

Information Disclosure Policy Guidebook

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Preface

The Right to Information Act 2009 was enacted to ensure the transparency and accountability of government, non-government and autonomous organizations. Two things have been given particular importance in the Act: first, every citizen shall have the right to request information from the authority, and second, the authority shall, on demand from a citizen, be bound to provide him/her with the information.

The Management and Resources Development Initiative (MRDI), with support from USAID PROGATI, has provided technical support to draw up information publication policy for non-government organizations with the purpose of setting examples in transparency and accountability by making information readily available.

Different organizations have different ways of working and even if they are working in the same field, have varying degrees of capacity. Due to this diversity, preparing an information disclosure policy guide for all organizations was challenging and experience gained from it has been valuable. A standard template has been used, which, after training, 39 non-government bodies have adopted in order to prepare their information disclosure policy.

In an experience sharing meeting on information disclosure policy development, Information Commissioner Professor Dr. Sadeka Halim stressed upon the need for developing a separate guideline for the non-government organizations. Alongside, from the experiences gained through the process, MRDI thought it would be useful to publish a guide that would help non-government organizations facilitate disclosure of information. In this guide, the experiences of the trainers and the organizations formulating the policy were used to illuminate and explain each chapter. We have also tried to explain the kinds of challenges that organizations will face in the process.

MRDI is hopeful that the guidelines that helped 39 organizations to formulate their RTI policy will help others to deal with the process of making information available to citizens. The guide conforms to all the provisions of the Right to Information Act 2009. Practical aspects have been highlighted more than the theoretical aspects.

Information management is an ongoing process. Any observations or suggestions on this guide will help strengthen that process and enrich this booklet.

We are grateful to Sanjida Sobhan, Coordinator (good governance) and RTI focal point of Manusher Jonno Foundation, for providing training on information disclosure policy and for writing this guide. Information Commissioner Professor Dr. Sadeka Halim went through the text and provided guidance which has improved quality of the publication in terms of its design and content.

Dr Ananya Raihan, Executive Director of D.Net and Suraiya Begum, Assistant Director of Research Initiative of Bangladesh have given valuable insights after reading the booklet. We express our gratitude to both of them.

USAID/PROGATI deserves praise and gratitude for their support in publishing this guide for non-government organizations practicing right to information.

User Instructions

- This guide will act as a simple and concise aid to policymaking for private organizations (institutions constituted or run by government or foreign financing).
- This supports the RTI Act section 4 and the Right to Information rules 2010 which say:

“Every authority shall publish and publicise all information pertaining to any decision taken, proceeding or activity executed or proposed by indexing them in such a manner as may easily be accessible to the citizens.”

And

“Effective internal policies and systems shall be developed for preservation of information.”

- The first part of the guide discusses the disclosure of information, reasons for it, publishing information of the organization's own accord, and the link with non-government organizations.
- The second part provides model templates and provides suggestions about what to write with each part of the template. This should help organizations trying to formulate information policy.
- The guide provides detailed analyses which will make it easier for non-government organizations to deal with policymaking.
- The last part deals with challenges that the organization may face in drawing up policy..., and should help organizations become better prepared.
- The various sections of the RTI Act may seem more consistent with the workings of government bodies and thus we have kept non-government organizations in mind when dealing with and explaining sections.

Chapter One

Right to Information Act and Non Government Organizations

The government of Bangladesh on April 5, 2009 enacted the Right to Information Act 2009 with the aim of ensuring transparency, accountability and good governance at all public, autonomous and statutory organizations and at other private institutions constituted or run by government or foreign financing.

Since the enactment of the law, many steps have been taken by government and non-government bodies to implement the RTI Act 2009, including establishment of an independent Information Commission, appointment of designated officer in charge, institutional reforms, capacity building and improved systems for information preservation and publication. It is clear that when it comes to establishing the right to information, one of the challenges is for non-government organizations to prepare themselves alongside government institutions.

The RTI Law heralds a new era of openness and access to information for the people of Bangladesh. The law has provided legal basis for the people's right to have information while obligating all public, autonomous and statutory organizations and at other private institutions constituted or run by government or foreign financing, to provide information. The Act considers non-government organizations as "authority" bound to provide information.

The introduction to the Act mentions that the law has been passed to ensure transparency and accountability in all public, autonomous and statutory organizations and in other private institutions constituted or run by government or foreign financing. Section 4 of Chapter 2 clearly states: "Subject to the provisions of this Act, every citizen shall have the right to information from the authority, and the authority shall, on demand from a citizen, be bound to provide him with the information."

Authority under RTI Law (Article 2)

- (i) any organization constituted in accordance with the Constitution of the People's Republic of Bangladesh;
- (ii) any ministry, division or office established under the Rules of Business made under article 55(6) of the Constitution of the People's Republic of Bangladesh;
- (iii) any statutory body or institution established by or under any Act;
- (iv) any private organisation or institution run by government financing or with aid in grant from the government fund;**
- (v) any private organisation or institution run by foreign aid in grant;**
- (vi) any organisation or institution that undertakes public functions in accordance with any contract made on behalf of the government or made with any public organisation or institution; or**
- (vii) any organisation or institution as may be notified in the official Gazette from time to time by the Government;

So, like government bodies and autonomous and statutory institutions, citizens can request information from non-government organizations and if requested, non-government and charity organizations are bound to provide information. The enactment of the law has on one hand opened the door for the public to seek information and on the other hand it has removed obstacles to forcing authorities to provide access to information.

The importance of implementing Right to Information Act:

The proper implementation of any law after its enactment is always a major challenge. The implementation of the RTI Act 2009 is also facing any challenges. In particular, the right of

access to information is not a very widespread concept in Bangladesh and thus the implementation of the law has been uneven.

For the poor and marginalized populations who are involved in a daily struggle for survival the right to information remains an alien concept. Although a significant portion of the budget is allocated for the welfare of marginalized communities, if those communities are unable to enjoy the benefits of the allocated funds or services, then it will be impossible to improve their standards of living.

So, even if the budget allocation for the marginalized communities keeps increasing, unless that allocation reaches those communities, it will merely result in wastage of public funds and will fail to impact their lives. In order to ensure accountability and to make sure people avail government services, access to information is essential. For this reason, every citizen's right to receive information must be upheld. In reality, disenfranchised populations are usually in the dark about their right to information.

