



RIGHT TO INFORMATION COMMISSION GHANA

2021 ANNUAL REPORT

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LIST OF ABBREVIATIONS

- AIOs Assistant Information Officers
- ARTIOs Assistant Right to Information Officers
- ATI Access to Information
- ATID Access to Information Division
- DMT Data Mapping Tool
- DRTIO Designated Right to Information Officer
- GTV Ghana Television
- IDUAI International Day for Universal Access to Information
- ISD Information Services Department
- L.I. Legislative Instrument
- MDAs Ministries, Departments and Agencies
- MMDAs Metropolitan, Municipal and District Assemblies
- MOI Ministry of Information
- ORMs Online Records Management System
- PI Public Institution
- RTI Right to Information
- RTIC Right to Information Commission
- UN United Nations
- UNESCO United Nations Education Scientific and Cultural Organization

EXECUTIVE SUMMARY

The Right to Information Commission (The Commission), has the objects to Promote, Monitor, Protect and Enforce the right to information that is guaranteed a person under Article 21(1) (f) of the 1992 Constitution and the provisions of Act 989. This report expounds notable activities carried out by the Commission during the year under review.

The Commission relocated from its temporary office at Kokomlemle to its current office space located in Dzorwulu in June 2021. Following this, the Commission received laptop and furniture donations from benevolent organizations that share in the ideals of the Commission in order to kick start operations on the implementation of RTI Act 2019 (Act 989).

The Commission received clearance from the Ministry of Finance to recruit 120 new staff to help operationalize the Act. In line with its mandate to promote right to information under section 45 of Act 989, the Commission undertook a sensitization drive across five regional capitals across the country. The Commission also held a week long Right to Information week celebration which coincided with the International Day for Universal Access to Information. Guidelines for the preparation of an Information manual has been published, and the LI has undergone extensive work and is in it's final draft stage of engagements yet to be submitted to the Minister of Information.

The Commission in fulfilling its statutory requirement under Section 77 (1) of the Right to Information Act, 2019 (Act 989), received 189 reports from public institutions out of which 117 were from MDAs and 72 came from MMDAs. The number of requests for access to information received by the various public institutions in 2021 was 247 as against 13 for 2020. The number of requests approved, rejected and transferred/referred were 159, 7, 21 respectively. The number of reviews dismissed increased to 4 and the number of applications for judicial review in the court for 2021 was 2.

The Commission received 24 applications for review out of which 6 written determinations were made; determinations were made, 8 were settled amicably through mediation to the satisfaction of both parties. By the end of 2021, a total of 10 applications were at various stages of review. The following were the main reasons why applications were tended in for review

1. Refusal on the part of public institutions to respond to applicant's request for access to information.
2. Denial of applicant's request for access to information.
3. Applicants' dissatisfaction with responses received for their requests for access to information.

Despite challenges the Commission faced with disbursement of funds, it was able to carry out majority of programmes earmarked for the year. Subsequently, the Commission going forward, will be implementing programmes such as prosecution of offences under RTI Act, 989, digitization of access to information processes and nationwide sensitization.

CHAPTER ONE: INTRODUCTION

1.1 Background and Overview of Report

The Right to Information Commission (The Commission), started operations after the president of the Republic constituted a seven-member Board to ensure the proper and effective performance of the functions of the Commission. The object of the Commission, as outlined under Act 989, is to Promote, Monitor, Protect and Enforce the right to information that is granted to a person under Article 21(1) (f) of the 1992 Constitution and the provisions of Act 989. The Commission increased its staff strength from three at the commencement of operations to twenty-four at the close of the year under review. The commission was able to undertake notable activities including sensitization programmes, stakeholder engagements and issue decisions on review applications before it in the year under review.

1.2 Overview of Report

Statutory Requirement: *Section 77(4) of the Right to Information Act, 2019 (Act 989) states;*

“77(4) The Minister shall by the 30th of June each year, lay before Parliament, an annual report on the activities of public institutions and the Commission in respect of the preceding year based on the annual reports of the public institutions.”

In line with the above, this report provides an overview of activities of public institutions and the operational activities of the Commission for the year 2021. This report also highlights the major strides made and the challenges facing the Commission during the period under review as well as the strategies being employed to overcome them.



Members of the governing Board of the Right to Information Commission

CHAPTER TWO: OPERATIONAL ACTIVITIES

2.1 Office Space and Logistics

2.1.1 RTIC

At the beginning of the year, the Commission set out to secure an office space to relocate from its temporary location in Kokomlemle. The committee tasked with this responsibility found the new office space a suitable property conducive for an office at Dzorwulu in the month of June 2021.



In August, the Commission received ten (10) Laptops donated by Hubtel Limited, as part of the donor's Corporate Social Responsibility to support the work of the Commission.

FBN Bank also supported the Commission with ten (10) desktop computers, printers and furniture.

The Commission moved into its new office premises in September 2021. It was

furnished with all necessary equipment and facilities such as Local Access Network with wireless connection to all offices; necessary working software such as Microsoft Office, GIFMIS software and Microsoft Teams; stationary, and fixed phone networks.



Official opening of the RTI Commission's office by the Minister for Information, Hon. Kojo Oppong Nkrumah.

2.1.2 Access To Information Division (ATID)

The ATI Division of the Ministry of Information as part of its function of facilitating the implementation process of Access to Information, from the beginning of the year set out to distribute computers and accessories to Assistant Information Officers posted to some public institutions.

A total of eighty-six (86) computers and accessories had been distributed as at 31st December, 2021. A comprehensive report on the distribution of the computers and accessories has been attached as an Appendix IV.

2.2 Staff Recruitment and Capacity Building

2.2.1 RTIC

In November 2021, the Commission received clearance from the Ministry of Finance to recruit 120 staff to aid in the execution of its mandate. The Commission carried out this exercise successfully and is ready to deploy all recruited staff to their respective posts. The approved skeletal staff recruited at the beginning of the year have been trained in various disciplines as



Some Staff of the Commission receiving training on Communication and and Public Speaking

follows: GIFMIS training, HYPERION training, Health and Safety training, training on the Procurement Act, training on the Public Financial Management Act, training on the Right to Information Act, Governance and Regulatory training and Communication and Public Speaking training. These training sessions were undertaken to equip staff with the necessary skill sets, and systems needed to perform efficiently in their respective roles.



Some staff participating in a training session

2.2.2 ATID

The ATI Division retrained ARTIOs on its Online Records Management System and UNESCO's Access to Information monitoring tools as part of the RTI Week celebration.

2.3 Board and Staff Retreat

Towards the end of the year, the Commission organized a retreat program for the Board and Staff of the Commission. The purpose of the program was to collectively develop new strategies for the coming year, foster an atmosphere that enhanced synergies to develop greater team building and working relations through the socialization of Board members and staff of the Commission. The program coincided with the first anniversary of the Commission.



Some of the Board Members celebrating the Commission's one year anniversary

CHAPTER THREE: ACTIVITIES OF PUBLIC INSTITUTIONS UNDER THE ACT

3.1 SUBMISSION OF ANNUAL REPORTS BY PUBLIC INSTITUTIONS

Section 77 (1) of the Right to Information Act, 2019 (Act 989) states;

“77 (1) A public institution shall within sixty days after the 31st of December each year, submit a written report on the activities of the public institution under this Act during the preceding year to the Commission”.

In accordance with the aforementioned, the Commission, on 9th February 2022, issued a press statement requesting all public institutions to submit a written report to the Commission stating their activities under Act 989 for the period 2021.

3.1.1 Summary of Reports Received from Public Institutions

At the time of the development of this report, 189 public institutions had submitted their reports to the Commission. Out of this number, 65 institutions received requests for information, with the Department of Children receiving the highest number of requests for information (34 requests).

The table below gives a breakdown of reports received by the various public institutions.

	2020	2021	Percentage growth
Number of reports received	50	189	278%
No. of Requests Received	13	247	1800%
No. of Requests Approved	23	159	591%
No. of Requests Rejected	4	7	75%
No. of Requests transferred/ referred	3	21	600%
No. of Reviews Requested	1	7	600%
No. of Reviews Granted	1	0	-
No. of Reviews Dismissed	0	4	-
No. of Applications to the Court	0	2	-

Table 1 summary of the report submitted by public institutions

Kindly refer to Appendix II for full list of public institutions that submitted their annual report

3.2.2 Number of Applications Approved

Out of the 247 requests received by various public institutions, 159 were approved representing 64% of the total number of requests received.

3.2.3 Number of Applications Rejected

Seven (7) requests for information, representing 3% of total requests received were rejected by various public institutions. The following reasons were the basis on which public institutions rejected requests for access to information.

- i. That the information requested fell under exempt information
- ii. That the information requested was not in the custody of the public institution.

3.2.4 Number of Applications Transferred/Referred

Twenty (21) of the requests were transferred/referred to the relevant institutions.

3.2.5 Number of Internal Reviews Requested/Granted/Dismissed

Seven (7) reviews were submitted to Heads of public institutions by aggrieved applicants. Out of these, none was granted

A summary of the reports received is presented in figure 1.

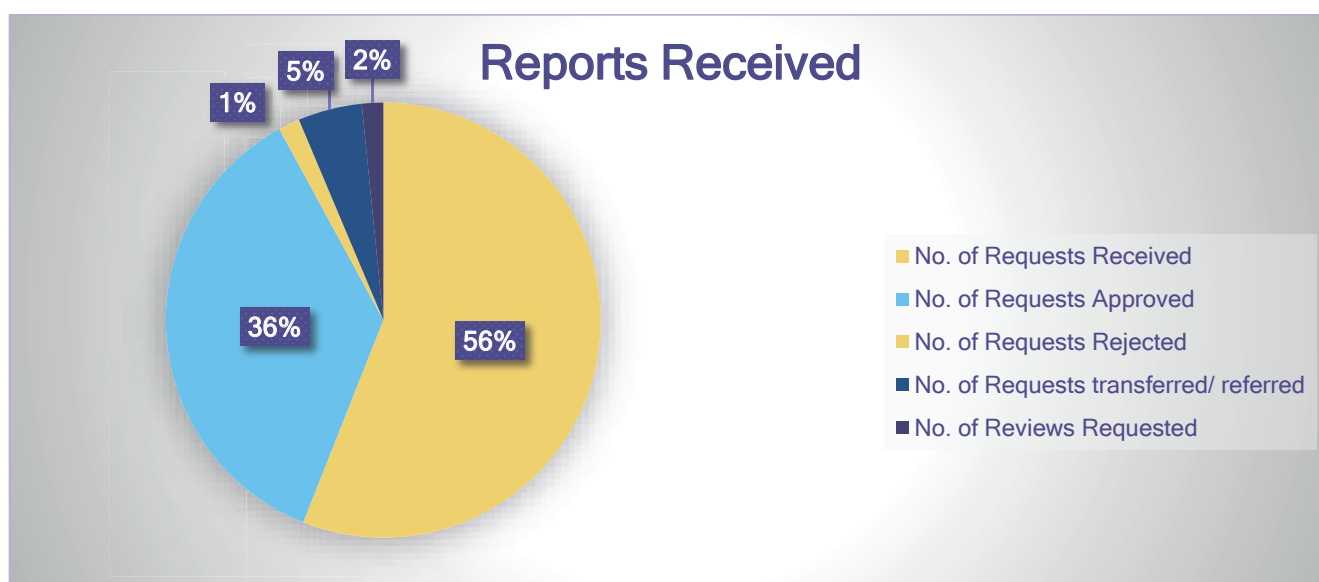


Figure 1 shows a pie chart of the summary of reports received

3.2.6 Regional Distribution of Submitted Reports

A further breakdown of the regional distribution of the reports shows that reports came in from fourteen (14) regions out of the 16. With respect to the distribution of reports submitted, public institutions in Greater Accra submitted the highest number of 127 representing 68%. Table 2 & Figure 2 below present a summary table and graphical review of the regional distribution of reports submitted by regions;

Regional Distribution of Reports	
Ashanti Region	10
Bono	0
Bono East	3
Ahafo	4
Central	10
Eastern	13
Greater Accra	128
Northern	1
Savanah	1
North East	1
Upper East	4
Upper West	3
Oti	3
Volta	7
Western	0
Western North	1
Total	189

