

Handbook for Public Information Officers

Role and Responsibilities
Under Khyber Pakhtunkhwa RTI Act - 2013



Right to Information Commission Government of Khyber Pakhtunkhwa

7th Floor, Tasneem Plaza, 6th Saddar Road
Peshawar Cantt, Khyber Pakhtunkhwa, Pakistan
Phone: +92-91-9210844/9212644
Fax: +92-91-9211163
E-mail: info.kprti@kp.gov.pk
Website: www.kprti.gov.pk



Right to Information Commission
Government of Khyber Pakhtunkhwa

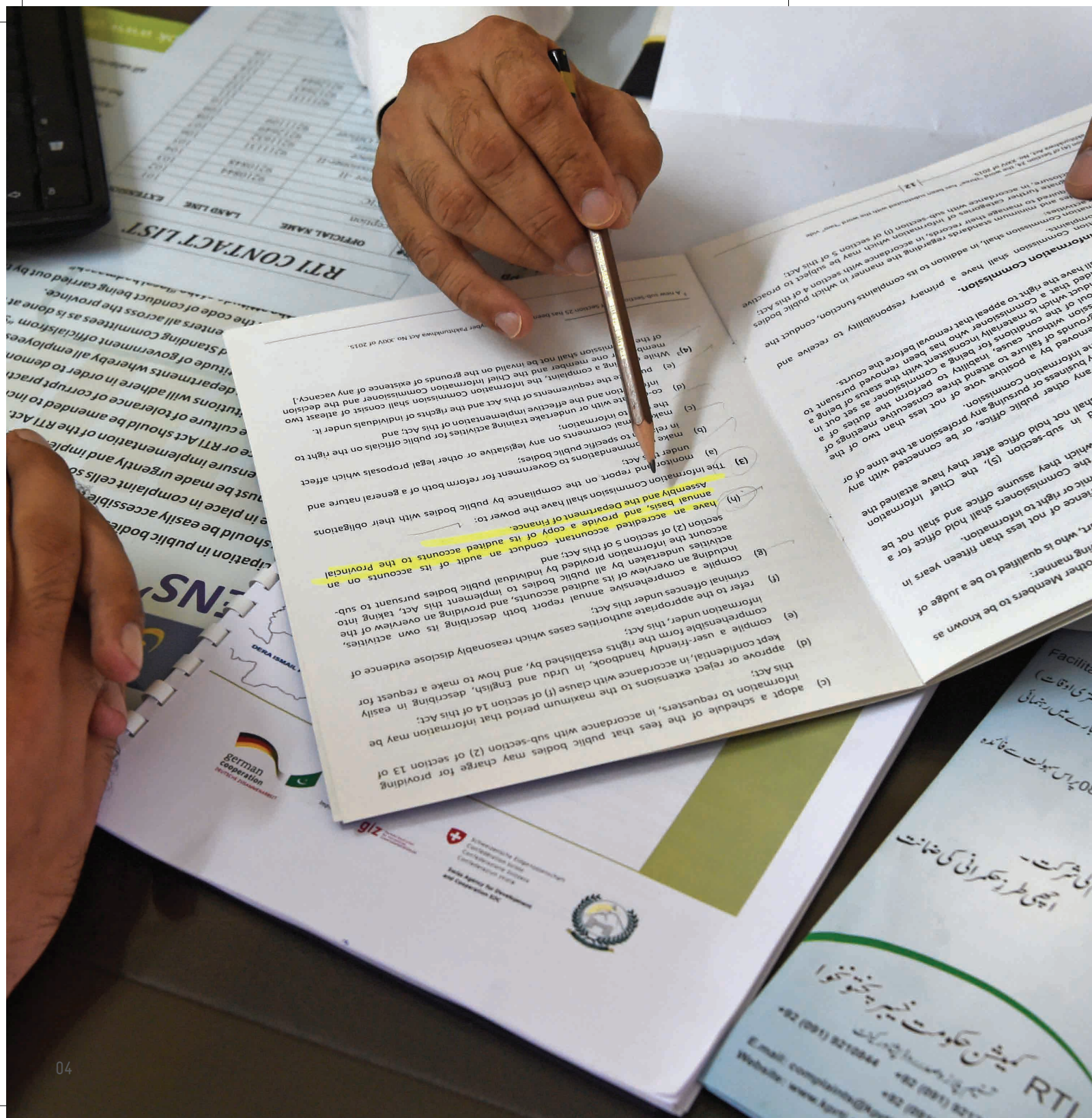
Table of Contents

Acronyms	3
Foreword	5
Chapter 1	
Right to Information	6
Significance of Right to Information	6
Historical Context	6
RTI Legislation in South Asia	7
RTI Legislative Landscape in Pakistan	7
Principles of Freedom of Information Legislation	8
Salient Features of Khyber Pakhtunkhwa Right to Information Act-2013	8
 Chapter 2	
Role and Responsibilities of the Head of a Public Body	9
Guidelines for the Head of a Public Body	9
 Chapter 3	
Role and Responsibilities of a Public Information Officer	11
Receiving Information Requests	11
Handling the Information Request	11
Answering Information Requests	12
Defending Complaints	13
Preparing Annual Reports	13
Guidelines-1: How to respond to Information Requests?	13
Provision of Information and Exempted Category	14
Guidelines-2: How to Deal with Information Requests Pertaining to Exempted Information?	17

Chapter 4	
Guidelines for Proactive Disclosure of Information	18
Tools	18
Completeness	18
Updated Information	19
Guidelines-3: Proactive Disclosure of Information and Data-driven Journalism	19
Recommendations from “The 8 Principles of Open Government Data”	19
Guidelines-4: How to Apply the Harm Test?	20
Chapter 5	
Storing and Indexing Information Requests	21
Register of Requests for Information and Disposal of Requests by PIO	21
Register of Complaints to Information Commission	22
Management Information Systems used by Public Body and Information Commission	22
Chapter 6	
Issues and Concerns of PIOs: Myths and Realities	23
Annexure I: RTI Processes Flow Chart	25
Annexure II: Important Notifications of the KP RTI Commission	26
Notification 1: Provision of Information under KP RTI Law	27
Notification 2: Revised Schedule of Fee for Hard Copies	28
Notification 3: Proactive Disclosure of Information under KP RTI Law	30
Notification 4: Maintenance of Record of Citizen's Request Using RTI Register	32
Annexure III: Comparative Analysis of Pakistan's RTI Laws	33

ACRONYMS

BPS	Basic Pay Scale
CMIS	Complaints Management Information System
FGDs	Focus Group Discussions
FOI	Freedom of Information
JDs	Job Descriptions
KP	Khyber Pakhtunkhwa
KPI	Key Performance Indicators
KPRTIC	Khyber Pakhtunkhwa Right to Information Commission
PIC	Punjab Information Commission
PIOs	Public Information Officers
RTI	Right to Information
RTIC	Right to Information Commission
T&RTI	Transparency and Right to Information
UNDHR	UN Declaration on Human Rights



Foreword

As part of the Good Governance Legislative Framework, the incumbent provincial government enacted the Khyber Pakhtunkhwa Right to Information Act through the Provincial Assembly in December 2013. The purpose of bringing this law was two-fold: Firstly to enable the citizens to exercise their constitutional right to have access to information of public importance and secondly to promote transparency and accountability in the working of all public bodies of the province. Whereas the implementation of the RTI Law has by far and large, been a success story in KP, however, it has been felt that its enforcement could further be improved with a little fine-tuning. One area, where there is still need for improvement and streamlining on the part of the Public Information Officers (PIOs) at the public bodies is the proper handling/disposal of information requests. This Handbook will help in imparting procedural knowledge to PIOs for disposal of information requests. It will also highlight and clarify the obligations of a PIO under the KP RTI Act.

