



REPUBLIC OF GHANA

**ACCESS
TO
INFORMATION DIVISION
(ATID)**

**A SYNOPSIS OF THE RIGHT TO INFORMATION ACT
(ACT 989)**

GHANA HIGHWAY AUTHORITY

(10th November, 2022)

Outline

OVERVIEW OF THE RTI ACT

EXEMPT PROVISIONS

APPLICATION FOR INFORMATION AND PROCESSING

Overview Of The RTI (Act 989)

What is RTI?

It is an act that provides for the implementation of the constitutional right to information held by a public institution subject to some exemptions ...

- ❖ The right may be exercised through an application
- ❖ An application for information may be made without giving reasons for the application

If the request is to be treated as urgent, the applicant shall state the reason for the urgency.

The Act also charges government (public institutions) to proactively disclose information on governance (Sec. 2)

Background to the RTI Act



First proposed by the Institute of Economic Affairs, Ghana

1999



Passed by parliament after nearly two decades.

March 2019.



Assented to by the President (Nana Addo Dankwa Akufo-Addo)

May, 2019.



Took effect in January, 2020.



This Act applies to information, which exists before and after the commencement of the Act.

Constitutional Foundation of RTI



1992 Constitution

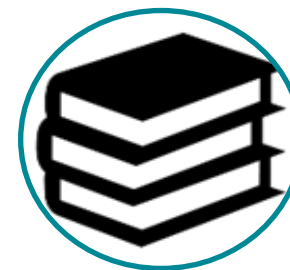
Article 21(1) (f) - Under Fundamental Freedom

“All persons shall have the right to Information subject to such qualifications and laws as are necessary in a democratic society.”



Article 19 of the Universal Declaration of Human right

“The right to receive and impart information is an obligation on state to provide information”.



African Charter on Values and Principles of Public Services and Administration

It provides for the right to access information held by public service bodies



REPUBLIC OF GHANA

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Why RTI?

Encourages Participatory Democracy

Ensures Transparency/ Open Governance

Checks Corruption

Ensures Accountability

Ensures Integrity In Governance

RTI Act is a Good Law because...



Solid Legal Framework



Clear Application Procedures



Clear turn around times on Requests



Proactive Disclosure of Information



Oversight Body



Effective Appeal Mechanism



Sanctions

The Role of Public Institution – Sec.2



Proactive Disclosure

The government (public institution) shall make available to the public, general information on governance without an applicant from a specific person.



Through...

Websites, newsletters, releases, institution magazines, published annual reports, and information manuals.

The Role of Public Institution – Sec.3 Information Manual

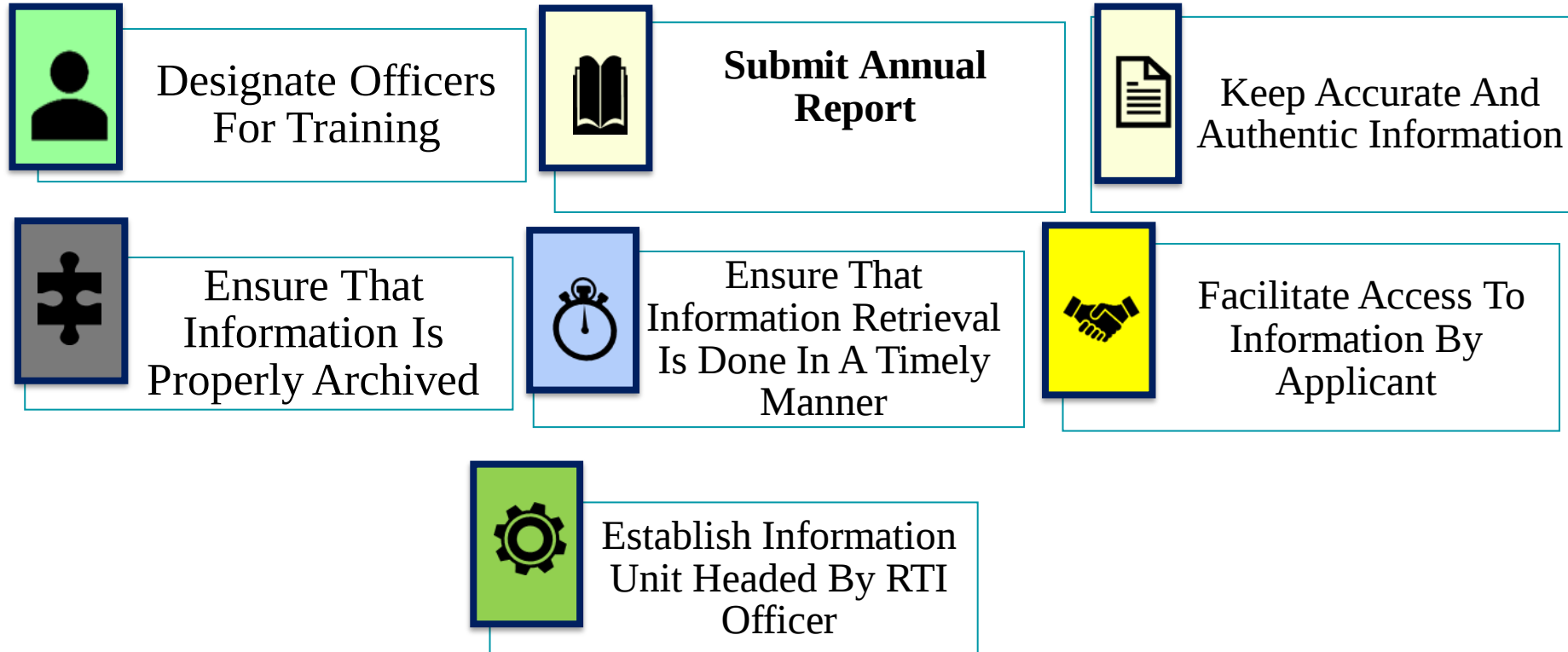
A public institution shall, within twelve months from the date of the coming into force of this Act, and every twelve months after that date, compile and publish an up-to-date information in the form of a manual.

