card: As a general rule, index cards should be prepared simultaneously with the opening of a new file to which a subject title and number have been allotted. It will be convenient to use index cards of two different colors as under:

WHITE -For all Files, BLUE for the policy files. Thus policy files will have two cards each.

Section 204. The index head selected should be entered on the main subjects index card (WHITE). Headings of subsidiary cards (BLUE) should be written in red ink on the main card so that if it becomes necessary to deal with all the cards relating to a file (e.g. to transfer it to another Section, after its number, etc.) the main card would at once show if any subsidiary cards also exists. The entries on the subsidiary cards should be sufficient to indicate the subject and number of the file required without further reference.

Section 205. The index cards should be arranged strictly in alphabetical order.

Section 206. The selection of suitable subject heading for a file and the preparation of the Index Cards should be done by the Section Assistant in consultation with the Section Officer, if necessary.

Section 207. The card index should be in the custody of the Section Assistant/Section Clerk cum Record Keeper but must be readily available to the concerned staff working in the Section/Branch at all times.

Section 208. The annual index of the proceedings of a Section for a particular year should be prepared from the index cards and printed at the beginning of the following year.

Section 209. Categorization: For the purpose of permanent or temporary preservation of the recorded files, each file shall be categorized as under showing the period of retention on the docket sheet of that file:-

(a) Category 'A' Permanent files to be printed.

(b) Category 'B' Permanent files not to be printed.

(c) Category 'C' Life 5 to 15 years.

(d) Category 'D' Life up to 4 years.

Section 210. Category 'A' Permanent Files to be printed: The 'A' category shall include important files of permanent utility and have to be preserved with utmost care as they will be required frequently for reference purposes over a long period of years, more than one copy of such files will be needed for working purposes. They will, therefore, be properly recorded, indexed and printed. Only printed copies shall be used for working purposes. The original manuscript files shall be preserved with the utmost care and put up with a case only when absolutely

necessary. As a general rule, the following types of files shall be included in this category:

- (a) Files containing discussion or orders on important matters of policy legislation, rules, and regulation;
- (b) Files containing orders establishing important procedures, or conveying important instruction of a general nature;
- (c) Files of historical, academic or public importance;
- (d) Files relating to individuals whose importance warrants retention of their cases permanently; and
- (e) State documents such as treaties and agreements with Tribal

Areas.

Section 211. Category 'B' Permanent Files but not to be printed: The files included in 'B' category will also be of permanent nature but frequent references to them may not be necessary and original manuscript itself would be sufficient for working purposes. Such files shall not be printed but will be properly recorded, indexed and retained permanently. If at any time it becomes necessary to print a category 'B' file it may be transferred to category 'A' and printed. The service records of the Government Servants should be classified under this category subject to revision of classification after every five years.

Section 212. Category 'C' life 5 to 15 years: The 'C' category will include the files which have limited utility and will be retained for periods ranging between 5 to 15 years, depending on the nature of the files. They will not be printed but will be properly recorded and indexed. It is not possible to lay down any hard and fast rule for determining the period for which a file of this category should be retained, as it will largely depend on the nature and importance of the subject discussed in it and the frequency of the use to which it may be put. Section Officer should, therefore, exercise discretion in the matter in the light of past experience and decide as to which the files should be included in this category and for what period should be retained. The classification of each of these files should be reviewed at the end of the allotted period and, if no longer required, should be destroyed.

Section 213. Category 'D' Life up to four years: The 'D' category will consist of files containing correspondence of routine or temporary nature which are not likely to be required beyond a period of three years. These will, therefore, be retained for a period ranging between one and four years, according to their relative importance, these files need not be indexed but should be retained in the Sections, Branches for the allotted periods and thereafter destroyed.

Section 214. Secret and Confidential Files: The security classification of files which have ceased to be secret or confidential should be downgraded under the order of

the Secretary concerned. When this is done, they should be recorded, indexed and classified as ordinary files.

Section 215. Where files are to remain secret or confidential, they should be recorded under the instruction of the Section Officer and should remain in his personal custody. He should also maintain a register of secret and confidential recorded files.

