



Gauging Local Government Authorities' Responsiveness to Right to Information requests:

Experiences from three Districts in Ghana



Media and Governance Series

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1.0 Introduction

In Ghana, citizens' access to information is constitutionally guaranteed under Article 21(1) (f) of the 1992 Constitution. This means all citizens (local or national level) can have access to information generated by public institutions as a matter of fundamental human right. To enable a further enjoyment of this right, the country in 2019 passed the Right to Information Law, Act 2019, (Act 989) to encourage disclosure of information by public institutions and empower citizens to access public information.

Despite these provisions, information disclosure remains a huge challenge in governance processes both at the national and local levels. In most cases, citizens have been at the benevolence of government, public institution or public agency who decide to provide or disclose information as a favour rather than a right. The implication has been that government authorities are more reactive to citizens' demands, queries and questions than proactive.

Ghana's Local Governance Act 963, provides modalities and platforms through which citizens can be engaged to increase their participation in community development. However, evidence suggest that these platforms are not effectively utilised leading to apathy and low interest in governance process at the local levels.

Since the passage of the RTI law in Ghana, the MFWA has implemented series of activities to sensitise and promote public awareness and engagement on the RTI law in Ghana. These have included training sessions for journalists and some 15 investigative journalists on how to utilise the RTI law for critical reporting and advance their investigations.

Specifically, at the local governance level, about 150 local government officials made up of Metropolitan, Municipal and District Chief Executives, Coordinating Directors and Information Officers from various Metropolitan Municipal and District Assemblies (MMDAs) have been trained on their obligations under the law in 2019 and 2020. The aim has been to empower them on their responsibilities and obligations under the RTI law. Some 30 local-based media practitioners in three districts in the Northern, Greater Accra and Ashanti regions of Ghana have also been trained to utilise the law to advance factual reporting and programming.

2.0 Local Government Authorities Responsiveness to RTI requests - Key Observations

To gauge local government authorities' responsiveness to demands and queries of citizens on local development issues, the MFWA in July this year, constituted **Citizens' Groups (CGs)** in three project districts namely – Ada East District (Greater Accra region), Ejura Sekyeredumase Municipal (Ashanti region), and Sagnarigu Municipal (Northern region). The Citizens Groups are made up of 10 individuals in each district drawn from across the youth, PWDs, women's groups, traditional authorities, religious authorities, teachers, community-based activists, human rights organisations, and local-based media.

They were trained to engage their local government authorities on local development issues through RTI requests. The training workshops focused on the basics of the RTI law, the information request processes, the request forms and how to write a request letter; what information an applicant can and cannot request (exempt information), the request for information timelines among other detail on the RTI law.

Information Requests Made and Responses received

Between August and September 24, 2021, the Citizens Group members made a total of seventeen (17) information requests to their local government authorities on diverse local development issues. These issues have included progress on infrastructure development in the districts/municipalities such the construction of roads, classroom blocks, CHIPs compounds, and market centers; the Local Assemblies' support for Persons with Disability (PWD); and how local government authorities have spent budgetary allocations granted them.

Out of the 17 requests made, only four (4) representing (24%) were responded to within the stipulated 14 days. The responses were in a form of phone calls to negotiate for more days to enable the Assembly prepare the information requested. The remaining 13 requests were not responded to at all. Again, out of the 17 information requests submitted to the districts, none has so far been granted within the 14-day stipulated window and even after requesting the 7-day extension.

3.0 Experiences of Information Applicants and the Critical Emerging Issues

In majority of the cases, the request for information applications submitted by the Citizen Group members were largely “*Received and stamped*” either at the reception or by the “*secretaries*” to the RTI officers. However, a few challenges were observed as follows”

3.1 Absence of Information Officers or RTI Officers

In most instances, designated RTI officers or information officers were absent. District Coordinating Directors were the ones handling these issues much more than expected of the designated officers. Some assembly officials refused to receive and acknowledge receipt of RTI application letters because the RTI officer was absent and not at post for diverse reasons.