The Information Manual would Contain the ff;

- ❖ List of departments and agencies under PI where applicable
- ❖ Responsibilities/functions of PI and the departments
- ❖ List of classes of information
- ❖ Name, address and contact of the RTI officer
- ❖ Contact of information unit



The Role of Public Institution – Cont....



Responsibilities of Information Officer



Mans the Information Unit
of the public institution [S.
3(3b)]



Collaborate with records
officer to compile
information manual



Receives applications for
access to information



Process applications for
access (S.19 & 73)



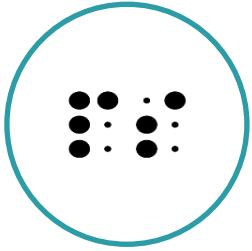
Guide applicants to complete
application (where necessary)
[S.18(5)]



Collaborate with all
departments and units to
ensure smooth RTI
implementation

The RTI Commission

Powers & functions of the Commission are outlined in S.43 & 44 respectively



**Oversight body
of Right to
Information
implementation**

***Provided For
Under S.40-70***

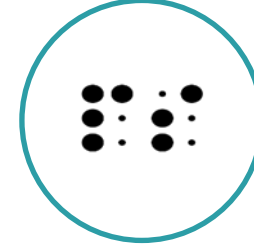


**It Promotes,
Monitors, Protects
And Enforces the
Right to
Information that is
Granted a Person.**



**Monitor
Compliance By
Public Institution.**

***May request RTI
implementation plan
from a public
institution***



**Impose
administrative
penalty against
Public Institutions
that fail to comply
with the Act**

EXEMPT INFORMATION

SECTIONS 5-16

Exempt Information (Section 5 – 8)



S.5 - Information for the President or the Vice President.

E.g.

- the *Committee of enquiry reports*



S.6 – Information relating to Cabinet

E.g.

-*Cabinet Memo*



S.7 - Information relating to law enforcement and public safety

E.g.

.*Information that will interfere in the prevention of crime*

.*Information that prejudices investigation*

.*Investigative techniques of the CID*



S.8 - Information affecting International relations

E.g.

-*Confidential information on international matters*

Exempt Information (Section 9 – 12)



S.9 - Information that Affects the Security of the State

E.g.

-Information generated and kept by Ghana Armed Forces or other security agencies for state security purposes



S.10 - Economic and any other Interests

E.g.

*-Information of monetary value
-Exams/interview questions*



S.11 - Economic Information on Third Parties

E.g.

-Tender document of competing parties (companies)



S.12 – Information Relating to Tax

E.g.

*-Information on tax returns
-Information gathered to determine tax liability*

Exempt Information (Section 13 – 16)



S.13 - Internal Working Information of Public Institutions

E.g.

- Internal memo
- Minutes of staff meetings



S.14 - Parliamentary Privilege, Fair Trial & Contempt of Court

E.g.

- Information that contravenes parliamentary privilege



S.15 - Privileged Information

E.g.

- Lawyer & client professional relationship



S.16 - Disclosure of Personal Matters

E.g.

- Your physical and mental health record
- Bank details
- Business or trade secret of commercial value

Claw Back Provision



Information which contains factual or statistical data is not exempt information



Section. 17 - Disclosure for protection of Public Interest

Information is not exempt if the disclosure will reveal evidence of;

- ❖ A contravention
- ❖ Threat to public safety, health, moral or prevent crime
- ❖ Miscarriage of justice
- ❖ Abuse of office



Section. 78

Information ceases to be exempt after 30 years.