Section 216. At the time of handing over and taking over charge of a post, the officer taking over charge should satisfy himself that all the confidential files recorded in the register are in their proper place and sign the register at the end of the last entry in token of having received them.

Section 217. A copy of the list of the files which remain in the custody of the Branch Officer should be supplied to the Section concerned to enable them to put up any fresh receipt direct to the Branch Officer concerned.

Section 218. Secret or confidential files which are more than three years old and are not current may be sent to the Section/Branch concerned to be placed in the separate almirah, the keys of which should be in the personal custody of the Section Officer/Superintendent.

Section 219. Printing of Files: Only files classified as Category 'A' shall be printed through the Government Printing Press or otherwise reproduced. Before sending a file for printing, all matters of a routine nature, dates, and number of unofficial references and the alike should be struck out, and the text carefully edited by the Section Officer concerned. In case of correspondence, the subject of the letter and full particulars of the sender and addressee should be shortened, and the letterheads omitted altogether.

Indexing of Record

Indexing of record is another mandatory step to be done by the public bodies under section 4 of KP RTI Act 2013. Primary reason for indexing record is to maintain the information in such a manner that the information could be easily retrieved by the information seeker in with minimum reliance upon the officials of the specific government department The function of an index is to provide users with an effective and systematic means for locating documentary units (complete documents or parts of documents) that are relevant to information needs or requests. Indexing involves the selection and assignment of terms to, or the extraction of terms from, a documentary unit in order to indicate topics, features, or possible uses of the unit; the combining of terms into headings or the tagging of terms for subsequent combination (in displayed indexes); the linking of synonymous, equivalent, broader, narrower, and other related terms or headings; the linking of terms or headings to documentary units or surrogates; and the arrangement of headings in a systematic order (in displayed indexes).

Index

A systematic guide designed to indicate topics or features of documents in order to facilitate retrieval of documents or parts of documents. Indexes include the following major components:

- a) terms representing the topics or features of documentary units;
- b) a syntax for combining terms into headings (in displayed indexes) or search statements (in non-displayed indexes) in order to represent compound or complex topics, features, and/or queries;
- c) cross-references or other linking devices among synonymous, equivalent, broader, narrower, and other related terms;
- d) a procedure for linking headings (in displayed indexes) or search statements (in non-displayed indexes) with particular documentary units or document surrogates; and
- e) a systematic ordering of headings (in displayed indexes) or a search procedure (in non-displayed indexes).

Indexing.

The operation of creating an index for information retrieval. Indexing involves the selection and assignment of terms to, or the extraction of terms from, a documentary unit in order to indicate topics, features, or possible uses of the unit; the combining of terms into headings or the tagging of terms for subsequent combination (in displayed indexes); the linking of synonymous, equivalent, broader, narrower, and other related terms or headings; the linking of terms or headings to documentary units or surrogates; and the arrangement of headings in a systematic order (in displayed indexes).

The function of an index

The function of an index is to provide users with an effective and systematic means for locating documentary units (complete documents or parts of documents) that are relevant to information needs or requests. An index should, therefore:

- a) identify documentary units that treat particular topics or possess particular features.

- b) indicate all important topics or features of documentary units in accordance with the level of exhaustivity appropriate for the index.
- c) discriminate between major and minor treatments of particular topics or manifestations of particular features.
- d) provide access to topics or features using the terminology of prospective users.
- e) provide access to topics or features using the terminology of verbal texts being indexed whenever possible.
- f) use terminology that is as specific as documentary units warrant and the indexing language permits.
- g) provide access through synonymous and equivalent terms.
- h) guide users to terms representing related concepts (narrower terms, other related terms, and if possible, broader terms).
- i) provide for the combination of terms to facilitate the identification of particular types or aspects of topics or features and to eliminate unwanted types or aspects.
- j) provide a means for searching for particular topics or features by means of a systematic arrangement of entries in displayed indexes or, for non-displayed indexes, by means of a clearly documented and displayed method for entering, combining, and modifying terms to create search statements and for reviewing retrieved items.

