

INFORMATION ACT 2018
(ACT NO. 9 OF 2018)

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ACT NO. 9 OF 2018

I assent.

J. K. KONROTE
President

[18 May 2018]

AN ACT

TO GIVE EFFECT TO SECTIONS 25 AND 150 OF THE CONSTITUTION OF THE REPUBLIC OF FIJI, TO FACILITATE THE RIGHT OF ACCESS TO INFORMATION HELD BY THE GOVERNMENT AND PUBLIC AGENCIES, TO CORRECT OR DELETE FALSE OR MISLEADING INFORMATION THAT DIRECTLY AFFECTS A PERSON, TO PROMOTE ACCESS TO INFORMATION AND FOR RELATED MATTERS

ENACTED by the Parliament of the Republic of Fiji—

PART 1—PRELIMINARY

Short title and commencement

1.—(1) This Act may be cited as the Information Act 2018.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette, provided however that the Minister may, by notice in the Gazette, prescribe different dates as to when this Act comes into force with respect to a public agency.

Interpretation

2. In this Act, unless the context otherwise requires—

“Commission” means the Accountability and Transparency Commission established under section 121 of the Constitution;

“Constitution” means the Constitution of the Republic of Fiji;

“day” means any day other than a Saturday, Sunday or public holiday;

“directly affects” has the meaning given to that term in section 6(4);

“disciplined force” has the meaning given to that term under section 163(1) of the Constitution;

“exempt matter” means any matter or information that is exempt from disclosure under this Act;

“Government” means the Government of the State;

“Government company” means a company where all of the stock or shares in the capital is or are beneficially owned by the Government, whether such shares are held in the name of a Minister, public officer, nominee of the State or otherwise;

“information” means any material in any form, including a record, report, correspondence, opinion, recommendation, press statement, circular, order, logbook, agreement, sample, model, data or document such as —

- (a) a map, plan, drawing or photograph;
- (b) any paper or other material on which there is a mark, figure, symbol or perforation that is capable of being interpreted;
- (c) any article or material from which a sound, image or writing is capable of being reproduced with or without the aid of any other article or device; or
- (d) any article on which information has been stored or recorded either mechanically or electronically,

provided that the material directly affects a determination or decision made by a public agency in relation to the person making a request under section 6;

“information officer” means a person designated under section 36;

“Minister” means the Minister responsible for the administration of this Act;

“permanent resident” means a person who has been granted a permanent residence permit by the permanent secretary responsible for immigration;

“personal information” means any information held in respect of a natural person, excluding any information that is held in respect of the person in the person’s capacity as an officer or employee of a public agency or as an independent contractor engaged by a public agency;

“public agency” means—

- (a) an office created by, or continued in existence under, the Constitution;
- (b) an office in respect of which the Constitution makes provision;
- (c) a commission established by, or continued in existence under, the Constitution or any written law;
- (d) a Government ministry, department, division or unit;
- (e) a disciplined force;
- (f) a court or tribunal established by, or continued in existence under, the Constitution or any written law;
- (g) a statutory authority;
- (h) a Government company; or
- (i) an office established by written law,

but does not include a public agency that is exempted under section 21 from the provisions of this Act; and

“State” means the Republic of Fiji.

Application

3. This Act binds the State in such manner, and subject to such limitations, as prescribed in this Act.

Objectives

4. The objectives of this Act are to—

- (a) give effect to the right of access to information under sections 25 and 150 of the Constitution;
- (b) recognise the right of a person to access information held by a public agency in accordance with the procedures prescribed in this Act;
- (c) ensure that a person is informed of the operations of a public agency, including, in particular, the rules and practices followed by the public agency in its dealings with members of the public; and
- (d) allow a person to make a request to correct or delete personal information held by a public agency in respect of the person to ensure that the information is correct, accurate, complete and not misleading.

PART 2—RIGHT TO INFORMATION

Division 1—Access to information

Right of access to information

5. Subject to this Act, a person may access any information held by a public agency.