ANNUAL REPORT 2020

RIGHT TO INFORMATION COMMISSION GHANA
ANNUAL REPORT

This is an annual report of the Right to Information Commission prepared in accordance to Section 77 of the Right to Information Act, 2019 (Act 989)

Right to Information Commission
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INTRODUCTION
This report is an overview of the activities of Public Institutions and the Right to Information Commission (“also known as RTIC or the Commission”) as required by section 77 (3) of the Right to information Act, 2019 (Act 989). This report also highlights the major strides gained and the challenges facing the Commission during the period under review and the strategies being employed to overcome them.

OVERVIEW OF ACTIVITIES OF THE COMMISSION
Below is the overview of the activities of the Commission during the period under review:

ESTABLISHMENT SETUP
Since the appointment of the Executive Secretary and the swearing-in of the governing board of the Commission by H.E. The President on 19th October, 2020, the Executive Secretary, under the guidance of the governing board, has hit the ground running putting in place all the necessary resources to enable the full setting up of the Commission. Therefore, with the assistance of the Office of the Chief of Staff, the Commission has identified and fully paid for premises to be used as its Office. The Office is currently undergoing refurbishment and, hopefully, Office premises would be ready end of June 2021.

STAFFING
The Commission, in its quest to become operational, has engaged the Public Services Commission (PSC) in relation to its Organogram, staffing requirement, recruitment plan and scheme of service. The Commission, under the guidance and cooperation of PSC, has submitted a draft proposal to the PSC and awaiting approval from its Commissioners for onward submission to the Minister of Finance. The Commission has since November 2020 tried to engage the Fair Wages Commission through several correspondences and meetings to determine the appropriate renumeration scale for the Staff of the Commission. However, all efforts to get the Fair Wages to consider our request is taking forever. As a stopgap measure, the governing board of the Commission has given approval for the recruitment of some skeletal staff to assist in the operational activities of the Commission.

MEDIUM TERM PLAN
The Commission has submitted various plans of actions to various approval authorities. The governing board has approved the Work/Action Plan for this year. It has also submitted its mid-term policy plan to the Ministry of Finance as required by law. The Commission’s budget for the year has been successfully approved by Parliament.
PUBLIC ENGAGEMENT/CAPACITY BUILDING

Pursuant to section 45 of the Right to Information Act, 2019 (Act 989) which charges the Commission to promote, sustain awareness and educate the public on the right to information, the Commission embarked on and participated in several programmes on different platforms to achieve the objectives outlined in Section 45. The Commission therefore participated in the following programs:

MINISTRY OF INFORMATION RETREAT FOR GOVERNING BOARD FOR RTIC

The Commission from the 17th to 19th of November 2020 took part in a retreat organized by the Ministry of Information. The main objective of the retreat was to provide the Commission with a general overview of the Right to Information Act and the mode of operations in the Public Service. It also gave the Ministry of Information the opportunity to present to the Commission a report on the road map for the implementation of the Right to Information Act in Ghana. The program provided members of the Commission with a deeper understanding of the Right to Information Act, 2019 (Act 989) and the functions of the Commission as stated in the Right to Information Act.

A PHOTO OF THE MINISTER OF INFORMATION, WITH BOARD MEMBERS OF THE RTI COMMISSION AND STAFF OF THE MINISTRY OF INFORMATION AT THE 3 DAYS RETREAT.
CORRUPTION WATCH
In order to foster a culture of transparency and accountability, the Executive Secretary together with the Deputy Chairperson of the Board of the Right to Information Commission were live on Joy FM’s Super Morning Show programme titled ‘Corruption Watch Radio’. Corruption Watch is a popular radio programme with a wide outreach focused on accountability and corruption exposés. They had an in-depth discussion on the implementation so far of the Right to Information Act, 2019 (Act 989). They took the opportunity to answer pertinent questions and educate the public on Act 989.

