



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Information Commissioner's Office
Male', Republic of Maldives



Functional Translation of the Right to Information Act

Act No: 1/2014

Chapter One Beginning and Introduction

Introduction and
Title

1. (a) This Act determines the principles by which the scope of the right to information in the Maldives is defined; and the principles by which providing the right to access information produced, held or maintained by a State Institute is granted to any member of the general public, in order that the matters of the State are conducted with transparency and accountability.
- (b) This Act shall be cited as the "Right to Information Act".

Objective

2. The objective of this Act is to specify the rights of every person in respect to the following matters and to define the scope of those rights:
 - (a) To define the right to access and obtain information in any State Institute;
 - (b) To determine that the right to information shall not be granted in circumstances only specified under this Act, and even under the said circumstances, where the adverse impact to public interest by non-disclosure is greater than that of disclosure, determine the principles by which the said information will be disclosed, in order to uphold the public interest;

- (c) To encourage the widest circulation of information available at State Institute;
- (d) To provide the right of every person to ensure that information held by any State Institute in relation to that person is complete, accurate and not misleading;
- (e) To determine reasonable principles required to administer those specified above.

Chapter Two
Scope of Right

General Right to Information

- 3. (a) This act enforces upon State Institute, where a person has requested information, that the person be notified whether the requested information is in the said office or not, or notify which State Institute the requested information will be available from; and where such information is disclosed to the person.
- (b) Where information present at a State Institute is deemed to be disclosed according to this Act, disclosing the information at a reasonable opportunity, unless specified otherwise in this Act, is also enforced upon the State Institute under this Act.
- (c) Notwithstanding where a statute, already enforced or that comes into enforcement after this Act, specifies that information present at a State Institute shall be disclosed under a certain procedure, or specifies that such information shall not be disclosed, precedence must be given to the principles specified in this Act. Disclosure or non-disclosure of such information shall be based on the norms determined in this Act.

Right to Information

- 4. (a) Access to information from a State Institute in accordance with the procedure in this Act shall be a legally enforceable right available to every person who requests for such information;
- (b) Enforceable legal right under sub-section (a) of this section shall mean that access to information may be requested in accordance

with the procedures of this Act, or through a judicial authority and a judicial order granting such access may be obtained.

Abolished State
Institute

5. Either of the following shall be responsible for information produced, held or maintained by a State Institute that has ceased to exist:-
- (a) Where function of a State Institute are assigned to another State Institute, the office that the functions have been assigned to.
 - (b) Where the functions of a State Institute are assigned to two or more other State Institute, responsibility shall be borne by whichever of those offices which has the relevant information in question.
 - (c) Where the functions of that State Institute have not been assigned to any other State Institute, the authority in whose custody the information is.

Chapter Three

Request for Information

Request for
Information

6. (a) A request for information from a State Institute must be made to the Information Officer of that office in writing and must:
- (1) State that the request for information is made under this Act;
 - (2) Provide such details concerning that information as is reasonably necessary to identify it;
 - (3) Specify an address where documents to be given to the applicant under this Act shall be sent to;
 - (4) Be accompanied by the fee payable under the rules promulgated by that State Institute for access to such information; or give assurance of payment upon request by that State Institute.

(5) Specify the name, address and phone number of the person submitting the request.

(b) Where the person requesting for information, is incapable of submitting a request in writing, as prescribed in subsection (a) of this section, due to a physical incapability or illiteracy, such persons may orally submit his request, with the information specified in subsection (a) of this section, to the Information Officer of the State Institute. In such circumstances, the Information Officer, must write down the request, sign it, and have a third person witness the process, have the witness sign the request, have the person orally submitting the request fingerprint the request, and give a copy of the written request to that person.

(c) A State Institute may prepare and introduce a specific form by which requests for information as according to this Act will be submitted. However, the form shall not be a cause for inconvenience or unreasonable delay for access to information or the reason for unreasonable hindrance to access.

(d) In circumstances where the form mentioned in subsection (c) of this section is not introduced by the State Institute, or where the form is unavailable, requesting for information without the form shall be possible.

(e) The form mentioned in subsection (c) of this section shall not compel to provide any information except those specified in subsection (a) of this section.