Types of index

Indexes may be categorized by type of object to which headings refer; by type of term used for index headings; by type or extent of indexable matter used to produce the index; by method of arranging entries; by method of term coordination; by type, format, genre, or medium of documents being indexed; by medium of the index; by mode of publication; by periodicity, that is, whether the index is a one-time (closed-end) index or a continuing (open-end) index; and by type of authorship.

Indexes by type of object referred to

- a. **authors:** all types of document creators such as writers, composers, illustrators, translators, editors, choreographers, artists, sculptors, painters, inventors.
- b. **subjects (topics or features):** topics treated in documents and/or features of documentary units (for example, genre, format, methodological approach). Separate indexes are often devoted to special types of topics such as persons, places, or corporate bodies; features, such as genres (for example, poetry, drama); or notations, such as International Standard Book Numbers (ISBN).

Indexes by type of term used for headings

- a) **names:** proper nouns, such as names of persons, places, government departments.
- b) **numbers or notations:** numerical or coded designations, such as classification notation, patent number, ISBN, date.
- c) **words and phrases:** common words and phrases (as opposed to names or proper nouns).

Indexes by type or extent of indexable matter on which an index is based

- a) full text of documents.
- b) abstracts.

- c) titles only.
- d) first lines only (for example, first lines of poems).
- e) citations (reference citations to other documents).

Indexes by the arrangement of entries

- a) alphabetical or alphanumeric.
- b) **classified:** Headings arranged on the basis of relations among concepts represented by headings, for example, hierarchy, chronology, or other association. Classified indexes are often based on existing classification schemes,
- c) **alphabetical-classed:** Broad headings arranged alphabetically. Narrower headings are grouped under broad headings and arranged alphanumerically or relationally on the basis of hierarchy, inclusion, chronology, or other association.

NOTE: Electronic indexes often have no arrangement that is apparent to the user. However, indexes designed for human scanning, browsing, and examination must have some arrangement, regardless of the medium.

Indexes by type, periodicity, format, genre, or medium of document(s) being indexed Examples are books, monographs, periodicals, serials, poetry, fiction, short stories, films, videos, illustrations, pictures, paintings, artifacts, software, computer-readable texts, maps, and sound recordings.

Indexes by the medium of index

- a) printed or written.
- b) microform.
- c) electronic media, including online, CD-ROM, USB.
- d) braille.

Indexes by the periodicity of the index

- a) one-time, closed-end indexes.
- b) continuing, open-end indexes.

Indexes by authorship

- a. authored: An authored index; a separately authored document distinct from the document(s) that is (are) being indexed. It is created independently by one or more persons through intellectual analysis of text, as distinguished from indexes that are created solely through algorithmic analysis of text carried out electronically.
- b. automatically generated.

Steps for indexing of record

There is no one arrangement scheme that is best for all records. Here are some basic suggestions on the major ones.

- **Chronological**
Arranged by date. Most useful for small files and for records that have a very short lifespan so that you can destroy older materials without difficulty.
- **Numeric**
Arranged by number. In its simplest form, a serial arrangement beginning with the lowest number and proceeding, but more complex systems can be used for large series. Best for case files of one type or another, permits, and forms where numbers have already been assigned.
- **Alphabetical**
Arranged in alphabetical order from A-Z. This is the basic arrangement for most subject files. Alphabetical subject files are difficult to manage unless they are very focused, and the filing and identification of folders are consistent. Best used for small files or very consistent ones where the folder titles are easily determined -- e.g., a file of all outgoing correspondence arranged by the addressee.
- **Alpha-numeric**
Arranged according to an identifier made up of letters and numbers. Whenever possible, the alphabetic and numeric parts of the identifier should mean something rather than being arbitrarily assigned.

Digitization of Record

What is digitization?

Digitization being the projects and processes required to increasingly manage information in digital form, whether that information was born digital (e.g. email, Word doc, Excel spreadsheet, e-Forms) or was converted from hardcopy (e.g. scanned documents).

