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GOVERNMENT OF BALUCHISTAN

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Quetta

Dated Quetta, the 14th November, 2023.

NOTIFICATION

1. Pad

No. SO(INF:114-96/(A) Bal-1FE - In exercise of the powers conferred by section 27 of the Baluchistan Right to Information Act, 2021 (Act No.1 of 2021), the Government of Baluchistan is pleased to make the following rules, namely:-

1, Short title and commencement:- (1) These rules may be cited as the Baluchistan Right to Information Rules 2022.

(2) They shall come into force at once.

2. Definitions:- (1) In these rules, unless there is anything repugnant in the subject or context.

(a) "Act" means the Baluchistan Right to Information Act, 2021;

(b) "Commission" means the Baluchistan Information Commission established

under section 18 of the Act;

(c) "Government" means the Government of Baluchistan;

(d) "Public Information Officer" means a Public Information Officer designated under section 6 of the Act; and

(e) "Rules" means the Baluchistan Right to Information Rules 2021.

(2) The word or expressions used but not defined in the rules shall have the same meanings as assigned to it in the Act.

3 Public information officer: - (1) The head of every public body shall designate an officer for each administrative unit of a public body as public information officer under his administrative control for the purposes of:

(a) implementing the Act and sharing the information through proactive disclosure; and

(b) Providing the requested information to an applicant under the Act; and

(2) A public information officer shall be an officer of the public body in BPS- 17 or above or where an officer of BPS- 17 or above is not available, any officer of the highest rank available in the administrative unit shall be appointed as the public information officer,

(3) Where a public body is a semi-governmental, non-governmental or a private sector organization, it may designate a senior officer as per its own organizational structure for each of its administrative or operational units as public information officer.

(4) In case no such officer has been designated or in the event of the absence or non-availability of the public information officer, the person heading the respective administrative unit of the concerned public body shall be deemed to be the public

information officer under the Act.

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(5) A public information officer may seek assistance of any officer in order to collect collate or retrieve the information being sought by an applicant.

4. . Maintenance, indexation and computerization of records: - (1) A Public body shall ensure that all information, record and material, irrespective of its forms or characteristics, which it has or is required to have in its custody in any of its administrative units, are efficiently maintained, indexed, catalogued and managed so that it is promptly available, as and when required by the public information officer.

(2) A public body shall take immediate steps to computerize all the information or record in its custody and shall introduce online data management system to ensure efficient retrieval of information.

(3) The Commission may issue deadlines or may issue specific directions about the form of computerization, the design of online system or the categories of records which may be computerized or made available online on priority basis.

(4) A public body shall develop and implement, within the time frame as may be prescribed or directed by the Commission, a data protection and disaster recovery plan to ensure that all of its information remains secure and unharmed in the event of any untoward incident or disaster.

5: Application for information and its disposal; - (1 Any citizen of Pakistan or a legal person subject to exceptions of section 15, and the Provision of the Act, may apply on a plain paper or by using the sample of the application form, as may be prescribed by the Commission:

- (a) for inspecting a record;
- (b) taking extracts of official record;
- .; (c) obtaining certified photocopy of any document or record;
- (d) any information in electronic form; or
- (e) Obtaining certified sample of any material available with a public body.

(2) The applicant may also apply for access to information through email, web-portal or through any other electronic system where the concerned public body has established the required facility to receive applications in such a manner.

~* (3) The applicant shall not be required:

(a) to furnish any information other than:

(i) the description of information that he needs;

(ii) the form in which the applicant needs access to information, for example, photocopy, CD, video or audio clip, sample of material or facility to inspect record and take notes; and

(iii) his contact details including home or office address, phone numbers or email address; and

(b) to pay any fee at the time of filing of the application, but, actual cost of reproducing, or copying information, or of the requested sample of material may be charged at the time of delivery of information, as per the schedule of costs notified by the Commission.