In many cases, the organizations designated as "authority" to provide information are themselves unaware of the provisions of the RTI Act and the associated concepts. The 1923 official secrets act and other laws place restrictions on publishing state information. Before the RTI Act 2009, there was no compulsion to provide information and government employees were usually secretive about information. The Right to Information Act 2009 has given us the opportunity to leave behind this culture of secrecy. But since it is still a new concept, a mental block still exists, both among citizens and government/non-government organizations.

The role of non-government organizations:

Even though non-government organizations were at the forefront of the movement to enact Right to Information Act, the concept of implementation was unclear to them, especially at the mid-level and field level. According to the new law, non-government or private organizations, especially those constituted or run by government or foreign financing, are obligated to provide information under RTI act 2009. Accordingly, non-government organizations must prepare themselves and build capacity in preserving and publishing information. Apart from providing information about their own activities, the non-government organizations also play an important role in helping the public access information through RTI. Since these organizations are involved in charitable and development work, they may face requests for information related to those activities. Many organizations are engaged in rights advocacy and research and it is important for them to set examples when it comes to accountability and transparency. This is one of the reasons why these organizations are identified as "authority" in the right to information act.

In light of the above, it is deemed essential for non-government organizations to develop internal mechanisms and to build capacity when it comes to preserving and publishing information. Different organizations have different capacities, and their scope and type of work is also different. The background of their work, the context of their interaction with the community and their relationship with the local administration is likely to vary from case to case. However, if the public gets different reactions from different organizations when trying to access information, this unevenness may contravene the letter and spirit of the RTI Act.

If the non-government organizations have a consistent policy in dealing with requests for information under the RTI Act 2009, it will help the uniform implementation of the law. Keeping this in mind, it becomes essential for non-government organizations to draw up consistent policies.

Chapter Two

Disclosure of Information

Before drawing up a policy for disclosure of information, it is important to become familiar with the provisions of the Right to Information Act. The information policy should be formulated in light of the RTI Act.

Citizens can access information preserved by the “authorities” in two ways:

1. **Proactive Disclosure:** This is the first to ensuring transparency. When the authority publishes information without a request.
2. **Information on demand:** When the authority makes information available upon request from a citizen.

The RTI Act section 6 describes publication of information at the authority’s own volition. The section spells out the types of information authorities are expected to publish of their own accord without a specific request.

The law says —

- Every authority shall publish and publicise all information pertaining to any decision taken, proceeding or activity executed or proposed by indexing them in such a manner as may easily be accessible to the citizens.
- In publishing and publicising information under sub-section (1), no authority shall conceal any information or limit its easy access.

There are three types of obligations when it comes to publishing information.

- First, information published at the authority’s own volition (Section 6)
- Second, when a request for information is made through the prescribed process, the authority must respond by publishing the information. (Section 8)
- If the request for information is denied, the information may be made available through an appeal. (Section 24)

The purpose of proactive disclosure:

- Citizens will have a clear idea about the authority’s activities, decisions and services.
- Through informing the public, the authority’s accountability will be ensured.
- Citizens will be empowered, knowing the services provided by the authority and being able to participate in the process.
- There will be a climate of understanding between the consumer and the service provider which will strengthen participatory democracy and ensure better services.
- The regular publication of information will allow regular updates and improved systems for preservation and management of information.

Legal obligations to proactive disclosure:

A. Every authority shall publish a report every year which shall contain the following information, namely:—

- Particulars of its organisational structure, activities, responsibility of the officers and employees, or description and process of decision making;
- Lists of all laws, Acts, Ordinance, rules, regulations, notifications, directives, manuals, etc. of the authority including the classification of all information lying with the authority;
- Description of the terms and conditions under which a citizen may get services from the authorities in obtaining any license, permit, grant, consent, approval or other benefits and of such conditions that require the authority to make transactions or enter into agreements with him;
- Particulars of the facilities ensuring right to information of the citizens, and the full name, designation, address, and, in cases where applicable, fax number and e-mail address of the assigned officer.

The annual report with the above information must be published. It must be displayed so that the public can see it and its copies must be stocked for sale at a nominal price.

- B. Information about decisions taken: If any authority takes a policy decision or any other important decision, it must be made available to citizens and if necessary, the authority must also provide reasons/explanations behind the decisions.
- C. Publication: The published material must be made available to the public at a nominal cost.
- D. Matters of public importance: The authority will publicize matters of public importance through press conferences and other means.

Publication of information at the authority's own volition must be done keeping in mind some specific aspects, such as: what information should be collected and prepared, who will collect the information, from where it will be collected, when it will be collected and updated and how it should be disseminated. By formulating an effective policy, it is possible to publish information regularly and at a high standard. The process of publishing information according to the provisions of the Right to Information Act and the right to information rules as well as the internal system of updating and adding information should be included in the policy.

Chapter Three

A Guide to information disclosure policy

Preparation:

The formulation of a policy for information disclosure is an important step in ensuring the accountability and transparency of any organization. This initiative must come from within, and it should not be dependent on the wishes of donor organizations or registration authorities. The policy should be considered essential, just as every organization has a human resources policy or an administrative policy. The difference with other policies is that it must be consistent with a particular law. In the preparatory stage, the executive body may form a committee to find out what kind of information the organization holds and invite recommendations as to how the preserved information can be published.

The executive director of the organization will designate an officer in charge. If the policy is drawn up under his supervision by soliciting opinions from the staff members, there will be a sense of ownership. After formulation of the policy, it may be discussed in the executive committee and adopted after modifications, if any.

1. Legal basis.

The legal basis of any policy is whether it is approved by the legitimate committee running the organization. If it does not have legal basis, it will not be valid and will never be implemented.

- A. Approving authority: The legality of the policy must be ensured. In case of non-government organizations, it is usually the executive council that approves all policies as the approving authority. If the policy is accepted by the approving authority, it should be mentioned in the first page. According to the constitution of the organization, approval of a policy may require a meeting of the EC, an extraordinary general meeting (EGM) and an annual general meeting (AGM). If it is approved with the full knowledge and participation of all members, it will gain acceptance as a legally valid document.
- B. Date of approval: The date on which the policy is approved by the committee must be recorded.
- C. Date of implementation: The information policy may not be implemented as soon as it is approved. The Right to Information Act 2009 didn't come into force as soon as it was enacted. The organization may decide on a date for implementation based on its individual capacity. But it should never be more than 30 days. The implementation needs time because of designation of an officer, familiarization with the law, preparation of a data bank and putting in place a system for disclosure of information. All of this needs time and preparation. But if the organization is confident in its capacity, it should attempt to implement the policy in 15 days. The date of implementation should be recorded in the policy. But it is important not to delay for too long.