Advantages of digitization

The key tactical benefit of digitization is to improve the efficiency of core duties, a benefit that comes through exploiting the tactical advantages offered by digitization. Capturing documents and data at the point of origin or receipt into an organization allows for many tactical advantages including but not limited to:

- Eliminating transcription errors
- Implementing electronic workflow processes
- Creating audit trails
- Implementing security protocols
- Improving accessibility to information
- Integrating all internal and external systems
- Ensure timely dissemination of information to the public

The source of these advantages include the following digitization initiatives, processes, and activities:

- Document capture through scanning.

- Digital capture of information through the use of e-Forms.
- Using workflow functionality to automate authorization processes and create audit trails
- Eliminating security issues with emailed attachments by instead sending links to a single source of truth in a database.
- Making it easy to access all documents relevant to a process by creating a relationship to other digitized records.
- Improving searching of documents by completing content as well as title and metadata searches.

Internal integration

The digital transformation of organizations which are geographically dispersed allows transparent sharing of cross-organizational information. In turn, this allows for governance at a central level rather than a local or provincial level, which is the level to which the organizations using a hybrid of paper and IT systems are often restricted. The restrictions are caused by much of the information required for governance being available only in hardcopy, locally. Digitization makes it easier to form centers of expertise without geographic barriers.

Examples of internal integration possible through digitization include but are not limited to sectors such as:

- Healthcare
- Education
- Government services at all three levels (local, and provincial)

And functions such as:

- Budgets
- Human resource management
- Project management
- Hiring
- Procurement

As integration levels rise, organizations find that they can embark on continuous improvement programs which not only have a positive influence internally but also externally with clients and with vendors.

External integration

Digital integration with all relevant stakeholders allows them to self-select options and self-enter data and thereby take responsibility for their relationship with the organization. Using web-based interfaces, allow stakeholders to take responsibility for managing their own data whilst retaining control over the structure of the data and the form of the data, increasing both the efficiency and the transparency of the relationship between them.

Definition of Digitizing for Public Access

For the purposes of this manual, "digitizing" should be understood not just as the act of scanning an analog document into digital form, but as a series of activities that ensures in a digital copy being made available to end users (citizens) via the public offices/ departments websites or other means for a sustained length of time under section 4 of KP RTI Act, 2013.

The activities include:

- Document identification and selection.
- Document preparation (including preservation, access review and screening, locating, pulling, and refiling).
- Basic descriptive and technical metadata collection sufficient to allow retrieval and management of the digital copies and to provide basic contextual information for the user.
- Safety of the material being digitized.
- Digital conversion.
- Quality control of digital copies and metadata.
- Providing public access to the material via online delivery.
- Providing online ordering for reproduction services at quality or quantities beyond the capacity of an end user to create themselves.
- Reviewing the existing IT infrastructure to ensure that it can sustain long-term growth, storage, and preservation of digital copies and metadata.
- Utilizing a management system that ensures the authenticity, reliability, usability, and integrity of the digital copies

PROCEDURE

Implementing the procedures at an installation level requires, at a minimum;

1. Developing a Standard Operating Procedure (SOP) that incorporates the core digitization capture process steps.
2. Including any necessary location-specific process adjustments; and
3. Accommodating the specific hardware and software to be used.

Production, documentation, and implementation of the SOPs must include all stakeholders, such as the Provincial departmental officer, District Officer, information technology (IT) staff, etc.

The organization shall determine what level of sign-off is required to permit any variances from the procedures at a local site. Figure 6 graphically represents the core process steps that must be followed for the digitization process.