Table 2 table depicting the regional distribution of reports

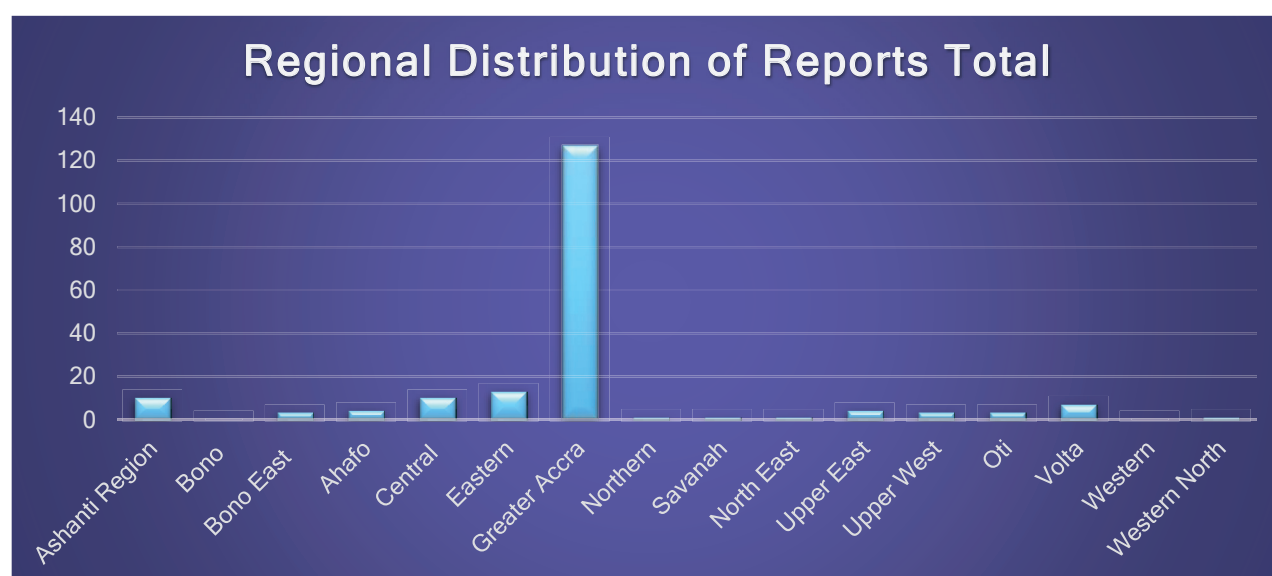


Figure 2 shows a bar chart of the regional distribution of reports received

A further breakdown of the reports received showed that 72 MMDAs submitted their annual reports, with Greater Accra having the highest of 14 reports submitted followed by the Eastern Region (13). In all, reports were received from MMDAs in 14 out of 16 regions. The figure below shows the regional distribution of reports received from MMDAs.

Regional Distribution of Reports received from MMDAs	
Ashanti Region	9
Bono	0
Bono East	3
Ahafo	4
Central	10
Eastern	13
Greater Accra	14
Northern	1
Savanah	1
North East	1
Upper East	4
Upper West	2
Oti	3
Volta	6
Western	0
Western North	1
Total	72

Table 3 shows a breakdown of the regional distribution of reports received from MMDAs

3.2.7 Comparative Analysis

A comparison of the number of RTI reports received for 2020 and 2021 shows an increase in the number of reports received from 50 to 189 respectively, representing a 278% growth. The increase is a result of the Commissions extensive Nationwide sensitization programme during the year under review. The data further indicates that the number of requests for information received by the various public institutions in 2021 was 247 as against 13 for 2020, representing a growth of 1800%. The breakdown also indicated that the number of requests approved, rejected and transferred/ referred increased by 591%, 75% and 600% respectively.

Further study of the data shows a decrease in the number of reviews granted by 100%. The number of reviews dismissed increased from 0 to 4. The number of applications for judicial review to court for 2021 was two (2) as against 0 for 2020.

CHAPTER FOUR: REVIEW BY THE RIGHT TO INFORMATION COMMISSION AND THE JUDICIARY

Section 65 (1) of the Right to Information Act, 2019 (Act 989) states;

“Section 65 (1) A person who is dissatisfied with a decision of a public institution or a relevant private body, may apply to the Commission for a review of the decision”.

In line with the above, the Commission received applications from individuals and institutions for review of decisions made by various public institutions.

4.1 Summary of applications for review received

During the year under review, the Commission received 24 applications for review. Out of the 24 applications received, the Commission made six (6) written determinations representing 25%, eight (8) were settled through mediation and both parties agreed on a way forward.

As at the end of 2021, a total of 10 applications were at various stages of review.

Below is a breakdown of the applications received.

DATA FOR 2021 APPLICATIONS FOR REVIEW	
Number of Applications for review received	24
Number of Determinations made	6
Number of applications for review settled	8
Number of applications for review pending	10

Table 4 gives a breakdown of review applications received by the Commission

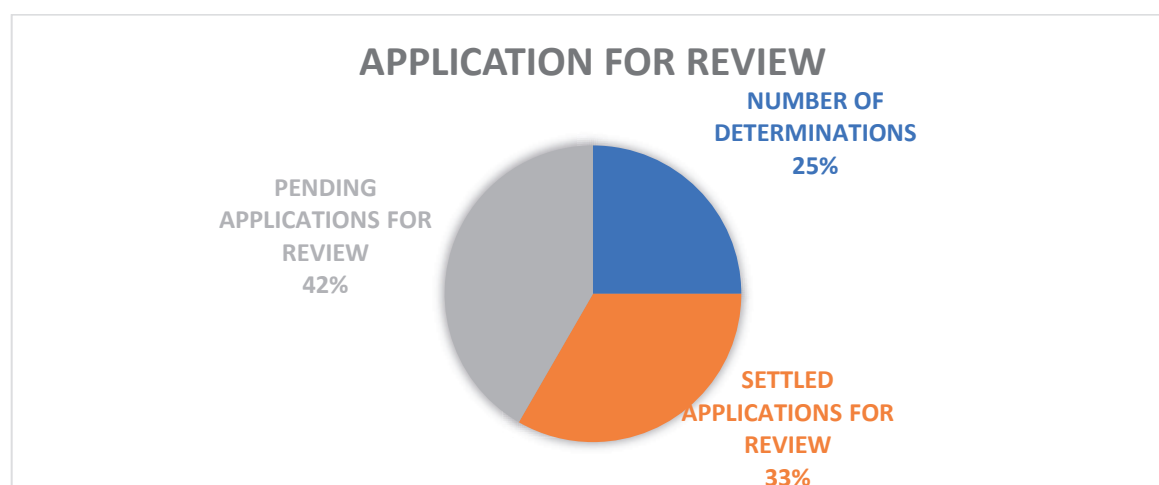


Figure 3 shows a pie chart of review applications received by the Commission

Reasons for the applications for review were as follows;

1. Refusal on the part of public institutions to respond to applicant's request for access to information.
2. Denial of applicant's request for access to information.
3. Applicants' dissatisfaction with responses received for their requests for access to information.

4.2 Determinations Issued By the Commission

KWAKU KROBEA ASANTE VS SCHOLARSHIP SECRETARIAT

AFR NO.: RTIC/AFR/02/2021

On the 6th day of July 2021, the Applicant Kwaku Krobea Asante of the Fourth Estate filed an application for review at The Commission against the Scholarship Secretariat, the respondent institution, for refusal of access to information.

The information he requested for was a full list of beneficiaries of scholarships and the amount disbursed to each of them by the secretariat.

The Commission, on 9th August 2021, issued a request for response letter to the Secretariat which affirmed its readiness and availability for any settlement process.

The Commission, after a tripartite meeting involving the two parties, agreed that the Secretariat grants access to the information being requested for by the Applicant. This decision was taken by the Commission on 18th August 2021. Find written determination at Appendix I (A).

KWAKU KROBEA ASANTE VS ECONOMIC AND ORGANISED CRIME OFFICE (EOCO)

AFR NO.: RTIC/AFR/03/2021

The Commission, on 6th July 2021, received an application for review from Kwaku Krobea Asante, a journalist with the Fourth Estate against EOCO for refusing him access to information he requested for, which included budgetary allocation by the Government of Ghana to EOCO for the years 2013 to 2019 and actual amounts disbursed.

The Commission, on 21st July 2021, issued a request for response letter to EOCO, and in its reply to the Commission, EOCO stated that it referred the request of the applicant to the Office of the Attorney General since it is the supervisory Ministry of the EOCO, but did not refuse the application as alleged by the Applicant in his letter dated 27th July 2021.

The Commission proceeded and made a determination on 23rd August 2021 by directing the Applicant to make a repeat application to the Office of The Attorney General. Find written determination at Appendix I (B).

KWAKU KROBEA ASANTE VS ACCRA METROPOLITAN ASSEMBLY

AFR NO: RTIC/AFR/2021/12

Kwaku Krobea Asante, a journalist with the Fourth Estate, filed an application on 8th July 2021 against the Accra Metropolitan Assembly (AMA). The applicant requested for information on details of the agreement under which the Achimota Landfill site was handed over to J.L. properties, a private real estate company.

Upon extended communication between the applicant and the Commission, it was determined that the Accra Metropolitan Assembly, by a letter dated 1st April 2021, referred the applicant to the Okaikoi North Municipal Assembly. The Commission found the steps taken by the Accra Metropolitan Assembly as lawful and upheld the Assembly's actions in its determination dated 27th July 2021. Find written determination at Appendix I (C).

EVANS AZIAMOR MENSAH VS MINERALS COMMISSION

AFR NO: RTIC/AFR/01/2021

This application was filed on 17th June 2021 by Evans Aziamor-Mensah, a Journalist with the Fourth Estate against the Minerals Commission. On 21st June 2021, a request for response letter was issued to the respondent institution, Minerals Commission, which they responded to on 8th July 2021 justifying their grounds for refusal. The information requested for by the applicant included a full list of companies issued with mining licences from January 2013 to May 2021 and companies whose licences have been revoked.

The Minerals Commission demanded an amount of USD 1,000.00 before it would release the information to the applicant, as provided in the Minerals and Mining Act, 2006 (Act 703) and its implementing Regulations, the Minerals and Mining (Support Services) Regulations, 2012 (L.I.2174).

The Commission, in its decision delivered on 19th July 2021, directed the Minerals Commission to release the pieces of information requested for and charge a fee of GHS 1.80 for each page printed out and GHS 1.90 for a PDF format. Find written determination at Appendix I (D).

FRANCIS KOKUTSE VS MINISTRY OF COMMUNICATION AND DIGITALIZATION

AFR NO: RTIC/AFR/14/2021

The applicant is a reporter with the Associated Press (AP) and the respondent institution is the Ministry of Communication and Digitalization. The Commission received this application via email dated 30th July 2021 from Francis Kokutse. The pieces of information he requested for

included the number of devices that have downloaded the Ghana COVID-19 Tracker App to date and the type and fields of data that the Ghana COVID-19 Tracker collects from its users. The Commission received a forwarded email from the applicant, which was a response from the Ministry of Communication and Digitalization to his application. It stated that the applicant was referred to the National Information Technology Agency for the information he requested. The Commission therefore found the steps taken by the Ministry of Communications and Digitalization as lawful and appropriate and further upheld same in its summary determination dated 9th August 2021. Find written determination at Appendix I (E).

KWAKU KROBEA ASANTE VS MINISTRY OF ROADS AND HIGHWAYS

AFR NO: RTIC/AFR/2021/09

On 8th July 2021, the applicant, Kwaku Krobea Asante filed an application for review at the Commission against the Ministry of Roads and Highways, the respondent institution. The pieces of information he requested for included the full list of road contracts awarded for construction in the years 2013, 2014, 2015 and 2016 amongst others.

On 21st July 2021, a request for response letter was issued to the respondent institution, Ministry of Roads and Highways, which they responded to on 12th August 2021 indicating that they had complied with the provisions of the Act 989.

The Commission made a determination on 19th August 2021 and ordered the Chief Director of the Ministry of Roads and Highways to duly refer the application to the designated Information Officer for the necessary action within 14 days from the date of receipt of the determination. Find written determination at Appendix I (F).

4.3 Judicial Review

During the year 2021, there was one judicial review application filed by the Minerals Commission. The Minerals Commission, dissatisfied with the decision of The Commission, went to the High Court for judicial review. The High Court, after hearing both parties, ruled in favour of the Commission on 17th March 2022 and ordered that the Minerals Commission comply with the directives of the Commission.

CHAPTER FIVE: PROMOTION OF RIGHT TO INFORMATION

Pursuant to section 45 of Act 989 which mandates the Commission to promote and sustain awareness within the country, the Commission undertook the following activities:

5.1 Media Awareness



The Executive Secretary, during some media engagements

The Commission embarked on a media sensitization drive in which the Executive Secretary together with the Board members engaged media houses like Joy FM, Citi FM, Peace FM, (Accra) Nhyira FM, Wontumi Radio, Garden City TV, (Kumasi) Liberty FM, (Sefwi-Wiawso) Genesis FM, Success FM, (Goaso) Radio BAR, Ark Fm, (Sunyani) Asta FM, Agyenkwa FM, (Techiman) just to mention a few. This was to educate their audience and the media fraternity on the content of RTI Act 2019.

