

(3) For the purposes of subsection (2), a disclosure which is made to the police or to an appropriate public authority shall be deemed to be made in the public interest.

(4) For the purposes of this section, a person is penalized if the person is dismissed, discriminated against, made the subject of any reprisal or other form of adverse treatment or is denied any appointment, promotion or advantage that otherwise would have been provided; and the imposition of any penalty in contravention of this section shall be actionable in tort.

(5) Any term of a settlement arising from a claim under this section, in-so-far as it purports to impose an obligation of confidentiality on any party to the settlement in respect of information which is not inaccurate and which was or was proposed to be disclosed, shall be unenforceable.

(6) In any proceedings for an offence for contravention of any statutory prohibition or restriction on the disclosure of information it shall be a defence to show that in the circumstances the disclosure was in the public interest, and where the offence is alleged to have been committed by an official or Government contractor and involves the disclosure of information obtained by the person in the person's position as such, that the defendant had before making the disclosure, complied with subsection (2).

Protection of
bona fide
actions.

51. No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith or intended to be done under or pursuant to this Act.

Passed in Parliament this 29th day of October, in the year of our Lord two thousand and thirteen.

IBRAHIM S. SESAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,
Clerk of Parliament.

THE RIGHT TO ACCESS INFORMATION ACT, 2013

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SIGNED this 31st day of October, 2013.

DR. ERNEST BAI KOROMA,
President.



No. 2

2013



Sierra Leone

The Right to Access Information Act, 2013.

Short title.

Being an Act to provide for the disclosure of information held by public authorities or by persons providing services for them and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation.

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

“Commission” means the Information Commission established by section 30;

“fees notice” means a notice in writing stating that a fee of an amount specified in the notice is to be charged by the public authority for complying with section 2.

“historical record” means a record which was created twenty or more years before the coming into operation of this Act;

“information” includes any material regardless of its physical form or characteristics, such as a book, plan, map, drawing, film, microfiche, diagram, pictorial or graphic work, data, photograph, recording, audio or video-tape, machine-readable material or any other information held in electronic form, and also includes any sample, work, model or copy thereof;

“Minister” means the Minister responsible for information;

“official” means any person employed by a public authority, whether permanently or temporarily and whether part-time or full-time, and includes consultants working directly as individuals for the authority;

“personal information” means information about an identifiable individual which contains intimate details in respect of which that individual has a reasonable expectation of privacy;

“private body” means a natural person who carries on a trade, business or profession, but only in such capacity or a partnership or juristic person which carries on a trade, business or profession, but does not include a public authority;

“public information officer” means a person appointed under section 28-

“public authority” includes any body—

- Act No. 6 of 1991.
- (a) established by or under the Constitution of Sierra Leone 1991;
 - (b) established by statute;
 - (c) which forms part of any level or branch of Government;
 - (d) owned, controlled or substantially financed by funds provided by Government;
 - (e) carrying out a statutory or public function; or
 - (f) a body or organisation that receives monies on behalf of the people of Sierra Leone;

“publish” means to make available in a form generally accessible to members of the public and includes print, broadcast and electronic forms of information dissemination;

PART II—THE RIGHT TO INFORMATION

2. (1) Every person has the right to access information held by or is under the control of a public authority. Access to information.

(2) Every person has the right to access information held by or is under the control of a private body where that information is necessary for the enforcement or protection of any right.

(3) Nothing in this Act limits or otherwise restricts the disclosure of or the right to access, information pursuant to any other enactment, policy or practice.

(4) Any person making a request for information to a public authority shall be entitled—

- (a) to have the public authority confirm or deny whether it holds information of the description specified in the request; and
- (b) where the public authority holds information of the description specified in the request, to have the information communicated to that person

(5) A public authority shall be deemed to have complied with subsection (4) if it has communicated the information to the applicant.

(6) In this Act, the duty of a public authority to comply with paragraph (a) of subsection (4) shall be referred to as “the duty to confirm or deny”.

Submission
and form of
request.