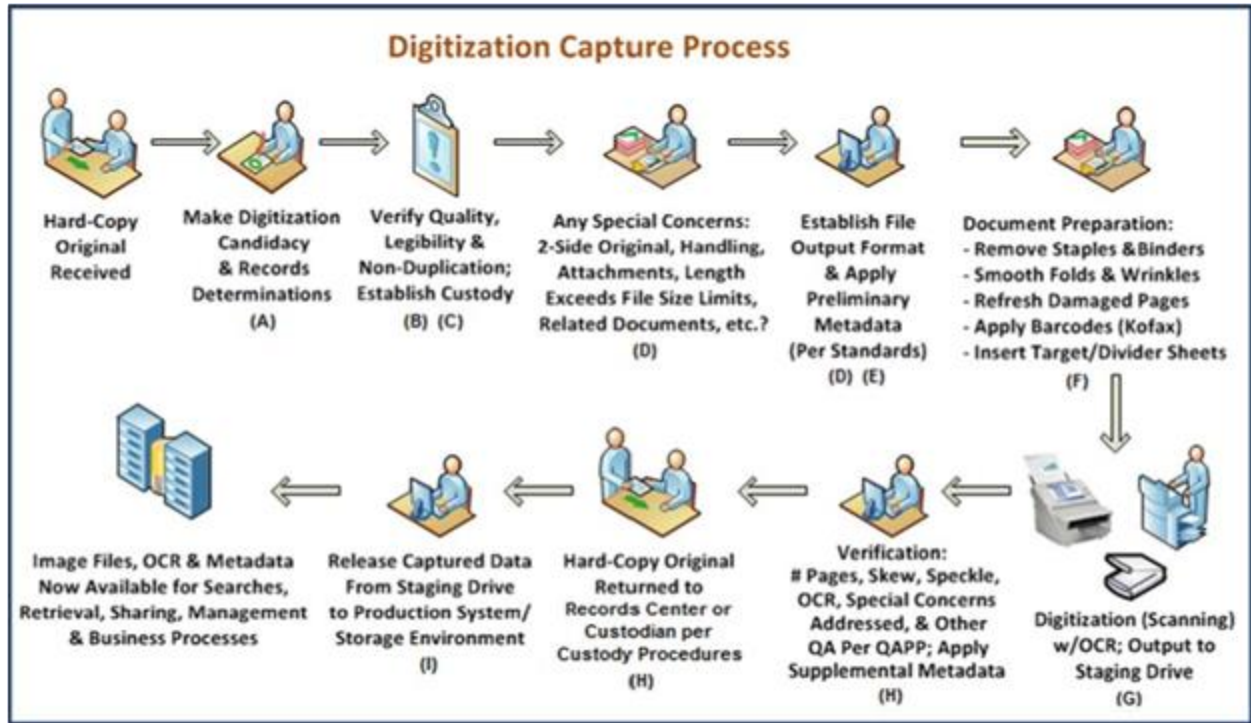


Figure 6: Digitization Capture Process

PART 2:

**Proactive Disclosure of Information under
Section 5 of KP RTI Act, 2013**

Proactive disclosure of information of public bodies.

Section 5 of KP RTI Act, 2013 lays down the information which should be disclosed by Public Authorities on a proactive basis. The Section prescribes the method of dissemination of this information. The purpose of the proactive disclosure is to place a large amount of information in public domain on a proactive basis to make the functioning of the Public Authorities more transparent and also to reduce the need for filing individual RTI applications. Since the promulgation of the Act in 2013, a large amount of information relating to the functioning of the government is being put in the public domain. However, the quality and quantity of proactive disclosure are not up to the desired level. It was felt that the weak implementation of Section 5 of the KP RTI Act, 2013 is partly due to the fact that certain provisions of this Section have not been fully detailed and, in case of certain other provisions there is a need for laying down detailed guidelines. Further, there is a need to set up a compliance mechanism to ensure that requirements under section 5 of the KP RTI Act, 2013 are met.

Fundamental Principles

The purpose of all access to government information laws is to provide “transparency” so that people can see and understand what their government is doing. Thus, the presumption is that government information is open, unless specifically exempt from disclosure. Ideally, the government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. It is now a universally accepted notion that nondisclosure should never be based on an effort to protect the personal interests of government officials at the expense of those they are supposed to serve.

Right to Information laws are about: accountability to the people government serves. For citizens need to know not only about government successes, but also about their failures, and about the misfeasance and malfeasance of government officials. In this way, public pressure can be brought to correct, remedy, and, if necessary, punish those responsible for the failures, errors or wrongdoing. That is why it is important to note that one of the principal foundations of the rule of law is that people need to understand what conduct is required or permitted, and what is not. Therefore, they must know not only what laws, regulations, and procedures governing them, but they also need to know how those provisions are being applied in particular situations. Consequently, society as a whole in addition to those immediately affected has a significant interest in knowing all final decisions and actions of government officials and bodies, as well as the processes they used to arrive at their decisions and actions.

