

# Gauging Local Authorities' Responsiveness to Right to Information Requests –

Experiences from three Districts in Ghana – Part II



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# Background

In the last seven months, the Media Foundation for West Africa (MFWA), through its established citizen groups, has monitored Local Assemblies' responsiveness to access to information requests using Ghana's Right to Information (RTI) law. This exercise which was carried out in three districts in Ghana, namely Ejura Sekyedumase, Sagnarigu, and Ada East districts sought to assess how Local Assemblies are responding to RTI applications by citizens. To achieve this, the MFWA established Citizen Groups, trained and equipped them with skills on how to make applications using the RTI request processes.

The first report was released in September 2021, as part of activities to commemorate the International Day for Universal Access to Information (IDUAI). The first report found that lack of knowledge on the RTI law and processes was derailing access to information progress at the district level.

In this second report, the MFWA assesses the reasons behind Assemblies' hesitation to divulge information despite several applications and appeals made by the citizen groups.

# Introduction

When parliament passed the Right to Information (RTI) law on March 26, 2019, it had one aim and that was to create an obligation for public institutions to provide information and make it easier for people to enjoy their basic rights to access information in accordance with Ghana's Constitution.

Two years down the line, the story is different. Citizens are denied access to information, the media is not able to access critical information to develop their stories, and corruption scandals are still on the rise. In a recent publication by the Fourth Estate, the Media Foundation for West Africa's investigative journalism project, of the 36 requests made to 33 public institutions, more than half of the institutions failed to respond within the 14-day timeframe. Though eight granted the information requested, the remaining only acknowledged receipt of the requests without giving the information.

In another report published on Gauging the Assemblies responsiveness to Information requests, published by the MFWA, 17 requests were made to 3 Metropolitan, Municipal and District Assemblies (MMDAs), only 4 requests were acknowledged, the remaining 13 were never responded to.

Access to information is a fundamental right that is backed by legal instruments. Across the globe, international legal frameworks acknowledge access to information as a universal basic right that must be enjoyed by all citizens. In Ghana, Access to information is enshrined in the 1992 Constitution. Specifically, Article 21 (1) (f) grants citizens access to information and authorizes the disclosure of information held by public institutions.

In the spirit of enforcing access to information, the Government of Ghana in 2019 passed the Right to Information (RTI) law (Act 989). The law mandates public institutions to produce annual reports in a form of a manual that itemizes the work of the public institution, their responsibilities, and activities. The law also stipulates that the manual must also indicate the types of information available for the public, the total number of RTI applications made, how many were granted, how many were denied and reasons why they were denied.

Within the local government structure access to information is also a requirement. It is a crucial component of participatory governance. For instance, when citizens have access to public records and information, it enhances their knowledge, builds their trust in government, and facilitates discussions leading to their contribution to governance processes. As stated in part one (40) of the Local Governance Act "A District Assembly shall enable the residents and other stakeholders in the district to participate effectively in the activities of the District Assembly... The District Assemblies (shall) facilitate the establishment of structures for stakeholder participation". These structures according to the Act includes town hall meetings, notice boards announcements, project site visits, among others.

However, in spite of all these provisions in the Right to Information Law and Local Governance Act, public institutions are hesitant to divulge information. The Media Foundation for West Africa (MFWA) under its project on enhancing citizens access to information and participation in governance, supported by the DW Akademie, has been looking at why public institutions, particularly local Assemblies are denying citizens access to information.

# Methodology

For this exercise, the MFWA sampled three districts from three regions (Gt. Accra, Northern and the Ashanti Regions). In each of the three regions, the Organisation established a 10-member Citizen Group. Each group had at least one youth activist, a PWD, a traditional and/or religious leader, a trained teacher and market, and an opinion leader among others. They were trained on the RTI law and request processes after which they were given funds to cover expenses on the requests they make. Applications made covered diverse issues ranging from development projects on health, education, and sanitation. There were also applications on revenue mobilization by the Assemblies.

A tool was developed to track responses by the Local Assemblies on the applications made by the Citizen group members. The timelines for collating the responses were subject to the period stipulated by the RTI law within which public institutions must respond to applications



- Regions Tested:**
- Greater Accra Region
  - Northern Region
  - Ashanti Region



**10-member Citizen Group  
from each region**

# Findings

According to the law on Access to Information, public institutions have within fourteen (14) days to respond to an access to information request. If after the fourteen days a public institution fails to respond to an application, it is deemed the applicant has been denied access to information. An applicant can, therefore, proceed to make an appeal.

Of the thirty applications made to the three Local Assemblies, only one was granted access. Ten (10) were acknowledged. Four (4) out of the ten were within the 14-day period while the remaining took more than a month. The remaining 20 requests were never acknowledged.

*Based on the responses received by the applicants, the following was observed:*

## **1. Low level of understanding about the RTI law and processes still a major setback to access to information**

Low level of understanding of the provisions of the RTI law among local assembly officials was observed as one of the major reasons for the lack of access to information in the districts. For instance, the Government of Ghana, as part of efforts to ensure easy access to information designed the RTI request form which could be used in place of an official letter to make information requests using the RTI law. During the period of the exercise, some of the applicants put in a request using this form. They were called back to re-write the request using a letter to enable the public institution to properly respond to the application.

*“I submitted my request using the RTI Request form but I was called back to go and write a proper letter as this will not be responded to. I was also questioned where I got the form from? Despite my explanation that it is an official document that was designed for this purpose, I was still asked to go and re-write my request”. an applicant said.*

In another instance, a requester recounted the words of a coordinating director at one of the districts when he submitted a written request to the Assembly.