Sample:

Legal basis.

Approving authority: General Committee

Date of approval: 20 March 2012

Date of implementation: 1 April 2012

Introduction:

The introduction should consist of a brief description of the organization's activities, a commitment to freedom of information and a declaration of respect for the law.

2. The basis of the policy and precedence.

- A. **Other supporting policies effective at the organization.** In this section, a description of other policies effective in the organization should be given. It should be mentioned that the information policy will be equally important and should take precedence. If the disclosure of information is in any way linked with the operations, goals and constitution of the organization, this should be mentioned.

Sample:

Information disclosure policy will involve other existing policies of the organization (such as human resource policy and procedure, financial policy and procedure, administrative policy, gender policy) and in terms of application this policy will get priority.

- B. **The rationale for formulating an information policy.** The rational basis of the policy should be explained. The organization should explain why it thinks the policy will aid its goal of helping the poor and marginalized communities and how it will bring transparency to its activities. It may also be mentioned that the organization is taking its obligations under the RTI Act 2009 seriously and is playing its part as an 'authority'.

Sample:**The rationale for formulating an information policy**

.... Organization feels that lack of information creates a barrier to bringing about positive changes to the condition and position of common people. Access to and flow of information will empower people to separate the good from the bad. Information disclosure policy will facilitate people's involvement with the vision of the organization. (Vision may be mentioned here.) It will also ensure transparency and accountability by enhancing overall image of the organization through easy access to information.

- C. **Title of the policy.** The policy could have a name and if so, this can be mentioned. For example, many organizations have named their policy "Information disclosure policy 2012". It can be information publication policy, as well.
- D. **Glossary of terms.** The words and terms that need clear definitions and explanations will be described here. For example, what the organization means by 'information' can be explained here. If not in all the senses 'information' has been used, the organization can draw up its own explanation in light of the legal provisions of RTU Act 2009.

The terms should be explained specific to the organization and not just be a repetition of the legal provision. For example, the term 'designated officer' should be explained by specifying the position in the organogram. Similarly, the prescribed format of the application, the appeal authority etc should be clearly explained. The glossary should be in alphabetic order.

Sample

Glossary of terms

Appellate Authority: Executive Director of the organization will perform the responsibility of appellate authority.

Designated officer: Personnel (office based, operational area based) appointed by the chief executive of the organization directly involved in information disclosure and enlisted in the information commission on behalf of the respective organization. Designated officer of the organization “A” will be the administrative officer of the organization.

Executive committee: Executive committee according to the constitution of organization. This committee will place, recommend and approve proposal for implementation of information disclosure

Form: If required, the organization will develop a form and use the template of Information Commission.

Information Commission: Commission established under the RTI Act 2009.

Information: Documents pertaining to and including constitution of the organization, policy, programme, organogram, memo, office circular, notice, contract paper, manual, module, certificate, report, project proposal, picture, paper cutting, copy of budget, audit report, annual report, publications, citizen charter, audio – video copies, information in CD format, information, education and communication materials.

According to the RTI Act “information” includes any memo, book, design, map, contract, data, log book, order, notification, document, sample, letter, report, accounts, project proposal, photograph, audio, video, drawing, painting, film, any instrument done, through electronic process, machine readable record, and any other documentary material regardless of its physical form or characteristics, and any copy thereof in relation to the constitution, structure and official activities of any authority.

Organization: Means organization “A”.

Regional office/branch office: Regional coordination office means (mention name of the office).

Right to Information Act, 2009: Right to Information Act was passed by the Parliament on 29 March, 2009 and was published as gazette on 6 April, 2009.

3. Policy implementation

The practical details of implementation should be described in this section. Who will implement the policy and how? How will information be collected and preserved? How will it be published?

3.1 Details of the designated officer: The RTI Act has called for appointment of a designated officer within 60 days of setting up the organization (Section 10). So a designated officer must be nominated within that time frame and this must be communicated to the Information Commission. The role of the designated officer

is clearly spelt out in the Act. Citizens will apply to the designated officer for information and he/she will provide it. If there are several branch offices, one officer must be designated for each office. The designated officer's name and designation must be made available and this will be mentioned in the policy. There is no requirement that a fresh appointment must be given for this. It may be an additional responsibility conferred on a member of the existing staff.

Things to consider when designating an officer in charge:

- Someone who is usually present in the office.
- Someone who has access to a lot of information so as to minimize time wasting.
- Someone who has a helpful attitude towards citizens.
- Someone who is not overburdened with work.
- Someone who has good judgment since he/she will often have to make a call on what information to disclose and how to deal with citizens looking for information.

3.2 Scope of work of the designated officer: The scope of the officer's work must be explained. His most important function is to accept requests for information and to provide that information within the time frame. Publishing information proactively is part of the scope of work. According to RTI Act section 9(10), helping a disabled citizen to access information is also part of his job.

3.3 Those assisting the designated officer: In relatively large organizations, there may be a need to have other officers assisting the officer in charge. The designated officer may ask for assistance in handling requests for information, and in managing information. The policy should state that it is the duty of all other officers to help the officer in charge whenever possible.

3.4 A stand-in for the designated officer: When the officer in charge is absent, there should be another officer who will stand in for him. This should be clearly spelt out in the policy. The policy should mention that the duties of the substitute will be the same as the officer in charge.

Sample: (Scope of work of the designated officer will be determined on the basis of the organization's scope of work.)

Details of the designated officer: A permanent management / administrative staff of the head office will be appointed as the designated officer with the approval of the chief executive.

Those assisting the designated officer: Someone (mention position) may be attached with the designated officer as an associate who could also represent the DO when needed.

A stand-in for the designated officer: In absence of the designated officer, an alternative will be selected by the organization. But in case the officer resigns from the organization or is discharged from the responsibility, a fresh officer has to be appointed and the commission has to be informed within 30 days.