GIZ ACCOUNTABILITY SERIES
The Commission through its Executive Secretary was the speaker for GIZ Ghana ‘Accountability Series’ on the Topic “Right to Information Implementation in Ghana”, a virtual program with the focus on governance and socio-political economy of the country. He engaged participants on Act 989 and answered all posed questions.

PRESS RELEASE/STATEMENTS
The Commission during the year under review has issued three (3) press statements to the public.

The first was a Press release, which was issued on Monday February 22, 2021. The Commission intimated that, under Act 989, except for exempt information under the Act, no one should be denied access to information by reason that fees for information have not been determined. In accordance with section 83 of Act 989, the Commission invited the general public, civil society organizations and institutions of higher learning to submit proposals and recommendations towards the making of a Legislative Instrument (L.I.) to operationalize Act 989. The Commission has not received any proposals so far in this regard.

The second press release was issued on Thursday April 6, 2021 and published on Monday April 12, 2021 in the Daily Graphic to inform all Public Institutions to submit their annual report in accordance with section 77 (1) of Act 989.

Again, the third press statement was the extension of time for the submission of annual report by all public institutions, which was issued on 6th May, 2021. This extension was to grant amnesty, remind and encourage Public Institutions that were yet to submit albeit the expiration of the submission time.
Yet, again, a third press statement has recently been issued on 7th June, 2021. The Commission intends this to be the last opportunity for compliance with the annual report submission obligation. Subsequent to the last deadline, the Commission shall apply appropriate sanctions against defaulting Public Institutions.

COMMONWEALTH HUMAN RIGHTS INITIATIVE
The Commission participated in a virtual meeting on May 20th, 2021, organised by the Commonwealth Human Rights Initiative titled ‘Implementing Right to Information Laws: First Experience-Sharing Session between Ghana and India.’ This afforded the Commission and other
stakeholders an opportunity to learn and share experiences from India. The purpose of this programme was to strengthen the implementation of the Right to Information laws in Commonwealth countries. This meeting enlightened the Commission Ghana on the need to undertake a mass sensitization on Act 989, and on how to get Public Institutions to be better positioned to respond to application from the public to access information. Right to Information is crucial for entrenching democracy, realizing human rights, fostering accountable and governance, combatting corruption and achieving sustainable development.

LEGISLATIVE INSTRUMENT TO OPERATIONALIZE THE ACT

A press release has been issued by the Right to Information Commission to the general public, civil society organizations and institutions of higher learning to submit proposals and recommendations towards the making of a Legislative Instrument (L.I.). However, the Commission is yet to receive any proposal in that regard. Aside that, the Commission organized a two-day workshop and invited some stakeholders to brainstorm on the drafting of the L.I. The Commission has gone further to identify and engage consultants to put together a draft L.I. and Guidelines for publication of information manual by Public Institutions. These are expected to be finalized by end of year 2021.

APPLICATIONS FOR REVIEW BY THE COMMISSION.

Since the establishment of the Commission and as required under section 65 of the Right to Information Act, 2019 (Act 989), the Commission has not received any applications for review yet.

Further to that, the Commission has not issued any orders, decisions and directives pursuant to section 71 of the Right to Information Act, 2019 (Act 989).
ACTIVITIES OF PUBLIC INSTITUTIONS UNDER THE ACT

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

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

In accordance with the above, the Commission on 6th April, 2021 issued a press statement requesting all public institutions to submit to the Commission a written report on their activities under Act 989 for the period 2020.