*“Why would you bring a letter to request information when you can walk into my office and simply ask? Or have you come to my office and I refused you the information? I am here for you! In fact, the whole Assembly exists because of you so why would you bring me a letter to request information? Do you know what that means? Bringing me a letter means you will take me to the court and so, I must prepare and be careful with what I give you! I cannot just sign off information to you?! No, I cannot!”*

What the coordinating director did not know was that even if the request was made orally, it must be reduced into writing according to section 18(3) of the RTI law. It is clear, this coordinating director is not familiar with the RTI law and processes.

## **2. Fear among officers to take responsibility for releasing information**

Another observation made during the period that the MFWA conducted this exercise was the fact that most public officials were shying away from providing or facilitating the process to access information. On a number of occasions when the applicants requested information, they were invited over, questioned, engaged in long conversations, and eventually denied the information.

*“I had a call from the Assembly asking that I come over regarding my request. I was asked to see the Coordinating Director. He sought to know why I wanted the information when I told him he needn't know that. He resolved to provide bits and pieces of the information orally. For over two hours, the Coordinating Director went on and on about my request. But when I asked if I could get a copy in writing, he said he will get back to me which he never did.”*

Applicants also noticed that anytime the information officers were not available, no one wanted to receive the request on behalf of the information officers. In instances where someone opted to do so, they refused to sign or acknowledge receipt.

*“No one wants to receive access to information requests in the absence of the information officer. Even when they receive, they refuse to sign. When you impress on them to do the right thing, they return your request and ask you to come back when the information officer is around”*

According to one of the applicants, he had to go to the Assembly on several occasions because the information officer had travelled for a workshop and in her absence, no one was ready to receive the request. It was after he lodged a complaint that the Coordinating Director instructed that all access to information requests should be sent directly to him.

### **3. Officials sidestepping application processes**

The RTI law establishes processes to follow when applying or appealing a request. For instance, an applicant applying for information under the RTI law has to first apply to the information officer at the public institution, wait for a response within a stipulated timeframe and then proceed to appeal when information is denied also within a stipulated timeframe. But during the exercise, it was observed that some public institutions asked that the requests were addressed to the head of the public institution and this caused a lot of confusion among applicants on how to proceed with their applications since by applying to the head of the institution, they will not be able to appeal to the same person when request is denied.

*“when I submitted my application at the Assembly, I was asked to address it to the Chief Executive. That got me confuse because, then I was wondering, how long do I have to wait to be responded to and who do I see when I have to appeal?”*

### **4. Non-availability of RTI Commission offices at the district level**

The RTI Commission is the next place to appeal a request when a public institution denies an applicant access to information. Currently, the Commission has no local offices in the regions and districts where applicants can easily appeal their requests. During the period that the MFWA conducted the exercise, most applicants expressed frustration at the inconveniences faced to appeal to the RTI Commission. The options were either to send their appeals via email, courier services or to travel to the RTI Commission which is located in Accra to submit their appeals. These options meant that they will have to incur additional cost if they have to travel to Accra. Another challenge was the fact that they may not be able to track receipt of their appeals. The inconvenience and unreliability of these options is deterring a lot of people from advancing with their appeal processes.



# Conclusion and Recommendations

It is obvious from the foregoing arguments that access to information laws have great potentials for improving local governance. Unfortunately, the mere adoption of such a law is not sufficient to galvanize citizens participation in governance processes, promote transparency and accountability. What is critical is the effective application and compliance with the law, extensive education and sensitization among public officials and the general public. In the foregoing argument, the MFWA makes the following recommendations:

- **Strict monitoring by RTI Commission of compliance of the RTI law by public institutions**

Public institutions are mandated to proactively supply information to the public. They are also expected to produce manuals annually on the status of Access to Information compliance. This information shall include number of access to information requests made, how many were given and how many were denied, the work of the different departments among others. Since the RTI Commission has been set up and functioning, it should endeavor to take up this supervision and follow it to the latter.

- **Comprehensive education and sensitization of Local Assembly Officials on the RTI law and processes**

It is obvious from the above that officials at the local assemblies do not fully understand the RTI law and its processes. It is important that they are thoroughly educated to understand the law and how its compliance engenders public support and builds trust and confidence in governance. This will remove the bottlenecks to facilitating access to information.

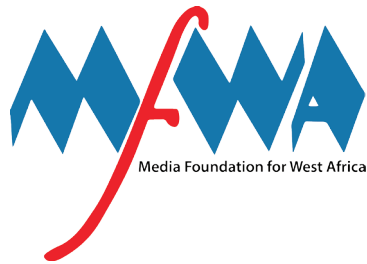
- **Public sensitization and education about the RTI law and processes**

Beyond educating public officials, it is also crucial for members of the public to understand the law, how it enables or enhances their rights to access information, and how they can assert that right to demand transparency and accountability in governance. This will require continuous awareness creation and public education about the law and the opportunities it presents for enhancing governance transparency and accountability.

- **Provision of adequate resources and right record keeping approaches**

Provision of resources such as financial, logistical and human and a right record keeping approach will facilitate compliance with the law. For example, trained information officers must be in place; they must have the required logistics (computers and internet etc.) to operate. Institutions also need to have the right filing, archiving and bureaucratic systems in place to facilitate easy access to records, and as much as possible, provide proactive disclosure of information.





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