For instance, in one of the **Districts**, an applicant indicated that the Registrar refused to acknowledge receipt with the excuse that the designated RTI Officer was involved in accident and is absent from duty: “*I was asked to come back when RTI officer comes back to post*”.

In a similar instance in another District, an applicant noted that members in the district assembly office were apprehensive to receive the RTI applications for fear of being tagged:

“For two consecutive times when I went, the RTI officer was not present. I was told they run shift so I should come on Monday 24th August 2021. So I successfully submitted my request on Monday.”

Another Citizen Group member also said: “*For two consecutive times I was told the information officer is not available and that they run on shift so I should come the following week. I had to submit it through the reception. But I was told the director will have to respond to it before they give me any information. Because of that my receipt wasn’t stamped*”.

3.2 Limited knowledge among public officials of their obligations under the RTI law

So far a glaring challenge that has been observed is the lack of knowledge and understanding of the RTI law and its processes amongst public officials. For instance, in some of the districts, it was observed that, the secretaries at the information

departments were not privy to how to receive Requests. This often delayed applicants' submissions. Specifically, in one of the project districts, an information officer was not even familiar with the details of the RTI request form. A PWD who submitted his request said: *"The officer was confused on our request and we had to explain to him before he received it. It was difficult, I had to go with my interpreter"*

Similarly, the head of a public institution insisted that the law only applies to information from 2020, the year the law came into force: *"According to the Director, using RTI means you're limited to a certain year which is 2020 and can't request information in existence before that; There was a little back and forth on the years, I was requesting the Information."*

3.3 Local Government Authorities asking Applicants to provide reasons for their requests

Under the RTI law, no applicant is mandated to provide reasons for his request unless he needed information earlier than the stipulated 14-day period. Unfortunately, an interesting phenomenon observed so far has been how some District Coordinating Directors (DCDs) were asking applicants why they needed the information they were requesting.

For instance, in one of the Districts, a Citizen Group member who had submitted a request to the District Assembly was invited on the 7th September, 2021, to the Assembly by the District Coordinating Director to question him on why he needed the request: *"I just received a call from the information officer. She was like the Director want to meet me to ask why I'm requesting the information. I told her categorically that, per the LAW, I'm not obliged to provide any reason."*

4.0 Key Recommendations

Overall, it was observed that there is some awareness of the RTI law among public officials even though extremely low. The implication is the seeming reluctance in dealing with citizens on their requests. Given the critical role of Metropolitan, Municipal and District Assemblies under Ghana's local governance and decentralisation system, the MFWA makes **five key recommendations** below on how to improve citizens' access to information at the local level:

- a) There should be intensive sensitisation and capacity building for public officials at all levels especially at the local level where governance is expected to be closer to the people. Local Government authorities must be trained on the RTI law, their responsibilities under the law and how they can be proactive with information disclosure. This will certainly improve citizens' participation in governance process.
- b) The phenomenon of District Coordinating Directors (DCDs) directly engaging and responding to citizens requests raises an questions about the existences of designated Information or RTI officers. For each local assembly, it should be clear who the designated officers are when it comes to information requests otherwise the practice eliminates the opportunity for applicants to do an internal appeal in cases where information is denied or refused.
- c) During the trainings and engagements with local citizens, it was observed that citizens were conflicted on what tenets of the RTI Law are vis-à-vis other laws such as the Data Protection Law Act 2012 (Act 843) (which protects privacy and individual information from abuse). It is therefore recommended that public awareness/sensitisation programmes clarify these provisions to enable citizens appreciate these laws better.
- d) Structural barriers which affect citizen ability to request information must be removed. For instance, it was observed that the District Assemblies did not have language interpreters Persons with Disability (PWD). Thus, in instances where an applicant needed an interpreter, the individual needed to make such arrangements at his or her own cost. Local government authorities must therefore be minded to make such services available to address such occurrences.
- e) These absence of proper records keeping at the local governance level, contributes to the unnecessary delays in the processing of information for applicants. Public institutions, particularly those at the local level must therefore be adequately resourced to ensure proper archiving and records keeping. This will ease the delays in processing requests submitted to the Assemblies as well as the reluctance on the part of public officials to provide the information requested.



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