I am positive that the Handbook, if followed in its true spirit will immensely improve the quality of the PIOs work and the citizen's requests for information will be managed in a truly professional manner.

Azmat Hanif Orakzai
Chief Information Commissioner
Right to Information Commission
Government of Khyber Pakhtunkhwa

Chapter 1

Right to Information

Right to information means the right to have access to information and record held by public bodies. The information held by the governments belongs to the people as they pay taxes for collection and keeping such information. The governments and their functionaries are custodians of this information for citizens. It belongs to the people because it is primarily the sum total of a collection of facts about the people and the country.

The Khyber Pakhtunkhwa RTI Act 2013 defines information as 'material which communicates meaning and is held in record form'. It includes books, memos, plans, contracts, orders, reports, letters, photographs, videos, information in electronic form and so on.

Significance of Right to Information

The right to information is described as 'oxygen for democracy' and as an effective anti-corruption tool¹. Every law states its objectives in its preamble. The preambles of Khyber Pakhtunkhwa Right to Information Act 2013 drive home the significance of right to information for transparency and functioning of democracy, good governance, reducing corruption, and public accountability.

Right to Information Laws enable citizens to hold their governments accountable, support transparency, reduce corruption, improve governance and participate meaningfully in democratic processes and public affairs by having access to information held by public bodies.

Historical Context

The first ever RTI law was enacted by the Swedish parliament in 1766 which paved the way for citizens to have access to official documents. Starting with The UN Declaration on Human Rights, (UNDHR) in 1948, the 20th century witnessed the recognition of the Right to Information as a basic human right. It is also recognised as a basic right in the International Covenant on Civil and Political Rights (ICCPR, 1976) and UN Guidelines on Consumer Protection (1985).

After Sweden, in 1996, the United States was the second country in the world to have a right to information law. At present, 115 countries of the world have

¹ www.Article19.org

enacted right to information laws².

RTI Legislation in South Asia

Pakistan was the first country in the South Asia to legislate on RTI in 2002 with the promulgation of the Freedom of Information Ordinance. India enacted its Right to Information Act in 2005, followed by Nepal in 2007, Bangladesh in 2009 and Sri Lanka in 2016.

RTI Legislative Landscape in Pakistan

The Freedom of Information Ordinance (FOI) 2002 was the first law in Pakistan, which was about providing citizens access to information held by public bodies. Prior to this law, there was plethora of laws like Official Secrets Act, Press and Publication Ordinance etc., all about denying citizens access to information.

The federal Freedom of Information Ordinance 2002 was applicable only to federal public bodies. Balochistan and Sindh province carried out legislation on FOI in the shape of the Balochistan Freedom of Information Act 2005 and the Sindh Freedom of Information Act 2006. However, both Balochistan and Sindh adopted the federal Freedom of Information Ordinance 2002 and that is why these laws are exact replicas of the federal Freedom of Information Ordinance 2002.

As the Freedom of Information Ordinance 2002 and its replicas in Balochistan and Sindh are weak and ineffective right to information laws, civil society in the country has been demanding the repeal of these laws. The political parties in Pakistan pledged in the Charter of Democracy signed in 2006 that they would repeal the Freedom of Information Ordinance 2002.

In 2010, a major development took place, which significantly affected the legislative RTI landscape in the country. Article 19-A was inserted into the constitution of Pakistan through the 18th Amendment, giving constitutional protection to citizens' right to information in matters of public importance.

After constitutional protection to right to information through Article 19-A, the demand for repealing The Freedom of Information Ordinance 2002, its replicas and enactment of effective RTI laws in Khyber Pakhtunkhwa and Punjab, was strengthened. As a result, both the provinces enacted their respective RTI laws in 2013.

Following KP and Punjab, the Sindh province repealed its Sindh Freedom of Information Act 2006 and enacted an effective right to information law – the Sindh Transparency and Right to Information Act 2016 on March 13, 2017.

² <http://www.rti-rating.org>

Principles of Freedom of Information Legislation

As mentioned in Chapter 1, over 115 countries have enacted the right to information laws. During this process of formulating laws on right to information, some basic principles have emerged. These principles serve as a yardstick to test the effectiveness of the RTI legislation. This list comes from ARTICLE 19³ – Principles on Freedom of Information Legislation.

1. Freedom of information legislation should be guided by the principle of maximum disclosure
2. Public bodies should be under an obligation to publish key information
3. Public bodies must actively promote open government
4. Exceptions should be clearly and narrowly drawn
5. Requests for information should be processed rapidly and fairly and an independent review of any refusals should be available
6. Individuals should not be deterred from making requests for information by excessive costs
7. Meetings of public bodies should be open to the public
8. Laws which are inconsistent with the principle of maximum disclosure should be amended or repealed
9. Individuals who release information on wrongdoing – whistle-blowers – must be protected

Salient Features of Khyber Pakhtunkhwa Right to Information Act-2013

While Sindh has enacted the RTI law very recently, the second generation of RTI laws' enactment started in 2013 in Pakistan when the Khyber Pakhtunkhwa government leading this process. The salient features of this law are:

- The KP RTI law provides strong implementation mechanisms in the form of KP RTI Commission. The Information Commission has the punitive power as well.
- The KP RTI law has clearly defined a list of exempted information and the information that does not fall in the exempted information category, and can be accessed.
- The law provides a simple procedure for accessing information, as there is no fee for citizens to file information requests.
- The information requesters don't need to show any reason for accessing information.

³ <https://www.article19.org>

Role and Responsibilities of the Head of a Public Body

Following are the role and responsibilities of the head of a public body⁴ under Khyber Pakhtunkhwa Right to Information Act- 2013.

1. To designate and notify a public official to serve as Public Information Officer (PIO).
2. To serve as a PIO in case the same has not been designated by a public body, or in case of the PIO's absence or unavailability.

Guidelines for the Head of a Public Body

Following are some guidelines for the head of a public body in line with the requirements of Khyber Pakhtunkhwa Right to Information Act 2013.

1. Designate and notify Public Information Officer⁵ if one has not already been designated and notified.

⁴ Any organisation, setup or institution wholly or substantially funded by government is a public body. In short, anybody provided with citizens tax money is a public body. KP RTI Act defines public body as (i) any department or attached department of the Government; (ii) Secretariats of Chief Minister and Governor of the Khyber Pakhtunkhwa; (iii) Secretariat of the Provincial Assembly, Khyber Pakhtunkhwa along with the Members of the Assembly and the Assembly itself; (iv) any Office, Board, Commission, Council or any other Body established by, or under, any law; (v) subordinate judiciary i.e. Courts of District and Sessions Judges, Courts of Additional District and Sessions Judges, Courts of Senior Civil Judges, Courts of Civil Judges and Courts of Magistrates; (vi) Tribunals; (vii) anybody which is owned, controlled or substantially funded by one of the above, including enterprises owned by the Province; and (viii) any other body which undertakes a public functions. The list of public bodies in Punjab Transparency and RTI Act is almost same. While KP RTI Act has mentioned subordinate judiciary only, the Punjab RTI Act brings 'any court' in the definition of the public body, so it also included Lahore High Court. However, the Peshawar High Court has also provided information under the KP RTI law recently.