**unless its disclosure may endanger life, public safety, national security/economic interest and international relations.*

APPLICATION FOR INFORMATION AND PROCESSING

SECTIONS 18-28

Applications For Access – Sec.18

Application is made :

- In Writing (including electronic or braille) to the P.I.
- Orally (due to illiteracy or disability)

For Oral Application- s.18(2)

- S.18(2-4) applies where applicant is not literate or disabled
- Where a request is made orally under subsection (2), the request shall be reduced into writing by the information officer to whom the application is made, who shall give a copy of the written request as recorded and as duly authenticated to the applicant.
- In the presence of a witness

What Makes A Good Application For Access?

Applicant must provide;



Sufficient description of particulars for easy identification of information.

Indicate Form & Manner Of Access Required
[Sec.18 (1)(c); Sec. 28]



- ❖ Inspection
- ❖ Copy Of The Information
- ❖ Audio/Visual (Where Applicable)
- ❖ Transcript Of Audio Recording / Shorthand / Code
- ❖ Any Other Electronic, Magnetic, Optical Or Computer Forms

Applicant must provide;



- ❖ Name, Contact, ID & Address Of The Applicant
- ❖ Signature Of The Applicant

Ghana Institute of Journalism

P.O. BOX GP 667

Accra-Ghana

September, 16th, 2022.

The Ministry of Road and Transport

Accra- Ghana

16th September 2022

Dear, Madam/Sir

RTI REQUEST FOR A REPORT ON THE NUMBER OF PEOPLE WHO DIED FROM ROAD ACCIDENTS LAST YEAR

I am writing to you in accordance with the Right to Information Act 989,2019, Section 18, to request from the Ministry of Road and Transport a report or copy of the number of people who died from road accidents last year. I would appreciate it if the Ministry of Road and Transport could provide us with the above-mentioned report within 7 working days.

I am mindful that the above-requested report does not fall under any of the exemptions provided in the Right to Information Act.

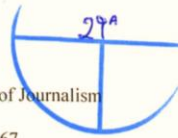
I will deliver any costs associated with this request; please send us your payment information, if applicable, so that we can make any associated payments. The report can be delivered to us in hardcopy or via email at juniomadade048@gmail.com.

NELSON ADADE

Tel: 0593958985

Email: juniomadade048@gmail.com

② DDFA (Inquest).
Kindly forward request
to NISFA
Gr
20/09/2022



The Multimedia Group

September 9, 2022

The Information Officer
Ministry of Transport
Accra



Dear Sir,

REQUEST FOR INFORMATION

Pursuant to the Right to Information Act (2019) ACT 989, I write to request access to information [held by your institution] with the following details:

1. A Copy of the Ghana Airports Company Limited's contract with Frontiers Health Services in respect of the COVID-19 testing at the airport.
2. A chronology of the processes that led to the selection and award of the contract in (1) above to Frontiers Health Services.
3. The reason(s) for the selection and award of the contract specified above to Frontiers Health Services.
4. The total amount of money generated from the COVID-19 testing at the airport from the inception of this agreement with frontiers till date.
5. The total amount of money that has been made by frontiers health services from the covid-19 testing at the airport from the inception of the contract with frontiers till date.
6. The total amount of money that has been made by the government of Ghana from the covid-19 testing at the airport from the inception of the contract with frontiers till date.

Kindly supply the certified copies and the rest of the information in a PDF file and send via mail to me at raymond.acquah@myjoyonline.com or send hard copies to the undersigned at the designated address.

Joyously yours,

Raymond Acquah
[Head, Research Desk, Joy News]
CC: Right to Information Commission
66 1st Osu Badu St, Accra



ACCESS
TO
INFORMATION DIVISION
(ATID)

July 28, 2022.

The Information Officer,
Ministry of Transportation,
Accra.

Dear Sir,

Request for Information under Article 21(1) (f) of the 1992 constitution of Ghana and section 18 of the Right to Information Act, 2019 (989).

I write to request information through the designated information officer of the Ministry of Transportation. In the absence of such a designated officer, I direct this request to any officer responsible.

I am writing this letter in exercise of my right under Article 21(1) (f) of the 1992 constitution of Ghana and section 18 of the Right to Information Act 2019 (989) to request the information below:

1. The membership and scope of the Ministry of Transport's a Joint Evaluation Team on the Boankra Inland Port project.
2. The recommendations the Team gave to the Ministry.
3. The scope and terms of reference of the Entity Tender Committee the Ministry formed after the Joint Evaluation Team.
4. The membership of the Entity Tender Committee.
5. A copy of the report of the Entity Tender Committee.
6. The recommendations of Price Waterhouse Coopers, the transaction advisors.
7. The explanation the Ministry gave when Stockbridge complained about the decision to award the contract to Affum Limited.
8. How Affum, which was a bidder, became part of Ashanti Ports Services Limited.
9. The terms and conditions given to Ashanti Ports Services Limited on the Boankra project.
10. Whether the Ministry has given any concession to any other company or group of companies.
11. A copy of the contract for the Boankra Inland Port project.
12. A copy of the report of the transaction advisors—Price Waterhouse Coopers.