As a corollary to the presumption of openness, exceptions to public disclosure are to be interpreted narrowly. While some exceptions to disclosure are mandatory by law, and the subject information must be kept confidential, other exemptions to disclosure are merely discretionary. Information that is discretionarily exempt can be disclosed and should be disclosed unless there is a good reason not to disclose it.

It is not uncommon for government officials to forget that some exemptions are indeed discretionary and need not apply in a given case. They should be reminded of this fact often. Perhaps most important, officials should be encouraged and commended for their good faith

efforts to disclose government information. They should not be reprimanded, punished or held liable for decisions to disclose government information made in good faith.

At the end of the day, governments have essentially two basic responsibilities under access to government information laws. First, they must disclose non-exempt information on request. Second, they must or should disseminate proactively the non-exempt information that their citizens need or want to know.

Like any other best laws around the world, KP RTI Act, 2013 also has a potential list of exempt information which cannot be disclosed such as: International relations and security, Disclosure harmful to law enforcement, Public economic affairs, Policymaking, Privacy, Legal privilege, Commercial and confidential information and lastly information related to third parties unless consent is given by third parties. Internationally it is accepted norm for a best RTI Legislation that the scope of exceptions is always narrow and disclosure of information always takes preference. It is sometimes difficult for the decision makers to decide upon some of the complex cases of disclosure of information especially in the absence of clear provisions in the statute.

Foreseeable Harm

Officials everywhere often decide not to disclose information, precisely because of some vague or ill-defined notion that disclosure might be harmful to the government, society or particular persons. To counter this all-too-common phenomenon, a “Foreseeable Harms” standard has been developed to help officials considering whether to proactively disclose government information.

The standard has three parts:

Whether there is a foreseeable harm to the government, society or particular citizens, legal persons or other organizations in proactively disclosing the information. If there may be such a harm, whether it can be clearly articulated and supported by facts, not just speculation or general fears and If parts 1 and 2 are met, whether there nonetheless is an overriding benefit to society as a whole in the proactive disclosure of the information.

This “Harms” standard contemplates not only a rigorous analysis but also a balancing of real not imagined harm against a perhaps greater public interest in the proactive disclosure of the information in question.

Considerations in Determining What May Be Proactively Disclosed

In making decisions as to what non-exempt government information should be proactively disclosed, here are some general considerations based on fundamental access to government information principles and international best practices:

- Is proactive disclosure required by law, regulation or policy?
- Is there an interest in the information by a significant number of people?

- Will the proactive disclosure likely prevent numerous individual requests for the same information?
- Is there a governmental or societal interest in the proactive disclosure of the information?
- Is there any foreseeable harm to the government, society or particular persons in proactively disclosing the information?
- If there is a foreseeable harm, is there nonetheless a greater benefit to society as a whole in the proactive disclosure of the information?
- If a portion of a record or collection of information is exempt from disclosure, can that portion simply be redacted?

Proactive Disclosure of Information under KP RTI Act, 2013.

Section 5 of the Act bounds the public bodies to publish and make information available to the public in the following manner:

5. Publication and availability of records. (1) The following categories of information shall be duly published by public bodies in an up-to-date fashion and in a manner which best ensures that they are accessible to those for whom they may be relevant, including over the Internet, subject to reasonable restrictions based on limited resources:

- a) Acts and subordinate legislation such as rules, regulations, notifications, bye-laws, manuals, and orders having the force of law in the Province, including being made available at a reasonable price at an adequate number of outlets to ensure reasonable access by the public;
- b) information about the public body, including its organization, functions, duties, powers and any services it provides to the public;
- c) a directory of its officers and employees, including a description of their powers and functions and their respective remunerations, perks and privileges;
- d) norms and criteria set by the public body for the discharge of its functions, including any rules, manuals or policies used by its employees to this end;
- e) a description of its decision making processes and any opportunities for the public to provide input into or be consulted about decisions;
- f) relevant facts and background information relating to important policies and decisions which are being formulated or have been made and which affect the public;
- g) a detailed budget of the public body, including proposed and actual expenditures;
- h) details about any subsidy or benefit programs operated by the public body, including details about the number of benefits provided and the beneficiaries;
- i) particulars of the recipients of concessions, permits, licenses or authorizations granted by the public body;
- j) the categories of information held by the public body;
- k) a description of the manner in which requests for information may be made to the public body, including the name, title and contact details of all 3 [Public Information Officers]; and
- l) such other information as may be prescribed.