(f) The State Institute must provide a receipt acknowledging that a request has been submitted.

Time within which to comply with request for information

7. (a) Where a request to access for information is made under this Act, action on the request must be taken as promptly as possible and such access must be provided as soon as may be practicable. That period shall not in any event exceed 21 (twenty-one) days.

- (b) Notwithstanding subsection (a) of this section, where request for information is made to save the life and liberty of a person, such information must be provided within 48 (forty eight) hours.
- (c) Where the information requested is to be provided by undergoing extensive research, or where the information so requested is great in quantity, and where having to set aside time to undertake such tasks would impede significantly the general functions of the State Institute, for the reasons mentioned herein, the State Institute, before the expiration of the 21 (twenty-one) days mentioned in subsection (a) of this section, has the right to extend the time to an additional 14 (fourteen) days within which to comply with request for information.
- (d) Where a State Institute fails to comply with the time limits and procedure prescribed in subsections (a), (b) and (c) of this section, that office shall for the purposes of this Act be considered to have refused to release such information.

Incomplete or
Inaccurate or
Meaningless Request

- 8. (a) A request for information from a State Institute may be declined for failure to provide the necessary information in the application, as specified in this Act. However, a request may be so declined only after notifying the applicant and providing the applicant an opportunity to complete all the information required for an application in compliance with this Act, and after offering such assistance and if the applicant refused to comply with the stipulations required for an application under this Act.
- (b) Where the State Institute has responded to the request, or had done so to the same request previously, and where after the response the information had not notably changed, or where sufficient time had not elapsed, having notified the applicant in writing, the State Institute has the discretion not to proceed with the request, for the reasons so given.

Transfer of a request
from one State
Institute to the other

- 9. (a) A State Institute in receipt of a request may under the following circumstances transfer the request to another office if;

- (1) The information to which the request relates is not in custody of the State Institute in receipt of the request, and the information is to the knowledge of that office held by another office; or
- (2) The information to which the request relayed is held by the State Institute in receipt of the request but its disclosure may best be made by another institute; or
- (3) Another State Institute consents to the transfer of a request to that institute.

(b) Where a State Institute transfers a request to information to another institute, in accordance with subsection (a) of this section, it must notify the applicant regarding the transfer in writing, specifying the date and reason for which the request was transferred to the other institute.

(c) Where a State Institute transfers a request to information to another office, in accordance with subsection (a) of this section, it must complete the transfer within 7 days of receiving the request.

Information stored in formats other than documents

10. Where the request to access certain information is made, and where it is found that the relevant information is not at the time available in discrete written form but is stored in any other source which can be retrieved or replicated on to discrete written form, the State Institute in receipt of the request shall deal with the request as if it were a request to access a written document. For the purposes of this Act such information will be deemed to be in the form of a written document.

Chapter Four Acknowledgement

Decisions regarding requests to access information

11. (a) On receiving a request for information the Information Officer of the related State Institute must decide:

- (1) Whether the information requested can be given promptly or at a later date or if it would be permissible to disclose such information;

- (2) Whether any fee shall be charged to disclose such information;
- (3) Whether the information cannot be released within 21 (twenty-one) days;
- (b) Where a State Institute fails to notify anything to the applicant who has made a request to access information within 21 (twenty one) days of such request, that institute shall for the purposes of this Act be considered to have refused to discharge such information.
- Acknowledging a request for information
12. Where a request for access to information is received to a State Institute, it shall reply to the applicant in writing, informing:
- (a) Where the application is accepted, notice thereof, the amount payable for the disclosure of the requested information and the manner in which the information would be disclosed;
- (b) Where the application is not accepted, that it is not accepted and the reason(s) for not accepting it.;
- (c) Whether the information requested is available or not from the State Institute to which the request was made;
- (d) Where the information requested is at the custody of the State Institute but cannot be disclosed, the reason(s) for non-disclosure;
- (e) Where the information cannot be given within 21 (twenty-one) days, the reason(s) for the delay;
- (f) Where the applicant receives response in accordance to subsections (b), (c), (d) and (e) of this section, he has the right to appeal under this Act.
- Refusal to disclose the information requested
13. (a) On receiving a request to access information, the Information Officer of the related State Institute may refuse to disclose the information if:
- (1) The request relates to information exempted by this Act, and does not meet any of the circumstances specified in section 20 of this Act, or