SUMMARY OF REPORTS RECEIVED FROM PUBLIC INSTITUTIONS

As at the time this report was being put together, 50 public institutions had submitted their reports to the Commission. Out of the 13 institutions that received request for applications, Ministry of Information had the highest number of 8 applications out of the total number of 23 representing 35%. The table figure 1 below gives a breakdown of the responses received from the various Public Institutions.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of reports received</td>
<td>50</td>
</tr>
<tr>
<td>Total number of Institutions that received applications</td>
<td>13</td>
</tr>
<tr>
<td>No. of Applications received</td>
<td>23</td>
</tr>
<tr>
<td>No. of Applications approved</td>
<td>16</td>
</tr>
<tr>
<td>No. of Applications rejected</td>
<td>4</td>
</tr>
<tr>
<td>No. of Applications transferred</td>
<td>3</td>
</tr>
<tr>
<td>No. of reviews requested</td>
<td>1</td>
</tr>
<tr>
<td>No. of reviews granted</td>
<td>1</td>
</tr>
<tr>
<td>No. of Reviews Dismissed</td>
<td>0</td>
</tr>
<tr>
<td>No. of Applications to the Court</td>
<td>0</td>
</tr>
</tbody>
</table>

Figure 1 Summary of Report Submitted by Public Institutions

NUMBER OF APPLICATION APPROVED

Out of the 23 request applications received, 16 of these applications were approved, representing 70% of the total applications received.

NUMBER OF APPLICATION REJECTED

4 request applications representing 17% of total applications received were rejected. Three requests out of the four rejected applications were rejected on the basis that applications fell under exempt information. The remainder was rejected based on the following reasons;
i. Request did not contain sufficient description or particulars to enable information to be identified;

ii. Mandatory requirements for applicant to state his or her capacity to the information officer was not met.

iii. No form of identification was provided by the applicant

NUMBER OF APPLICATIONS TRANSFERRED
3 of the request applications were transferred to the relevant institution.

NUMBER OF REVIEWS REQUESTED/GRANTED/DISMISSED
1 review of request application was made and same was granted.

There were no reviews dismissed and no applications to the court during the period under review. A summary of the above is presented in figure 2.

Find overview in figure 2 below;

![Chart Title](image)

**FIGURE 2 PERCENTAGE OVERVIEW OF REPORT SUBMITTED BY PUBLIC INSTITUTIONS**

REGIONAL DISTRIBUTION OF SUBMITTED REPORTS
A further breakdown of the regional distribution of report shows that reports came in from only three regions out of the 16, majority from the Greater Accra Region. Fig 3 below presents a summary table of distribution of reports by region;
### Table: Regional Distribution of Reports

<table>
<thead>
<tr>
<th>Region</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ashanti Region</td>
<td>2</td>
</tr>
<tr>
<td>Bono</td>
<td>0</td>
</tr>
<tr>
<td>Bono East</td>
<td>2</td>
</tr>
<tr>
<td>Ahafo</td>
<td>0</td>
</tr>
<tr>
<td>Central</td>
<td>1</td>
</tr>
<tr>
<td>Eastern</td>
<td>0</td>
</tr>
<tr>
<td>Greater Accra</td>
<td>45</td>
</tr>
<tr>
<td>Northern</td>
<td>0</td>
</tr>
<tr>
<td>Savanah</td>
<td>0</td>
</tr>
<tr>
<td>North East</td>
<td>0</td>
</tr>
<tr>
<td>Upper East</td>
<td>0</td>
</tr>
<tr>
<td>Upper West</td>
<td>0</td>
</tr>
<tr>
<td>Oti</td>
<td>0</td>
</tr>
<tr>
<td>Volta</td>
<td>0</td>
</tr>
<tr>
<td>Western</td>
<td>0</td>
</tr>
<tr>
<td>Western North</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>50</strong></td>
</tr>
</tbody>
</table>

**Figure 3** Table depicting regional distribution of reports

Out of the distribution of report submitted, public institutions in Greater Accra submitted the highest number of 39 representing 90% followed by Ashanti and Bono East with 2 respectively representing 4% and 1 from Central. Fig 4 below represents a graphic review of the regional distribution of reports submitted by Public Institutions across the country.