⁵ Currently, there are more than 550 PIOs in Khyber Pakhtunkhwa. The Commission is regularly updating the lists (with Names and contact info) on this link <http://www.kprti.gov.pk/page.php?Pageld=66&MenuId=12>

2. If a public body has sub-offices or field offices, designate and notify as many Public Information Officers (PIOs) as may be required.
3. Designate and notify a Public Information Officer not by name but by designation to ensure continuity in case of transfer, retirement or death of a public official. The position of the PIOs should be of Basic Pay Scale, (BPS) 16 or above.
4. Ensure that the PIOs get allowance for the additional charge and raise demand for it in the budget.
5. As Principle Accounting Officer of the public body, raise demand for budget for computerization and indexation of records, website of the public body and its maintenance to ensure proactive disclosure of information.
6. Seek advice from the Commissions on the role and responsibilities of PIOs and the required profile/requirements for a PIO.
7. Request a staff member of the commission to hold an information session with the staff of the department on RTI and identify officers showing interest to become a PIO
8. Include the function of PIO in the JDs/KPIs of the respective officer
9. Ensure capacity building (training, on-boarding etc.) of the officer before and during the tenure (seminars by the commissions, appearance in events related to RTI etc.)
10. Ensure that the PIO is known to other staff members in the department.
11. Ensure access and mandate of PIO to have access to information within the department which falls under RTI as well as access to upload information related to RTI on the department's website.

Role and Responsibilities of a Public Information Officer

The role and responsibilities of a Public Information Officer under Khyber Pakhtunkhwa Right to Information Act 2013 are:

Receiving Information Requests

1. The PIO has the prime responsibility to respond to information requests received from an applicant in person, through electronic means or by post. It is not mandatory for applicants to visit the office of PIO for filing an information request. Any citizen of Pakistan, whether he/she belongs to the concerned province or not, can file an information request to any PIO under KP Right to Information Act 2013. The PIO should insert the receipt of the information request in a diary for proper record, so the details of information requesters can be provided to the concerned information commissions as and when required.
2. Facilitating applicants in filing information requests, especially persons with disabilities and the illiterate.
3. Making forms available for information requests, both in electronic and in printed forms; so the information requesters can ask for the information on prescribed form. Otherwise, refer to the commission's prescribed form⁶. However, the PIO shall not reject any information request filed without prescribed form.

Handling the Information Request

After having received the information request, the very first thing the PIO is required to do under the laws is to acknowledge the receipt of information request. In the acknowledgment letter or email to the information requester the PIO should include:

1. The information request has been received and the requested information will be provided within 2 or 10 or 20 days as required under KP RTI law
2. While acknowledging the information request, no reason shall be asked from the information requester for accessing information and no

⁶ Information Request From Sample KP: <http://www.kprti.gov.pk/documents/143278762655669363173cd.pdf>

application-processing fee shall be charged.

3. If the PIO can determine the number of pages required for provision of requested information is less than 20 pages, then the requester should be informed that there will be no charges for provision of information. However, if the requested information requires more than 20 pages, then pages exceeding the first 20 pages will be charged as Rs.2 per page on single side and Rs.4 per page for double sides (Annex II). The information requester will be informed in the acknowledgment letter to deposit such fee before processing the information request.
4. The PIO needs to check whether the information needs to be provided or falls under the category of the exempted information⁷, the PIO should write directly to the information requester, using his/her own judgment, that the information is exempted under the law, hence will not be provided. The PIO should also cite the section of the law under which he/she applies exemption. For guidance on provision and exemption of information, please refer to the next chapter (Guidelines for PIOs).
5. Where only part of a record or the information falls within the scope of the exemptions, that part shall be severed and the rest of the record or information shall be provided. (see the exemption table at the end of the chapter)
6. In case the requested information is not available or not concerned with the public body to which the request has been sent to, the request for information should be transferred to the Public Information Officer of the concerned public body and the applicant should be informed;

Answering Information Requests

1. The information should be provided in the manner preferred by the applicant, meaning in hard or soft copy (electronic copy) or the applicant should be given an appointment to inspect documents containing the requested information.
2. The information needs to be provided within 10 working days and 10 extra days can also be taken with the provision that information is to be retrieved from large number of records or has to be collected from different offices. However, if the requested information pertains to the life or liberty of a person, it has to be provided within 2 working days
3. The applicant needs to be informed about the charging fee.(Annex II)
4. In case of providing requested information, a certificate needs to be provided to the applicant that the information or copy of the record is authentic by signing and stamping copy of the record or the information being provided;
5. In order to decide whether information request will be declined, apply harm test (Chapter 4) if requested information falls under exempted

⁷ Sections 14–22 of KP RTI Act 2013 deals with exempted information.

information category (Table 1, page 15).

Defending Complaints

In case of a complaint being lodged with the Khyber Pakhtunkhwa information commissions due to non-provision of information, the PIO needs to show burden of proof in front of the Information Commission for the action taken on a request for information. The Commission after hearing the citizen and the public body takes a decision. In case of non compliance, RTI Commission has the power to impose a fine of Rs. 25000 PKR or refer the matter to session court which depending on the offence can award the accused imprisonment of up to 2 years.

Preparing Annual Reports

The annual report by the public body for Information Commission contains details about the status of information requests and the steps taken by the public body for the implementation of RTI law.

Guidelines-1: How to respond to Information Requests?

1. PIOs should understand that only the provisions of this Act are applicable and other laws are irrelevant when it comes to Right to Information cases.
2. The applicant will not have to provide reasons for requesting the information.
3. The applicant can file information request in person, by mail or fax.
4. If an applicant is unable to describe sufficient details of information, help him locate the information.
5. Write information request on behalf of illiterate persons, sign and stamp it, put date on it and provide copy of the application to the illiterate person.
6. Provide assistance to persons with disabilities in filing information requests.
7. In case the requested information is not available with the public body, forward the request for information to the relevant public body and also inform the applicant.
8. Return the information request to the applicant or request the information commission for assistance in case you do not know the relevant public body that holds the information.
9. If the requested information is available with public body, notify the applicant that request for information has been accepted and inform the applicant to deposit the fee to get the requested information.
10. When providing the requested information, provide a certificate testifying that the information being provided is true. Sign this certificate and put a date on it.
11. Provide reasons in writing for rejecting any request for information.
12. PIO should also develop a system for documenting the requests (request database) or keep the record of the requests in any database already

- in practice.
13. Inform the applicant where the requested information could be found if request for information is rejected on the ground that information is already available in published form.
 14. In case request for information is rejected on the ground that requested information belongs to categories of the exempted information, inform the applicant about the exact exception and that the applicant has the right of appeal against this decision.
 15. Provide the requested information as soon as possible but within 10 working days according to KP RTI law.
 16. Take a maximum of 10 extra working days if the requested information has to be retrieved from a large number of records, belongs to third party or the requested information is available with different offices of the public body.
 17. Provide the requested information within 2 working days if it pertains to the life or liberty of an individual.
 18. Facilitate a citizen in inspecting documents if it is not interfering with the functions of the public body or harming the documents.
 19. Do not charge an applicant for filing the information request.
 20. Do not charge any fee for first 20 pages of information being provided.
 21. Only charge the actual fee for producing and sending the requested information according to the cost set by the Khyber Pakhtunkhwa Right to Information Commission. (See Notification 2 of Annexure II)
 22. If a person files an appeal against your decision, prove before the Khyber Pakhtunkhwa Right to Information Commission that you acted in accordance with the provisions of this Act.
 23. Implement the decision of the Khyber Pakhtunkhwa Right to Information Commission and if your decision is turned down or if you may think it appropriate, file appeal against this decision within 30 days.

Provision of Information and Exempted Category

The table below summaries the information that needs to be provided to the requesters and the information which is exempted (per the KP RTI law)

Information that needs to be PROVIDED (Section 5 Publication and availability of records)

Acts and subordinate legislation such AS

- rules
- regulations
- notifications
- bye-laws
- manuals
- orders having the force of law in the Province. These legislations need to be made available at a reasonable price at an adequate number of outlets to ensure reasonable access by the public.

Information about the public body, including its

- organization
- functions
- duties
- powers
- any services it provides to the public.

A directory of its officers and employees, including a description of their

- powers
- functions
- remunerations
- perks
- privileges.

Information about 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.

Information about 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.

Information that is EXEMPTED (Section 14-21 Exempt Information)

Information related to international relations and security.