5.2 Sensitization and Institutional Engagements

The RTIC in conjunction with the ATI Division used institutional interaction as one of its tactics for ensuring efficient execution of the RTI Act, 2019 (Act 989). In effect, and mainly upon requests from the public institutions, officers from RTIC and the Division engaged and sensitized twenty-five (25) public institutions in 2021. Key topics discussed were overview of Act 989, the exempt provisions, and the application process. Other aspects included request processing, possible decisions and sanctions. The facilitation team responded to follow-up questions from participants. A comprehensive table on institutions engaged/sensitized has been attached as Appendix V.

5.3 Nationwide Capacity Building Tour



As part of its mandate of promoting and sustaining awareness within the country, the Commission decided to take its public education and sensitization programme nationwide. To effectively achieve this, the country was divided into four zones.

Engagement with chiefs during the nationwide capacity building



The Commission paid a courtesy call on Otumfuo Osei Tutu II at the Manhyia Palace during its nationwide capacity building tour.

The Commission has thus far completed zone one, which comprised of Kumasi, Sefwi Wiawso, Techiman, Goaso and Sunyani. Zone One was completed in the latter part of the year. On the various tours, the Commission engaged heads of public institutions, information officers, media stations, civil society groups and the general public on Act 989.

The Commission hopes to complete the remaining zones in 2022.



The RTI Commission engaging some citizens during the nationwide capacity building tour

5.4 Right to Information Week

The Commission with support from UNESCO, Media Foundation for West Africa (MFWA) and the Ministry of Information observed the RTI Week in September 2021. The RTI Week celebration started on Sunday, September 26, 2021, to Thursday, September 30, 2021, under the theme: “The Right to Information Act, 2019 (Act 989); A tool to ensure transparency, good governance, and sustainable development in leveraging international cooperation”. The celebration coincided, and was climaxed, with the celebration of the International Day for Universal Access to Information (IDUAI), in Accra on the 28th of September 2021. The Week celebrations sought to create awareness and also establish a platform that engaged stakeholders to deliberate on the implementation of Act 989 and best practices in implementing the law. The list of activities outlined for the RTI week included the “What do you know?” quiz, the launch of the RTIC Head Office, 2021 IDUAI Commemoration, a media forum with journalists, and open forum with RTI officers, among others. Several panel discussions were held which attracted panelists from academia, RTIC, ATI Division, Civil Society Organizations, former Members of Parliament, UNESCO, media practitioners, faith-based organizations, etc.



Excerpts from the RTI Week celebrations

The Commission has thus far instituted the RTI Week as a yearly programme and would be observed accordingly with well-coordinated programmes aimed at promoting the right of access to information.

5.5 Stakeholder Engagements

The Commission has been keen on engaging major stakeholders in the implementation of Act 989. To this end, international partnerships have been forged with UNESCO, the Australian High Commission, the Canadian High Commission, the Judiciary, Coalition on Right to Information, Embassy



Excerpts from stakeholder engagements

of the United Arab Emirates, the Commission on Administrative Justice, Kenya, and the Embassy of the United States of America to deliberate and share ideas on the implementation mechanisms for the right to access information.

5.6 Engagement with Information Officers

The Commission organized an open forum with Information Officers from various public institutions across the country on 29th September 2021. It was an interactive session that allowed Information Officers to meet and interact with the Board members of the Commission and other resource persons. The programme presented a platform for the Commission to listen to and address challenges that the Information Officers faced in the performance of their duties. It also provided the Commission the opportunity to address issues that were identified during the Commission's engagements with various stakeholders. It was also an opportunity for the Commission to educate Officers on the critical role they play in the implementation of Act 989 and how they could efficiently perform their roles.

CHAPTER SIX: MONITORING, ENFORCEMENT AND COMPLIANCE

6.1 Presentation of 2020 Annual Report to Parliament

Ghana successfully rolled out the Right to Information (RTI), 2019 (ACT 989) in 2020. In compliance with Section 77(4) of Act 989, the Minister for Information laid before Parliament the first annual report on the implementation of the RTI law in Ghana.

6.1.1 Meeting with Parliamentary Select Committee

Following the historic presentation of the 2020 Annual Report, the Parliamentary Select Committee on Communications invited the Ministry of Information to a meeting on Tuesday, July 13, 2021, at Parliament House. The meeting offered the opportunity to the Members of the Committee to ask questions on the 2020 RTI report. The meeting was attended by the Minister, Senior Officers of the Ministry, and some officers of the Access to Information (ATI) Division. Also present were the Members of the Governing Board of the RTI Commission and other officers of the Commission.

6.2 Monitoring and Evaluation of Assistant Information Officers

A total of 446 information officers have currently been assigned to information offices or units across various public institutions by either their respective institutions or the ATI Division of the Ministry of Information. The Division conducted a monitoring and evaluation (M&E) exercise between June 2021 and July 2021 across public institutions with ARTIOs posted from the Division. This exercise was conducted across seventy-eight (78) public institutions and lasted twenty days. The M&E report recommended that institutions be sensitized on the RTI Act and the responsibilities its implementation places on public institutions and public officers.

6.3 Guidelines for Information Manuals

The Commission has published Guidelines for the preparation of Information Manual by public institutions, as required under sections 3 and 4 of Act 989. The Commission has distributed the manuals to over 593 institutions and counting. The Guidelines issued shall serve as a guide to public institutions on the relevant information that shall be contained in their Information Manuals. On this note, 291 public institutions have successfully published their manuals.



Some members of the LI Committee during their meeting

6.4 Draft Regulations (Legislative Instrument)

To further deepen the implementation of Act 989, the Commission, in collaboration with the Ministry of Information, has finalized a draft Regulations to be passed into a Legislative Instrument to facilitate the implementation of Act 989, and it is currently at the final stage, which entails engagement with key stakeholders, after which it shall be submitted to the Minister of Information for subsequent submission to the office of the Attorney-General and Minister of Justice and thence to Parliament.

CHAPTER SEVEN: CHALLENGES & WAY FORWARD

7.1 Challenges

The challenges of the Commission are numerous but the most paramount is funding. This has been a constraint on the Commission's implementation processes. In the last fiscal year, the first release of the Commission's annual budget was in June; nevertheless, the Commission put what was received to judicious use. The Commission's budget for the year 2022 has been woefully revised down, a phenomenon across all public institutions. The Commission requires more funding and timely disbursement of funds so as to be able to continue with its nationwide sensitization drives and to commence opening of branches in other regions and eventually in the districts.

The Commission requires funds for monitoring and evaluation of the implementation processes across all public institutions in the country. Without monitoring to know which institution has breached the law, it will be a daunting task for The Commission to enforce compliance in the institutions.

The Commission requires funds to set up and furnish its tribunal unit to hold its public hearing on matters before it.

Though the Commission has been very instrumental in sensitising the Ghanaian populace, it has no physical presence in any part of the country other than Accra. The Commission requires offices across all regional capitals. During the Commission's Nationwide Capacity Building Tour in Sefwi Wiawso, Goaso and Techiman, it received promises for land and office spaces from the Chiefs and Chief Coordinating Directors at the Assemblies anytime the Commission is ready to set up in their localities.

An evaluation of the reports received from Public Institutions and review applications to the Commission reveal a lack of understanding of the process of access to information by the various Public Institutions as provided under the Act. Public institutions, as a key stakeholder in the implementation process of the Act, need to undergo a comprehensive training on their responsibilities under the Act.

7.2 Outlook for 2022

7.2.1 Nationwide Sensitization and Capacity-Building Tour of Ten Regional Capitals

The Commission is required under Section 45 to promote and sustain awareness within the country. In light of this, the Commission has put together a plan to undertake a nationwide sensitization tour in all fifteen regional capitals. The Commission has currently completed the tour in five regions and is looking forward to embarking on a tour to the remaining ten regions in 2022. The Commission engaged the public, heads of public institutions, civil society groups, and the media fraternity in educating them on the provisions of Act 989 during this sensitization and capacity-building.

7.2.2 Setting Up Head Office and Regional Offices Across the Country

The Commission, in fulfilling its mandate under the Act to implement the constitutional right to information held by public institutions, needs to decentralize its operations as much as public institutions are decentralized. The Commission, therefore, seeks to set up its head office and fifteen regional offices to help get closer to the populace in disseminating the RTI message and supporting the implementation of the right to information across the country.

7.2.3 Digitization of Access to Information Processes

In line with Section 44 of Act 989, the Commission is required to take any necessary action to achieve effective performance and conduct matters with little technicality and as expeditiously as possible. Given this obligation, the Commission has a plan to implement a digital platform that will help enhance and expedite the right of review for all refusals of applications for access to information.

7.2.4 Passing of Legislative Instrument

The Commission is hopeful that the Draft Regulations meant for passage into Legislative Instrument for Act 989 would be finalized and laid before Parliament this year. This would go a long way in addressing the implementation challenges of Act 989.

7.2.5 Prosecution of Offences under RTI Act, 989

The Commission has successfully applied to the Attorney-General and Minister for Justice to be granted prosecutorial FIAT to prosecute offences under Act 989. The fiat to prosecute has been granted. The Attorney-General and Minister for Justice have made provisions to train selected staff of the Commission as prosecutors to equip them with the requisite skills to prosecute offences under Act 989.

7.2.6 Waiver of Court Filing Fees

The Attorney-General and Minister for Justice have upon application by the Commission, also recommended the Commission to the Minister of Finance to be added to the list of institutions that should be exempted from the payment of filing fees at the Court. This is pending ratification

by the Minister of Finance. This would go a long way to reduce the financial encumbrances on the Commission. The Commission would like to commend the Honourable Attorney-General and Minister for Justice for his invaluable support in the work of the Commission.

7.2.7 The Right to Information Commission Tribunal

The Commission is finalizing the setting up of a tribunal to adjudicate some of the matters before it. The Commission is hopeful of receiving the necessary financial support to fully furnish the tribunal for commencement of work. Staff for the Tribunal have been successfully engaged to be trained accordingly.

7.3 Conclusion

One year after the Commissioning of the Governing board of the RTIC, implementation measures for the RTI Act 2019, were put in place to ensure effective access by all citizens to information across all public sectors. Activities carried out so far have created some level of awareness among the populace and the Commission is still working towards the full implementation of the RTI Act across all public institutions.

APPENDIX I: REVIEW DECISIONS

Appendix A: Kwaku Krobea Asante vs Scholarship Secretariat



THE RIGHT TO INFORMATION COMMISSION ACCRA

AFR NO: RTIC/AFR/02/2021

**KWAKU KROBEA ASANTE
THE FOURTH ESTATE**

APPLICANT

AND

**SCHOLARSHIP SECRETARIAT
ACCRA**

RESPONDENT

DETERMINATION IN RESPECT OF APPLICATION FOR REVIEW FILED BY MR. KWAKU KROBEA ASANTE AGAINST REFUSAL TO RELEASE INFORMATION REQUESTED BY MR. KWAKU KROBEA ASANTE

On 6th July, 2021, Kwaku Krobea Asante, a Senior Reporter with the Fourth Estate (hereinafter simply referred to as “the Applicant”) applied to the Right to Information Commission (“the Commission”) against the Scholarship Secretariat (hereafter “the Respondent”). The application was to seek a review of the Respondent’s failure to grant the Applicant’s request for certain pieces of information.

According to the Applicant, and from the documents available to the Commission, in exercise of his right under Article 21(1)(f) of the Constitution, 1992 and section 18 of the Right to Information Act, 2019 (Act 989), he applied to the Information Officer of the Respondent institution requesting the following information:

1. The full list of scholarship beneficiaries for the years 2019 and 2020; and
2. The amount disbursed to them by the Scholarship Secretariat for the years 2019 and 2020.

That application was dated 23rd March, 2021. The Applicant did not receive any determination of his application from the Information Officer after two weeks into his submission of the application. He, therefore, applied to the Administrator (The Registrar) of the Respondent institution on 27th May, 2021 for internal review in exercise of his right under section 31 of Act 989. The Registrar acknowledged receipt of the application through an electronic mail (email) sent to the Applicant. Subsequently, the Registrar wrote to the Applicant on 31st May, 2021 telling him his application had been forwarded to the Attorney-General and Minister for Justice and that “The Secretariat will comply as soon as feedback is received from the Office of the Attorney General and Minister for Justice.” That assurance notwithstanding, the information requested was not released. This is what warranted the Applicant’s application to the Commission.

Upon receipt of the application founding the instant determination, the Commission wrote to the Respondent on 21st July, 2021 requesting for a justification for the refusal to grant the Applicant access to the information he requested. In response to the Commission, the Respondent wrote on 27th July, 2021 informing the Commission of its availability and readiness to engage with the Commission on the Applicant’s request and attaching a copy of the letter sent to the Attorney-General and Minister for Justice. In the said letter the Respondent sought the advice of the Attorney-General and Minister for Justice whether the information requested by the Applicant was protected under the Data Protection Act, 2012 (Act 843).