I would like the information requested to be sent in a PDF format and delivered to me via email through manasseh@mfwa.org. Alternatively, it can be delivered to me in hard copy at The Media Foundation for West Africa, 32 Otele Avenue, East Legon, Accra.

For any clarification on my request, kindly contact me on telephone number 0262784767 or via email at manasseh@mfwa.org

x LG 730, Legon, Accra, Ghana.

Tel: +233(0)302 555 327

Email: info@thefourthstategh.com

www.thefourthstategh.com



REPUBLIC OF GHANA

ACCESS
TO
INFORMATION DIVISION
(ATID)



OFFICE OF THE OMANHENE

Sefwi Wiawso Traditional Area

Your Ref......

Our Ref. SWTC/ OPS/HW/V.1/03

THE INFORMATION OFFICER
GHANA HIGHWAY AUTHORITY
ACCRA, HEAD OFFICE



21st June 2022,

Dear Sir/Madam,

APPLICATION FOR INFORMATION PURSUANT TO SECTION 1 OF THE RIGHT TO INFORMATION ACT, 2019 (ACT 989) AND ARTICLE 21(1) (F) OF THE CONSTITUTION OF GHANA, 1992

We write in exercise of our right of access to information pursuant to section 1 of the Right to Information Act, 2019 (Act 989) and Article 21 (1) (f) of the constitution of Ghana, 1992.

We write to request to be furnished with a copy of the contract between the Ghana Highway Authority and Interbeton Construction Company Limited regarding the construction of the Sefwi Dwinase to Benchema Junction road. We would like to be furnished with a copy of the document being requested for in print or photo copy form within 14 days of receipt of this application pursuant to section 23 of Act 989.

Particulars of the instant application are as follows:

- a. Name of applicant: Katakylie Kwasi Bumagama II (Paramount Chief, Sefwi Wiawso Traditional Area).
- b. Information sought:
 - (i) Copy of contract between Ghana Highway Authority and Interbeton Construction Company Limited for the construction of the Sefwi Dwinase to Benchema junction road.
- c. Form of access requested: Print or photo copy
- d. Address of applicant: Post Office Box 42 Sefwi Wiawso, Western North Region. Telephone No. 0505736060/0541827758.
- e. Identification of applicant: Ghana Card.

Signature:.....

Bumagama + KATAKYLIE KWASI BUMAGAMA II
PARAMOUNT CHIEF, SEFWI WIAWSO
TRADITIONAL AREA

P.O.BOX 42, Sefwi Wiawso, W/R, Ghana Email: nanakwesibumagama@gmail.com

APPLICATION FOR ACCESS TO INFORMATION UNDER THE RIGHT TO INFORMATION ACT, 2019 (ACT 989)

② Head RTI
Ple take note and
conise with Dir RMAE to
provide the information.
Date: 14/4/22.

1.	Name of Applicant:	Joshua Etse Wemegah
2.	Date:	05/04/2022
3.	Institution:	Centre for Environmental, Health Research and Training (CEHRT)



4.	Date of Birth:	DD 26 MM 03 YYYY 1989
5.	Type of Applicant:	Individual ☐ Organization/Institution ☒
6.	TIN Number:	
7.	If Represented, Name of Representative:	JOSHUA ETSE WEMEGAH
7 (a).	Capacity of Representative:	ENVIRONMENTAL & SOCIAL SAFE GUARD OFFICER.
8.	Type of Identification:	☐ National ID Card ☐ Passport ☒ Voter's ID ☐ Driver's License
8 (a).	ID. No.:	2949010456
9.	Description of the Information being sought (specify the type and class of information including cover dates):	(1) Accident statistics from Central University - Sogakope (2020, 2021, 2022) (2) Accident statistics from Pokuase - Nsawaw junction (2020, 2021, 2022)

10.	Manner of Access:	☐ Inspection of Information ☒ Copy of Information ☐ Viewing / Listen ☐ Written Transcript ☐ Translated (specify language)
10 (a).	Form of Access:	☐ Hard copy ☒ Electronic copy ☐ Braille
11.	Contact Details:	Email Address: popsiwem@gmail.com Postal Address: Box SK 482, Sakumono Tel: 0249742014
12.	Applicant's signature/thumbprint:	
13.	Signature of Witness (where applicable)	"This request was read to the applicant in the language the applicant understands and the applicant appeared to have understood the content of the request."



