

GOVERNMENT OF PAKISTAN
PAKISTAN INFORMATION COMMISSION

Regulations-PIC/27/c
Procedure for Processing Appeals

Islamabad, September, 05 2019

Notification

PIC/N-28/08/2019

In exercise of the powers conferred by Section 27 (c) of the Right of Access to Information Act 2017 (**XXXIV of 2017**), the Pakistan Information Commission is pleased to notify these Regulations.:

Short Title, Application and Commencement-(1) This may be called **Regulations-PIC/27/c Procedure for Processing Appeals** under the Right of Access to Information Act 2017.

(2). These **Regulations-Procedure for Processing Appeals** shall come into force at once.

Procedures for Processing Appeals

1. The Registrar office will assign a registration number on the face of the file along with the date to each fresh appeal and entry will be made in the diary and computer.
2. Each appeal will be placed in the prescribed folder.
3. The Registrar office will determine the admissibility of the appeal on the following:
 - A. Appeal contains name of the appellant.
 - B. The appeal contains information i.e. postal address, E-mail or telephone to contact the appellant.
 - C. Appeal is signed.
 - D. Copy of the information request sent to the public body is available.
 - E. Appeal and all the attached documents are readable.
 - F. Proof of request to information sent to the public body is available.
 - G. The request for information to the public body is filed under the Right of Access to Information Act 2017.
 - H. The appeal is filed under the Right of Access to Information Act 2017.
 - I. The request for information sent to the public body is federal public body.
 - J. Appeal has been filed within 30 days of the response/decision of public body.
 - K. The appeal has been filed after the lapse of at least ten working days, after the receipt of the information request by the public body.
4. The Registrar office will ask for the missing information, (if any) from the appellant and note down on the appeal the missing information asked from the appellant.
5. In case an appeal is inadmissible on any ground, the Registrar office shall send Annexure-1 Inadmissibility of the Appeal, ticking the relevant ground on which the appeal has been declared inadmissible.
6. The Registrar office shall assign appeal number once information mentioned in para 3 is complete. The Registrar office will put appeal number, give title to the appeal and will place the appeal in Appeal Register and update Appeals Tracker on the computer and on the web site.
7. If information sought is regarding the protection of the life and liberty of an individual, “urgent” will be put on the face of the file and made entry in the ‘Urgent Appeal Register’. Such an appeal will be processed on most urgent basis.
8. The Registrar office shall send Annexure-2 Acknowledgement Letter to the appellant.
9. In case the appellant has not written in the appeal or provided declaration along with the appeal declaring that That no suit, appeal, petition or other judicial proceedings in connection with the subject matter of the Appeal is pending in any court, tribunal or board, the Registrar office shall send Annexure-3 PIC Form-A Affidavit to the applicant in the acknowledgement letter.
10. Each appeal shall be placed before the Chief Information Commissioner or Information Commissioners on Rota basis for appropriate action. In the case of unavailability of any of the Information Commissioner or Chief Information Commissioner, the appeal shall be placed before the next in seniority on Rota basis.
11. The Registrar will send Annexure-4 First Notice to the Public Information Officer, (PIO), if designated or to the head of the public body directing to respond the information request within ten working days of the receipt of the notice and the same will be updated on the web site.

12. In case the public body does not respond to the first notice, the Registrar will send Annexure-5 2nd Notice to the PIO, if designated, or to the head of the public body directing to respond to the information request within three working days or appear before commission for hearing; the hearing date to be fixed in consultation with the concerned Information Commissioner or Chief Information Commissioner.
13. In case the public body provides information in response to first or second notice, Annexure-6 Information Sharing Letter shall be sent to the appellant.
14. In case, a public body does not provide requested information on legal grounds, the Registrar shall share the response of the public body with the appellant through 'Annexure-7 Seeking Rejoinder.
15. The Registrar office shall send Annexure-8 Hearing Notice in case public body does not provide requested information to the appellant in response to first and second notice. The Registrar shall also send Annexure-9 Hearing Notice Information Letter to the appellant.
16. In case a public body has designated a PIO but he or she fails to attend the hearing, the Registrar shall send Annexure-10 Absentee PIO-Final Notice after Hearing to the PIO.
17. In case, the head of public body does not attend the hearing, the Registrar shall send Annexure-11 Final Notice Absentee Head of Public Body. In case the head of public body sends a representative other than PIO to attend the hearing, the Registrar shall send Annexure-21 Head of Public Body Final Notice-Not Sending PIO.
18. In case the public body fails to provide requested information to the satisfaction of the appellant during the hearing or after hearing notices sent after the hearing, Chief Information Commissioner or the concerned Information Commissioner shall issue the final Order. The final order shall be issued with the signatures of at least two commissioners. The final order shall also contain dissenting note if written by any of the commissioners. In signatures, name of the commissioner who writes the decision will appear first followed by names of the commissioners in the order of seniority.
19. In case, the commission determines there is a “ destruct” of public record, it will refer the case to relevant agencies.
20. If the public body fails to implement decision of the public body and decision of the commission is not appealed against within 30 days, it will issue a show cause notice to the concerned PIO or the head of public body asking as to why contempt of court proceedings could not be initiated against the PIO or the head of public body.
21. The Registrar shall be responsible to update Appeals Tracker on the web site of the commission as well as on the computer.
22. In case of the unavailability of any of the Information Commissioners and Chief Information Commissioner, the Registrar is authorized but only to the extent of issuing the following letters and notices:
 - (A) Annexure-1 Inadmissibility of the Appeal;
 - (B) Annexure-2 Acknowledgement Letter;
 - (C) Annexure-3 Form-A Affidavit;
 - (D) Annexure-4 First Notice;
 - (E) Annexure-6 Information Sharing Letter;
23. Other than the letters and notices mentioned in para 22, the Registrar shall not issue any notice or letter without written approval of any of the Information Commissioners or Chief Information Commissioner.