Example⁸: Defence ties with other countries

Disclosure harmful to law enforcement.

Example: Information regarding whereabouts and how much security is provided to the criminals in prisons.

Public economic affairs: The information which could likely cause grave and significant damage to the economy as a result of premature disclosure of proposed introduction, abolition or variations in tax, duty, interest rate, exchange rate, or by giving unreasonable advantage to any person regarding contract which that person is seeking.

Example: Information on taxes on cement or other commodity before the budget speech.

Policy Making: The information which may cause serious prejudice to the deliberative process in a public body by inhibiting the free and frank provisions of advice or exchange of views, or cause serious prejudice to the success of policy through premature disclosure of that policy.

Privacy: Any encroachment of information regarding the privacy of third party individual may be denied.

Example: Medical history of an individual

⁸ The examples are presumptuous and subjected to the interpretations of the information commissions.

<p>Relevant facts and background information relating to</p> <ul style="list-style-type: none"> • important policies • decisions which are being formulated or have been made and which affect the public. 	<p>Legal Privilege: A PIO may refuse a request for information which is privileged from production in legal proceedings, unless the person entitled to the privilege has waived it.</p>
<p>A detailed budget of the public body, including</p> <ul style="list-style-type: none"> • proposed expenditures • actual expenditures. 	<p>Commercial or Confidential Information: A public body may refuse a request for information if it was obtained from third party and to communicate it would constitute an actionable breach of confidence or it contains a trade secret and to communicate it would be likely to seriously prejudice the commercial or financial interests of that third party.</p> <p>Example: Food department requesting information about the Coca Cola processing process. That information can't be shared with public, as it will compromise the trade secret of Coca Cola.</p>
<p>Details about any</p> <ul style="list-style-type: none"> • subsidy • benefit programmes operated by the public body • including details about the <ul style="list-style-type: none"> – amount or benefits provided – the beneficiaries. 	<p>Third Party Information: Information related to any other individual or company or entity, which is not a public body but the public body, holds its record.</p> <p>Example: Information about a social welfare department about address and key persons of an NGO.</p>
<p>Particulars of the</p> <ul style="list-style-type: none"> • recipients of concessions • permits • licences • authorizations <p>granted by the public body;</p>	
<p>The categories of information held by the public body.⁹</p>	
<p>A description of the manner in which requests for information may be made to the public body, including</p> <ul style="list-style-type: none"> • the name • title • contact details of all designated officers. 	
<p>Annual reports, including information about</p> <ul style="list-style-type: none"> • the requests for information received • the way requests have been processed. 	

⁹ In every available form, including information held on computers, in emails and in printed or handwritten documents as well as images, video and audio recordings.

Guidelines-2: How to Deal with Information Requests Pertaining to Exempted Information?

1. Do not apply secrecy provision of other laws.
2. If part of requested information belongs to the exempted information, and it can be separated without damaging the record, keep that part and provide the rest of the information to the applicant.
3. Provide even the exempted information if 20 years have passed since its initiation or seek consent of Khyber Pakhtunkhwa Information Commission to exempt it from disclosure for further 15 years.
4. Provide the requested information if public interest necessitates the disclosure of information even if it belongs to categories of exempted information.
5. Provide the requested information if you strongly presume that the disclosure will expose corruption, criminal wrongdoing, serious breaches of law, human rights abuses or if you think that non-disclosure may cause serious harm to public safety or to the environment.
6. Do not apply the privacy clause in the following cases:
 - More than 20 years of the death of an individual;
 - The individual has consented the disclosure of information;
 - The applicant is guardian of the individual, next of kin, or the executor of the will of a deceased individual; or
 - The individual is or has been a public official and the information pertains to functions performed as public official.
7. Provide the requested information if the individual has waived his right of protecting legally privileged information.
8. Seek opinion of the third party about the information provided in confidence but decide on objective consideration whether the information belongs to the categories of exempted information or not.

Chapter 4

Guidelines for Proactive Disclosure of Information

The KP Right to Information law requires the public bodies to disclose proactively¹⁰ the information through their notice boards, publications and web sites. The following guidelines can be helpful for Public Information Officers (PIOs) in ensuring the implementation of the proactive disclosure provision of the RTI law.

Tools

The public body should make sure to disclose information within available resources. Each public body must have its own website for proactively disclosing the information. However, if the public body lacks a website, then the critical information should be displayed at the entrance of offices or published for public consumption. Still, websites remain to be the most cost-effective tools with a huge outreach.

Completeness

A Public Information Officer should ensure that the information being proactively disclosed is complete. The Public Information Officer can ensure this by reviewing each item through the prism of 'completeness'.

For example:

- Has the public body provided complete information about particulars of the public body, its functions and duties?
- Has the public body provided complete information about acts, ordinance, rules, regulations, notifications, circulars and other legal instruments being enforced, issued or used by the public body in the discharge of its functions? And
- Has the public body provided complete information about the budget of the public body including details of all proposed and actual expenditure?

¹⁰ Section 5 of KP RTI law and section 4 of the Punjab T&RTI law provides full details of the information to be disclosed proactively. Such information included acts, subordinate legislation, rules, policy, notifications, bylaws, manuals, orders, information about public bodies, its organisations and functions, duties, powers, directory of officers and employees, their powers and functions, remunerations, perks and privileges, decision making process, relevant facts and background information relating to important policies, detailed budgets, proposed and actual expenditures, details about projects and programmes, category of information held by public bodies.

Updated Information

The Public Information officer should also make sure, that the information being disclosed is up-to date. In order to make it easier to ensure this, the following tips could be taken into account:

- The PIO should make it a case that if information is being updated (e.g. organisational structure, changes in staff etc.), he/she is informed about this (e.g. by ensuring to be included in distribution lists) each item through the prism of 'completeness'.
- Ensure regular interaction with the IT staff of the department to be able to cross-check whether information has been updated
- If possible, get access to the content management system to check and maybe upload information
- Perform regular checks on the date of the latest information and request for updated if necessary

The Khyber Pakhtunkhwa Information Department has provided lots of information on its website, which can be taken as a good example of proactive disclosure¹¹.

Guidelines-3: Proactive Disclosure of Information and Data-driven Journalism

Data-driven journalism is simply a form of journalism in which numbers are used to tell stories in an effective and demonstrative manner¹². Journalists often need data to research and work on specific stories to report for their respective media outlets. The RTI law is always an effective tool for a journalist to access data and produce his story (s) using (citing) facts/figures.

Such reporting is the correct and truthful coverage of the roles, responsibilities and performance of public bodies and ensuring how RTI laws support the data-driven reporting aspect of journalism. The proactive information disclosure provisions of the RTI law could promote data-driven reporting in the national media, earning recognition and transparency for accountable institutions within the democratic system of Pakistan.

Recommendations from "The 8 Principles of Open Government Data"¹³

In order to increase the use of official data/information, the following aspects should be taken into account:

1. The material provided, ideally should be edited to be used immediately,

¹¹ <http://rti.infokhyberpakhtunkhwa.gov.pk/rti/>

¹² From Data to Journalism - A Best Practices Guidebook

¹³ <https://opengovdata.org/>

- that means, text should be free of spelling mistakes and be concise and precise.
2. In already existing documents, the main information should be somehow highlighted.
 3. The data should be "license free", which means that no copyright and other laws restrict the re-use of this data.
 4. If possible raw data (unprocessed data) should be made available for manual or automated processing and interpretation.
 5. If possible machine-readable formats like word, Excel, CSV and XML files should be made available.
 6. Putting the data into visualized formats such as graphs, tables, maps or infographics will make it much easier for recipients to understand the data you have provided.

Guidelines-4: How to Apply the Harm Test?