Sec. 19&73 – Person To Deal With An Application

***(19) An application to access information shall be dealt with by the information officer of the public institution.**

***(73) For the purposes of this Act, an information officer of a public institution or an officer designated as an information officer shall perform the functions assigned to an information officer under this Act.**

Sec. 75&76 – Fees and Charges

Payment of fee, **Parliament approved ‘Fees And Charges (Miscellaneous Provisions) Act, 2022 (Act 1080)’**, for *reproduction* of information or for media conversion shall applies.

***Fee or charge shall *not* apply**

- For reproduction of personal information
- For public interest information
- To an applicant who is indigent/poor
- To an applicant living with disability

Etc..

***The public institution retains the charges and shall use it to defray RTI induced expenditure**

***Charges to be paid into a bank account opened for the purpose.**



Sec. 75&76 – Fees and Charges

REVENUE ITEM	APPROVED FEES AND CHARGES (GHS)
For every photocopy of an A4 size page or part thereof	0.27
For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	0.38
For a copy in a computer-readable form on external storage device	0.29
For a transcription of visual images, for an A4 size page or part thereof	1.28
For a copy of visual images	3.50
For a transcription of an audio record, for an A4 size page or part thereof	0.70
For a copy of audio record	1.00



Processing & Decision on Applications

- Sec. 23

**Notify applicant
within 14 days
indicating**



- ❖ If access to information shall be given or not
- ❖ Or partial access be granted with reasons

**If access will be
granted, notice
should indicate...**



- ❖ The manner of access
- ❖ Reason for partial access (e.g. part is exempt)
- ❖ Date of publication in case of deferred information
- ❖ Prescribed fees for reproduction
- ❖ Date information will be made available***

Refusal



If request will be refused, the reason for refusal shall be given backed by the necessary provision of the Act.

Non-existent Information and Extensions

Sec. 24 & 25



Where reasonable and practical steps have been taken to find the information requested and there are reasonable grounds to believe that the information does not exist...



The head of the institution may extend the time provided for dealing with the application if it large, third party and multiple sources.

- ❖ Period of extension—**not more than 7 days.**
- ❖ Information officer notify applicant within seven days of receipt of application.
- ❖ Reason for extension.
- ❖ Applicant's right to apply for review.

Referral and/or Transfer – Sec 20

Refer applicant to appropriate P.I which has custody or more closely related to information applied for **within 2 days** (*Recommended*)

Already Published Information

Direct applicant to relevant P.I and notify P.I of the request
(Sec.21)

Transfer application to the relevant P.I and notify applicant of the transfer.

The P.I **within 3 days** notify applicant of receipt of transferred application

Transferred applications will be considered as new application from the date of receipt

Deferred Access

*Information to be published in 90 days.

*Information yet to be submitted for consideration.

Notify applicant with reasons and duration of deferment
(Sec.22)



MINISTRY
OF
TRANSPORT

THE MANAGING DIRECTOR
GHANA AIRPORTS COMPANY LIMITED
KIA, ACCRA.

TRANSFER OF APPLICATION

The Ministry received a letter from the Multimedia Group dated 9th September, 2022 and we transfer the request in accordance with section 20(1)(a)(d) of the RTI Act 2019 (ACT 989).

Pursuant to section 20(4) of ACT 989, kindly find below the details of the transfer,

- Date of Transfer: 14th September, 2022
- Public Institution to which transfer is made: Ghana Airport Company Limited
- Reason for Transfer: The Ministry of Transport upon processing the request, established that the document (which is the subject to the RTI request) was not in the custody of the Ministry.

In this regard, you are to provide the relevant information to the Multimedia Group and inform the Ministry accordingly.

By copy of this letter, the Multimedia Group is to liaise with GACL on the request.

Thank you.

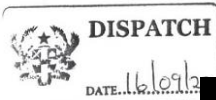
JULIANA ADJETEI
ASSISTANT RTI OFFICER
For: MINISTER

Cc: The Hon. Minister, MoT

The Hon. Dep. Ministers, MoT

The Chief Director, MoT

The Head, Research Desk, (Joy News)
The Multimedia Group



Tel: +233 (0) 302 955 793
Email: info@mot.gov.gh
Website www.mot.gov.gh

TRANSFER

Private Mail Bag, Ministries - Accra
Digital Address: GA-107-2101

Kindly quote this number and date on all correspondence

My Ref. No. SP1601349101

Your Ref. No.

Date: 16th September, 2022



HEAD OFFICE

Our Ref: GHAI/PRD 48/36

Your Ref. No.

Email: ce@highways.gov.gh
Website: www.highways.gov.gh
Digital Address: GA-107-2101

HIGHWAYS

GHANA
HIGHWAY
AUTHORITY

30th June, 2022.

Katakylie Kwasi Bumagama II
Office of the Omanhene
Sehwi Wiawso Traditional Area,
Post Office Box 4,
Sefwi Wiawso, Western North Region.