Eligibility: Clear conception and knowledge about the RTI Act, 2009, Information Disclosure Policy of the organization and also about the forms used for the purpose are mandatory.

Scope of work of the designated officer:

- He/she will receive and process information requests and provide information.
- Provide information to the applicant in accordance with the policy.
- Designated officer may seek help from other relevant officers in case of providing important information of the organization.

- Designated officer will maintain an updated index/list of information, which again will be updated at a certain interval with the approval of the chief executive.
- Designated officer will present briefs of information requests and responses in the monthly/quarterly management meeting.
- Files of proactive disclosure have to be maintained and updated.
- An applicant who is disabled has to be given all support and cooperation.

3.5 The appellate authority: According to the section 2(a) of the RTI Act, the appellate authority will be the administrative head of the office immediately superior to the office where the information has been sought; or if there is no superior office, then the administrative head of the office where the information has been sought. If an organization has a head office and several branch offices, the head of the head office will be appellate authority. In case of non-government organizations, the chief executive is the administrative head, and usually he will be the appellate authority.

3.6 Scope of work of the appellate authority: The main duty of the appellate authority will be to dispose of the appeal within the specified time frame and issue instructions to provide information through the appeal process. The appellate authority will aid in any initiative to voluntarily disclose information – this should be mentioned in the policy document.

3.7 A stand-in for the appeal authority: When the officer who is in charge of appeals is absent, there should be another officer who will stand in for him. This should be mentioned in the policy. Usually the officer who has charge of the office in the chief executive's absence will be the stand-in appellate authority.

Sample:

Description of the appellate authority:

Executive Director will be the appellate authority of the organization. In case of his/her absence, director or an officer nominated under the policy of the organization will take the responsibility.

Scope of work of the appellate authority:

Appellate authority will dispose of the appeals within 15 working days.

Authority will review document/report of the designated officer and arrange hearing in presence of the applicant, if needed, and take a reasonable decision.

Appellate authority may seek views and suggestions of the executive committee for taking necessary actions under special circumstances.

If summoned by the Information Commission, he/she will represent the organization.

4. Classification of information and process of disclosure.

4.1 Classification of information. It is necessary to classify all information available to the organization in order to preserve and manage information and to make it available to citizens. Under the Right to Information Act, some information is to be voluntarily disclosed while some can be made available on request i.e., there are two types of information.

According to the Right to Information (information preservation and management) Rules 2010, information is divided into four types: A) permanent information (e.g., policy, laws, and state documents) B) semi-permanent information (e.g., service records, development project documents, budget) C) ordinary information (e.g., documents related to procurement, transfer of officials, training) and D) routine information (e.g., temporary information that doesn't need to be indexed). This classification is consistent with information management in government offices. Relatively large non-government offices too can follow this classification.

For most non-government organizations, it may be sufficient to draw up a list of the information preserved by the organization and then divide it into three types: information voluntarily disclosed, information disclosed on demand and information that need not be disclosed.

When preparing the list of information, it is good practice to fix a fee where applicable based on the RTI Act. In such a case, the fee should never be more than the market price. In fact, non-government organizations can set an example by providing information free of cost.

- A) **Information to be voluntarily disclosed.** Voluntary or proactive disclosure means publishing information at the organization's own volition in the absence of a request. Voluntary disclosure of information signals willingness to implement the Right to Information through openness and transparency. It is an excellent way of building a relationship of trust with beneficiaries and stakeholders. The policy document can have a list of information that will be voluntarily disclosed. The organization can give an explanation of what it considers to be voluntary information and attach the list as annexure. The greater the volume of information published voluntarily, the less RTI requests the organization will face.
- B) **Information to be disclosed on demand.** Information that will only be disclosed following an RTI request will fall under this category. This list can also be added as part of the policy document.
- C) **Providing certain types of information not mandatory.** The RTI Act makes it compulsory to disclose information, except for 20 situations which are exempt. As a rule, it is important to remember that situations where society will be harmed, state security will be jeopardized or individuals may be defamed or hurt have been granted exemption in the Act. This list of exemptions will be included in the policy document and the reasons will be available in written form with the officer in charge. It is good practice to identify any information that appears unpublished based on experience, and to add it to the policy. This will help the organization to take decisions in preserving and publishing information. Some examples of information that are exempt from right to information are given below:
 - Personal files of employees and beneficiaries (section-7). Example: many organizations work with victims of HIV/AIDS, domestic abuse, sexual abuse etc. Disclosure of personal information could jeopardize the safety of the beneficiaries in such cases.
 - Advance information about recruitment, procurement or sales (section-7) – this is logically unpublished information.
 - Projects that are yet to be approved, ongoing research, investigative surveys etc. These are protected as intellectual property.
 - Documents related to a case under investigation.
 - Any Sub judice cases – matters which are under consideration by the court.

Sample:

- A) Proactively disclosed information. The information detailed below will be proactively disclosed:
- Organization's programmes
 - Organization's profile
 - Organization's registration number
 - List of working areas
 - Address of the organization
 - Print materials of the organization
 - Name of designated officer
 - Service and its charges
 - Organogram
 - List of the board of directors
 - Project descriptions
 - Number of beneficiaries
- B) Information for disclosure on request. The information as listed below will be disclosed on request:
- Different policies
 - Audit reports
 - Budget of the organization
 - Master-roll
 - Constitution
 - Bank information of the organization
 - Financial information
 - Procurements and related information
 - Names of beneficiaries
 - Administrative registers
 - Approved FD6
 - Audio-visual documents
- C) Information which is not mandatory for disclosure:
- Personal information of workers and beneficiaries
 - Information related to cases under process
 - Procurement under process
 - Research and approved project proposals which are intellectual property of organization

4.2 The procedure for providing information. How each category of information will be disclosed must be part of the policy.

- A) **Process of voluntary disclosure of information:** Information that will be proactively disclosed should be identified in advance. How this type of information will be disclosed will be set out in the policy document. The RTI Act requires organizations to publish an annual report which will contain some information that is meant to be voluntarily disclosed. Apart from this, the Right to Information Rules 2012 has set out some mediums of publication. For example, the profile of the organization, its organogram, activities and its executive committee should be published in print and on the website. The policy document might mention that information will be proactively disclosed through press releases, billboards, white papers etc.