- (2) The information is otherwise available to the public from that institute or elsewhere, free of charge or for a fee.
 - (3) The information is otherwise accessible to the public without any payment and is disclosed to the public as a normal practice or policy of that State Institute.
 - (4) The information is available as a matter of course to the public for a payment.
- (b) Notwithstanding subsection (a)(1) of this section, where a request for information relates to that which has been exempt from this Act, and where that information is exempt because it contains a specific piece of information that can be deleted, and such deletion would remove it from the domain of an exempt information under the Act, then the State Institute in receipt of the request shall not refuse to disclose that information, if it is possible to grant access after deleting the exempt information.
- (c) Where a State Institute decided to release information as according to subsection (a) of this section, the State Institute must notify the applicant in writing, the reason for the decision.
- (d) In circumstances where the Information Officer refuses to provide information specified in subsection (a)(2) of this section, the applicant must be made known the place, or the State Institute, or the procedure by which the requested information can be sought.

Deferment in disclosing a record

14. (a) If the requested information cannot be disclosed when the application is made due to the following reasons, the information can be withheld having decided a time for disclosure and up until such time:
- (1) Where the information ought to be disclosed under this or another Act and the time for such disclosure has not arrived at the time the request is made or;
 - (2) Where the document is prepared for presentation to the People's Majlis and the time for such presentation has not arrived at the time request is made or;

(3) If the document is prepared to be presented to a certain authority as may be required by law or an ongoing event or a preplanned event and the time for such presentation has not arrived at the time request is made.

(b) The Information Officer, having decided to defer the disclosure of information, as according to subsection (a) of this section, shall inform in writing to the applicant that the disclosure of requested information has been deferred, stating the reason for the deferral and the date on which the deferred information would be disclosed.

(c) Once the applicant is notified of the deferment in accordance with subsection (b) of this section, the applicant has the right to lodge a complaint with the Review Committee of the State Institute within 14 (fourteen) days of the receipt of the deferment notification.

(d) Where the decision of the Review Committee of the State Institute, in relation to a complaint lodged before him, in accordance with subsection (c) of this section, is also to defer access to the requested information, that decision must be notified in writing to the applicant. Whereby the applicant has the right to appeal to the Information Commissioner, within 14 (fourteen) days of the receipt of the said notification.

Ways in which information may be disclosed

15. (a) Access to information may be granted to a person in any of the following ways:

(1) If the information is in existence, a reasonable opportunity to inspect and study the information;

(2) Provide a copy of the information;

(3) If the information can be heard or viewed with or without the assistance of another device, provide a reasonable opportunity to hear or view the information;

- (4) If the document is in the form of shorthand writing or in recorded form, provide a transcript of the same.
- (b) Where an applicant requests access in a particular form as is stated in sub-section (a) then access must be granted in that particular form.
 - (c) Notwithstanding subsection (b) of this section, access may be granted in a form different from the manner requested if the following is encountered in granting access in the form requested by the applicant:
 - (1) If the work to provide the information in the requested form would delay the general functions of the State Institute;
 - (2) Where, at the moment of disclosure, providing the information, in the form requested, it would be detrimental to the information in its original form, or if it may be difficult for the preservation of the information in its original form.
 - (3) If it would involve an infringement of copyright.
 - (d) If access to information is granted in a manner different from the manner in which it is requested as in subsection (c) above, and it involves an increase in the applicable charge, the applicant must then be made to understand the rise in the charge, and access to information may not be granted unless the applicant consents to receive the information for that increased charge.
 - (e) If the information is in more than one language, it must be provided in the language, requested by the applicant. Notwithstanding this principle, where the information is prepared in Dhivehi or English Language or both, providing the information in any of these two languages shall be deemed as having complied with this provision.

Chapter Five Correcting Information

The right to request to correct information regarding a person

16. Where after having examined or being given a copy of a piece of information, the applicant under the following circumstances informs the State Institute that the information requires correction, the State Institute shall after verification, amend the records appropriately if:
- (a) The information contains personal information of the applicant;
 - (b) The information has to be used for administrative purposes in that particular State Institute;
 - (c) The information is according to whom it relates to, incorrect, untrue, incomplete, or misleading.