Dear Sir,

RE: Application for Information pursuant to Section 1 of the Right to Information Act, 2019 (Act 989) and Article 21(1)(f) of the Constitution of Ghana, 1992

We write to acknowledge your letter dated 23rd June, 2022 on the above subject matter.

Kindly note that under **Section 23 (1) and (2)(a) of the Right to Information Act, 2019 (Act 989)**, upon receipt of the request, the Information Officer is required to take a decision on the application and send a written notice within fourteen (14) days, stating whether or not access to the information will be given. Per this provision, your request for access to information has been granted.

A hard copy of the information requested can be picked up at the Public Affairs Division of the Ghana Highway Authority on 12th July, 2022. Pursuant to **Section 75(1) of the Right to Information Act, 2019 (Act 989)**, please be informed that you are required to pay an amount of **Two Hundred and Eighty Ghana Cedis (GHC 280)** as the cost for reproduction.

Yours faithfully,

Ing. Christian Nti

(Ag. Chief Executive) 16/05/22

P.O. BOX GP 1641, ACCRA - GHANA
Tel. 0302 - 961616 0302 - 961620
0302 - 961641 0302 - 961427
0302 - 965363

GRANTED



NATIONAL ROAD SAFETY
AUTHORITY

Ensuring Safety, Protecting Lives

Head Office, 5A South Ridge
Haile Salassie Street
P.O. Box OS1683 Osu, Accra
GA-079-0533
Tel: +233 (0)302 661111

Our Ref: NRS/RS/STAT/1001/22

19th April, 2022

The Director,
Center for Environment and
Health Research & Training
Box Sk482, Sakumomo

Attn: Joshua Etse Wemegah

Dear Sir,

RE: REQUEST FOR INFORMATION - ACCIDENT STATISTICS FROM CENTRAL UNIVERSITY COLLEGE - SOGAKOPE AND POKUASE - NSAWAM FROM (2020, 2021, 2022)

We refer to your application for information dated 05/04/2022 on the above subject.

The National Road Safety Authority would like to bring to your notice that the Authority does not have the data your outfit is seeking. Statistics on road traffic crashes and casualties in Ghana does not contain such details as requested.

We would, therefore, like to refer you to the Building and Road Research Institute (BRRI) of the Centre for Scientific and Industrial Research (CSIR), the Consultants for collating and compiling the data for assistance. You may contact Dr. William Ackaah at the BRRI via ackaahwillie@yahoo.com or 0243479021.

By a copy of this letter, Mr. Ackaah is kindly requested to assist in this regard.

We count on your cooperation whilst appreciating your contribution in promoting safety on our roads.

Yours faithfully

David Osafo Adonteng
Ag. Director-General

Cc: Dr. William Afukaar, Building and Road Research Institute, Kumasi

REFER



ACCESS
TO
INFORMATION DIVISION
(ATID)

Sample Response 1

Our Ref: GHA/PEO 44/104

Your Ref. No.....

Email: ce@highways.gov.gh
Website: www.highways.gov.gh
Digital Address: GA-107-2101



REPUBLIC IN GHANA

HIGHWAYS

GHANA
HIGHWAY
AUTHORITY
HEAD OFFICE

10th October, 2022.

Mubarc Krafia
Accra.

Dear Sir,

RE: INFORMATION REQUIRED UNDER THE RIGHT TO INFORMATION ACT, 2019

RTI REQUEST ARTICLE 21(1)

We write to acknowledge your letter on the above subject matter.

However, we are unable to furnish you with the information requested because maintenance works on the motorway is still ongoing.

Accordingly, we have deferred access to the information requested subject to Section 22(1)(b) of Act 989, which states that "A public institution may defer access to information if it is information which has been prepared for submission to any person and is yet to be submitted."

We shall endeavour to provide you with full cost details within 90 days as stipulated by the law.

Yours faithfully,

Ing. Christian Nti

(Ag. Chief Executive)

P.O. BOX GP 1641, ACCRA - GHANA
Tel. 0302 - 961616 0302 - 961620
0302 - 961641 0302 - 961427
0302 - 966303

DEFER



REPUBLIC OF GHANA

MINISTRY
OF
TRANSPORT

THE EDITOR-IN-CHIEF
THE FOURTH ESTATE
LEGON, ACCRA.

RE: REQUEST FOR INFORMATION UNDER ARTICLE 21(1)(F) OF THE 1992 CONSTITUTION OF GHANA AND SECTION 18 OF THE RIGHT TO INFORMATION ACT, (ACT 989)

In accordance with the Right to Information (RTI) ACT 2019 (ACT 989) section 1 and 18, we have duly noted from your RTI request and wish to provide responses in pursuant to Section 23 of the RTI ACT 2019 (ACT 989).