- B) Process of disclosure on demand.** In response to an RTI request, information may be provided in written form, as well as CD, photocopy, visit etc. Details of this entire process should be mentioned in the policy document.

Sample:

The procedure for providing information

A. Process of proactive disclosure of information

Proactive information will be disclosed through annual report, brochure, website, notice board, bill board, information board, citizen charter, sign board, sticker, poster, booklet, leaflet, publicity materials etc.

B. Process of disclosure on demand

Dissemination of copy and information in electronic/digital version will be disclosed through CD. Photocopy and written copy will be provided. Information will not be provided through a medium in which information can be distorted.

5. Information management.

- A) The procedure for requesting information and time frame.** The key part of policy implementation is to disclose information proactively and through RTI requests. The procedure of accepting RTI requests and the associated time frame should be described in the policy document. For example, whether there will be a prescribed application form and if so, where it will be easily available (website, office of the designated officer) etc. The Right to Information Rules 2009 contains a prescribed form for RTI application. Apart from the form, requests may also be accepted on regular paper in the prescribed format. This should be mentioned in the policy document.

The policy must mention the following in light of the RTI Act:

- The number of days following the RTI request within which information must be provided.
- If information cannot be provided, the number of days within which the applicant must be notified in writing (with reasons).
- The reasons for refusal in providing information must be set out in the policy including various scenarios. This will allow the designated officer to remain informed about what information cannot be provided and why. It is worth remembering that in the spirit of openness and transparency, it is best to have as few refusals as possible.

Time frame under RTI Law:

- Provide the information to the applicant within 20 (twenty) working days from the date of receiving the request. [Article 9(1)]
- If more than one unit or authority are involved with the information sought, such information may be provided within 30 (thirty) working days. [Article 9(2)]
- Due to any reason, if the DO fails to provide the information sought, he shall inform the applicant the reasons thereof in writing within 10 (ten) working days. [Article 9(3)]
- If a request is related to the life and death, arrest and release from jail of any person, the officer-in-charge shall provide preliminary information thereof within 24 (twenty-four) hours. [Article 9(4)]

In no circumstances should the time limit be more than the time frame set out in the Right to Information Act. On the contrary, if the time limit in the policy is less than the statutory limit, it will be consistent with the spirit of freedom of information and will

encourage citizens. The designated officer may be required to perform another function: to record in a register the information provided in response to RTI requests. The register may contain the date of application, date of disclosure, the name of the applicant and the fee (if any). Those organizations which have websites can publish this information online. If the information is recorded, it will be easy to provide it to another applicant. The list of information disclosed may be published in the annual report as well.

Information management:

Under the RTI Act 2009 a person using the form-‘ka’ may apply to the designated officer requesting information either in writing or through electronic means or through e-mail.

- In case of using blank paper instead of form ‘ka’, the applicant has to mention his/her name, address, cell phone number, Email ID (if any), what type of information is required, details of the required information. He/she has also to mention in which format the information is sought.
- Where access to information is required by a perceptual handicapped person, the designated officer shall provide all assistance.
- Designated officer shall provide applicant with acknowledgement receipt.
- Designated officer shall provide the required information within (fix the number of days).
- If more than one unit or authority are involved with the information sought for, such information may be provided within 30 (thirty) working days.
- If the designated officer, due to any reason, fails to provide the information sought for, he shall inform the applicant the reasons thereof in writing within 10 (ten) working days in prescribed form ‘kha’.
- When any information sought for is available with the officer-in-charge, he shall determine a reasonable price of that information and shall request the applicant to pay the price within 5(five) working days.

It may be noted that if a request is related to the life and death or harassment of any person, the designated officer shall provide information thereof within 24 (twenty-four) hours if the issue is within his/her jurisdiction.

B) The procedure for appeal and time frame. According to the RTI Act, the applicant may appeal in a number of situations.

- If the information is not disclosed in time.
- If the appellant is not satisfied with the information provided by the designated officer.
- If the authority charges too high a fee.

The applicant should appeal to the appellate authority using the prescribed form within the next 30 days. The Right to Information Act does not allow appeals on blank sheets of regular paper. The prescribed form C must be used to file an appeal. The procedure of dealing with an appeal and the time frame must be included in the policy document. Before disposing of the appeal, there should be a formal hearing where the applicant and the designated officer will present their arguments. After hearing both sides, the appellate authority can make the decision.

Sample:

The procedure for appeal and time frame

- If the applicant fails to receive information within the time specified or he/she is aggrieved by a decision of the designated officer, he/she may file an appeal to the

- appellate authority using form 'ga' within 30 days of expiry of such period.
- The appellate authority shall settle the issue within 15 days of receipt of the appeal through hearing in presence of the appellant, if needed.
 - The appellate authority will either direct the designated officer to provide information or dismiss the appeal.

C) The process of collecting and preserving information. The policy will set out how the designated officer will collect and preserve information. The language used to preserve and provide information will be specified. The future plans for improving the preservation of information should be described in the policy document so that the organization may be constantly attempt to refine and improve the system. For example, publishing information on the website, annual report, notice board and moving to digital system as soon as possible.

The organization should determine the process of information management based on its capacity. It may not always be possible to follow the guidelines given in the RTI Act. (For example, taking the advice of the National Archives, in cataloging information may not be feasible for many organizations). Non-government organizations retain information regarding projects for at least five years, in accordance with the demands of the NGO bureau and donor agencies. In addition, there is some information that is permanently preserved. For example: policies, constitution, deeds, registration etc. This should be taken into account when drawing up guidelines for information management.

Sample:

The process of collecting and preserving information

Collecting information

Collected information will be preserved in a shelf at fixed corner of a room and an index or register will be maintained. As an alternative, the preserved documents can be kept at the concerned unit or department mentioning their location and the designated officer may collect copies. If applicable, information may be collected and preserved in electronic devices. Copy of important information may be preserved with special care. It may be noted that information will be preserved and provided in its original language.

Preserving information

The organization will classify information and preserve them in the index or register. Two types of information will be preserved: 1. Permanent information (To be preserved for 10 years or more), 2. Routine or general information (To be preserved for 3-5 years).

Information that can be preserved digitally will be preserved in the computer so that information can be provided in shortest possible time.