Refusal to amend records in a State Institute

17. Where an application is made for amendment of records held by a State Institute, the institute in receipt of such application may decide not to amend the records accordingly if:
- (a) The State Institute is confident that the information is complete, correct and not substantially misleading,
 - (b) The State Institute is confident that the application to amend the records contains incorrect or misleading information,
 - (c) The procedure for amendment of the information to which the application for amendment relates is specifically provided in a statute, and the given procedure was not followed.

Requirement of annotations

18. Where a person makes an application for amendment of information relating to him claiming that the information in the State Institute is incorrect, untrue or incomplete and where the State Institute decides not to amend that information, the applicant may request for an “annotation” to be included in that information:
- (a) Specifying that certain details in the information are claimed to be incorrect or untrue or misleading from the applicant’s perspective; or

- (b) Where the information is untrue or incorrect, those details which according to that person would make the information, correct or complete.

Chapter Six Charges

Charging Fees

- 19. (a) Circumstances under which fees shall be charged and the rate at such fees shall be charged in respect to disclosure of information shall be determined in a regulation made under this Act.
- (b) The State Institute by virtue of the regulation mentioned in the subsection (a) of this section, shall charge a fee for disclosing of any information under this Act.
- (c) In so determining the applicable fee or charge, as according to the regulation mentioned in the subsection (a) of this section, due consideration must be given to the following:
 - (1) That the charge or fee payable does not exceed the actual cost of transforming and providing the information in the required format;
 - (2) That the fee does not amount to a charge taken for the task of searching, examining, collecting and verifying the information;
 - (3) That the fee does not amount to an obstruction in gaining information that is entitled to a financially disadvantaged person;
 - (4) Where the information requested is personal information of the applicant, or in the interest of the general public, no fee shall be charged.
- (d) Notwithstanding the imposition of fees, applicants shall be provided the information free

of charge where a State Institute fails to comply with the specified time limits.

- (e) Where the information sought from a State Institute is accessible information under this Act, upon request for such information, the information officer of the State Institute must inform the applicant of the fee payable for accessing the requested information.
- (f) Following shall be specified in the regulation formulated under subsection (a) of this section:
 - (1) The procedure for deciding fees;
 - (2) Parties from whom fees shall not be charged.
 - (3) Parties exempted from fees
 - (4) Maximum chargeable fee.

Chapter Seven

Precedence of Public Interest and Exemptions

Giving Precedence to
Public Interest

20. (a) Every section in this Chapter shall be interpreted to accommodate and maintain the principles prescribed in this section and without imposing limitations on the said principles.
- (b) Notwithstanding the exemptions specified in any section of this Chapter, a State Institute should disclose information upon request where the greater public warrants the disclosure of such information, rather than denial of access and where the interest protected by non-disclosure is outweighed by the interests of the larger public upon disclosure.
- (c) Where access to certain information sought for under this Act is not granted citing detrimental reasons of public interest, the following grounds shall not be regarded as justifiable reasons that would erode public interest:
- (1) The information contains such details if disclosed to the public may make it difficult for the concerned State Institute to be answerable;

- (2) The information contains such details that may undermine public confidence in the concerned State Institute;
 - (3) The information contains such deletions, which may adversely impact the comprehension of the remaining details.
- Partial Disclosure of Information
21. Where an application is made for access to information, and part of that information is exempted from disclosure under this Act, having removed the exempted part, the remaining part of the information shall be released.
- Information received in confidence
22. The following information under this Act shall be exempt from disclosure :
- (a) Information, disclosure of which is an offence under any law of Maldives;
 - (b) Information, disclosure of which could cause action for breach of confidence to be filed against the government, or
 - (c) Information, disclosure of which could prevent the government from obtaining such information in the future.
 - (d) The following information, where disclosure may not be in the best interest of justice and fairness:
 - (1) Details whose disclosure could have a substantial adverse impact on the ability of government to manage or administer the economy of the State,
 - (2) Information, if prematurely disclosed could adversely affect a person or group of persons,
 - (3) Where disclosure of certain information would detriment the privilege of a judicial court or that of the People's *Majlis*,
 - (4) Information, related to a trial the proceeding of which were, according to judicial proceedings, not open to the public,
 - (5) Personal or legal or judicial information relating to a child who has not attained the

age of 18 (eighteen), the disclosure of which may harm the child's person or dignity,

- (6) Information concerning sexual abuse and other such offenses perpetrated against women or children below the age of 18 (eighteen), the disclosure of which may identify the victim or harm the victim's person or dignity.