3. (1) A request for information under section 2 shall—

- (a) be made in writing;
- (b) describe the information requested; and
- (c) provide an address, which may be an email, for purposes of correspondence.

(2) For the purposes of paragraph (a) of subsection (1), a request shall be deemed to be made in writing where the text of the request—

- (a) is transmitted by electronic means;
- (b) is received in legible form; and
- (c) is capable of being used for subsequent reference.

(3) An application to access information shall be made in English or *Krio* by email, fax, post, telephone or by any other medium provided that the applicant provides—

- (a) contact details; and
- (b) sufficient particulars for the public information officer or any other official to understand what information is being requested.

(4) A public information officer who receives an oral request shall reduce the request to writing, including the public information officer’s name and designation and shall give a copy thereof to the applicant.

(5) Notwithstanding subsection (3), an application may, if the applicant is unable to communicate in English, be made in any other local language in use in Sierra Leone: and in that event the public information officer to whom the application is made shall arrange for a translation of the application into English.

(6) Where a request for information does not comply with subsection (3), the public information officer who receives the request shall render such reasonable assistance, free of charge, as may be necessary to enable the request to comply with that subsection.

(7) A request referred to in subsection (6) shall not be deemed to have been rejected while assistance is being rendered.

(8) A public authority may determine the form for requests for information, but the form shall not be such as to unreasonably delay requests or place an undue burden upon applicants; and no application may be rejected on the ground only that the applicant has not used the prescribed form.

(9) A public authority which receives a request for information shall provide the applicant with a receipt documenting the request.

(10) A public authority shall record and maintain records of all requests for information and all public transactions in a manner that facilitates the right to information.

Time limit
for com-
pliance.

4. (1) Subject to subsection (2), section 2 shall be complied with as soon as possible, and in any event within fifteen working days of receipt of the application.

(2) Where the information sought concerns the life or liberty of a person, section 2 shall be complied with within forty-eight hours of receipt of the application.

(3) Where an application is especially complex or relates to a large volume of information, the public authority may request the Commission for an extension of not more than fifteen working days.

(4) Any failure to conform to the timelines set out in this section shall be deemed a refusal of the request, for purposes of complaints and appeals.

Transfer of
application.

5. (1) Where a public authority does not hold information which is responsive to a request or part of a request, that request or any relevant part of it may, not later than three days from the date of its receipt, be transferred to another public authority if the information requested is held by that other public authority.

(2) Where an application is transferred under subsection (1), the applicant shall be informed of the transfer immediately, and in any event not later than three working days from the date of the transfer.

(3) A public authority to which an application is transferred under subsection (1) shall decide the request in accordance with the timelines set out in section 4, to run from the day upon which the public authority receives the transferred request.

Fees.

6. (1) A public authority to which a request for information is made may, within the time limit for compliance specified in section 5, give the applicant a fees notice, stating that a fee of an amount specified in the notice is to be charged by the public authority for complying with section 2.

(2) Where a fees notice has been given to the applicant, the public authority shall not be obliged to comply with section 2 unless the fee is paid within the period of three months beginning on the day on which the fees notice is given to the applicant.

(3) Subject to subsection (5), any fee under this section shall not exceed the reasonable, cost-based amount for reproducing and sending the information to the applicant, and shall be in accordance with any Regulations made by the Minister under this Act.

(4) Regulations made by the Minister under subsection (3) may, in particular, provide that no fee shall be payable under this section in the following cases:—

- (a) where the applicant falls below a certain income level;
- (b) where the request is for personal information relating to the applicant; or
- (c) where the request is in the public interest, for example because the applicant intends to make the information public.

(5) Subsection (3) shall not apply where provision is made in any enactment as to the fee that may be charged by the public authority for the disclosure of the information.

7. (1) Where, on making a request for information, the applicant expresses a preference for communication by any one or more of the following means:—

Communica-
tion of
request.

- (a) providing the applicant with a copy, certified or otherwise, of the information in permanent form or in another form acceptable to the applicant, such as an electronic form;