6. Information fees (if any) and the process of paying:

According to Section 9(6) and 9(7) of the Right to Information Act, a reasonable fee may be charged for the disclosure of information. Therefore, the policy document must have guidelines about how to determine reasonable fees. However, this fee cannot be excessive and it is better practice to provide information free of charge so that poor and marginalized communities can benefit from right to information.

When receiving fees, the organization should:

- Provide a money receipt.
- Put up a chart of fees in an easily visible location.

Sample: 1

Information fees and process of payment: organization cannot charge for the information as per the Act. However, it can charge for the CD and photocopy at market rate. In this case, the applicant must be informed about the charges within the 5 days of receiving application. Cheque/DD/pay-order/cash can be accepted for payment purpose. This payment has to be transferred to general account of the organization within that day or the next working day and the receipt of the payment must be issued to the applicant.

Sample: 2

Information fees and process of payment: The market rate will be followed for photocopy charges. If a CD is required to carry the information, the market price of the CD will be charged and if the CD is supplied by the applicant, the information will be given on the CD free of charge. The price of information should not exceed the market rate under any circumstances. The organization pay-slip (debit voucher) has to be provided for payment in cash/cheque/pay-order.

7. Refusal to disclose information, negligence and penalties.

Since the RTI Act has a provision for penalizing the designated officer in case of refusal to disclose information or negligence in providing information, this should be clearly mentioned in the policy document. This is intended to encourage the designated officer to disclose information free of pressure. It is expected that the penalty will cause the officer in charge and other officers of the organization to come forward with information. It will discourage a culture of secrecy and should encourage citizens to seek information. But when including this in the policy document, the organization should include a provision for the officer responsible to be identified and internally penalized rather than just putting the onus on the designated officer in charge. The organization should treat this on a par with punitive measures taken against employees guilty of indiscipline.

The organization should consider refusal or negligence in disclosing information a disciplinary offense and specify a penalty by including a relevant section in its code of conduct or terms of service.

Sample

Refusal to disclose information, negligence and penalties.

If the designated officer, refuses to accept application or fails to provide the decision or provides wrong, incomplete, perplexing, distorted information or creates impediments to getting information he/she will have to face punishment as per personnel policy of the organization.

8. **A) Updating information.** Keeping information up to date is most important in the interest of proper disclosure. If information is not regularly updated, there is scope

for confusion. Therefore the policy must provide guidelines about keeping information current and accurate.

If the information that is being disclosed is up to date, the public will benefit from it and will be able to use it. It should be made clear when proactive/voluntary information will be updated. The policy should mention that in addition to regular updates, once a year, the information will be assessed to make sure it is accurate and current.

B) Updating policy. Apart from updating information, it may become necessary to update the information disclosure policy based on positive and negative experiences. So it is important to review and update the policy every 18-24 months. This will ensure the effectiveness of the policy.

Sample

A) Updating information

Collection and storage of information is a continuous process. Employees of the organization will provide information regularly and the designated officer will update them at 15 days' interval.

B) Updating policy

Any clause or sub-clause of the IDP-2012 can be amended or new clause added in accordance with the decision of the executive committee. The policy will be updated according to any modification of RTI law or instruction of the information commission.

9. Annexure. The policy may have useful annexure attached to it including lists of information according to category, sample of application form and appeal form etc.

Template for disclosure of information:

Each organization has its own characteristics, values and goals. It is not possible to draw up a template including all of the diverse requirements. But the following template can serve as a model. While preparing the template, attention has been given to maximizing the limited financial and human resources non-government organizations possess.

1. Legal basis. (On the cover)
 - a. Approving authority.
 - b. Date of approval.
 - c. The date of implementation of the policy.

Introduction

2. The basis of the policy.
 - a. Other supporting policies effective at the organization.
 - b. The rationale for formulating an information policy.
 - c. The title of the policy.
 - d. Glossary of terms used in the policy.
3. Policy implementation.
 - a. Details of the designated officer.
 - b. Scope of work of the designated officer.
 - c. Those assisting the designated officer.
 - d. Who will stand in for the designated officer in case of his absence?
 - e. Details of the appeal authority.
 - f. Scope of work of the appellate authority.
 - g. Who will be in charge in the appellate authority's absence?
4. Classification of information and process of publication.
 - 4.1 Classification of information
 - a. Information provided voluntarily.
 - b. Information provided on demand.
 - c. Information provided on appeal.
 - 4.2 Process of publication.
 - a. Information provided voluntarily.
 - b. Information on demand/appeal.
5. Information management.
 - a. The procedure of application and the time frame.
 - b. The procedure of appeal and time frame.
 - c. The process of collecting and preserving information.
6. Fees for information (if any) and ways of paying the fee.
7. Refusal to disclose information, negligence and penalties.
8. Updating information.
9. Annexure.

Chapter 4

Challenges

A number of issues are involved in the implementation of Right to Information Act 2009. The Act aims to improve people's lives through better information management and better use of information. But in the initial implementation phase the important thing is to draw up an information disclosure policy. Such a policy will allow organizations to manage information in the right way.

The main parts of information management in accordance with the RTI Act are as follows:

1. Appoint a designated officer in charge.
2. Designate appellate authority.
3. Identify information and categorize information.
4. Collect and preserve information.
5. Publish, provide and disseminate information.
6. Keep information up to date.

To carry out the above tasks, it is important to have an integrated policy. When formulating the policy, it is vital to ensure that the policy itself is consistent with the spirit of providing, publishing and disseminating information for the public good. Non-government organizations may face some challenges while preparing the policy.

There are challenges in both the formulation stage and the implementation stage of the policy.

