



NUML Right of Access to Information Policy 2018

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**NATIONAL UNIVERSITY OF MODERN LANGUAGES
RIGHT OF ACCESS TO INFORMATION POLICY**

1.0 Introduction

The Right of Access to Information Act was passed in 2017 by the federal government. The Act gives a general right of access to all types of recorded information held by public institutions.

2.0 Definitions

- a. "information" means any information held by a public body and includes any memo, book, design, map, contract, representation, pamphlet, brochure, order, notification, document, plans, letter, report, accounts statement, project proposal, photograph, audio, video, drawing, film, any instrument prepared through electronic process, machine-readable documents and any other documentary material regardless of its physical form or characteristics;
 - 1) "prescribed" means prescribed by the rules or regulations made under the Act;
 - a) "public body" means-
 - I. a department, attached department, autonomous or semiautonomous body of the Government, a company of the Government or a special institution;
 - II. any court, tribunal, office, Board, Commission, Council, or other body substantially financed by the Government;
 - b) "public information officer" means a public information officer designated under section 7 of the Act;
 - c) "right to information" means the right to obtain information accessible under the Act 2017

3.0 Policy Statement

- 3.1 The University fully supports the underlying principle of the Right of Access to Information Act 2017:
 - to provide a right of access to information held by public authorities
 - and is fully committed to meeting its obligations under the legislation.
- 3.2 To the extent that it is practicable, the University will endeavor to make information considered of interest to the broader public available through the medium of its pro-active disclosure already in place, such as, publications and website.
- 3.3 Where a request is received for access to information not contained within the publication scheme, such requests will be processed in a timely manner and in accordance with the requirements of the legislation and this policy.
- 3.4 The University will promote and sponsor effective records management practices to ensure that information can be readily located and retrieved in a timely manner.

4.0 Principal Officer

Rector NUML shall act as the Principal Officer and shall ensure that the record held by the NUML is properly maintained, so as to enable it to comply with its obligations under Access to Information Act, 2017 and the record management practices in line with the Secretariat Instructions, 2004.

5.0 Obligations under the Act for Publication & Availability of Record

The Registrar shall act as Designated Officer and shall ensure that categories of information and record is duly published including uploading over the internet in a manner which best ensures that these are accessible subject to reasonable restrictions based on limited resources: -

- a. a description of its decision making processes as defined in the Federal Government's Secretariat Instructions, 2004 and any instructions for the time being in force for public to provide input into or be consulted about decisions;
- b. statutes, statutory rules, regulations, bye-laws, orders and notifications, etc. applicable to the public body disclosing the date of their respective commencement or effect;
- c. substantive or procedural rules and regulations of general application evolved or adopted by NUML, including any manuals or policies used by its employees;
- d. relevant facts and background information relating to important policies and decisions which have been adopted, along with a statement of the policies adopted by the public body and the criteria standards or guidelines upon which discretionary powers are exercised by it;
- e. the conditions upon which members of the public can acquire any license, permit, consent, approval, grant, allotment or other benefits of whatsoever nature from any public body or upon which transactions, agreements and contracts, including contracts of employment which can be entered into with the public body, along with particulars about the recipients of any concession, permit, license or authorization granted by the public body;
- f. a description of its decision making processes as defined in the Federal Government's Secretariat Instructions, 2004 and any instructions for the time being in force for public to provide input into or be consulted about decisions;
- g. the methods whereby information in the possession or control of the public body may be obtained and the prescribed fee required along with the name, title and contact details of the Designated Officer
- h. reports including performance reports, audit reports, evaluation reports, inquiry or investigation reports and other reports that have been finalized
- i. such other matters which the principal officer of the public body deems fit to be published in the public interest;
- j. such other information as may be prescribed; and
- k. Camera footages at public places, wherever available, that may have a bearing on a crime:

(Provided that if the information or record pertains to a period earlier than the year 2008, the same shall be published within reasonable time)