- (2) The public body shall also publish an annual report on what they have done to implement their obligations under this Act, which shall include detailed information about the requests for information which they have received, and how they have processed these requests.
- (3) The annual report under sub-section (2) shall be formally forwarded to Speaker Provincial Assembly of Khyber Pakhtunkhwa and to the Information Commission, who shall take such action on the report as they may deem appropriate.

How the information must be disclosed

As stated above and laid down in section 5 of the KP RTI Act, 2013, information must be disclosed:

1. Periodically and as updates.

The truth is that this precept, if taken seriously, requires continuous and daily updates starting when the Act came into force, excluding obvious exceptions. Failure to do so could harm interested parties. It is very important to stress that it aims to ensure the transparency of the activity relating to the operations and monitoring of state activities. It is also essential to stress that the information required by the Act is a bare minimum since the scope of the transparency obligations included in section 5 has a wider implication and provides for a wide-ranging set of disclosure rules.

2. On the relevant websites or web pages.

Virtual offices are linked to e-government and enable public interaction to carry out government processes, while websites do not necessarily have a virtual office. This implies that all institutions affected by the Act would have to have their own website or “virtual office” (if they are public authorities). As some public departments at District level may lack the resources to maintain their own website, there is the possibility of cooperation and collaboration. One of the examples is found in two districts, Haripur and Nowshera where civil society organization, Centre for Governance and Public Accountability (CGPA) provided technical assistance in building websites for the Deputy Commissioner Office.

3. Published Information:

Information must be published in a way that is clear, structured and comprehensible for interested parties, preferably in re-usable formats. Access, interoperability, quality, and re-use of the published data must be also facilitated, in addition to identifying and locating them. Finally, the information must be comprehensible, easily available free of charge, and accessible by disabled people. All that is very laudable, even when it remains to be seen how it will be implemented.

Following the framework in figure 3 would provide a minimum guideline to achieve proactive disclosure of information to the public body.