1. **Challenges while formulating the policy:** The disclosure policy must be consistent with the Right to Information Act 2009. Sometimes it is not easy to draw up a policy that is consistent with the Act and at the same time fits well with the organization's internal dynamics and capacity. Also, awareness about the RTI Act is still low among government and non-government officers and workers. Many people know about the existence of the law but have little idea about its scope, processes and obligations. Keeping in mind all of the above, it seems several specific challenges could emerge when formulating the policy.
 - **Determining the scope of information:** The RTI Act clearly defines what information is. There is an elaborate description of the types of information in the Act and the Rules. But in drawing up disclosure policy for non-government organizations, it was seen that several types of information were not relevant to them. On the other hand, non-government bodies held some of information that was not specified in the Act. It was also observed that some people have defined as information the process of disclosing information itself. For example, the annual report may be considered as information. But it is also a medium for disclosure of information.
 - **Reflecting the characteristic of the organization:** It is difficult to formulate a standard disclosure policy for multi-dimensional organizations. For example, many organizations working with women's rights are also active in micro-credit. Others may be working with domestic abuse and also deal with health issues. It is difficult to draw up a single policy that properly reflects the multifaceted activity of the organization.
 - **Classification of information:** Dividing the information into categories is important to ensure proper management. It is important to identify the information that will be proactively disclosed, information that will be disclosed in response to a request and types of information that will not be disclosed. It was observed that what one organization considered confidential was freely disclosed by another organization. For example, research findings have been categorized as intellectual property by

some organizations. But others want to place the findings in the public domain in a proactive way. Many non-government organizations work with sensitive issues such as health and sexual abuse. They don't want to make public information about their beneficiaries. Similarly, organizations that work with microcredit are often reluctant to disclose information such as interest rates and loan recovery rates.

- **Conservative mentality:** Our country is still not used to freedom of information. A culture of secrecy exists not only in government offices but in non-government organizations as well. As a result, top executive committees of non-government bodies often don't seem enthusiastic about RTI. The lack of enthusiasm exists from the chief executive to worker level. This is the outcome of decades of secrecy. This mentality may act as a barrier for designated officers as well. The notion that access to information is a basic right is still alien in Bangladesh.
- 2. **Challenges in implementation:** These problems are often seen in relatively small organizations.
 - **Appointing a designated officer.** The smaller non-government offices often have trouble designating an efficient person as officer in charge. The able officers are often over-burdened with work. Sometimes the designated officer has a poor knowledge of RTI and doesn't have the ability to manage information in accordance with the Act.
 - **Preservation of information.** If information is not properly preserved, it is difficult to find and disseminate quickly. It is not enough to just preserve information; it has to be properly categorized. Unless the system is modern, valuable information might be lost. Additionally, information that should not be disclosed must be categorized and preserved separately. Otherwise, confidential information may be disclosed by mistake. It is difficult for smaller organization to preserve information in the manner suggested by the Right to Information Rules 2010 since these organizations have varying degrees of capacity and use diverse methods to collect and preserve information.
 - **Lack of public awareness:** There hasn't been enough effort on the part of government and non-government bodies to raise awareness about the RTI Act since the law was passed. This has resulted in a lack of understanding about the provisions of the RTI Act and a low demand for information. Unless public awareness is raised, people will remain oblivious to their rights and the purpose of the Right to Information Act will not be achieved. We already see uneven implementation of the law. This can only be corrected by making people aware that information is a right and not a privilege.
 - **Keeping information up to date:** Smaller grassroots organizations don't have digital systems to preserve information and this makes it difficult for them to regularly update their information.

Chapter Five

The background of preparing this guide

The Right to Information Act identifies non-government organizations as ‘authorities’ for disclosure of information alongside government bodies. On the other hand, the non-government organizations are working with marginalized communities to improve their lives by campaigning for rights and holding government service providers to account. In light of the above, the non-government organizations are not only seekers of information but also providers. To ensure transparency and accountability of others, non-government organizations must set an example themselves.

Keeping this in mind, USAID/PROGATI and MRDI have been working to build up the capacity of non-government organizations and charities to bring them up to speed with the RTI Act. The purpose is to set an example when it comes to efficient management and disclosure of information. As part of this endeavor, MRDI with the support of USAID/PROGATI decided to draw up an integrated information disclosure policy for such organizations. Thirty-nine non-government organizations active at the grassroots level (exceptions were Khan Foundation - Dhaka, BITA – Chittagong and Rupantor – Khulna who work on a national level as well as a local level) were selected and given technical assistance to formulate an information disclosure policy.

To achieve this, a two-day training program titled “Formulating information disclosure policy for non-government organizations” was organized. The aim of the workshop was to help the selected organizations to draw up a policy in light of the RTI Act.

The training emphasized the right to information, the RTI Act and related issues. How the right to information can be integrated into the inner workings of an organization was explained in the sessions. In addition to this, the participating organizations were made aware of their role as information providing authorities.

This manual was used in the training to help the 39 selected organizations to formulate an integrated information disclosure policy. Almost all of the participating organizations successfully achieved this goal (Exception: Rupantor already had a policy. They decided to update it following the workshop). The policy was formulated to conform to the RTI Act and emphasized the practical aspects of implementation more than the theoretical aspects.

The trainees included the chief executives and other responsible members of the organizations. Between December 21, 2011 and February 4, 2012, 78 representatives from the 39 organizations were trained in four batches. The measure of the workshop’s success is that all 39 participating bodies now have an information disclosure policy.

At the time of finalizing this publication, 31 policies had been approved by their respective executive committees and were in various stages of implementation. How we managed to assist so many organizations in formulating and implementing information disclosure policies in such a short period of time is an instructive story and may well inspire others. The purpose of this booklet is to let people know about the methods and concepts used in the training. Hopefully, this publication will help many other non-government organizations to put together their own information disclosure policies.

Methodology

- A) **Selecting the organizations:** Thirty-nine non-government organizations that are working at the grassroots level, involved in social audit as partners of PROGATI's civil society component, were selected for training and technical assistance. The organizations came from Khulna, Barisal, Rajshahi, Rangpur and Chittagong divisions. Their scope of work, capacity and target communities were varied. The chief executive of the organization along with a responsible member of the EC was invited to the training. Since formulation of policy involves both the chief executive and the executive committee, the two representatives were selected keeping that in mind. In some cases, organizations sent one of their most trusted workers instead of the EC member.
- B) **Training:** The participants had poor knowledge of the theoretical aspects of the RTI Act. So the initial training sessions focused on the provisions of the RTI Act. Although the entire law was discussed, special emphasis was placed on the types of information, the process of collecting and disclosing information and information management. This included detailed discussion of the role of the designated officer, the appellate authority and relevant fees.
- C) **Workshop on IDP formulation:** A large part of the training was putting together an information disclosure policy for each individual organization in real time. The participants from each organization were encouraged and helped to draw up a policy keeping in mind the organization's individual characteristics, capacity, resources, scope of work, and target population.