24. The commission may seek opinions of experts in complex matters pertaining to exercise of the right to information.

Annexure-1 Inadmissibility of the Appeal

Date:-----

Name of the Appellant-----

Address-----

Public body-----

Subject: Inadmissibility of the Appeal

Please note that your appeal is inadmissible on the following:

- A. Appeal does not contain name of the appellant.
- B. The appeal does not contain information i.e. postal address, E-mail or telephone to contact the appellant.
- C. Appeal is not signed.
- D. Copy of the information request is not available.
- E. Appeal and all the attached documents are not readable.
- F. Proof of request for information sent to the public body is not available.
- G. The request for information to the public body is not filed under the Right of Access to Information Act 2017.
- H. The appeal is not filed under the Right of Access to Information Act 2017.
- I. The request for information sent to the public body is not federal public body.
- J. appeal has not been filed within 30 days of the response/decision of public body.
- K. appeal has been filed without waiting for the lapse of at least ten working days, after the receipt of the information request by the public body

You are advised to remove deficiency/deficiencies for the consideration of your appeal within ten working days of the receipt of this notice.

Sincerely,

Registrar

Annexure-2 Acknowledgement Letter

Date: -----

Ref No: Appeal-000-00/00

Name of the Appellant-----

Address-----

vs

Name of the Public body-----

Subject: Acknowledgement of the Appeal

Your appeal number mentioned above has been received and it is under process. Please cite this appeal number in future correspondence.

Thank you,

Sincerely,

Registrar

Annexure-3 Form-A Declaration

PIC Form "A"

For use by the Appellant

BEFORE PAKISTAN INFORMATION COMMISSION

Islamabad

1. Name/father's name and Address of the appellant _____

2. National Identity card No. _____

3. Telephone Nos./E-mail if any. _____

Declaration

That no suit, appeal, petition or other judicial
proceedings in connection with the subject matter of the Appeal
No- is pending in any court, tribunal or any other legal forum.

Signature/Thumb Impression of the Appellant

Annexure-4 First Notice

Most Urgent/Time Limit Case

Date: -----

Ref No: Appeal-000-00/00

Name of Public Information Officer (If designated) or Head of Public Body

Name of Public Body

Address

Subject: Provision of Requested Information under the Right of Access to Information Act 2017

Under Section 14 of the Right of Access to Information Act 2017, each federal public body is bound to respond to a request as soon as possible and in any case within ten working days of receipt of the request. You are directed to provide reasons in writing within 7 working days of the receipt of this notice as to why the requested information has not been provided to the applicant, (copy of the information request and appeal thereon enclosed).

Registrar

Annexure-5 Second Notice

Most Urgent/Time Limit Case

Date: -----

Ref No: Appeal-000-00/00

Name of Public Information Officer (If designated) or Head of Public Body

Name of Public Body

Address

Subject: 2nd Notice for the Provision of Information Requested under the Right of Access to Information 2017

Please refer to our earlier notice of Reference No. Appeal-00-00/00, dated ----- on above mentioned subject. The commission has not received response within the specified time-period. You are once again directed to provide reasons in writing within three working days of the receipt of this notice as to why the requested information has not been provided to the applicant.

Registrar

Annexure-6 Information Sharing Letter

Date: -----

Ref No: Appeal-000-00/00

Name of the Appellant-----

Address-----

vs

Name of the Public body-----

Dear Appellant,

If you are not satisfied with response of the public body, please contact Pakistan Information Commission in writing within 10 working days of the receipt of this letter. Otherwise, it will be presumed that you are satisfied with response of the public body and the case will be closed.