The Right to Information law contains a list of exceptions. Information enlisted in 'exceptions' is exempted from disclosure. Broadly speaking, information disclosure which may cause 'harm' to the safety of an individual, national security, privacy of an individual, economy of the country, on-going investigation, relations of the state with other states etc. is given exemption from disclosure in the RTI law. However, blanket or unqualified exemption is not given to any type of information. If the disclosure of information benefits public interest far more than the harm that such disclosure may cause then the information could be provided to the requester.

Under the Khyber Pakhtunkhwa Right to Information Act 2013, both the Khyber Pakhtunkhwa Right to Information Commission and Public Information Officers are empowered to apply the harm tests. The Act contains a list of 'exceptions', the information that is exempted from disclosure.

Public Information Officers should keep in mind the following while applying harm tests and decide whether information enlisted in exceptions should be provided or not:

1. Section 14 (d) of Khyber Pakhtunkhwa Right to Information Act 2013 says information should be disclosed if "the overall public interest favours disclosure of the information".
2. In light of Section 14 (d) of Khyber Pakhtunkhwa Right to Information Act 2013, any information that may expose corruption, criminal wrongdoing, and other serious breaches of the law, human rights abuse, or serious harm to public safety or the environment" should be disclosed.

Storing and Indexing Information Requests

Register of Requests for Information and Disposal of Requests by PIO

The KP RTI commission has already provided Citizens' Requests Register to all PIOs in the province for enlisting all information requests they are receiving and about their disposal (Annex II). Information should include name of the information requester, address with contact number, date of application filed, nature of information sought and action taken by PIO with date. It will help



trends analysis and what types of information the information requesters mostly seek. Such register can help finalizing the annual report of public bodies as well.

Register of Complaints to Information Commission

All notices received by the PIOs from the Information Commission should be properly recorded and registered. The register should also log the decisions of the Information Commission regarding different complaints against PIOs as it will serve an institutional precedent for the future PIOs in the department.

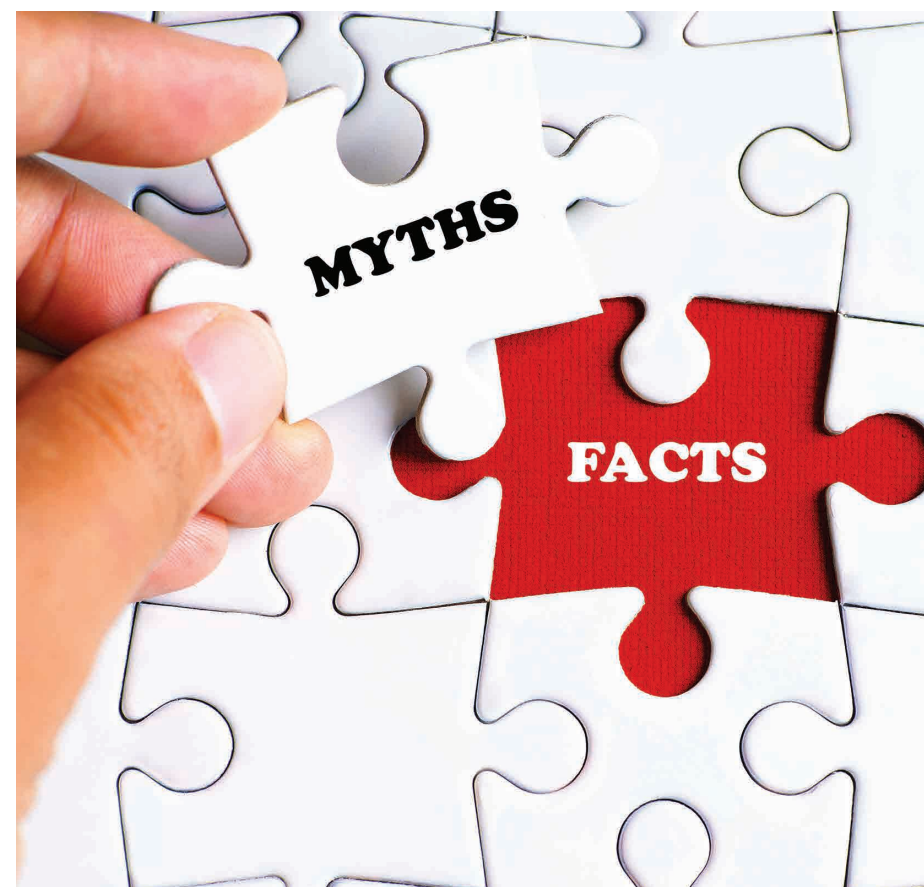
Management Information Systems used by Public Body and Information Commission

The PIOs should regularly update data on the information requests if the Information Commission has devised any online management information system. This provides real time updates on the status of information requests. The KP RTI Commission has already developed a complaint tracking system.

Issues and Concerns of PIOs: Myths and Realities

Q. What if my colleagues or the head of my public body turn against me if I seek from them information requested by an applicant?

A. This is a concern often raised by Public Information Officers. Never make oral arguments with your fellow officers or superiors for accessing information in their



possession. Always request information from your fellow officers in writing. Your request to the fellow officers for providing the requested information can be phrased as following:

In my capacity as a Public Information Officer of the public body, I have received a request for information from an applicant filed under the Khyber Pakhtunkhwa Right to Information Act 2013 (Copy enclosed). Please provide certified copies of the requested information so that I can share the same with the applicant. Thank you. Such a request would demonstrate that you are only performing your duty. The paper trail will prove that you tried to perform your duty. You can share it with the commission in case your fellow officers do not provide the requested information.

Q. What if I prepare a set containing large number of certified copies of the requested information but the applicant does not want to pay the cost of reproducing the requested information?

A. This actually happened in the case of a Public Information Officer. Remember first 20 pages of the requested information are to be provided free of cost to the applicant and Rs. 2 will be charged for each extra page notified by KP Information Commission.

Q. What if a Public Information Officer inadvertently provides information to an applicant, which is exempted from disclosure under the law? Will the PIO be penalised?

A. The Khyber Pakhtunkhwa Right to Information Act 2013 contains immunity clauses. No action will be taken against an officer if the action has been taken in good faith. The commission will provide ample opportunity to the officer to demonstrate that the action was taken in good faith.