6.0 Right of Access

- 6.1 Under the provisions of the Act individuals have the right to be told whether particular information exists and the right to receive. Upon receipt of a request for information the principal officer/designated officer shall have 20 working days to respond.
- 6.2 Whilst the Act contains a number of exemptions to the right of access to information, some are not relevant to the higher education sector. However, it should be noted that information included in the publication scheme is exempt from access (on the grounds that it is already publicly available under the scheme).
- 6.3 An applicant may make an application to a Designated Officer on an information request form or on plain paper and the Designated Officer shall acknowledge receipt of the application.
- 6.4 A public body shall make easily available to the public the information request form both in printed and in electronic form.
- 6.5 An applicant shall not be required to provide reasons for request for information and shall only be required to provide an adequate description of the information, and the details necessary to provide the requisite information.
- 6.6 Where an applicant has indicated a preferred form of access, including a hard copy, an electronic copy or an opportunity to inspect documents, the public body shall provide access in that form unless doing so is likely to interfere with its operations or harm the document and in that case the information shall be provided in such form as may serve the purpose.
- 6.7 The public body shall not charge any fee for making a request other than cost of reproducing or sending the information in accordance with a centrally set schedule of costs stipulated by the University.
- 6.8 The Designated Officer shall respond to an application as soon as possible and in any case within ten working days, provided that this may be extended by a maximum of a further ten working days where necessary/unavoidable, including because the request requires a search through a large number of records consultation with a third party or any other public body, but the Designated Officer shall provide the information relating to life or liberty of a person within three working days of the receipt of the application.
- 6.9 Where the Designated officer decides not to provide the information, he shall inform the applicant accordingly along with the reasons for such decision, with the advice that the applicant may file an internal review or a complaint against the refusal under this Act.
- 6.10 The information from, or the copy of, any public record supplied to the applicant under subsection (1) shall contain a certificate at the foot thereof that the information is correct or the copy is a true copy of such public record, and such certificate shall be dated, signed and stamped by the public information officer.

7.0 Publication Scheme

- 7.1 A publication scheme shall be introduced and such schemes must set out the types of information the authority publishes, the form in which it is published and details of any charges.

- 7.2** The University's Publication Scheme and access to many of the documents contained within the scheme are accessible on the University's website.
- 7.3** The University's Publication Scheme and documents contained within the scheme are also available upon request from Designated Officer.
- 7.4 Proactive disclosure:** - Subject to the provisions of this Act, a public body shall proactively disclose:
- (a) particulars of the public body, its functions and duties;
 - (b) powers and functions of its officers and employees;
 - (c) norms and criteria set by the public body for the discharge of its functions;
 - (d) Acts, Ordinances, rules, regulations, notifications, circulars and other legal instruments being enforced, issued or used by the public body in the discharge of its functions;
 - (e) a statement of categories of information being held by the public body;
 - (f) a description of its decision-making processes and any opportunities for the public to provide input into or be consulted about decisions;
 - (g) a directory of its officers and employees;
 - (h) amount of subsidy and details of beneficiaries if the public body provides any subsidy;
 - (i) particulars of the recipients of concessions, permits or authorizations granted by the public body;
 - (j) facilities available with the public body for obtaining information held by it;
 - (k) name, designation and other particulars of the Designated Officer of the public body;
and
 - (l) any other information that the Government may notify in the official Gazette.

8.0 Designated Officer

- 8.1** Registrar being Designated Officer shall bear the responsibility for the implementation and observance of the Act.
- 8.2** Designated Officer is responsible for ensuring that requests are dealt with promoting full compliance by the public body of its obligations under this Act and shall assist applicant who are having problems due to any disability in describing the information sought in sufficient detail to enable the public body to locate that information.

9.0 Enforcement

The Right of Access to Information Act 2017 provides legal remedies against public authorities that do not comply with the legislation which can lead to fines and could ultimately be treated as contempt of court. It is therefore extremely important to adhere to this policy and associated guidance – failure to do so may result in disciplinary action being taken by the University.

10.0 Data Protection and Right of Information

- 10.1** Personal data which falls within the scope of the Electronic Data Protection Act 2005 is not covered by the Right of Access to Information 2017 and therefore not publicly accessible.
- 10.2** In some instances certain personal information may be released where it relates to senior staff or staff in public facing roles, but only where such information relates to a person's working life. For example contact information and salary grade.

11.0 Scope

Information that falls within the scope of the Right to Access to Information Act 2017 is held in all areas and at all levels of the University.