On 17th August, 2021, the Commission held a virtual settlement meeting between the Respondent and the Applicant. It was agreed at that meeting as follows:

“a. Within 14 days...the Secretariat [The Respondent] is to furnish the Applicant with the agreed statistical data, to wit, information regarding the number of scholarship beneficiaries for 2019 and 2020 and the total amount of money disbursed for those two years.

b. Within 14 days...the Secretariat [The Respondent] is to furnish the Commission with the names of scholarship beneficiaries for 2019 and 2020 as well as the specific sums of money awarded and/or disbursed to each beneficiary.

c. Upon receipt of the information referred to in Paragraph (b) above, the Commission shall vet same to determine whether it is information that ought to be released to the Applicant without breaching either Act 989 or the Data Protection Act, 2012 (Act 843).”

On 24th August, 2021, the Respondent wrote to the Commission attaching the scholarship details and the particulars of the beneficiaries. The statistical data was also submitted to the Applicant. The Commission has vetted the volumes of scholarship information made available to it by the Respondent.

The main issue for determination by the Commission is:

Whether or not any part of the information requested by the Applicant is protected under the Data Protection Act, 2012 (Act 843).

According to **section 16 (1) of Act 989**, “**Information the disclosure of which is unreasonable concerning the personal affairs of an individual whether living or deceased is exempt from disclosure.**” This means that, apart from protection under Act 843 which a piece of requested information pertaining to the personal affairs of a person may enjoy, that information may also be exempt from disclosure under Act 989 if its release is unreasonable. Indeed **section 34 of Act 843** seems to affirm this point: “**The provisions of any legislation relating to the right to information of any data subject shall be additional to data subject rights under this Act.**” One such data subject right is stipulated under **sections 18(1) (a) and 29 (1) (a) of Act 843** in the following terms:

“A person who processes personal data shall ensure that the personal data is processed

(a) without infringing the privacy rights of the data subject.”

“A data processor or a person who processes personal data on behalf of a data controller shall

(a) Treat the personal data which comes to the knowledge of the data processor or the other person as confidential.”

DETERMINATION OF ISSUE SET DOWN

From the volumes of scholarship information furnished the Commission by the Respondent, the specific particulars cut across a broad spectrum of headings. These include: the names of the beneficiaries, the beneficiary students’ numbers, the beneficiary students’ index numbers, the identification numbers of beneficiaries, the telephone numbers of beneficiaries, the bank details (name of bank, branch, branch code, account numbers) of beneficiaries, amounts paid to beneficiaries, programme of study of beneficiaries, institutions from which beneficiaries come, and the region and district names of beneficiaries.

Going by the relevant sections of Act 843 referred to *supra*, the Respondent, being a data processor, carries certain obligations in respect of the pieces of information or data it collected from the various beneficiaries. Key among these obligations is the duty to maintain the privacy rights of beneficiaries. In observing such a duty, the Respondent has to keep the information or data collected from beneficiaries as confidential. The Commission hastens to add that, under **section 29(2) of Act 843**, a data processor

has an obligation to disclose an individual or entity's personal data when required by law so to do, or in the course of the discharge of a duty.

Looking at the various heads of information contained in the volumes of scholarship information submitted to the Commission by the Respondent, some portions of the information ought to be treated as confidential in order to uphold the privacy rights of the beneficiaries. That will help to uphold a data subject right under Act 843. It goes without saying, however, that the scholarship beneficiaries have enjoyed public funds and an individual like the Applicant herein is entitled, legally, to ask for information regarding the use of such public funds. What the Commission is doing in this determination is a balancing act; an attempt to balance the competing right of access to information and the right to privacy. The Commission also has one part of its attention fixed on ensuring the reasonableness of a disclosure of the personal information of the beneficiaries. This is because, pursuant to **section 16(1) of Act 989**, such personal information is exempt from disclosure where the disclosure is unreasonable.

The Commission hereby resolves the issue set down for determination by holding that some of the heads of information of the scholarship beneficiaries for the years 2019 and 2020 are protected under Act 843. Their protection under Act 843 dovetails into the fact that they are personal information of people whose release is unreasonable and therefore exempt from disclosure under Act 989. These heads of information are:

- a. the bank details of beneficiaries (name of bank, branch, branch code, account numbers);
- b. the identification numbers of beneficiaries;
- c. students' numbers of beneficiaries;
- d. index numbers of beneficiaries; and
- e. phone numbers of beneficiaries.

CONCLUSION

In conclusion, the Commission orders that the pieces of information outlined above are private information of scholarship beneficiaries and their release should not be reasonable. On the other hand, it is reasonable for the Applicant herein to be furnished with information regarding the **names of scholarship beneficiaries, the programmes of study in respect of which those scholarships were awarded, the institutions attended by the beneficiaries, and the region and district from where the beneficiaries applied for the scholarship.** In fact, such pieces of information will aid in analysing the gender balance, regional balance, district balance, programme or course balance, and schools distribution

of the scholarship awards. That, certainly, should equally aid in doing a fair critique of the awards to ensure that there is a fair distribution of state funds earmarked for assisting students.

FINAL ORDERS

Based on the resolution of the issue set down for determination, the Commission hereby makes the following orders:

- a. The Respondent is to furnish to the Applicant, in line with his request, the full list of scholarship beneficiaries and the amount disbursed to them. This was the specific request of the Applicant;
- b. Specifically, the following pieces of information ought not to be disclosed to the Applicant:
 - i. the bank details of beneficiaries (name of bank, branch, branch code, account numbers);
 - ii. the identification numbers of beneficiaries
 - iii. students' numbers of beneficiaries
 - iv. index numbers of beneficiaries
 - v. phone numbers of beneficiaries.
- c. The information ordered to be released to the Applicant has to be furnished in hard copy at a fee of GHS1.80 per sheet or in PDF format, if possible and available in that format.

SIGNED

YAW SARPONG BOATENG
EXECUTIVE SECRETARY
DATE: 31ST AUGUST, 2021

Appendix B: Kwaku Krobea Asante vs Economic & Organized Crime Office

THE RIGHT TO INFORMATION COMMISSION ACCRA

AFR NO: RTIC/AFR/03/2021

**KWAKU KROBEA ASANTE
FOURTH ESTATE**

APPLICANT

AND

**ECONOMIC & ORGANIZED CRIME OFFICE
HIGH STREET, ACCRA**

RESPONDENT

DECISION IN RESPECT OF APPLICATION FOR REVIEW FILED BY MR. KWAKU KROBEA ASANTE AGAINST REFUSAL TO GRANT ACCESS TO INFORMATION REQUESTED BY MR. KWAKU KROBEA ASANTE

This determination falls out of various communications received by the Right to Information Commission (“The Commission”) from Kwaku Krobea Asante (“The Applicant”) and the Economic and Organised Crime Office (EOCO). The communications pertain to a request for information made by the Applicant to EOCO. Upon failure by the Applicant to receive response to his application to EOCO, both for information and for internal review, he lodged an application with the Commission to review the denial of his request.

From a letter dated 27th July, 2021 received by the Commission from EOCO, EOCO said it is inaccurate to state that the Applicant’s request for information was refused. This view of EOCO is borne out of a lack of understanding of the operating law of the Commission, the Right to Information Act, 2019 (Act 989). This is because, from the documents available to the Commission, the Applicant’s application for information was received on 30th March, 2021 while his application to the Executive Director of EOCO for internal review was received on 28th May, 2021. The Applicant only received a letter from EOCO acknowledging receipt of his two applications on 18th June, 2021. In the said letter EOCO stated the reason for delay in responding to the Applicant’s request for information to be the shift system EOCO was operating as a result of the COVID-19 pandemic. EOCO then intimated that it would respond to the request “as soon as possible.” As of 6th July, 2021 when the Applicant appealed to the Commission for

a reversal of EOCO's decision refusing to grant him access to information, he had not received any response to his request for information from EOCO.

Per section **23 (5) of Act 989**, in a case where the information officer fails to determine an application for information within fourteen (14) days, the application is to be taken as declined. Likewise, according to **section 35**, in the event where the head of a public institution fails to give a decision on an application for internal review within fourteen (14) days, the head of the public institution is taken as having affirmed the decline by the information officer. These are the words of **sections 23(5) and 35**:

“(5) Where an information officer fails to determine an application within fourteen days after the application is received by the public institution, the application is deemed to have been refused and the applicant has the right to seek redress under sections 31 to 39.”

“35. Where the head of the public institution fails to give a decision on a request for internal review within fourteen days, the head of that public institution is deemed to have affirmed the original decision of the information officer.”

The Commission, upon receipt of the Applicant's appeal for review, wrote to EOCO on 21st July, 2021 asking for justification for refusal of the Applicant's application. That letter was received by EOCO on 22nd July, 2021. From EOCO's response received by the Commission on 19th August, 2021, EOCO, effectively, says that the information requested by the Applicant is available with its supervising ministry, Office of the Attorney-General and Ministry of Justice. EOCO, actually, says that it has directed the Applicant's request to the supervising ministry for further action.

The Commission hereby draws the attention of EOCO to the fact that, per **section 20 of Act 989**, there are two options open to a public institution that is unable to deal with an application for information because the information requested is in the custody, or related more to the functions, of another public institution. These options are either to transfer the application to the public institution that has custody of the requested information and give written notice to the Applicant, or refer the applicant to the relevant public institution. The relevant provisions of Act 989 are hereunder produced:

“20. (1) Where a public institution is unable to deal with an application because the information requested

(a) is not in the custody or control of the public institution, but to the knowledge of the public institution, it is held by another public institution, or

(b) is in custody of the public institution but it is more closely related to the functions of another public institution,

the information officer shall, within two days of the receipt of the application,

(c) refer the applicant to the relevant public institution; or

(d) transfer the application to the relevant public institution and give written notice of the transfer to the applicant.”

EOCO failed to exercise any of the two options allowed within the law when it realized that the information requested by the Applicant was in the custody of its supervising ministry, Office of the Attorney-General and Ministry of Justice. More crucially, the time within which EOCO was required by Act 989 to exercise either of the two options has long passed. EOCO was required to do a referral or transfer within two (2) days of receipt of the application for information.

As part of the functions of the Commission, **section 44 (a)** invests it with the power to **“take appropriate action that is necessary to enable the Commission resolve a complaint before it.”** Proceeding on the basis of this power and consequent upon the foregoing situation referred to in the immediately preceding paragraph, the Commission hereby orders the Applicant, Mr. Kwaku Krobea Asante, to make a repeat application for information to the Office of the Attorney-General and Ministry of Justice.

The Commission extends its compliments to both parties in this case.

SIGNED

YAW SARPONG BOATENG, Esq
EXECUTIVE SECRETARY
28TH AUGUST, 2021

Appendix C: Kwaku Krobea Asante vs Accra Metropolitan Assembly

Our Reference: RTIC/RF/VOL1/112

26th July 2021

**KWAKU KROBEA ASANTE
THE FOURTH ESTATE
P.O. BOX LG 730
ACCRA.**

Dear Sir,

DETERMINATION OF YOUR APPLICATION FOR REVIEW IN RESPECT OF REFUSAL BY THE ACCRA METROPOLITAN ASSEMBLY TO FOLLOW UP ON YOUR REQUEST FOR INFORMATION REGARDING ACHIMOTA LANDFILL SITE

The Right to Information Commission (“the Commission”) hereby communicates to you its decision regarding your application to the Accra Metropolitan Assembly (AMA) in respect of “details of the agreement (or copy, if any) under which the Achimota Landfill Site was handed over J.L. Properties, a private real estate company.”

Consequent upon your application for review lodged with the Commission and other series of communication exchanged between you and the Commission, it has come to the Commission’s attention that the AMA, by a letter dated 1st April, 2021, referred you to the Okaikoi North Municipal Assembly. The said referral was made pursuant to section 20 (c) of the Right to Information Act, 2019 (Act 989), which provides in relevant portions as follows:

“20 (1) Where a public institution is unable to deal with an application because the information requested

(a) is not in the custody or control of the public institution, but to the knowledge of the public institution, it is held by another public institution...the information officer shall, within two days of the receipt of the application,

(c) refer the applicant to the relevant public institution.”

From the AMA’s letter aforementioned, the referral was made to the Okaikoi North Municipal Assembly because Achimota falls within the jurisdiction of that Municipal Assembly.

The Commission is of the view that the AMA acted in consonance with the law by making the referral. By email communication dated 3rd April 2021 between you and Adelaide, the AMA’s Information Officer, you requested a transfer of your application to the Okaikoi North Municipal Assembly rather. The Commission does not agree with your said request made to the AMA’s Information Officer insofar as the AMA does not have custody or control of the information you applied for.