**Figure 4**

Chart Title
CHALLENGES

Just like any nascent institution, The Right to Information Commission is plagued by a myriad of challenges and the Commission is employing several strategies to surmount these challenges. However, some of these challenges threaten the effective performance of the functions of the Commission, the Objectives of the Right to Information, 2019 and ultimately the violation of Article 21 (1) (f) of the 1992 constitution. Some of these challenges are;

i. Even though Budget has been approved by parliament since late March, 2021, The Commission has been unable to access these funds for any of its operations. Although the Commission has undergone all the processes and setting up of GIFMIS systems, the bureaucratic challenges at the Ministry of Finance and the Controller and Accountant General’s Department coupled with the challenges that the GIFMIS system presents, have made it impossible to access any funds to execute our work plan. This presents a monumental challenge to the Commission because it is unable to execute its workplan according to its allocated timelines. The threat this poses if this trend continues is that, the Commission would not be able to achieve its target for this year hence its mandate, since it is half-year already.

ii. A cursory look at the data submitted by Public Institutions indicates the meagre number of applications received. This massive non-compliance to the law by public institutions, after the Commission has issued statements and published same in the dailies and radio station, is not encouraging. Inasmuch as the Commission does not want to appear to be unnecessarily strict on public institutions, particularly the non-complying ones, if this worrying posture of non-compliance continues, the Commission will have no option but to begin to crack the whip even at these initial stages. Meanwhile it is the Commission’s aim to forge a collaborative relationship with both Public Institutions and applicants to deepen the right of access to information in Ghana.

iii. The Commission is eager to extend its planned sensitization programme to every region of Ghana by the end of the year 2021. It is also a medium term plan to open offices of the Commission in all regional capitals so as to bring the Commission closer to the people in the regions. Even as the sensitization drive is being set in motion, preparations for the gradual expansion into the regions are also being worked on. The challenge is that these sensitization and expansion projects are being pursued from the inadequate budgetary allocation the Commission got.

RECOMMENDATIONS

Further to this report, the Commission proposes that there should be a compelling clause that takes away some ability to spend public funds by public institutions so that for fear of loss of the right, public institutions shall comply with the Right to Information Law and therefore submit to it. Furthermore, measures be put in place to make public institutions compliant and submit their report in accordance to section 77 of Right to Information Act, 2019 (Act 989). The Commission recommends that, a public
institution should be able to access its budget for the year if it has submitted its report in accordance to section 77 of Act 989 and duly certified by the Commission. This would make public institutions more proactive, which is also the very first step in the accountability process. Such a compelling measure can, for instance, be made to reflect in a Legislative Instrument for Act 989.

The Commission further submits that its budgetary allocation for subsequent years be increased to enable it effectively pursue its regional expansion plan. The task of opening regional offices of the Commission is huge and very financially involving. Consequent upon this, any additional support from domestic and international bodies is also very much welcome and encouraged.

OUTLOOK
The future looks bright for the implementation of right to information in Ghana. Looking at the steps taken by the Commission in furtherance of its mandate under Act 989 even before it fully takes off, the prospects are good. Barring any major hinderance, the Commission has put plans in place to undertake a massive nationwide campaign and broader stakeholder engagement aimed at educating the general public about the Right to information Act, 2019. The nationwide campaign shall cover all the 16 regions of the country whilst the stakeholder engagements shall be on a rolling basis with the aim to bring public institutions up to speed with their obligations under the law.

CONCLUSION
The right of access to information is a constitutionally guaranteed right. Right of access to information has now come to be seen as a key tool in ensuring good governance and the fight against corruption. Such a tool is recognized by the United Nations and other international organisations as a yardstick in measuring the effectiveness of a country's commitment towards democracy and catering for people's basic rights. This tool becomes particularly important in developing nations like Ghana. Undoubtedly, the passage of Act 989 and the appointment of the Commission underscore the country's seriousness in deepening democracy and the strides towards good governance with its attendant fight against corruption. The Commission has come to stay and, in spite of its initial challenges, it is determined to work to make the right of access to information very common and practical for the good people of Ghana. What the Commission prays for is the support it needs- funds, logistics- to function fully and effectively.