12.0 Responsibilities

12.1 The Data Protection and Designated Officer

12.1.1 The Registrar has responsibilities with respect to Right of Access to Information as under.

- i. To advise staff of their responsibilities with respect to Right of Access to Information;
- ii. To provide guidance and training to the staff under his supervision in the requirements of the legislation;
- iii. To advise the University in all matters pertaining to Right of Access to Information;
- iv. To co-ordinate and supervise the creation, maintenance and development of the University's Publication Scheme;
- v. To ensure that arrangements are made for dealing with requests for access;
- vi. To establish, maintain and manage a scheme for provision Information for free of charge for access requests in accordance with the Act.
- vii. To establish, maintain and manage procedures for the processing of complaints relating to Right of Access to Information;
- viii. To ensure that difficulties in matters related to Right of Access to Information are promptly resolved;
- ix. To ensure that this policy and associated documents are drawn to the attention of staff and are available for consultation.
- x. The University's Designated Officer has up to date information about departmental arrangements for dealing with Right to Access of Information matters, including the contact details for the Information Assurance Coordinator;
- xi. departmental information published online is reviewed and updated as necessary;
- xii. all information held within the department is properly documented and retrievable within a period of 15 working days;
- xiii. where a request for access to information has been made, the relevant data is gathered, to satisfy the request;
- xiv. the departmental Information Assurance Coordinator has the full cooperation of departmental staff in carrying out their duties with regard to Right to Access of Information;
- xv. staff (including casual staff) are made aware of their responsibilities and obligations with respect to information held within the department;

- xvi. information held by staff for the purpose of work or study is surrendered or, if appropriate, or treated as Records Management Policy.

12.1.2 Contact details of Designated Officer and request proforma are available on the University's website.

12.2 Information Assurance Coordinators

12.2.1 Registrar shall nominate Information Assurance Coordinator who will assist the Registrar in undertaking the above responsibilities. In particular, they will have responsibility for the following:

- i. Organizing the retrieval of information from within a department in response to an access request and, in conjunction with the Designated Officer, addressing any issues that may arise with respect to the application of exemptions and the need for editing of responses.
- ii. Organizing the review and update of departmental information contained within the University's Publication Scheme.

12.2.2 In cases where a Department is too small to warrant the nomination of a Coordinator, this role will be fulfilled by the Head of Department.

12.3 Individual Members of Staff

12.3.1 Every member of staff must comply with the University's Right of Access to Information Policy and any guidelines issued by the University in relation to Right of Access to Information.

12.3.2 Members of staff must refer to Designated Officer any written request for access to information that makes specific reference to the data protection or Right of Access to Information legislation, or is for access to information that is not normally made available to an individual or to the public. Members of staff are specifically forbidden to respond to such requests personally.

12.3.3 Members of staff must make provision for access to all information which they hold in connection with their work and duties, and in such a manner that the University is able to respond to requests for access within 20 working days.

12.3.4 Members of staff must also make provision for requests for information addressed to them to be processed promptly in their absence

13.0 Exemption from Disclosure

Disclosure shall not be made if the information:-

- (a) is subject to information which affect the fair means of competition like examination matters, which may benefit to some particular individual, or any such information whose disclosure may put at risk any fair means of competition.
- (b) Tests, testing procedures or techniques that are used for education purpose if disclosure could reasonably be expected to prejudice the use or results.
- (c) information accessible by other means (e.g. in the Publication Scheme)
- (d) Information supplied by, or relating to, bodies dealing with security matters

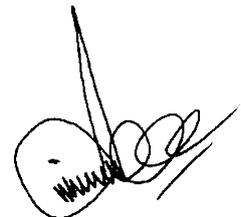
- (e) Court records, and information held in relation to court proceedings
- (f) Prejudice to effective conduct of public affairs
- (g) Information provided in confidence
- (h) Information whereby disclosure is prohibited by an enactment or would constitute contempt of court
- (i) Information intended for future publication
- (j) Investigations & proceedings conducted by public authorities
- (k) Legal professional privilege
- (l) Commercial interests
- (m) Records respecting or associated with research conducted or proposed by an employee of an educational institution or by a person associated with an educational institution.
- (n) Records of teaching materials collected, prepared or maintained by an employee of an educational institution or by a person associated with an educational institution for use at the educational institution.
- (o) Factual material, statistical survey, evaluator's report, environmental impact statement, test report, report on performance of an institution, feasibility study, field research report, final plan or proposal to change or establish a program, interdepartmental committee task force report, report of a body attached to an institution, reasons for a final decision, order or ruling of an officer or employee.
- (p) the security, strategic or economic interests of Pakistan; or as defined in the Act Right to Access of Information 2017.

14.0 Others

Departments may sometimes hire temporary staff or have dealings with external consultants (for example, computer engineers, external examiners etc.). Designated Officer must ensure that such individuals are made aware of their responsibilities and obligations under the Right of Access to Information Act 2017.

Note: NUML Right of Access to Information Policy has been prepared by Mr. Imran Baig, under supervision of **Prof. Dr. Karamat Ali**, Director ORIC.

(This policy is issued with the approval of the competent authority)



Brig. (R) Amin Ullah Khan, SI(M)
Registrar

Date: 18 September 2018