Personal Information 23. (a) Where the information to be disclosed by a State Institute concerns the personal information of a third person, the Information Officer of that State Institute shall not disclose the information without the consent of the third party.

- (b) Notwithstanding subsection (a) of this section, where the disclosure of the third person's personal information is in the interest of maintaining public interest, for that reason, that information may be without the consent of the third party, but with the authority of the review Committee set up in the State Institute under this Act.

Legal Privilege 24. (a) Where the information to be disclosed is that of an investigation conducted under law or trial proceedings at court enjoying legal privilege, the State Institute has the discretion not to disclose such information.

- (b) Notwithstanding subsection (a) of this section, where the beneficiary of the legal privilege waives that privilege, the provision prescribed in this section shall not apply thereafter.

Information on Business Affairs 25. Where disclosing the following types of information would result in irrevocable damage, the State Institute has the discretion of non-disclosure:

- (a) Where the information was gathered on an agreement of confidentiality and that information has any of the following attributes:
 - (1) Trade secrets;
 - (2) Information, if disclosed would have a detrimental impact on the business or financial interest of the third party;

- (b) Where the information was sought or received or known through a relation formed with another country or through an international body by an agreement or by an exchange of verbal or written correspondence, and where disclosing that information would or may adversely affect the relation established by Maldives with that country of body.
- (c) Where the information requested is that which was received or utilized or maintained in connection with an official mandate carried out by a State Institute, and concerns an agreement or transaction made between two private individuals or between two companies, and where that information, if disclosed, would reveal secrets of personal or financial or debt or business matters.

Health and Protection

26. Where disclosure of a request to access information would endanger a person's health or life or physical safety, the State Institute has the discretion of non-disclosure.

Records relevant to enforcement agencies

27. (a) Following information are exempted from the applicability of the Act:
- (1) Information containing details that could prejudice an ongoing investigation of an alleged breach of law;
 - (2) Information that may expose the identity of a confidential source of information;
 - (3) Information that needs to be kept confidential for the enforcement or administration of a legislation;
 - (4) A document that could endanger a person's life or physical safety;
 - (5) Information that could prejudice a person's right to fair trial on an ongoing proceeding;
 - (6) Information that could prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating, or dealing with acts constituting breach of law,

(7) Information that could endanger the security of a building, structure, vessel or vehicle,

(8) Information that could impede the arresting of a person accused of an offences, or information that could facilitate a person's escape from custody.

(b) Following information shall not be withheld under subsection (a) of this section:

(1) Information that could reveal that the scope of a law enforcement investigation had exceeded limits defined by law;

(2) Information containing set of general principles adhered to by a law enforcement agency in dealing with alleged breaches of law;

(3) Information relating the degree of success achieved in programs, designed to stop the breach of law;

(4) Information made known to the person under investigation as per the normal procedure.

Administering the Law

28. Where disclosing the following types of information would result in irrevocable damage, the State Institute has the discretion of non-disclosure:

(a) The ability to administer justice;

(b) The ability to impose a lawful tax or duty and the ability to determine whether such a tax needs to be taken;

(c) The ability to administer the rules governing immigrants entering Maldives;

(d) The ability to determine, in a particular case, whether civil or criminal charges has to be filed, or whether legal measures have to be taken.

Defense and Security

29. Where disclosure of a piece of information, containing details that would endanger national security as interpreted within the scope of the Constitution, would

result in irrevocable damage, the State Institute has the discretion of non-disclosure. The provision mentioned in this section will not include the following:

- (a) Information concerning administrative and management matters.
- (b) Information concerning projects issued on a contract basis or through tender bids.
- (c) Information concerning hiring and dismissal of employees.
- (d) Any other such information, the disclosure of which will not endanger national security.