To this end, the trainers produced in Bangla a template following the provisions of the Right to Information Act. The template incorporated the most important parts of the policy. In this, the directives of the Information Commission were followed.

- D) **Do it yourself:** At this stage, the participants started to put together their own information disclosure policy using the template and drawing on their experiences in training. Draft policies were prepared in the classroom and the chief executives presented them in front of the trainers and fellow participants. The feedback and comments were incorporated into the drafts. The trainers kept a copy of each draft to help refine and improve them.
- E) **Communication with the Information Commission:** The Information Commission is an important statutory body charged with monitoring the implementation of the Right to Information Act. It also deals with complaints when appeals have failed to satisfy the applicant. The workshop sought to establish a link between the participants and the Information Commission. An information commissioner spoke at every training session, stressing various aspects of the RTI Act.
- F) **Discussions within the organization:** After the training the participants went back to their respective organizations and discussed the draft policy with their executive committee and employees. Based on the discussions, they finalized the draft and sent it to the trainers to fine tune.
- G) **Technical assistance:** The team of specialist trainers analyzed each draft section by section in light of the RTI Act. They then held meetings with the chief executive of each organization and offered technical assistance. This phase was participatory. The trainers helped the organizations draw up an information disclosure policy based on their individual characteristics, capacities and inclinations. At this stage the policy was considered final.

The training didn't just result in draft policies. Before the workshop, 80 percent of the organizations didn't have designated officers to handle information. By the end of the training, 100 percent of the participating organizations had designated officers and appellate authorities. Through intensive discussions, the participants learnt about the role of these designated officials and moved to fill the gap in their own organizations. Gradually, through a hands-on process, the information disclosure policy guide took final shape.

Conclusion

The implementation of the Right to Information Act 2009 began in earnest on July 1, 2009. In the implementation phase, the role of non-government organizations is crucial and this has clearly been recognized in the Act. In order to implement the RTI Act, non-government organizations have taken the initiative to raise awareness as well as to seek information by using RTI. The attempts to raise public awareness and to promote information-seeking behavior deserve praise.

The Right to Information law enacted in Bangladesh is slightly different and more progressive when compared to the freedom of information laws passed in other countries. Non-government or private organizations that receive government or foreign funds have been identified as 'authorities' from whom the public can seek information. In light of the RTI Act 2009, the non-government sector in Bangladesh must prepare to meet the demands of the RTI Act. This is also an opportunity to demonstrate their own transparency and build a stronger bond of trust with the communities in which they work.

It cannot be denied that many non-government organizations are ill-prepared to manage information due to lack of resources and know-how. But if a culture of proactive disclosure is fostered, it will reduce the pressure on non-government organizations to provide information on demand.

The non-government organizations in Bangladesh do not work in any single field. Different organizations have different ways of working and even when they are working in the same field, they have varying degrees of capacity. Due to this diversity, preparing an information disclosure policy to fit all organizations is very difficult. However, a standard policy guide that clearly sets out the rationale and the challenges will be a valuable tool for every organization in formulating an integrated information disclosure policy.

Non-government and civil society organizations played a leading role in the movement to enact the Right to Information Act 2009. It is to be hoped that they will again lead from the front in implementing this law, both by raising awareness and creating demand for information and by setting an example as information providers themselves. A sound information disclosure policy will go a long way towards proper implementation of the RTI Act. Ensuring people's right to information will help improve the lives of the marginalized populations and strengthen the bond of trust which non-government organizations have worked so hard to build.

Names of the organizations involved in drawing up policy

S.I	Organization Name	District
	Access toward Livelihood and Welfare Organization (ALWO)	Natore
	Anannah Sangstha	Dinajpur
	Association for Women Empowerment and Child Rights (AWAC)	Chittagong
	Association of Voluntary Actions for Society (AVAS)	Barisal
	Atmabiswas	Chuadanga
	Badhon Manab Unnayan Sangstha	Bagerhat
	Bangladesh Institute of Theater & Arts (BITA)	Chittagong
	Barendra Unnayan Prochesta (BUP)	Rajshahi
	Children and Women Development Association (CWDA)	Laxshmipur
	Chilmari Distress Development Foundation (CDDF)	Kurigram
	Family Income Development Women Association (FIDA)	Lalmonirhat
	Grameen Alo	Bogra
	Health Education and Economic Development Organization (HEEDO)	Chandpur
	Heartcore People Development Organisation (HPDO)	Joypurhat
	Integrated Social Development Effort (ISDE)	Chittagong
	Jago Nari	Borguna
	Khan Foundation	Dhaka
	LEDARS	Satkhira
	Light House	Bogra
	MAISHA	Chittagong
	Manab Seba Samajik Unnayan Sangstha (MSSUS)	Khulna
	Manab Unnayan Kendra (MUK)	Meherpur
	Mobilization for Alternative Program (MAP)	Barisal
	Nazrul Smrity Sangsad (NSS)	Borguna
	Own Village Advancement(OVA)	Lalmonirhat

	Parashpar	Panchgarh
	Pirojpur Gono Unnayan Samity (PGUS)	Pirojpur
	Program for Women Development (PWD)	Serajgonj
	Protttoy Unnayan Sangstha	Comilla
	Rupantar	Khulna
	Sat Sanga Pallikalayan Samity (SPS)	Pabna
	Service for Empowering of the Backward Areas Foundation (SEBA)	Nilphamari
	Shuktara Mohila Sangstha	Patuakhali
	Sirajgonj Uttaron Mohila Sangstha (SUMS)	Serajgonj
	Social Uplifpment Voluntary Organization (SUVO)	Barisal
	Society Development Agency (SDA)	Patuakhali
	Songshoptaque	Chittagong
	UDAYAN- Bangladesh	Bagerhat
	Welfare Efforts (WE)	Jhenaidah

Private organization as "Authority" under Right To Information Act -

- **Article 2 (iv)** any private organisation or institution run by government financing or with aid in grant from the government fund;
- **Article 2 (v)** any private organisation or institution run by foreign aid in grant;
- **Article 2 (vi)** any organisation or institution that undertakes public functions in accordance with any contract made on behalf of the Government or made with any public organisation or institution;