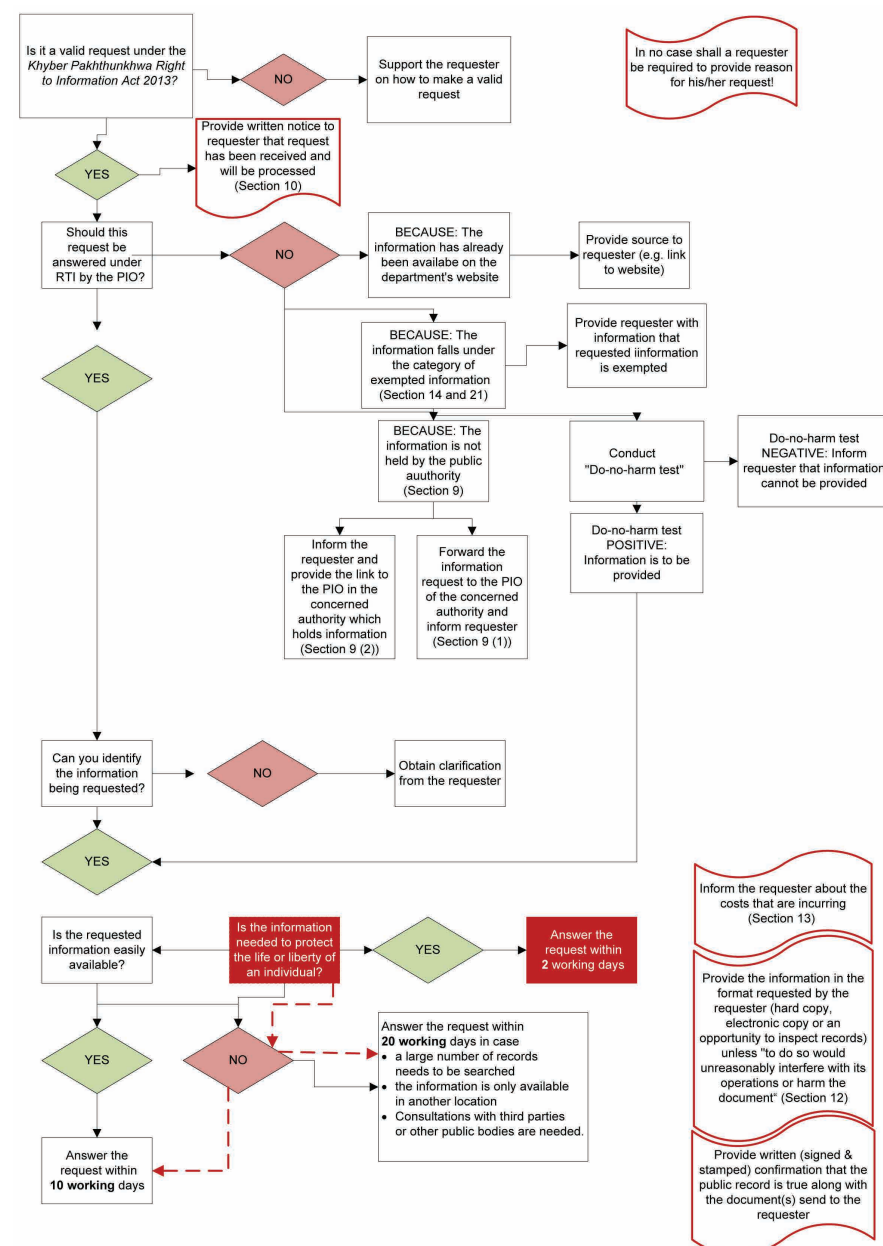
Q. What if there is a law governing a public body that prohibits officers to share information with anyone?

A. In matters pertaining to whether information is to be provided or not, Khyber Pakhtunkhwa Right to Information Act 2013 override all other laws such as the Official Secret Act.

Q. There is a concept of punishment but no concept of reward in Khyber Pakhtunkhwa. Why?

A. It is true that there is no reward for Public Information Officers (PIOs) who perform their duties under this law. So far as punishment is concerned, it should be noted that Khyber Pakhtunkhwa and Punjab information commissions have levied penalties to only those officers who continued wilfully defying access to information despite notices of information commissions.

Annexure I: RTI Processes Flow Chart




Annexure II

Important Notifications of the KP RTI Commission

Notification 1: Provision of Information under KP RTI Law (Page 1)

AA: SO FR



GOVERNMENT OF KHYBER PAKHTUNKHWA
RIGHT TO INFORMATION COMMISSION
7th Floor, Tasneem Plaza, Near Benevolent Fund
Building, 6th Saddar Road, Peshawar
Email: info@kprti.gov.pk
Ph: 92-91-9210844
Fax: +92-91-9211163

No: AO/RTIC/MISC/2015/ 902-
Dated: 12th February., 2015

To

1. All Administrative Secretaries.
2. All Heads of Attached Departments.
3. Chairman, Public Services Commission, Khyber Pakhtunkhwa, Peshawar.
4. Chairman, Services Tribunal, Khyber Pakhtunkhwa Peshawar.
5. The Secretary Provincial Assembly Khyber Pakhtunkhwa Peshawar.
6. The Registrar, Peshawar High Court, Peshawar.
7. All District and Sessions Judges Khyber Pakhtunkhwa Peshawar.
8. The Secretary to the Governor Khyber Pakhtunkhwa.
9. The Special Secretary to the Chief Minister, Khyber Pakhtunkhwa.


Subject: - **PROVISION OF INFORMATION UNDER RIGHT TO INFORMATION ACT, 2013.**

Dear Sir,

I am directed to refer to the subject noted above and to state that many references are being received from the Public Bodies inquiring as to whether copies of note sheet or some other specific documents such as minutes of meetings are provided to the requesters or not.

The matter has been examined in detail and the Right to Information Commission has decided that since these documents are part of record, therefore the Public Bodies are bound to provide access to a requester to the said record. However, if a Public Body feels that supply of a copy of the note sheet or any document through which deliberative process of a policy decision has been undertaken within the department the supply whereof may be harmful or create embarrassment, it should refer the matter to the Right to Information Commission immediately and the Right to Information Commission, by exercising its powers conferred under Sub-Section (1) of Section 26 and clause (a) of sub-Section (3) of Section 26 of the Khyber Pakhtunkhwa Right to Information Act, 2013, will decide on merit and on case to case basis regarding the supply of a copy of note sheet or the other document to a requester or otherwise.

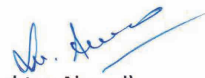
Notification 1: Provision of Information under KP RTI Law (Page-2)



GOVERNMENT OF KHYBER PAKHTUNKHWA
RIGHT TO INFORMATION COMMISSION
7th Floor, Tasneem Plaza, Near Benevolent Fund
Building, 6th Saddar Road, Peshawar
Email: info@kprti.gov.pk
Ph: 92-91-9210844
Fax: +92-91-9211163

So far as provision of copies of the minutes of meetings are concerned, since in the meetings usually the decisions are taken in the capacity of public body and in the interest of public service, therefore the minutes cannot be termed as exempted document unless otherwise provided in the RTI Act, 2013.


It is therefore requested to kindly inform all the Public bodies and PIOs, working under your kind control to follow the above decision.


(Mushtaq Ahmad).
Secretary RTIC.

Endst No.AO/RTIC/MISC/2015/_____ Dated the 12th February, 2015

Copy forwarded to:-

1. Commissioner-I and Commissioner-II of the Right to Information Commission.
2. I.T Officer Budget & Accounts Officer, Communication Officer, Assistant Registrar RTIC.
3. PS to the Chief Secretary Khyber Pakhtunkhwa, PS to the Chief Information Commissioner RTIC.


(Abdul Ghani Mughal)
Administrative Officer.

Notification 2: Revised Schedule of Fee for Hard Copies (Page-1)



GOVERNMENT OF KHYBER PAKHTUNKHWA
RIGHT TO INFORMATION COMMISSION
7th Floor, Tasneem Plaza, Near Benevolent Fund Building,
6th Saddar Road, Peshawar
Email: info@kprti.gov.pk
Ph: 92-91-5277150/9211163
Fax: +92-91-9211163

NOTIFICATION

Dated Peshawar, the 29th April, 2015.

No. **B&A(RTIC)-1-3/2014**. In exercise of the powers conferred by Section 13(2) and (3) of the Right to Information Act, 2013, and in supersession of this Commission Notification No. B&A(RTIC)1-3/2014, dated the 19th December, 2014, the Khyber Pakhtunkhwa, Right to Information Commission is pleased to adopt the following revised schedule of fee for hard photo copies of information required by the requester from the public bodies, with immediate effect:

Up to 20 copies.	No. charges.
For extra copies.	Rs.2/- per page and Rs.4/- per page if both sides of a paper are used.
Postal/Courier charges.	Actual cost for extra copies,

In case of non-availability of Photostat facilities in the office of the public body or if the requester so desires, the public body may provide an opportunity to the requester to make the photo copies from market at his own expenses in the presence of a responsible official of the office of the public body and get the information by hand.

The Khyber Pakhtunkhwa Right to Information Commission, with the consultation of the Provincial Finance Department and Controller General of Accounts, Government of Pakistan, Islamabad is pleased to direct that the fees/charges collected by the public body for extra copies may be deposited against the following head of account.

"C 03885.Fee payable for obtaining information and copies of public record".

Schedule of fee for other forms of information will be notified later on.