The Commission, by this letter, hereby requests that you submit a fresh application for information to the Okaikoi North Municipal Assembly since the Achimota Landfill Site, as deduced from the AMA's letter addressed to you, falls within the jurisdiction of the Municipal Assembly.

As aforesaid, by this instant letter, the Commission has communicated to you its summary determination of your application for review lodged with it in connection with your request for "details of the agreement (or copy, if any) under which the Achimota Landfill Site was handed over to J.L. Properties, a private real estate company." This summary determination is hinged on the performance of the Commission's function under section 44 (d) of Act 989. The relevant provision states as follows:

"44. To achieve its object, the Commission shall

(d) conduct matters with as little technicality or formality and as expeditiously as possible."

Accept the compliments of the Commission.

SIGNED

**YAW SARPONG BOATENG Esq.
EXECUTIVE SECRETARY**

CC: Accra Metropolitan Assembly

Appendix D: Evans Aziamor-Mensah vs Minerals Commission

THE RIGHT TO INFORMATION COMMISSION ACCRA

AFR NO: RTIC/AFR/01/2021

**EVANS AZIAMOR-MENSAH
THE FOURTH ESTATE
ACCRA**

APPLICANT

AND

**MINERALS COMMISSION
ACCRA**

RESPONDENT

DETERMINATION IN RESPECT OF APPLICATION FOR REVIEW FILED BY MR. KWAKU KROBEA ASANTE AGAINST REFUSAL TO RELEASE INFORMATION REQUESTED BY MR. KWAKU KROBEA ASANTE

According to section 43 (2) (b) of the Right to Information Act, 2019 (Act 989), the Right to Information Commission (hereafter “the Commission”) has the power to “determine the need for the nature and form of investigation required for the determination of a matter before the Commission.” In exercise of this power granted it by Act 989, the Commission, in this application for review by Evans Aziamor-Mensah, a reporter for The Fourth Estate (hereinafter referred to as the “the Applicant”), decided to undertake an expeditious determination of the matter by writing to the Minerals Commission (hereinafter “the Respondent”) and requesting a response to the review application. The Commission asked to be furnished with the relevant pieces of information and reasons underpinning the Respondent’s decision regarding the Applicant’s request for information. In so doing, the Commission complied with the *audi alteram partem* (“Hear the other side”) rule of natural justice.

It is worthy to note that section 43 (2) (c) of Act 989 also vests the Commission with the power to ***“make any determination as the Commission considers just and equitable including issuing recommendations or penalties in matters before the Commission.”*** By section 44 (c), the Commission is mandated to take appropriate action necessary to help it resolve a complaint before it. It is premised on these separate levels of power that the Commission makes the determination herein.

FACTS

In an application (marked herein as “Exhibit 1”) addressed to the Commission dated 17th June, 2021, the Applicant complained that, on 27th May, 2021, he requested for some pieces of information from the

Respondent. This request (marked as “Exhibit 2”) was made pursuant to his right to information under article 21 (1) (f) of the Constitution, 1992 and section 18 of Act 989. The information requested for were:

1. The full list of companies issued with mining licences from January 2013 to May 2021;
2. The full list of mining companies whose licences have been revoked and suspended;
3. The reasons or justification for revoking or suspending the licences of the mining companies listed in Point (2) above; and
4. The total amount of money accrued to the Government of Ghana from the annual monitoring of earth-moving and mining equipment used for mineral operations according to the Fees and Charges (Miscellaneous Provisions) Act, 2018 (Act 983) from January 2020 to May 2021.

According to the Applicant, the Respondent responded to his request on 7th June, 2021 with a letter (marked as “Exhibit 3”) signed by the Chief Executive Officer which determined that the Applicant needed to pay an application fee of Ghana Cedi equivalent of one thousand United States Dollars (US\$1,000). The Respondent hinged its determination of the applicable fee on section 75 of Act 989, section 103 of the Minerals and Mining Act, 2006 (Act 703), and Regulation 4 of the Minerals and Mining (Licensing) Regulations, 2012 (LI 2176). It is this determination by the Respondent, which forms the subject of the Applicant’s review application to the Commission.

As indicated in the opening paragraph to this decision, upon receipt of Exhibit 1, the Commission wrote a letter (marked as “Exhibit 4”) to the Respondent dated 21st June, 2021, with Exhibit 1 attached, and received the same day. In its said letter (Exhibit 4), the Commission requested the Respondent to furnish the Commission with justification and breakdown of what went into the determination of the amount of USD 1,000, as well as the legal basis for that determination, in order to assist in determining the review application. The Commission gave the Respondent 14 days to respond to its letter or risk a determination of the review application without recourse to the Respondent. Unfortunately, no response was received from the Respondent within the 14 days period. It was when the Commission was almost through with its decision that the Respondent’s response dated 29th June 2021 (marked as “Exhibit 5”) was received by the Commission on 8th July 2021. Nevertheless, the Commission duly considered the Respondent’s response in its instant decision.

In its response (Exhibit 5), the Respondent, basically, justified its application of the fee of Ghana Cedi equivalent of USD 1,000 on the premise of the aforementioned section 75 of Act 989, section 103 of Act 703, and Regulation 4 of LI 2176. The Respondent also intimated that “The Minerals Commission and indeed, the RTI Commission do not have the legal wherewithal to review, vary or waive the fees and charges approved by Parliament for services the Commission renders to the general public as has been erroneously pressed upon the RTI Commission by the applicant.”

FINDINGS OF FACT

According to the Applicant, the Respondent's decision to charge the fee of Ghana Cedi equivalent of USD 1,000 runs counter to sections 75, 80, and 85 of Act 989. What do these provisions of Act 989 say? Section 75(1) stipulates that an applicant for information shall pay a fee or charge that has been approved by Parliament in line with the Fees and Charges (Miscellaneous Provisions) Act, 2018 (Act 983). Section 75(2) outlines categories of information for which no fee or charge is applicable. The Applicant's claim of contravention of section 75 of Act 989 cannot be premised on the fact that the information he sought from the Respondent is exempt from a fee or charge. Rather, the claim is based on the fact that the charge of Ghana Cedi equivalent of USD 1,000 is not borne out by parliamentary approval in accordance with Act 983. The Respondent's decision, however, was not only based on section 75(1) of Act 989, but also on section 103 of Act 703 and Regulation 4 of L.I. 2176.

Section 103 of Act 703 makes provision for the maintenance of a mineral rights register by the Respondent, which shall be open to public inspection and copying upon payment of prescribed fees. To get the prescribed fees, the Respondent applied Regulation 4 of L.I. 2176. Regulation 4(1) provides that "Application fees and fees that relate to mineral rights and other matters are payable as specified in the Second Schedule." Regulation 4 makes reference to matters such as minimum expenditure required to be incurred by a holder of a reconnaissance or prospecting licence, annual mineral right fee payable, and delayed application for a mineral right. Thus, read as a whole, Regulation 4 is not tailored towards a fee or charge payable by a member of the public for inspection and/or copying of information entered in the mineral rights register. On the contrary, Regulation 4 targets persons or entities holding mining licences or applying for mineral rights. It is to such applicants that the fees stated in the Second Schedule to L.I.2176 appear to apply.

Section 80 of Act 989 makes the Act applicable to information which came into existence before, or comes into existence after, the commencement of the Act. The Commission does not view any part of the Respondent's response to the Applicant as disputing the tenor of section 80 of Act 989. That is to say that the Respondent's response did not claim that the Applicant's right to information did not extend to the information he requested for. The Respondent's response only sought to apply a certain level of fees or charge before the information requested would be released.

According to *section 85 of Act 989*, "***Where an enactment in existence immediately before the coming into force of this Act provides for the disclosure of information by a person or an authority, the disclosure of the information is subject to this Act.***" This indicates that section 103 of Act 703, which creates a right in the public to inspect and/or copy information provided in the mineral rights register

upon payment of prescribed fee or charge, is subject to Act 989 in terms of the payment of fee or charge determined in accordance with Act 983.

From the foregoing observations made by the Commission, the following findings of fact can be made:

1. The Respondent's decision regarding the charge or fee applied against the Applicant was based, primarily, on Regulation 4 of L.I. 2176, per the Second Schedule. Applicants for information from the mineral rights register, such as the Applicant herein, are not the target of Regulation 4 of L.I.2176; rather holders of mining licences and applicants for mineral rights;
2. Section 103 of Act 703 is subject to Act 989 in respect of payment of fee or charge for information requested from a public institution or a relevant private body. However, fees or charges are yet to be approved by Parliament in accordance with Act 983 for information applied for from public institutions or relevant private bodies; and
3. An assessment of the information sought by the Applicant from the Respondent points to statistical data or information as opposed to economic data or information.

ISSUE FOR DETERMINATION

Based on the nature of information requested by the Applicant and the Respondent's response to the request, the Commission sets down for its determination the main issue:

Whether or not the Respondent was legally justified to charge a fee of Ghana Cedi equivalent of USD 1,000 for the information requested by the Applicant.

Aside the main issue identified above, the Commission sets down the sub-issue:

If the Respondent was not legally justified to charge a fee of Ghana Cedi equivalent of USD 1,000, what is the right fee that ought to have been charged?

RESOLUTION OF ISSUES

Whether or not the Respondent was legally justified to charge a fee of Ghana Cedi equivalent of USD 1,000 for the information requested by the Applicant

As found as a fact by the Commission, the main ground upon which the Respondent based its charge or fee of Ghana Cedi equivalent of USD 1,000 is Regulation 4 of L.I. 2176. The target of that law, however, does not cover an ordinary applicant for statistical data or information such as the Applicant herein. The target is a holder of a mining licence or an applicant for a mineral rights. This is easily ascertainable from the language and tenor of Regulation 4. Regulation 4 makes allusion to issues such as "the minimum expenditure required to be incurred by a holder in an operation under a reconnaissance or prospecting licence" and "annual mineral right fee payable." These, surely, cannot be referring to an

ordinary applicant for statistical data or information like the Applicant. To help in laying bare the terms of Regulation 4 of L.I. 2176, these are the specific provisions therein:

“Regulation 4—Fees, minimum expenditure and late application

- (1) Application fees and fees that relate to mineral rights and other matters are payable as specified in the Second Schedule.
- (2) For the purpose of these Regulations, the minimum expenditure required to be incurred by a holder in operation under a reconnaissance or prospecting licence for each cadastral unit or twenty-one hectares is ten times the value of the annual mineral right fees as specified in the Second Schedule.
- (3) An annual mineral right fee payable under these Regulations shall be paid not later than ninety days before the expiration of each anniversary of the mineral right.
- (4) A fee, expenditure or other payment required to be paid or made under these Regulations and which is not yet paid or made within the period specified in sub regulation (3) shall be a debt owed to the Republic and recoverable by the Commission from the holder in Court.
- (5) Where a fee, expenditure or other payment required to be paid or made under these Regulations is not paid or not made within the stipulated period, the mineral right shall be terminated.
- (6) Despite the provision in these Regulations for rejection of an application in relation to a mineral right made later than the specified period, the Commission may, subject to reasonable explanation provided by the applicant, accept an application made after the specified period but not later than ten days before the expiration of the mineral right.
- (7) An application accepted under sub regulation (6) is subject to the payment of fees as specified in the Second Schedule.”

From the above provisions of Regulation 4 of L.I. 2176, it is unassailable that the USD 1,000 determined under the Second Schedule was wrongfully applied to the Applicant when he requested for information from the mineral rights register. The Commission hereby resolves the main issue set down for determination by saying that the Respondent was not legally justified to charge a fee of Ghana Cedi equivalent of USD 1,000 for the information requested by the Applicant herein. The Commission is aware of a legal principle to the effect that something cannot be put on nothing and be expected to stay there; it shall collapse. The Respondent cannot put a fee or charge of Ghana Cedi equivalent of USD 1,000 on the Applicant for a request for statistical data or information when such a fee or charge has no legal basis.

It is pertinent, in fact, to point out that aside section 103 of Act 703, equally subject to Act 989 is L.I. 2176 to which the Respondent referred as determining the fee mentioned in section 103 of Act 703. More so, it is trite learning that an Act of Parliament such as Act 989 takes precedence over a subsidiary legislation such as L.I. 2176.

If the Respondent was not legally justified to charge a fee of Ghana Cedi equivalent of USD 1,000, what is the right fee that ought to have been charged?

Again, as has been found as a fact by the Commission, fees or charges to be applied by public institutions or relevant private bodies for information requested by the public are yet to be approved by Parliament in accordance with Act 983. This, obviously, leaves a vacuum. Such a vacuum, however, should not be allowed to found application of exorbitant fees or charges by public institutions or relevant private bodies.