~(4) If an applicant is not able to write the application due to any reason, the public

information officer shall write application for the applicant and extend every possible assistance

to the applicant in the process of seeking the information.

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(5) If an applicant submits his application personally or through an authorized representative, the public information officer shall immediately issue a dated and signed acknowledgement receipt and if the application is received through email or any other electronic form, the public information officer shall promptly acknowledge receipt of the application through any verifiable means.

www.ezqanoon.com (6) If the public information officer finds that the request for information is required to

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be accepted, he shall, preferably well before the expiry of the time limit provided in the Act, inform the applicant about the acceptance of his request and the charges and any other steps which the applicant needs to pay or take for collecting the information.

(7) Where the requested information cannot be provided within fourteen working days and the time limit needs to be extended, the public information officer shall record the reasons and inform the applicant before the expiry of fourteen working days from the date of receipt of the application.

, (8) The Public Information Officer shall:

(a) decide the application relating to life and liberty of any person within two working days;

(b) not charge any cost of provision of information relating to life and liberty of any person; and

(c) Inform the third party about the application for information relating to the third party and afford an Opportunity of hearing to both the parties before recording decision on the application.

(9) If the requested information has already been published by a public body, the public information officer shall simply inform the applicant about the published material or the address of the website on which the information is published.

(10) If the requested information is denied or partially provided or is provided after the prescribed time, the public information officer shall:

(a) explain in sufficient detail the reasons in writing to the applicant for total or partial denial or delay; and

(b) inform the applicant about remedies of internal review and complaint to the Commission along with the respective timelines.

(11) A public Information officer and a public body shall publish the procedure of filing application and obtaining information including the schedule of costs, filing of internal review or complaint to the Commission.

6. Transfer of application. (An officer of a public body other than a public information officer who receives an application for access to information shall transfer the application to the public information officer under intimation to the applicant,

(2) The officer who receives an application under sub-rule (1) shall be deemed to be the public information officer and shall be liable for any penalty under the Act.

(3) A public information officer shall acknowledge receipt of a transferred application immediately after its receipt and process the same under the Act,

Ce Procedure for internal review. (1) An applicant may file an internal review with the head of the public body against the conduct or decision of public information officer within sixty days from the date of communication of the decision of the public information officer or the last date when public information officer was required under the law to have decided the application.

(2) The application for internal review shall be filed on a plain paper or on a simple sample format provided by the public body and shall contain a certificate that the applicant has not filed a complaint to the Commission.

(3) No fee shall be charged on filing or processing the application for internal review.

www.ezqanoon.com (4) The officer hearing an internal review shall:

(a) Be deemed to be a public information officer under the Act:

(b) Acknowledge receipt of application for internal review;

(c) explain the reason in writing to the applicant for acceptance or rejection of the application; and

(d) if the application is rejected or partially accepted, mention the procedure of filing complaint to the Commission

8. Responsibilities of a public body: - A public body shall:

(a) ensure that systemic weaknesses or hurdles, if any, in the process of implementation of the Act are removed; and

(b) set a time frame to establish online internal review or complaint Management system to ensure efficient receipt, processing and disposal of applications for internal review.

9. Application / Complaint to the Commission. (1) The applicant may file a complaint on a plain paper or on a simplified sample format prescribed by the Commission; and the applicant shall certify that he had not already or concurrently filed any application, complaint or suit before any other Forum or court.

(2) The commission shall not charge any fee for filing or processing the complaint.

., (3) The Commission shall acknowledge the receipt of complaint shall dispose of the complaint under intimation to the applicant within thirty days of its receipt, or, for

reasons to be recorded in writing, within sixty days in accordance with subsection (2) of section 6 of the Act,

(4) After receipt of a complaint, the Commission may:

(a) seek explanation from the public information officer or from any other concerned officer by affording him reasonable time and Opportunity to be heard through the most efficient means of communication available; and

(b) contact, if necessary, the complainant to seek further information or his comments on the response of the public information officer or any other concerned officer.