Public Economic Interest

30. Where disclosing the following types of information would result in irrevocable damage, the State Institute has the discretion of non-disclosure:

- (a) The ability of the government to manage the economy of the country in a beneficial manner;
- (b) Legitimate financial or commercial interest of a State Office.

Policymaking and Enforcement

31. (a) Where disclosing the following types of information would result in irrevocable damage, the State Institute has the discretion of non-disclosure:

- (1) Information that would obstruct the result-based planning policy of government in a manner that achieves the goal;
- (2) Information, where the premature disclosure of which, would be prejudicial to the benefit of implementing administrative policy;
- (3) Information relating to a matter, the disclosure of which, would impede testing or auditing procedure.

(b) Compliance to subsection (a) of this section shall not be applied to technical, statistical, research and analytical information.

- Cabinet Records
32. (a) The State Institute has the discretion to not disclose the following information:
- (1) A document prepared for submission to the Cabinet;
 - (2) A document submitted to the Cabinet;
 - (3) A draft of a document prepared for submission to the Cabinet; or a copy or a replicated document submitted to the Cabinet;
 - (4) Information, the disclosure of which would reveal details of deliberations and decisions in the cabinet and the identity of the speaker.
- (b) Cabinet documents are not exempt in following circumstances:
- (1) Documents, consisting of administrative details, financial details, or statistical details which is prepared for submission to the Cabinet or for discussion in the Cabinet,
 - (2) Information, concerning a matter submitted to the Cabinet and of which its deliberations have been concluded;
 - (3) A document, where 10 (ten) years have lapsed since its submission to the Cabinet.
- (c) In this section the reference to the Cabinet includes Cabinet committees and subcommittees.
- Time Limitations
33. The provisions prescribed in sections 22, 26, 27, 28, 29 and 30 shall not apply to information which have attained 10 (ten) years.
- Procedure to follow in disclosure of information relating to a third party
34. (a) Where a request for information of a third party, that is protected by sections 23, 24, 25 and 26, is received by a State Institute, and where the Information Officer of those State Institute intends to disclose it, the third party must be notified within 5 days of receiving the request, that such information is intended to be disclosed.

- (b) Where the third party receives a notification of disclosure as according to subsection (a) of this section, and where there is an objection to that disclosure, the Information Officer must be informed orally or by writing within 7 days following the date of notification.
- (c) In deciding to disclose, the said information, the Information Officer, having considered the reasons for objecting to disclose by the third party, can decide to disclose or not disclose the information.
- (d) Where the Information Officer decides to disclose the information despite the objections from the third party, the third party must be notified in writing that the information has been disclosed and the reasons for its disclosure. The Information officer must also state in the said notice that where the third party is unsatisfied with the decision, he has the right of appeal as according to this Act. The notification must also specify the contact details of the appeal authority.
- (e) The Information Officer shall disclose information the disclosure of which is objected by the third party, after having the approval of the appeal and review stage.

Chapter Eight
Dissemination of Information in the Act

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| How to Utilize the Act | 35. | The Information Commissioner shall compile and prepare a practical guide, in an easily comprehensible, accessible manner, containing information on how to gain access to information as according to this Act, and make it available as widely as possible. |
| Information Officer | 36. | (a) The highest ranking official of every State Institute must designate Information Officer(s) in their respective State Institute having the responsibility to provide information to the public requesting for the information under this Act. And the names, designations and contact details of the Information Officers, must be disseminated as widely as possible and must be publicly accessible. |

- (b) In accordance with subsection (a) of this section, Information Officer(s) shall be designated from among its employees of each State Institute. This Act does not prohibit the Information Officers from doing any other official work in addition to the undertaking the responsibilities prescribed under this Act.
- (c) In addition to the tasks assigned under this Act, the Information Officers shall undertake the following:
 - (1) To formulate the policies and principles required to maintain, archive and disclose the information, according to the principles laid down by the Information Commissioner under section 38 of this Act, and administer and encourage the implementation of these;
 - (2) Each Information Officer of a State Institute shall bear the highest responsibility of disclosing information requested under this Act, and for assisting individuals seeking to obtain information, and to make decisions regarding requests made under section 11, 12, 13, 14 and 15 of this Act.
- (d) In undertaking the tasks assigned to the Information Officer, he may request assistance from other employees at the State Institute, in order to ensure the maximum achievement of the objectives of this Act.
- (e) Where the Information Officer sought assistance from any employee in the State Institute in accordance with subsection (d) of this Act, such assistance must be provided. And where a breach of this Act had taken place for the purpose of the investigation, such employee shall be deemed as the same as an Information Officer.