The right to information is a right constitutionally guaranteed under article 21(1)(f) of the Constitution, 1992 and under Act 989. In fact, the Commission dare say that if there is any potent tool for ensuring good governance, strong democracy, active participation of the citizenry in the governance of the country, and fighting corruption, that tool should be the right of access to information held by public institutions or relevant private bodies (which are private bodies funded with state funds or resources and performing public functions).

Such information, to all intents and purposes, save as exempted from disclosure by law, is held on behalf of the citizenry. Access to it should therefore not be allowed to be commercialized. Indeed the import of section 76 of Act 989 leaves no doubt about this point. The section says that fees or charges for access to, or release of, information to an applicant are supposed to be retained by public institutions only to defray expenses incurred in the production and release of information. Because of that reason, such fees or charges are not to be mingled with other funds of the public institution, but are to be kept in a separate bank account. These are the words of section 76 of Act 989:

“76 (1) Subject to the Constitution, a public institution is authorised to retain charges received by that public institution under this Act.

(2) The charges retained by the public institution under subsection (1) shall

(a) only be used to defray expenses incurred by the public institution in the performance of functions under this Act; and

(b) be paid into a bank account opened for the purpose with the approval of the Controller and Accountant-General.”

So flowing from the above, even in the absence of Parliament-approved figures, fees or charges applied for the release of information requested by members of the public must be **reasonable**. Those fees or charges should be pegged at amounts meant only to cater for the cost of re-producing that information

to the applicant. They should never be pegged at amounts aimed at generating money or commercializing the venture for the institution.

Under section 75(2) of Act 989, there are a number of information-production services by public institutions or relevant private bodies that are not supposed to attract any charge or fee. Some of these include:

“(c) the reproduction of information which is in the public interest...”

“(g) time spent by an information officer or information reviewing officer in reviewing the information requested;

“(h) time spent by an information officer or information reviewing officer in examining whether the information requested is exempt information; or

“(i) preparing the information for which access is to be provided.”

This scheme of things gives credence to the non-commercial intent underpinning charges or fees, which are supposed to be applied against applicants for information. This aside, the phrase “reasonable cost” runs through section 75 (3), (4) and (5) of Act 989 in relation to charges or fees to be applied towards the production of information in the form or medium requested by applicants:

“75 (3) Where a request is made for information to be provided in a language other than the language in which the information is held, the information officer may request the applicant to pay the reasonable costs for translating the information into the language requested by the applicant.

“(4) Where a request is made for a written transcript of the information held by a public institution, the information officer may request the applicant to pay the reasonable cost of the transcription.

“(5) Where a request is made for information to be provided in a medium or format in which the information is held, the information officer may request the applicant to pay the reasonable cost of media conversion of reformatting.”

The Commission would like to state that, in line with section 75(1) of Act 989, it has submitted for consideration proposed fees and charges to be applied for requests made by the public for information from public institutions and relevant private bodies. The proposed fees and charges were based on comparisons drawn from other right to information jurisdictions, particularly South Africa, as well as the general standard and pricing for specific services and materials on the market. This proposal is going through the requisite administrative considerations and assessment before presentation to Parliament for approval in accordance with Act 983.

Based on the above, the Commission hereby resolves the sub-issue by holding that the right fee to be charged the Applicant by the Respondent for the information requested in hard copy is the number of pages of the information requested multiplied by GHS1.80 Pesewas, in the case of photocopy. If the requested information is to be furnished in PDF format by electronic mail, the correct charge should be GHS 1.90 Pesewas. The Commission finds these fees, as ordered, reasonable in the circumstances; they are based on cue and inspiration drawn from best practices across Africa, India, and Canada. They are also based on market standards for similar services and materials involved.

CONCLUSION

The Commission concludes its decision by clarifying few issues. First, according to section 65 (1) of Act 989, **“A person who is dissatisfied with a decision of a public institution or a relevant private body may apply to the Commission for a review of the decision.”** The Commission entertains the Applicant’s application for review on account of this provision. The Commission is of the considered view that the Applicant has demonstrated in his application a dissatisfaction with the Respondent’s decision exacting a fee or charge of Ghana Cedi equivalent of USD 1,000. Section 66 of Act 989 mandates the exhaustion of internal review procedure within a public institution or a relevant private body before an application for review can lie with the Commission. It is evident from the current application for review that the Applicant did not exhaust any internal review procedure of the Respondent. Having made this observation, however, it is important to draw attention to section 67(1)(c) of Act 989, which makes room for application for review to be made to the Commission without first exhausting internal review procedure where the head of the public institution or the relevant private body to which an application for information is made is the information officer of that institution or body.

It is instructive to point out that, in the instant application for review, the Applicant indicated that he was dissatisfied with the decision of Mr. Martin K. Ayisi, the Chief Executive Officer (CEO) of the Respondent. This is because it was the CEO who signed the Respondent’s decision addressed to the Applicant. The Applicant therefore intimated in his application that “I am, however, unable to appeal for internal review to the institution since the CEO is the head.” The Commission intimates that the signing of the decision addressed to the Applicant simply implies that the CEO is the officer who requested the payment of the fee or charge of Ghana Cedi equivalent of USD 1,000. Having so decided, the Applicant is properly before the Commission with the application for review.

The Commission hereby states that every public institution or relevant private body is required by Act 989 to have an information unit or office manned by an information officer or a person designated as such. It is the duty of such an information officer to receive applications or requests for information and

take decisions on them. This is stipulated in section 19 of Act 989: **“An application to access information shall be dealt with by the information officer of the public institution.”** Persons dissatisfied with such decisions shall therefore be required to trigger an internal review procedure by applying to the head of the institution for a review. Further dissatisfaction with the decision of the head of the institution would then found an application to the Commission for a review. An application for review of the Commission’s decision shall lie with the High Court.

FINAL ORDERS OF THE COMMISSION

According to section 71(2)(c) of Act 989, the Commission has the power to give a decision setting aside the decision of a public institution or relevant private body. Section 71(4) of Act 989, also, clothes the Commission with the power to issue directives it considers necessary for the enforcement of its decisions. Consequent upon these provisions, the Commission makes the following final orders in respect of the rights of the parties herein:

- a. The Commission hereby sets aside the decision of the Respondent dated 7th June, 2021 demanding payment of Ghana Cedi equivalent of USD 1,000 by the Applicant for the information he requested;
- b. The Commission directs the Chief Executive Officer of the Minerals Commission, Mr. Martin K. Ayisi, to ensure the application of a charge or fee of either 1.80 Pesewas multiplied by the number of pages of information to be printed or 1.90 Pesewas, if the information in its entirety is to be emailed to the Applicant in PDF format; and
- c. The information must be furnished the Applicant as requested within 14 days from the date of this determination.

The Commission extends its compliments to both parties in this case.

SIGNED

YAW SARPONG BOATENG, Esq
EXECUTIVE SECRETARY
19TH JULY 2021

Appendix E: Francis Kokutse vs Ministry of Communications & Digitalisation

Our Reference: RTIC/RF/VOL1/118
FRANCIS KOKUTSE
ASSOCIATED PRESS
P.O. BOX AN 11895
ACCRA-NORTH

9th August 2021

Dear Sir,

DETERMINATION ON YOUR RIGHT TO INFORMATION REQUEST LODGED WITH THE MINISTRY OF COMMUNICATIONS AND DIGITALISATION

The Right to Information Commission (“the Commission”) hereby communicates to you its decision regarding your request for information on the COVID-19 Tracker App lodged with the Ministry for Communications and Digitalisation (The Ministry).

Consequent upon your email to the Commission, which also forwarded the email response by the Ministry, the Commission understands that the Ministry referred you to the National Information Technology Agency (NITA) as the institution that is positioned to have the information you requested. From the forwarded email response by the Ministry, the Applications Unit of NITA runs the COVID-19 Tracker App. The Commission is of the considered view that the Ministry has validly made a referral of your request pursuant to section 20 (c) of the Right to Information Act, 2019 (Act 989), which provides in relevant portions as follows:

“20 (1) Where a public institution is unable to deal with an application because the information requested

(a) is not in the custody or control of the public institution, but to the knowledge of the public institution, it is held by another public institution...the information officer shall, within two days of the receipt of the application,

(c) refer the applicant to the relevant public institution.”

The Commission is of the view that the Ministry has acted in consonance with the law by making the referral. By this letter, therefore, the Commission hereby directs that you submit a fresh application or request for information to NITA since the Applications Unit of that institution runs the COVID-19 Tracker App.

As aforesaid, by this instant letter, the Commission has communicated to you its summary determination of your application lodged with it in connection with your request for information on the COVID-19 Tracker App. This summary determination is hinged on the performance of the Commission’s function under section 44 (d) of Act 989. The relevant provision states as follows:

“44. To achieve its object, the Commission shall

(d) conduct matters with as little technicality or formality and as expeditiously as possible.”

Accept the compliments of the Commission.

SIGNED

**YAW SARPONG BOATENG Esq.
EXECUTIVE SECRETARY**

**CC: The Chief Director
Ministry of Communications and Digitalisation
Accra**

Appendix F: Kwaku Krobea Asante Vs Ministry of Roads and Highways

Our Reference RTIC/AFR/2021/09
THE CHIEF DIRECTOR

19th August 2021

MINISTRY OF ROADS AND HIGHWAYS

ACCRA

Dear Sir,

**DETERMINATION BY THE RIGHT TO INFORMATION COMMISSION IN RESPECT OF
REQUEST FOR INFORMATION BY MR. KWAKU KROBEA ASANTE DATED 28TH APRIL,
2021**

Your letter dated 10th August 2021 and referenced MA197/264/01 refers.

The Right to Information Commission (“The Commission”) is pleased with your assurance of readiness to release information requested by applicants once the appropriate officers receive the requests. Per Paragraph (3) of your above-referenced letter, you indicated that the request for information by Mr. Kwaku Krobea Asante (“The Applicant”) was not received by the Designated Information Officer. In effect, that is the reason why the Ministry of Roads and Highways (“The Ministry”) did not attend to his request.

The Commission would like to draw your attention to some relevant sections of the Right to Information Act, 2019 (Act 989). These are sections 19 and 26(1):

“19. An application to access information shall be dealt with by the information officer of the public institution.”

“26. (1) A public institution may refuse to continue to process an application where the applicant has not paid the prescribed processing fee for the reproduction of information within the period of time specified in the notice.”

It is instructive to note that, from **Section 19** of Act 989, whereas an application for information is to be dealt with by the information officer, there is no specific mandatory requirement that the application must be lodged with, or submitted to, the information officer only. This makes it clear that the application be lodged with, or received by, the public institution. The Commission states that it is inappropriate for an application to be declined or ignored simply because it was not submitted to, or lodged with, the information officer.

According to section 26(1) of Act 989, the ground upon which a public institution may refuse to process an application for information is where the applicant has failed to pay the prescribed fee for reproduction of the requested information within the time specified. Again, it is instructive to note that, in terms of

the law, submission of an application for information to an officer other than the information officer is never a ground for refusing to process the application.

From the documents available to the Commission, the Applicant's application to the Ministry dated 28th April 2021 was addressed to the information officer. The application was also duly received and stamped by the Ministry on 29th April 2021. Once the application was addressed to the information officer, it was to be forwarded to the Designated Information Officer of the Ministry. The Commission, therefore, finds the Ministry's attempt to justify why it failed to attend to the application as untenable. The Commission finds that the Applicant appropriately addressed his application. The application was, therefore, never misdirected. As aforesaid, even if it was not directed at the information officer, once same was received by the Ministry, the Ministry was bound to attend to it in accordance with Act 989.

Consequent upon the findings of the Commission *supra*, the Chief Director of the Ministry, Mr. Edmund Offei-Annor, is ordered to ensure that the received application is duly referred to the Designated Information Officer for the necessary action within fourteen (14) days from the date of receipt of this order.

Kindly accept the compliments of the Commission.