(5) The commission shall have a proactive approach in disposing of a complaint and it may issue directions to provide the requested information without first seeking comments from the concerned officer,

(6) The Commission may expedite the process of disposing of complaints through verbal or electronic communication with the complainant and the concerned officer and maintain a brief of such communication.

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(7) The applicant or complainant shall not be required to furnish any information or document other than the alleged facts giving rise to such complaint, contact details, any evidence available with the applicant and a certificate under sub-rule (of ruled,

(8) In case of failure of the public information officer or any other concerned

www.ezqanoon.com officer to decide the application within the time or extended time specified in the Act or failure to give cogent reasons for rejection or part rejection of an application for access to information, the Commission may direct such an officer to provide justification for such deviation,

(9) The Commission shall, as soon as possible, establish an online portal or

facility to receive, process, manage and dispose of complaints in a most efficient and cost effective, manner.

10. Appointment and Qualification of Commissioner and Chief Information

Commissioner: - (1) There shall be a Chief Information Commissioner and 03 Commissioners appointed by the Government.

(2) The Chief Information Commissioner shall be a retired senior Government servant not below the rank of B-20.

(3) Three commissioners as members shall have following qualification:

(a) A person who is qualified to be a judge of High Court

(b) Person who is or has been in the service of Pakistan in BPS-20 or equivalent

(c) A person from civil society having experience of not less than

fifteen years in the field of mass communication, academics or right to information.

(4) The Government shall appoint Chief Commissioner officer and commissioner on the recommendations of the committee constituted for their appointment.

(5) The committee shall be notified by Services & General Administration Department and shall comprise of following members: -

(a) Secretary S&GAD Chairman

(b) Secretary Finance Member

(c) Secretary Law & Parliamentary Affairs Member

(d) Secretary Information

Member / Secretary

(6) Applications for the posts shall be invited through lead

ing newspapers and after

short listing, applicants shall be called for interview by the committee,

(7) Recommendations of the committee as panel of two against each post shall be submitted to the Government for selection of one against each post.

IL. Terms and conditions of service and remuneration:- The Chief Information Commissioner and commissioner shall be entitled to such salary, allow

ances, and privileges and
other term & conditions of service as the Government may de

termine,

12. Meetings of the Commission. (1) A meeting of

the Commission shall be convened
and chaired by the Chief Information Commissioner,

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» + (2) In case the position of Chief Information Commission is vacant or if he is not available due to any cause, the Commissioner who is senior in terms of his date of joining the Commission shall serve as acting Chief Information Commissioner and may convene and chair a meeting of the commission.

(3) Two Commissioners shall constitute quorum for a meeting of the commission,

www.ezqanoon.com 3. Annual report. (1) Every public body shall prepare and publish on its website or, in absence of any website, on its notice board, an annual report with a focus on its efforts and performance in terms of implementation of the Act.

(2) 'The annual report of a public body shall, amongst other things, include the following information:

(a) status of proactive disclosure:

(b) status of records management and the efforts made or underway to computerize records or make them available online;

(c) status of the use of technology or online portals for receiving, processing

' and providing information under the Act;

(d) number of applications received and processed including details about:

(i) how many of the — applications were accepted or

rejected and the general reasons thereof:

(ii) types or categories of applications; and

(iii) any hurdles faced in the process of implementing the Act;

(e) the number of applications received and processed under the internal review mechanism including details of how many were rejected and in how many cases the decisions of public information officers was altered or reversed;

(f) instances involving departmental action against officers for deviations or poor performance under the Act;

' (g) efforts made by the public body in terms of creating public awareness, training its officers, improving record management system, or streamlining the existing rules, procedures and bye-laws in the light of the Act; and

(h) any other information as may be prescribed by the Commission.

(3) The Commission may prescribe a format for the annual report to be prepared and submitted by each public body.

(4) Every public body shall submit a copy of its annual report to the Commission on or before 31 August of each year,

» BY ORDER OF GOVERNOR

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