Sincerely,

Registrar

Annexure-7 Seeking Rejoinder

Date: -----

Ref No: Appeal-000-00/00

Name of the Appellant-----

Address-----

vs

Name of the Public body-----

Subject: Provision of Requested Information under the Right of Access to Information Act 2017

Dear Appellant,

In pursuance of your Appeal NO cited above, find enclosed response of the public body. If you are not satisfied with response of the public body, you may file written rejoinder with Pakistan Information Commission in writing within ten working days of the receipt of this letter.

Sincerely,

Registrar

Annexure-8 Hearing Notice

Date: -----

Ref No: Appeal-000-00/00

Name of Public Information Officer (If designated) or Head of Public Body
Name of Public Body
Address

Name of the Appellant
Vs.
Name of Public Body

Take notice that the above cited appeal is fixed for regular hearing before the Pakistan Information Commission on ----- at ----- or soon thereafter as may be convenient to the Information Commission, at the above-mentioned address.

Note: The case record in the above cited appeal, if any, be produced before the Information Commission at the time of hearing.

Registrar

Annexure-9 Hearing Notice Information Letter

Date: -----

Ref No: Appeal-000-00/00

Name of the Appellant-----

Address-----

vs

Name of the Public body-----

Dear Appellant,

Enclosed find hearing notice sent to the public body against your appeal. It is not obligatory for a complainant to attend the hearing. However, if you so desire, you can attend the hearing yourself and/or can authorize a person to attend the hearing on your behalf.

Registrar

Annexure-10 Absentee PIO-Final Notice after Hearing

Date: -----

Ref No: Appeal-000-00/00

Public Information Officer
Designation of Public Information Officer
Name of Public Body
Address

Subject: Final Notice

This is with reference to the enclosed hearing notice dated -----, you failed to appear before the Commission to represent your organisation.

You are hereby directed to appear personally before the commission with all the record/information requested by the appellant on ----- to explain the reasons for not providing the requested information to the appellant. Otherwise, the commission will take action under Section 20 (f) of the Right of Access to Information Act 2017.

Take note that any record/information to be provided to the applicant has to be certified under Section 13 (3) which is as under:

Where information or a record is provided in accordance with clause (a) of sub-section (2), it shall be accompanied by a certificate which may be affixed to the information or record at the foot thereof, or as appropriate, to the effect that the information is incorrect or, as the case may be, copy is a true copy of the original records and such certificate shall be dated and signed by the designated official.

Registrar

Annexure-11 Final Notice Absentee Head of Public Body

Date: -----

Ref No: Appeal-000-00/00

Designation of Head of Public Body

Name of Public Body

Address

Subject: Final Notice

This is with reference to the enclosed hearing notice dated -----, nobody appear before the Commission to represent your organisation.

You are hereby given final opportunity to provide the requested information within ten working days after the receipt of this notice, or, appear personally, or, through Public Information Officer before the commission on –to explain the reasons for not providing the requested information. Otherwise, the commission will take action under Section 20 (f) of the Right of Access to Information Act 2017.

Take note that each federal public body is obligated to designate Public Information Officer of BS-19 within 30 days of the commencement of the Right of Access to Information Act 2017. Take note that any record/information to be provided to the applicant has to be certified under Section 13 (3) which is as under:

Where information or a record is provided in accordance with clause (a) of sub-section (2), it shall be accompanied by a certificate which may be affixed to the information or record at the foot thereof, or as appropriate, to the effect that the information is incorrect or, as the case may be, copy is a true copy of the original records and such certificate shall be dated and signed by the designated official.

Registrar

Annexure-12 Head of Public Body Final Notice-Not Sending PIO

Date: -----

Ref No: Appeal-000-00/00

Designation of Head of Public Body

Name of Public Body

Address

Subject: Final Notice

This is with reference to the enclosed hearing notice dated -----, your organisation was represented by ----- before the Commission.

You are hereby given final opportunity to provide the requested information within ten working days after the receipt of this notice, or, appear personally, or, through Public Information Officer before the commission on –to explain the reasons for not providing the requested information. Otherwise, the commission will take action under Section 20 (f) of the Right of Access to Information Act 2017.

Take note that each federal public body is obligated to designate Public Information Officer of BS-19 within 30 days of the commencement of the Right of Access to Information Act 2017. Take note that any record/information to be provided to the applicant has to be certified under Section 13 (3) which is as under:

Where information or a record is provided in accordance with clause (a) of sub-section (2), it shall be accompanied by a certificate which may be affixed to the information or record at the foot thereof, or as appropriate, to the effect that the information is incorrect or, as the case may be, copy is a true copy of the original records and such certificate shall be dated and signed by the designated official.

Registrar