CHIEF INFORMATION COMMISSIONER,
RIGHT TO INFORMATION COMMISSION.

Notification 2: Revised Schedule of Fee for Hard Copies (Page-2)



GOVERNMENT OF KHYBER PAKHTUNKHWA
RIGHT TO INFORMATION COMMISSION
7th Floor, Tasneem Plaza, Near Benevolent Fund Building,
6th Saddar Road, Peshawar
Email: info@kprti.gov.pk
Ph: 92-91-5277150/9211163
Fax: +92-91-9211163

Endst: No. B&A (RTIC) 1-3/2014, Dated the 29th April, 2015.

Copy forwarded to:

1. All Administrative Secretaries Khyber Pakhtunkhwa.
2. Chairman, Public Service Commission, Peshawar.
3. Chairman, Services Tribunal, Khyber Pakhtunkhwa Peshawar.
4. The Registrar, Peshawar High Court, Peshawar.
5. The Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
6. The Controller General of Accounts, Islamabad.
7. The Accountant General, Peshawar.
8. The Manager, State Bank of Pakistan Peshawar.
9. All District Accounts Officers in Khyber Pakhtunkhwa.
10. The Treasury Officer Peshawar.
11. The Private Secretary to Governor Khyber Pakhtunkhwa
12. The Private Secretary to Chief Minister, Khyber Pakhtunkhwa.
13. The Private Secretary to Chief Secretary, Khyber Pakhtunkhwa.
14. The Private Secretaries to the Chief Information Commissioner and Information Commissioners.

They are requested to inform the officers designated as Public Information Officers in the offices/public bodies working under their administrative control.


(Mushtaq Ahmad)
Secretary RTIC

Notification 3: Proactive Disclosure of Information under KP RTI Law (Page-1)



GOVERNMENT OF KHYBER PAKHTUNKHWA
RIGHT TO INFORMATION COMMISSION
7th Floor, Tasneem Plaza (Near benevolent Fund
Building) 6th Saddar Road, Peshawar.
www.kprti.gov.pk

No. RTIC/CO/11-1/2015/ 1441-66

Dated the 9th February, 2016.

To

1. All Administrative Secretaries, Government of Khyber Pakhtunkhwa.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa
3. Secretary to Governor, Khyber Pakhtunkhwa.
4. Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. Secretary to Speaker, Provincial Assembly, Khyber Pakhtunkhwa.
6. Chairman Public Service Commission, Khyber Pakhtunkhwa.

Subject: - **PROACTIVE DISCLOSURE OF INFORMATION UNDER RTI ACT, 2013.**

Dear Sir,

I am directed to refer to the subject noted above and to state that Article 19A of the Constitution of Islamic Republic of Pakistan provides that every citizen shall have the right to access information in all matters of public importance, subject to regulation and reasonable restrictions imposed by law.

For implementation of the above provision of the constitution, the Provincial Government of Khyber Pakhtunkhwa has accordingly promulgated the "Khyber Pakhtunkhwa Right to Information Act, 2013". Section 5 of the Khyber Pakhtunkhwa RTI Act, 2013 has made it obligatory for the public bodies to proactively disclose the information by publishing it 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.

Under Sub-Section (3) of Section 25 of the RTI Act, 2013, the Information Commission is empowered to monitor and report regarding compliance by public bodies with their obligations under the Act by public bodies. The Information Commission has therefore decided to request you to kindly ensure the implementation of the provisions under Section 5 of the RTI Act, 2013. The Information Commission has further decided to request to start the process of pro-active publication of Information from 2015 under the following heads:

- (1) Seniority lists of staff for the year 2015 (as per their positions on 31/12/2015).
- (2) Minutes of the meetings of Departmental Promotion Committees/Boards held during 2015.
- (3) Minutes of the meetings of Departmental Selection Committees held during 2015.

Notification 3: Proactive Disclosure of Information under KP RTI Law (Page-2)



GOVERNMENT OF KHYBER PAKHTUNKHWA
RIGHT TO INFORMATION COMMISSION
7th Floor, Tasneem Plaza (Near benevolent Fund
Building) 6th Saddar Road, Peshawar.
www.kprti.gov.pk

- (4) Merit lists of the staff recruited during 2015.
- (5) Details of posts with names of persons recruited during 2015.
- (6) Rules/Regulations already approved by the Competent Authority.
- (7) Budget Estimates for the years 2014-15 and 2015-16.
- (8) Final Grant for the year 2014-15 with reconciled actual accounts up-to June final 2014-15.
- (9) Total sanctioned strength with details of filled and vacant posts as on 31/12/2015.


The process may kindly be completed by 29th February 2016 under intimation to this Commission.

After 29/2/2016, the Chief Information Commissioner, an Information Commissioner or Commissioners or any other officer authorized by the Information Commission will visit your office to observe the implementation of the above instructions in the letter and spirit of Section 26 of the Right to Information Act, 2013. Failure of the public bodies will be reported to the government and will also be included in the Annual Report of the Information Commission.

The Attached Departments/offices working under your administrative control may also be directed to implement the above instructions.

(Secretary) RTIC

Notification 4: Maintenance of Record of Citizen's Request Using RTI Register



Tel: (+92) 91-9212643
Fax: (+92) 91-9211163

**GOVERNMENT OF KHYBER PAKHTUNKHWA
RIGHT TO INFORMATION COMMISSION**
7th Floor, Tasneem Plaza (Near benevolent Fund
Building) 6th Saddar Road, Peshawar.
www.kprti.gov.pk

No. RTIC/CO/1-4/2017/ *430*
Dated the 18th April, 2017

To

The DEPUTY COMMISSIONER,
Peshawar.


Subject: MAINTENANCE OF RECORD OF CITIZEN'S REQUESTS UNDER THE KHYBER PAKHTUNKHWA RIGHT TO INFORMATION ACT 2013.

Dear Sir,

I am directed to refer to this office letter No. RTIC/CO/1-4/2017/ 2222 dated 16th February 2017 on the subject noted above and to state that this office had provided 178 registers for recording the RTI requests. A list of PIOs of district Peshawar was also provided to distribute the said registers amongst the PIOs.

It has been noticed that the registers have not yet been distributed as the PIOs are approaching the Commission for the said registers. It is requested to kindly provide this office a list of PIOs to whom the registers have been provided please.

Best Regards,



(Secretary)
RTI Commission

No. RTIC/CO/1-4/2017/
Dated the 18th April, 2017.

Copy to:-

1. PS to Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. All Heads of Government Departments in district Peshawar.

Secretary

Annexure III

Comparative Analysis of Pakistan's RTI Laws

Right to information laws in Pakistan can be categorized, for the sake of better understanding, into two categories i.e. pre-18th Amendment and post-18th Amendment RTI laws. Freedom of Information Ordinance 2002 and its replicas such as Balochistan Freedom of Information Act 2005 and now recently repealed Sindh Freedom of Information Act 2006 belong to the pre-18th Amendment RTI laws whereas Khyber Pakhtunkhwa Right to Information Act 2013, the Punjab Transparency and Right to Information Act 2013 and Sindh Transparency and Right to Information Act 2016 belong to the post-18th Amendment RTI laws.

The important distinction between pre-18th Amendment and post-18th Amendment RTI laws is that whereas the latter largely follow standards of effective right to information legislation, pre-18th Amendment RTI laws either do not follow these standards completely or, in many cases, even violate these standards. Furthermore, there are certain variations in the way post-18th Amendment RTI laws follow these standards.

Pre-18th Amendment RTI laws do not follow principle of maximum disclosure, there is no 'harm' test, no provisions pertaining to proactive disclosure of information and appellate bodies are not empowered to impose fine on officials for unlawfully denying or delaying access to information.