SIGNED

YAW SARPONG BOATENG, Esq,

EXECUTIVE SECRETARY

**CC: Kwaku Krobea Asante
The Fourth Estate
Accra**

APPENDIX II: LIST OF PUBLIC INSTITUTIONS

Appendix A: List of Public Institutions that Submitted their annual reports

NO	PUBLIC INSTITUTIONS THAT SUBMITTED THEIR ANNUAL REPORTS
	MDAs
1	ACCRA INTERNATIONAL CONFERENCE CENTRE
2	ARCHITECTURAL AND ENGINEERING SERVICES LIMITED
3	ASHANTI REGIONAL COORDINATING COUNCIL
4	BUI POWER AUTHORITY
5	BULK OIL STORAGE AND TRANSPORTATION COMPANY LIMITED
6	CHRISTIAN HEALTH ASSOCIATION OF GHANA
7	COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE
8	CONTROLLER AND ACCOUNTANT GENERAL'S DEPARTMENT
9	COUNCIL FOR LAW REPORTING
10	COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH
11	DEPARTMENT OF CHILDREN
12	DEPARTMENT OF CO-OPERATIVES
13	DEPARTMENT OF FEEDER ROADS
14	DEPARTMENT OF GENDER
15	DEPARTMENT OF URBAN ROADS
16	DRIVER AND VEHICLE LICENSING AUTHORITY (DVLA)
17	ECONOMIC AND ORGANISED CRIME OFFICE
18	ELECTORAL COMMISSION, GHANA
19	ELECTRICITY COMPANY OF GHANA
20	ENGINEERING COUNCIL GHANA
21	ENVIRONMENTAL PROTECTION AGENCY (EPA)
22	FOOD AND DRUGS AUTHORITY

23	FORESTRY COMMISSION
24	GAMING COMMISSION OF GHANA
25	GHANA ACADEMY OF ARTS SCIENCES
26	GHANA ATOMIC ENERGY
27	GHANA BOOK DEVELOPMENT COUNCIL
28	GHANA BROADCASTING CORPORATION
29	GHANA COCOA BOARD
30	GHANA COMMODITY EXCHANGE
31	GHANA FREE ZONES AUTHORITY
32	GHANA GEOLOGICAL SURVEY AUTHORITY
33	GHANA HEALTH SERVICE
34	GHANA HIGHWAY AUTHORITY
35	GHANA INTEGRATED ALUMINIUM DEVELOPMENT CORPORATION
36	GHANA INVESTMENT FUND FOR ELECTRONIC COMMUNICATIONS
37	GHANA INVESTMENT PROMOTION CENTRE
38	GHANA METEOROLOGICAL AGENCY
39	GHANA NAVY
40	GHANA NEWS AGENCY
41	GHANA PORTS AND HABOURS AUTHORITY
42	GHANA POST COMPANY LIMITED
43	GHANA PRISONS SERVICE
44	GHANA REFUGEE BOARD
45	GHANA SHIPPERS AUTHORITY
46	GHANA STANDARD AUTHORITY
47	GHANA TOURISM AUTHORITY
48	GHANA WATER COMPANY LIMITED
49	GHANA-INDIA KOFI ANNAN CENTRE OF EXCELLENCE IN ICT

50	GRAINS AND LEGUMES DEVELOPMENT BOARD
51	HOTEL, CATERING AND TOURISM TRAINING INSTITUTE
52	INFORMATION SERVICES DEPARTMENT
53	KORLE BU TEACHING HOSPITAL
54	KWAME NKRUMAH MEMORIAL PARK
55	LANDS COMMISSION
56	LAW REFORM COMMISSION
57	MANAGEMENT DEVELOPMENT AND PRODUCTIVITY INSTITUTE
58	METRO MASS TRANSIT LIMITED
59	MINERALS COMMISSION
60	MINISTRY OF COMMUNICATIONS
61	MINISTRY OF DEFENCE
62	MINISTRY OF ENERGY
63	MINISTRY OF ENVIRONMENT, SCIENCE, TECHNOLOGY AND INNOVATION
64	MINISTRY OF FISHERIES AND AQUACULTURE DEVELOPMENT
65	MINISTRY OF FOOD AND AGRICULTURE
66	MINISTRY OF FOREIGN AFFAIRS AND REGIONAL INTEGRATION
67	MINISTRY OF GENDER, CHILDREN AND SOCIAL PROTECTION
68	MINISTRY OF HEALTH
69	MINISTRY OF INFORMATION
70	MINISTRY OF LANDS AND NATURAL RESOURCES
71	MINISTRY OF LOCAL GOVERNMENT, DECENTRALISATION & RURAL DEVELOPMENT
72	MINISTRY OF PARLIAMENTARY AFFAIRS
73	MINISTRY OF RAILWAY DEVELOPMENT
74	MINISTRY OF ROADS AND HIGHWAYS
75	MINISTRY OF SANITATION AND WATER RESOURCES

76	MINISTRY OF THE INTERIOR
77	MINISTRY OF TOURISM, ART AND CULTURE
78	MINISTRY OF TRADE AND INDUSTRY
79	MINISTRY OF TRANSPORT
80	MINISTRY OF WORKS AND HOUSING
81	MINISTRY OF YOUTH AND SPORTS
82	MINISTRY OF FINANCE
83	NARCOTICS CONTROL COMMISSION
84	NATIONAL AMBULANCE SERVICE
85	NATIONAL BIOSAFETY AUTHORITY
86	NATIONAL BLOOD SERVICE, GHANA
87	NATIONAL COMMISSION FOR CIVIC EDUCATION
88	NATIONAL COMMISSION ON CULTURE
89	NATIONAL COMMUNICATIONS AUTHORITY
90	NATIONAL DISASTER MANAGEMENT ORGANISATION
91	NATIONAL FOOD BUFFER STOCK COMPANY
92	NATIONAL HEALTH INSURANCE AUTHORITY
93	NATIONAL IDENTIFICATION AUTHORITY
94	NATIONAL INFORMATION TECHNOLOGY AGENCY
95	NATIONAL PENSIONS REGULATORY AUTHORITY
96	NATIONAL PETROLEUM COMMISSION
97	NATIONAL ROAD SAFETY AUTHORITY
98	NATIONAL TEACHING COUNCIL
99	NATIONAL THEATRE OF GHANA
100	NUCLEAR REGULATORY AUTHORITY
101	OFFICE OF THE ADMINISTRATOR OF STOOL LANDS
102	OFFICE OF THE HEAD OF CIVIL SERVICE (OHCS)

103	OFFICE OF THE ATTORNEY-GENERAL AND MINISTRY OF JUSTICE
104	POSTAL AND COURIER SERVICES REGULATORY COMMISSION
105	PSC TEMA SHIPYARD LIMITED
106	PUBLIC PROCUREMENT AUTHORITY
107	PUBLIC SECTOR REFORM SECRETARIAT
108	PUBLIC WORKS DEPARTMENT
109	REGISTRAR GENERAL'S DEPARTMENT
110	RIGHT TO INFORMATION COMMISSION
111	SOCIAL SECURITY AND NATIONAL INSURANCE TRUST
112	STATE PROTOCOL DEPARTMENT
113	TDC DEVELOPMENT COMPANY LIMITED
114	UPPER WEST REGIONAL COORDINATING COUNCIL
115	VOLTA REGIONAL COORDINATING COUNCIL
116	VOLTA RIVER AUTHORITY
117	WATER RESOURCES COMMISSION
	MMDAs
118	AJUMAKO-ENYAN-ESSIAM DISTRICT ASSEMBLY
119	ABLEKUMA WEST MUNICIPAL ASSEMBLY
120	ABUAKWA NORTH MUNICIPAL ASSEMBLY
121	ABUAKWA SOUTH MUNICIPAL ASSEMBLY
122	ABURA-ASEBU-KWAMANKESE DISTRICT ASSEMBLY
123	ACCRA METROPOLITAN ASSEMBLY
124	ADA WEST DISTRICT ASSEMBLY
125	ADENTAN MUNICIPAL ASSEMBLY
126	AFIGYA KWABRE NORTH DISTRICT ASSEMBLY
127	AGONA EAST DISTRICT ASSEMBLY
128	AGONA WEST MUNICIPAL ASSEMBLY

129	AKROFUOM DISTRICT ASSEMBLY
130	AMANSIE CENTRAL DISTRICT ASSEMBLY
131	ANLOGA DISTRICT ASSEMBLY
132	ASANTE AKIM CENTRAL MUNICIPAL ASSEMBLY
133	ASHAIMAN MUNICIPAL ASSEMBLY
134	ASUNAFO NORTH MUNICIPAL ASSEMBLY
135	ASUOGYAMAN DISTRICT ASSEMBLY
136	ASUTIFI NORTH DISTRICT ASSEMBLY
137	ASUTIFI SOUTH DISTRICT ASSEMBLY
138	ATIWA EAST DISTRICT ASSEMBLY
139	AWUTU SENYA DISTRICT ASSEMBLY
140	AYAWASO CENTRAL MUNICIPAL ASSEMBLY
141	AYAWASO NORTH MUNICIPAL ASSEMBLY
142	BAWKU MUNICIPAL ASSEMBLY
143	BIA WEST DISTRICT ASSEMBLY
144	BIRIM NORTH DISTRICT ASSEMBLY
145	BIRIM SOUTH DISTRICT ASSEMBLY
146	BUILSA NORTH MUNICIPAL ASSEMBLY
147	BUILSA SOUTH DISTRICT ASSEMBLY
148	CAPE COAST METROPOLITAN ASSEMBLY
149	CENTRAL GONJA DISTRICT ASSEMBLY
150	CENTRAL TONGU DISTRICT ASSEMBLY
151	CHEREPONI DISTRICT ASSEMBLY
152	DENKYEMBOUR DISTRICT ASSEMBLY
153	FANTEAKWA NORTH DISTRICT ASSEMBLY
154	GA CENTRAL MUNICIPAL ASSEMBLY
155	GA SOUTH MUNICIPAL ASSEMBLY

156	GOMOA EAST DISTRICT ASSEMBLY
157	GOMOA WEST DISTRICT ASSEMBLY
158	HO MUNICIPAL ASSEMBLY
159	HOHOE MUNICIPAL ASSEMBLY
160	KADJEBI DISTRICT ASSEMBLY
161	KASSENA NANKANA MUNICIPAL ASSEMBLY
162	KPANDO MUNICIPAL ASSEMBLY
163	KPONE-KATAMANSO MUNICIPAL ASSEMBLY
164	KRACHI NCHUMRU DISTRICT ASSEMBLY
165	KROWOR MUNICIPAL ASSEMBLY
166	KUMASI METROPOLITAN ASSEMBLY
167	KWAEBIBIREM MUNICIPAL ASSEMBLY
168	KWAHU AFRAM PLAINS NORTH DISTRICT ASSEMBLY
169	LA DADEKOTOPON MUNICIPAL ASSEMBLY (LADMA)
170	LAWRA MUNICIPAL ASSEMBLY
171	MAMPONG MUNICIPAL ASSEMBLY
172	MFANTSEMAN MUNICIPAL ASSEMBLY
173	NANUMBA SOUTH DISTRICT ASSEMBLY
174	NKORANZA SOUTH MUNICIPAL ASSEMBLY
175	NKWANTA NORTH DISTRICT ASSEMBLY
176	NORTH DAYI DISTRICT ASSEMBLY
177	OBUASI MUNICIPAL ASSEMBLY
178	OFORIKROM MUNICIPAL ASSEMBLY
179	OKAIKWEI NORTH MUNICIPAL ASSEMBLY
180	PRU WEST DISTRICT ASSEMBLY
181	SEKYERE SOUTH DISTRICT ASSEMBLY
182	SISSALA EAST MUNICIPAL ASSEMBLY

183	SUHUM MUNICIPAL ASSEMBLY
184	TANO SOUTH MUNICIPAL ASSEMBLY
185	TECHIMAN MUNICIPAL ASSEMBLY
186	TEMA METROPOLITAN ASSEMBLY
187	UPPER DENKYIRA WEST DISTRICT ASSEMBLY
188	WEST AKIM MUNICIPAL ASSEMBLY
189	YILO KROBO MUNICIPAL ASSEMBLY

Appendix B: List of MMDAs that submitted their annual report

NO	MMDAs THAT SUBMITTED THEIR ANNUAL REPORTS
1	LA DADEKOTOPON MUNICIPAL ASSEMBLY (LADMA)
2	KPONE-KATAMANSO MUNICIPAL ASSEMBLY
3	LAWRA MUNICIPAL ASSEMBLY
4	CENTRAL TONGU DISTRICT ASSEMBLY
5	MFANTSEMAN MUNICIPAL ASSEMBLY
6	CENTRAL GONJA DISTRICT ASSEMBLY
7	GA CENTRAL MUNICIPAL ASSEMBLY
8	ASUTIFI NORTH DISTRICT ASSEMBLY
9	ACCRA METROPOLITAN ASSEMBLY
10	FANTEAKWA NORTH DISTRICT ASSEMBLY
11	ABURA-ASEBU-KWAMANKESE DISTRICT ASSEMBLY
12	KWAEBIBIREM MUNICIPAL ASSEMBLY
13	BUILSA NORTH MUNICIPAL ASSEMBLY
14	OBUASI MUNICIPAL ASSEMBLY
15	KUMASI METROPOLITAN ASSEMBLY
16	ANLOGA DISTRICT ASSEMBLY
17	OKAIKWEI NORTH MUNICIPAL ASSEMBLY
18	TANO SOUTH MUNICIPAL ASSEMBLY
19	GOMOA WEST DISTRICT ASSEMBLY
20	ABLEKUMA WEST MUNICIPAL ASSEMBLY
21	ADENTAN MUNICIPAL ASSEMBLY
22	CHEREPONI DISTRICT ASSEMBLY
23	ASHAIMAN MUNICIPAL ASSEMBLY
24	CAPE COAST METROPOLITAN ASSEMBLY
25	AYAWASO CENTRAL MUNICIPAL ASSEMBLY
26	KPANDO MUNICIPAL ASSEMBLY
27	AWUTU SENYA DISTRICT ASSEMBLY
28	BAWKU MUNICIPAL ASSEMBLY
29	AJUMAKO-ENYAN-ESSIAM DISTRICT ASSEMBLY
30	AGONA WEST MUNICIPAL ASSEMBLY
31	PRU WEST DISTRICT ASSEMBLY