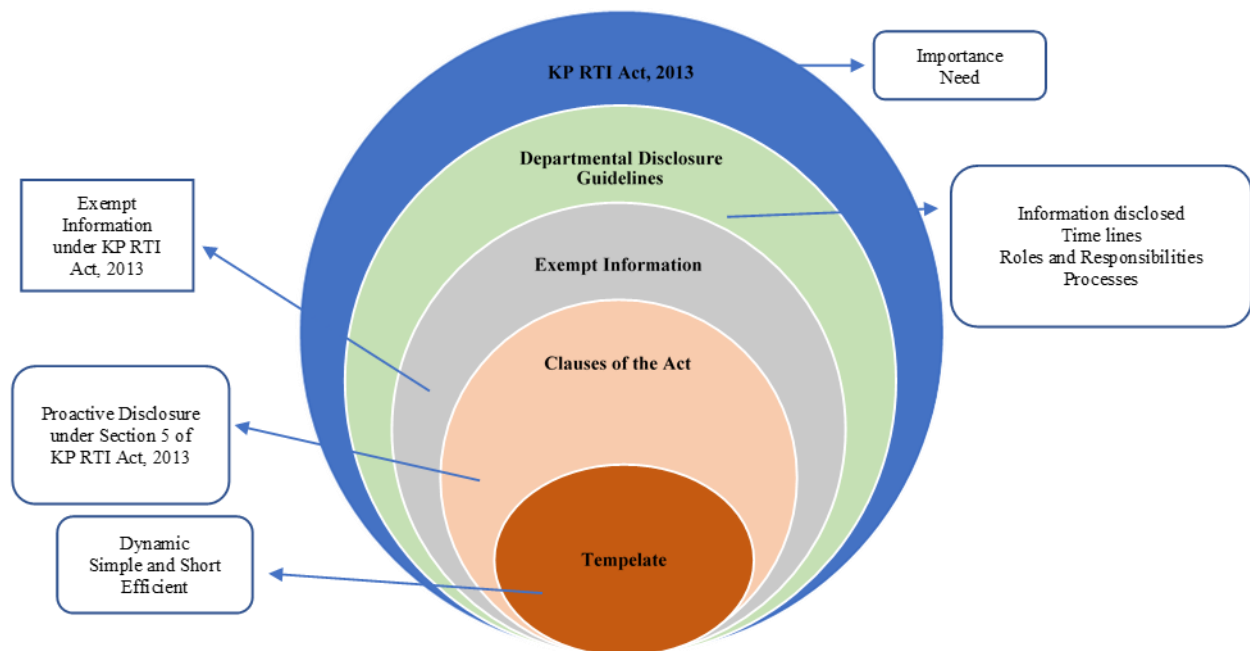


Figure 7: Framework for Proactively Disclosing Information for Public Offices

Platforms for Proactive Disclosure of Information

The Internet

In theory, the availability of vast quantities of data in government databanks and online is a good thing. It remains to be seen, however, whether and to what extent the proactive disclosure of government information actually aids or hinders the process of accessibility to important information by creating the metaphorical equivalent of finding a needle in a haystack.

Governments at all levels now have computer systems that can store and make available enormous amounts of data. But is government really performing its essential role of providing needed public information if it merely places that data online, knowing full well that a person must have a computer, a degree of technical expertise, and perhaps a significant understanding of government records and operations, to be able to locate specific information in the “electronic haystack” of government information? The obvious answer is that “data dumps” are only useful to the few who have the time, the hardware and software, and the expertise, to “mine” what is useful, and to disregard the rest. While data dumping is certainly a problem, the far more serious problem is the government not proactively disclosing important government information through media and denies access to the vast majority of its people. Therefore it is pertinent to analyze the benefits and limitations of platforms which can be used or can be used for proactively disclose the information.

Internet Platforms:

Benefits

- Can potentially reach a large audience at a relatively inexpensive cost.
- Can provide quickly and in a user-friendly way important government information, such as emergency information, draft and final versions of laws, regulations, and decisions, and notices and schedules of public meetings and hearings.
- Can provide information about hiring within the government departments along with criteria and details for making applications.
- Can provide details of budgets and expenditures of the department concerned.
- Can provide timely notice of government meetings and public hearings, facilitating public participation and comment.
- Can apprise the public of the existence and location of voluminous reports and other material that may be of interest to only a relatively small number of people.

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Limitations

- Significant initial startup costs for development, equipment, and personnel.
- Significant personnel time to keep websites updated.
- Availability of adequate Internet bandwidth.
- Accessibility of Internet and competent usage by the target population.
- Data dumping of unimportant and un-useful information.

Official Registers and Other Compilations of Government Documents

Benefits

- Can be published both electronically and in hardcopy.
- Can be distributed where Internet access is not available or limited.
- Can include voluminous material that may be of interest to only a relatively small number of people.

Limitations

- Can be voluminous and difficult to find important information.
- Relatively expensive to publish in significant numbers in hardcopy.
- Usually, have limited readership.

Government Reading Rooms, Libraries, Local Government Offices, and other Public Places

Benefits

- Traditional places where citizens expect government information to be made available to them (e.g., government offices, public libraries, community centers, Press Clubs etc.)
- Facilities for reading rooms in government buildings and public libraries are available in many areas, including areas where Internet access is not available or limited.
- Can be used for access to proactively-disclosed information either in hardcopy or electronically through the use of public computer terminals.
- Relatively inexpensive to establish and operate.

Limitations

- Usually, serve a limited number of visitors.

News Media

Benefits

- Can potentially reach a large audience at little or no cost.
- Reaches citizens who utilize print, broadcast, and Internet as their primary sources for information.

Limitations

- Some news media may misconstrue or improperly edit the information provided.