Post-18th Amendment RTI laws follow all the principles of effective right to information legislation such as maximum disclosure, minimal exemptions, obligation for proactive disclosure, process to facilitate access to information, minimum cost for requested information and disclosure taking precedence over exemption. In all these laws i.e. Khyber Pakhtunkhwa Right to Information Act 2013, the Punjab Transparency and Right to Information Act 2013 and Sindh Transparency and Right to Information Act 2016, there is one list of exempted information and the rest is declared public information. Even information, which is otherwise exempted from disclosure, will be provided if disclosure of information is in public interest and outweighs the harm. Citizens do not only have the right to access copies of public records, they can also take notes from public documents. These laws also allow citizens to inspect documents. There are specific sections that require public bodies to ensure proactive disclosure of information.

Sindh Transparency and Right to Information Act 2016 law is restricted in the

sense that citizens cannot take certified samples of material, which is the case in the Punjab Transparency and Right to Information Act 2013 and Khyber Pakhtunkhwa Right to Information Act 2013. Access to information is also cost-effective and easy. Under the Punjab Transparency and Right to Information Act 2013 and Sindh Transparency and Right to Information Act 2016, not only citizens of Pakistan can file information request, registered legal entities can also file information requests. However, under Khyber Pakhtunkhwa Right to Information Act 2013, only citizens of Pakistan can file information requests. Citizens can file information requests on a plain paper, through emails or in person. Fee can only be charged for the actual reproduction and sending it to the applicant under the Punjab Transparency and Right to Information Act 2013, Khyber Pakhtunkhwa Right to Information Act 2013 and Sindh Transparency and Right to Information Act 2016. Furthermore, Khyber Pakhtunkhwa Right to Information Act 2013, Sindh Transparency and Right to Information Act 2016 and the Punjab Transparency and Right to Information Act 2013 mention that there is no fee for filing information requests. However, Khyber Pakhtunkhwa Right to Information Act 2013 law also says that first 20 pages of the requested information would be provided free of cost whereas schedule of fee will determine the cost of extra pages. All these laws also envisage establishment of independent and autonomous information commission to develop transparency standards for public bodies, dispose complaints in timely manner, ensure disclosure of information, develop schedule of fees, create mass awareness about rights of people under the law, compile guidelines for officials, train Public Information Officers (PIOs), develop monitoring mechanism to monitor and report on the compliance by public bodies, publish its annual report and frame rules and regulations. However, all these tasks are not mentioned in pre-18th Amendment RTI laws. One blemish in the Punjab Transparency and Right to Information Act 2013 is that it says the commission will consist of 'not more than three information commissioners'. It effectively means that there cannot only be one member commission but it can be headed by a serving bureaucrat. All these laws say that commissioner can be a person who has been or is qualified to be the judge of high court; a person who is or has been in the service of Pakistan in basic scale 21 or equivalent and a person from civil society having a degree based on sixteen years of education from a recognized institution and experience of not less than fifteen years in their profession in the field of mass communication, academic or right to information.

Under the Punjab Transparency and Right to Information Act 2013, Khyber Pakhtunkhwa Right to Information Act 2013 and Sindh Transparency and Right to Information Act 2016, public bodies are bound to designate Public Information Officers (PIOs) to ensure implementation of these laws. However, the Punjab Transparency and Right to Information Act 2013 is silent in the case

if a public body does not designate a Public Information Officer though head of public body is to serve as a Public Information Officer under the Punjab Transparency and Right to Information Rules 2014. Under all these laws, a public body is not allowed to ask an applicant to provide reason for filing information request. However, the Sindh Transparency and Right to Information Act 2016 says that burden of proof will be on the applicant to demonstrate that the Public Information Officer did not act on information request as required by the law. A Public Information Officer is required not only to decide on information requests but also required to facilitate the disabled and the illiterate in filing information requests under both the Punjab Transparency and Right to Information Act 2013 and Khyber Pakhtunkhwa Right to Information Act 2013. However, Sindh Transparency and Right to Information Act 2016 does not have any such provision. Under the Punjab Transparency and Right to Information Act 2013, a Public Information Officer is required to provide the requested information within 14 working days, 14 extra working days can be taken provided requested information is to be collected from a large number of records or is to be collected from different offices or permission of the third party is required.

Under Khyber Pakhtunkhwa Right to Information Act 2013, a Public Information Officer is required to provide the requested information within 10 working days 10 extra working days can be taken provided requested information is to be collected from a large number of records or is to be collected from different offices or permission of the third party is required. Under Sindh Transparency and Right to Information Act 2016, a Public Information Officer is required to provide the requested information within 15 working days 10 extra working days can be taken provided requested information is to be collected from a large number of records or is to be collected from different offices or permission of the third party is required.

Information pertaining to the life and liberty of a person is to be provided within 2 working days under all these laws, whereas there is no such provision in the 1st generation of RTI laws. If a Public Information Officer unlawfully delays or denies access to requested information, a citizen can either file a review application with head of the public body or lodge complaint with Punjab Information Commission. Under Sindh Transparency and Right to Information Act 2016, citizen has to first file review with the head of public body and if not satisfied, he/she can lodge complaint with Sindh Information Commission. Citizens do not have the option or compulsion to first file review with head of public body prior to lodging complaint with Khyber Pakhtunkhwa Information Commission under Khyber Pakhtunkhwa Right to Information Act 2013. Khyber Pakhtunkhwa Information Commission is bound to decide on complaints within 60 days, Punjab Information Commission within 30 days but can take extra 30 days but reasons for the delay have to be recorded in writing. Sindh Information

Commission is bound to decide on complaints within 45 days. Decisions of Sindh, Punjab and Khyber Pakhtunkhwa information commissions are final and only writ petitions can be lodged in high courts against the decisions of information commissions. The commissions are empowered to impose fines. However, while Khyber Pakhtunkhwa Right to Information Act 2013 has fixed amount to be imposed as a fine, the Punjab Transparency and Right to Information Act 2013 and Sindh Transparency and Right to Information Act 2016 have come up with innovative way of imposing fine. Under Punjab and Sindh RTI laws, fine is linked with the salary of the person. Under the Punjab Transparency and Right to Information Act 2013, 2 day of salary for each day of the delay and under Sindh Transparency and Right to Information Act 2016 10% of the salary can be deducted as a fine. Wilful destruction of record is an offence liable to a fine not exceeding rupees 10,000) or imprisonment for a period not exceeding two years or both. Under Khyber Pakhtunkhwa Right to Information Act 2013, wilful destruction of record is an offence liable to a fine not exceeding rupees fifty thousand (50000) or imprisonment for a period not exceeding two years. Under Sindh Transparency and Right to Information Act 2016, wilful destruction of record is an offence and the punishment is imprisonment for a term which may extend to two years six months or with fine which shall not be less than ten thousand rupees or (10%) percent of his basic pay or with both.

Of these three post-18th Amendment laws, only Khyber Pakhtunkhwa Right to Information Act 2013 gives blanket exemption to Peshawar High Court while Punjab Transparency and Right to Information Act 2013, do not provide blanket exemption to their respective high courts.

The greatest blemish on both Khyber Pakhtunkhwa Right to Information Act 2013 and Sindh Transparency and Right to Information Act 2016 is that these laws declare possible misuse of information attained through these laws as a criminal offence whereas there is no such provision in the Punjab Transparency and Right to Information Act 2013. Sindh Transparency and Right to Information Act 2016, declares information obtained through this law a punishable offence with a fine of RS. 100,000 or imprisonment of 3 months if the information is used for malafide purposes with ulterior motives with facial, fabulous design'. Khyber Pakhtunkhwa Right to Information Act 2013 declares information obtained through this law a punishable offence if the information is used for 'malafide purposes with ulterior motives with facial, fabulous design'. A right to information law should only be concerned about facilitating access of citizens to maximum information in a cost-effective and easy manner as there are other laws to deal with issues pertaining to the misuse of information.