32	BIRIM SOUTH DISTRICT ASSEMBLY
33	AFIGYA KWABRE NORTH DISTRICT ASSEMBLY
34	HOHOE MUNICIPAL ASSEMBLY
35	MAMPONG MUNICIPAL ASSEMBLY
36	KADJEBI DISTRICT ASSEMBLY
37	ASUTIFI SOUTH DISTRICT ASSEMBLY
38	AKROFUOM DISTRICT ASSEMBLY
39	ABUAKWA SOUTH MUNICIPAL ASSEMBLY
40	KASSENA NANKANA MUNICIPAL ASSEMBLY
41	NORTH DAYI DISTRICT ASSEMBLY
42	SEKYERE SOUTH DISTRICT ASSEMBLY
43	WEST AKIM MUNICIPAL ASSEMBLY
44	DENKYEMBOUR DISTRICT ASSEMBLY
45	NKORANZA SOUTH MUNICIPAL ASSEMBLY
46	YILO KROBO MUNICIPAL ASSEMBLY
47	OFORIKROM MUNICIPAL ASSEMBLY
48	GA SOUTH MUNICIPAL ASSEMBLY
49	TECHIMAN MUNICIPAL ASSEMBLY
50	SISSALA EAST MUNICIPAL ASSEMBLY
51	TEMA METROPOLITAN ASSEMBLY
52	BIRIM NORTH DISTRICT ASSEMBLY
53	ATIWA EAST DISTRICT ASSEMBLY
54	SUHUM MUNICIPAL ASSEMBLY
55	KROWOR MUNICIPAL ASSEMBLY
56	KWAHU AFRAM PLAINS NORTH DISTRICT ASSEMBLY
57	BIA WEST DISTRICT ASSEMBLY
58	ADA WEST DISTRICT ASSEMBLY
59	ASUNAFO NORTH MUNICIPAL ASSEMBLY
60	AGONA EAST DISTRICT ASSEMBLY
61	ASANTE AKIM CENTRAL MUNICIPAL ASSEMBLY
62	HO MUNICIPAL ASSEMBLY
63	ASUOGYAMAN DISTRICT ASSEMBLY
64	NKWANTA NORTH DISTRICT ASSEMBLY

65	GOMOA EAST DISTRICT ASSEMBLY
66	AYAWASO NORTH MUNICIPAL ASSEMBLY
67	UPPER DENKYIRA WEST DISTRICT ASSEMBLY
68	KRACHI NCHUMRU DISTRICT ASSEMBLY
69	ABUAKWA NORTH MUNICIPAL ASSEMBLY
70	AMANSIE CENTRAL DISTRICT ASSEMBLY
71	NANUMBA SOUTH DISTRICT ASSEMBLY

APPENDIX III: ACTIVITIES IN RETROSPECT



The Executive Secretary, Mr Yaw Sarpong Boateng addressing participants during the Nationwide Road Show at Sunyani, Bono region



Some participants at an engagement with Public Institutions during the Nationwide Road Show at Techiman, Bono East region.



Some SHS students and their teachers with the Executive Secretary during the Nationwide Road show at Techiman, Bono East region.



Some Board members including the the Chairman and the Executive Secretary answering questions participants during the public engagement at Goaso, Ahafo region.



Some participants and Board Members during the public engagement at Sunyani, Bono region



Commission's Board Chairman, Justice (rtd) Ofori Atta paying homage to the Paramount Chief of Goaso Traditional Area, Nana Kwasi Bosomptra I, during a visit to his palace to commence sensitization in the Ahafo Region.



Some journalists and invited guests during a press conference held by the Commission to launch the RTI week celebration



Some Board members and invited guests after a public forum at Alisa Hotel to mark the International Day for Universal Access to Information



Minister of Information, Kojo Oppong Nkrumah, second from right, with some Board Members and invited guests during after a public forum at Alisa Hotel



Executive Secretary, Mr. Yaw Sarpong Boateng, being presented with some branded items during a Working Visit to Kenya



The Executive Secretary and some staff of the Commission with members of the Techiman Traditional Council



A Board Member, Nana Kwame Duah, leading members of the Commission to pay a courtesy call on the Paramount Chief of Sefwi-Wiaso traditional council, Katakyie Kwasi Bumankamah II.

APPENDIX IV: LOGISTICS AND SUPPORT DISTRIBUTION OF COMPUTERS

	NAME	INSTITUTION
1.	Joana Adombilla	Ministry of Interior
2.	Amos Yeboah	Ministry of Chieftaincy and Religious Affairs
3.	Nancy Thomasina Agyekum	GIFEC
4.	Abigail Konamah Awuah	Ghana Water Company
5.	Gyimah Mercy	Ministry of Environment, Science, Technology and Innovation
6.	Albert Mensah	Ministry of Fisheries and Aquaculture
7.	Eunice Asomaning	Ministry of Local Government and Rural Development
8.	Sumaya Mohammed	Ghana Export Promotion Authority
9.	Ruth Owusu	Volta River Authority
10.	Ebenezer Mawutor Kofi Agbeko	Right to Information Commission
11.	Kweku Osei Asamoah	DVLA
12.	David Adom Ankamah	Food and Drugs Authority
13.	Josephine Dake – Abrahams	COCOBOD
14.	Emmanuel Owusu	Office of The Attorney-General and Ministry of Justice
15.	Margaret Yeboah	Ministry of Foreign Affairs
16.	Zaliatu Abdallah	Ministry of Information
17.	Anthony – Komla- Dovlo	Ministry of Water and Sanitation
18.	Evelyn Ludu	Adentan Municipal Assembly
19.	Frederick Boadu Amoako	Accra International Conference Centre
20.	Ruth Opoku Adusei	Youth Employment Agency

21.	Faustina Naa Ayele Lankai Johnson	Ministry of Employment and Labour Relations
22.	John Dadzie	Ministry of Health
23.	Joyce Yen	Controller and Accountant General
24.	Abdul-Kudus Husein	Ghana Maritime Authority
25.	Julius Owusu	Ministry of Roads and Highway
26.	Maame Araba Mensa-Attah	Kofi Annan Centre for Excellence
27.	Augustine K.B Asante	Bulk Oil Storage and Transport
28.	Patrick Paye-Baah	Postal and Courier Service
29.	Belinda Ayah	National Road Safety Authority
30.	Francis K. Gyamposu	Ministry of Parliamentary Affairs
31.	Mercy Assan	Environmental Protection Agency
32.	Agyei Ansah Isaac	Ministry of Railways Development
33.	Addo Adobea Eugenia	Ghana Health Service
34.	Genevieve Quaye	Ministry of Energy
35.	Prince Kwakye	Department of Urban Roads
36.	Fiifi Essuman Benjamin	Ghana Meteorological Agency
37.	Godwin N. Quadzi Jnr.	National Health Insurance Authority
38.	Abena Serwaa Agyei	TDC
39.	Ernestina Akakpo	Land Use and Spatial Planning
40.	Sadick Nana Nyarkoh	Department of Feeder Roads
41.	Lenunsia Ernestina Boateng	National Peace Council
42.	Angelina Ampofo Asomaning	Ghana Tourism Authority
43.	Michael Adu Gyekye	CSIR

44.	Samuel A. Duah	Ashanti Regional Coordinating Council
45.	Nana Brempomaa	Kumasi Metropolitan Assembly
46.	Abdul Karim Iddrisu	Engineering Council
47.	Farridah Ayesha Musah	Minerals Commission
48.	Foster Ofori Addo	Coastal Development Authority
49.	Philip Neme	Cape Coast Municipal Assembly
50.	Nadia Abdallah Banda	Ministry of Communication and Digitalization
51.	Ansah John Yaw	National Blood Service, Ghana
52.	Deborah Leo Mensah	National Development Planning Commission
53.	Nana Kofi Wright-Hanson	National Disaster Management Organization
54.	Nathaniel Kofi Afram	Ghana Standard Authority
55.	Bridget N.A Allotey	Gaming Commission, Ghana
56.	Moses Ayirebi	National Information Technology Agency
57.	Awo Aba Gyan	Ghana Education Service
58.	Fred Acheampong	Nkoranza South Municipal Assembly
59.	Halimatu Samo	Techiman Municipal Assembly
60.	Abdul Rashid Abubakari	Forestry Commission
61.	Rita Ennim Acquah	Electricity Company of Ghana
62.	Jennifer O. Acheampong	Ghana National Gas Company
63.	Akosua Asare-Ankomah	Ghana Highways Authority
64.	Abebreseh Abray Terry	Ayawaso Central Municipal Assembly
65.	Martha Kakra Donkor	Ministry of Tourism, Arts and Culture
66.	Augustine Boakye	Land Commission
67.	Adelaide Afful	Accra Metropolitan Assembly

68.	Helena Wireko Tawiah	Office of the Head of Civil Service
69.	Vivian Baaba Acquah	Ministry of Gender, Children and Social Protection
70.	Obed Mensah	Ministry of Food and Agriculture
71.	Emmanuel Afful	Ministry of Lands and Natural Resources
72.	Juliana Adjetey	Ministry of Transport
73.	Michael Nii Ayitey Hammond	National food Buffer Stock Company
74.	Loveridge Ampratwum Okyere	Ministry of Finance
75.	Jonas Danquah	GIPC
76.	Kwasi Ampofo Fianko	Ghana Atomic Energy Commission
77.	Mariam Nyarkoah Amponsah	Ministry of Works and Housing
78.	Rina Owusu	National Pensions Regulatory Authority
79.	Charles Akuoku	Public Sector Reform
80.	Rita Delashie Tsotorvor	Ministry of Youth and Sports
81.	Goka Vincent Dela	Ghana Academy of Arts and Science
82.	Jennifer Otchere- Acheampong	Ghana National Gas Company
83.	Augustina Emily Agyeman*	Head IPPD (Information Services Department)
84.	Bridget Mensah*	Media Liaison Unit (Information Services Department)
85.	Ethel Codjoe Amissah*	Head, PRCD (Information Services Department)
86.	Dr. Winnifred N. Mahama*	Head, ATI Division

A total number of eighty-two (82) computers and accessories were distributed to public institutions to aid the smooth implementation of the RTI Act.

*Computer and accessories were released for temporary use.

*Four Computers and accessories were released to heads of Units in the Information Services Department.

APPENDIX V: SENSITIZATION AND ENGAGEMENT WITH PUBLIC INSTITUTIONS 2021

S/N	NAME OF INSTITUTION	DATE
1.	Ghana Highway Authority	4 th February
2.	Accra International Conference Centre	3 rd March
3.	Korley Klotey Municipal Assembly	21 st April
4.	Lands Commission (Physical and Virtual Sensitization)	22 nd / 23 rd April, 3 rd / 4 th June
5.	Ghana National Petroleum Corporation (GNPC)	18 th May
6.	La Dade Kotopon Municipal Assembly	26 th May
7.	Hotel, Catering and Tourism Training Institute (HOTCATT)	4 th June
8.	Internal Audit	4 th June
9.	Ministry of Environment, Science, Technology and Innovation (MESTI)	15 th June, 29 th November
10	Controller and Accountant General Department	21 st June
11	Ministry of Sanitation and Water Resources	22 nd June
12	Graphics Communication Group	23 rd June
13	Electricity Company of Ghana	27 th June
14	Ministry of Railway Development	28 th June
15	Ministry of Foreign Affairs and Regional Integration	28 th July
16	Ministry of Food and Agriculture	29 th July
17	Ministry of Finance	26 th /27 th August
18	Ghana Investment Promotion Centre	30 th September
19	Ministry of Information	7 th October
20	National Blood Service	12 th October

21	Ghana COCOBOD	13 th October
22	Ministry of Gender, Children and Social Protection	15 th October
23	Ghana Revenue Authority	10 th October
24	Electoral Commission	21 st October
25	Ministry of Employment and Labor Relation	9 th & 10 th November