1. Kindly clarify what you mean by "the membership and scope of the Ministry of Transport Joint Evaluation Team on the Boankra Inland Port project".

2. Recommendations the Team gave to the Ministry is exempt from disclosure as the information will reveal the opinion and recommendations made to the Ministry and is likely to undermine the deliberative process in the Ministry. This is in line with Section 13(1a) (1b) of the RTI ACT 2019 (ACT 989).

3. Pursuant to section 10(e) of the RTI ACT 2019 (ACT 989), Information regarding the scope and terms of reference of the Entity Tender Committee the Ministry formed after the Evaluation Committee is exempt from disclosure as the information contains instructions that relate to negotiations being carried on, or on behalf of the state.

4. The Membership of the Entity Tender Committee are as follows;

i. Chairperson	Hon. Kwaku Ofori Asiamah
ii. Member	Mr. T. A. Selby
iii. Member	Mr. Emmanuel N. Num
iv. Member	Mr. Clarence Kuwornu
v. Member	Mr. John Amedior
vi. Member	Mr. Prince Kwesi Annoh-Djan
vii. Member	Mrs. Halima Yakubu

Tel: +233 (0) 302 955 793

MIXED RESPONSE

Private Mail Bag, Ministries - Accra
Digital Address: GA-107-2101

Kindly quote this number and date on all correspondence

My Ref. No. _____

Your Ref. No. _____

Date: _____

5. Please be informed that, a copy of the report of the Entity Tender Committee cannot be disclosed as the information will reveal the opinion and recommendations made to the Ministry and is likely to undermine the deliberative process in the Ministry. This is in line with Section 13(1a) (1b) of the RTI ACT 2019 (ACT 989).

6. In accordance with section 13(1a) (1b) of the RTI ACT 2019 (ACT 989), Recommendations of Price Waterhouse Coopers cannot be revealed as the information will reveal the opinion and recommendations made to the Ministry and is likely to undermine the deliberative process in the Ministry. This is in line with section 13(1a) (1b) of the RTI ACT 2019 (ACT 989).

7. Kindly clarify what you mean by "The explanation the Ministry gave when Stockbridge complained about the decision to award the contract to Affum Limited"

8. We also wish to inform you that, information regarding question (8) does not exist per section 24 (1) of the RTI ACT 2019 (ACT 989).

9. In line with section 10(e) of the RTI ACT 2019 (ACT 989), Information regarding terms and conditions given to Ashanti Ports Services Limited on the Boankra project is exempt from disclosure as the information contains instructions that relates to negotiations being carried on, on behalf of the state.

10. Kindly clarify what you mean by "Whether the Ministry has given any concession to any other company or group of companies".

11. The contract for the Boankra Inland Port project cannot be disclosed per section 11(1a) (1b) of the RTI ACT 2019 (ACT 989), as it will prejudice the competitive position of the Ministry and adversely affect negotiations with third party.

12. A copy of the report of the transaction advisors cannot be disclosed as disclosure is likely to undermine the deliberative process in the Ministry. which is in line with Section 13(1a) (1b) of the RTI ACT 2019 (ACT 989).

Thank you.

JULIANA ADJETEY
ASSISTANT RTI OFFICER
For: MINISTER

MIXED RESPONSE



REPUBLIC OF GHANA

ACCESS
TO
INFORMATION DIVISION
(ATID)

Sample Response 2

Refusal - 26 & 27

Refusal to Process (Sec. 27)

Where the applicant fails to pay the prescribed processing fee for the reproduction of information within the period of time specified in the notice (Response)

This does not apply to the poor and PLWDs

Notify the applicant of the refusal

Refusal is subject to review and appeal by the aggrieved applicant

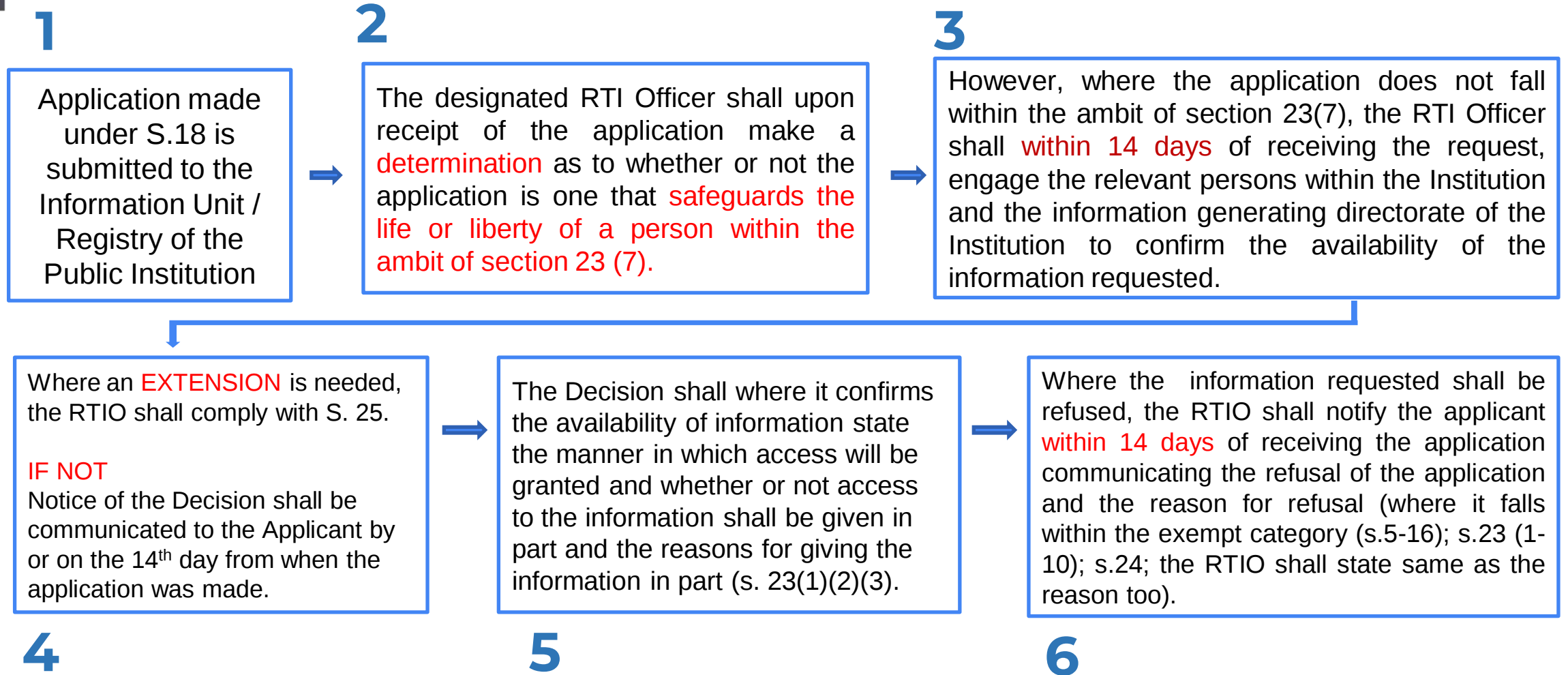
Refusal of Access (Sec. 27)

*If the application is manifestly frivolous or vexatious

*Information applied for is exempt

*Information officer shall notify the applicant giving reasons

Procedure For Processing Application– S. 23



Application for Review / Right Of Appeal



Institutional/Internal review:

Request made to head of institution
(S.31-35)



External review: request made to the Commission

Applicant should have exhausted internal review processes (S.66a)
*****Direct Access (S.67)**



The High Court

Applicant should have exhausted all rights of review by Commission
(S.66b)

Burden Of Proof

The **Public Institution** bears the burden of proof when the public institution refuses to grant access on the bases of:

Exempt information

Release may cause more harm to the applicant over and above public interest.

The **Applicant** bears the burden of proof when he/she asserts that:

The prescribed reproduction fee is not payable because the information requested is in the public interest.

He/she is indigent

Offences Under Act 989 (S.81 & 82)



S.81 - Willful disclosure of exempt information



S.82 - Wilfully making false statement to mislead others in order to obtain information.



S.82 – Failure or neglect by Information officer or other public officer to perform functions under the Act



S.82 - Destruction, alteration or concealing of document.



S.82 - Seeking or gaining access to personal records under false pretenses



S.82 - False entry in a document

Sanctions (Sec. 82)



Summary conviction of a fine between 250 - 500 penalty units.

(“Penalty unit” refers to such units established by the Fines (Penalty Units) Act 2000 (Act 572). The monetary value of a penalty unit stands at GH¢12.00.)



Imprisonment between 6 months - 3 years.



Or both

Immunities For RTI Officers (Sec. 74)



74(1)

An information officer is not liable to any action, claim, suit or demand whether criminal or civil for an omission or action taken by that information officer who in the course of duty provides information to an applicant or in compliance with the provisions of this Act.

74(2)

The giving of information under this Act or the making of a decision to give information does not constitute, for the purposes of the law relating to defamation or breach of confidence, an authorization or approval of the publication of the information by the person to whom information is given.



Actionable Takeaways



Be vigilant when processing access to information requests – take note of exempt information.



Always take note of the 48hr & 14 Day processing timeline. Failure to respond to an application within 14 days is deemed refusal of the request.



Always be mindful of the duties the RTI Act imposes on all public officials



Anybody (age/gender/nationality) can apply for information without giving reasons [S.1(3)]. Except the application needs to be treated as urgent [S.1(4)]

THANK YOU

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