Proactive Disclosure

- 37. For the purpose of public interest the information related to the following shall continue to publish annually, or in shorter period, decided by that State Institute, on an easily accessible but not limited to, the following matters:

- (a) Details of the functions, responsibilities, structure and duties of the State Institute;
- (b) Details of direct services provided or being provided to the public.
- (c) Details of the mechanism of lodging a complaint at the State Institute in connection to a matter undertaken by that office, and details of the number of complaints received thus far;
- (d) Easily comprehensible details of how documents are managed;
- (e) Information held or maintained by the State Institute, and the nature of its general publications, together with information on the procedure to follow to request for information;
- (f) The responsibilities and duties of high ranking officials of the State Institute, their powers and scope of discretion, and procedure followed in decision making within that scope;
- (g) The rules, regulations, policies, principles and norms used by the State Institute for discharging its responsibilities;
- (h) Details of decisions taken that would affect the public and the reasons for those decisions, their implications and details of their background;
- (i) The manner in which suggestions and criticisms on decision-making can be exercised by the public and influenced in relation to the policies of those functions carried out by the State Institute;
- (j) The budget allocated to the State Institute, indicating the particulars of all plans, proposed expenditures and details of disbursements made;
- (k) The individual remuneration and benefits received by all the employees of the State Institute;
- (l) the norms followed by the State Institute for the discharge of its functions;

- (m) The stages and procedure followed in the decision making process of the State Institute, and the mechanisms for supervision and accountability.

Norms to be followed in the duty of information dissemination

38. The Information Commissioner shall undertake the following:

- (a) Determine the minimum and maximum standards to be followed by the State Institute in disclosing information;
- (b) Where State Institute request advice regarding matters related to dissemination of information, to provide such advice.

Managing Information

39. (a) Each State Institute shall manage its information in a manner that would enable easy discharge of the duty of information disclosure and must follow the general norms relevant to this function.

(b) Where a person needs correction of an incorrect point included in a person's information, each State Institute must provide reasonable procedures to enable the correction.

(c) Within a specified period, the Information Commissioner, having consulted with the state-offices, must publicly announce and publish, the general norms to be followed in managing information securely in State Offices, their preservation, archiving, disposal and disclosure.

Training Employees

40. For the purpose of implementing the Act fully, the Information Commissioner must provide, the designated relevant staff at each State Institute, suitable training on the right of information and on the provisions prescribed in this Act.

Review Procedure

41. (a) Each State Institute shall set up a Review Committee with the task of examining and reviewing complaints lodged by those unsatisfied by the decisions of the Information Officers. And that Committee must consist of those at a higher rank than the Information Officer(s).

- (b) Where there is a party dissatisfied with the decision made by the Information Officer(s) of a State Institute, a submission may be made to the Review Committee of the State Institute requesting a review of the decision, within 30 days from the date the decision was made or should have been made.
- (c) The Review Committee mentioned in subsection (a) of this section, may accept a complaint to be reviewed, even after the lapse of the period mentioned in subsection (b) of this section, where the Committee believes there is a reasonable justification for the delay.
- (d) Where the complaint submitted concerns the information of a third party, a decision on that complain must be reached after having heard the third party.
- (e) The, complaints submitted to the Review Committee must be reviewed within 30 days and where the review is not completed within this period, due to a special circumstance, it must be completed within an additional 15 days.
- (f) The Review Committee, having examined and reached a decision about a complaint submitted to it, shall notify its decision to all concerned parties in writing.

Submission of Report
to the Information
Commissioner

42. Each State Institute must, once a year, under the initiative of the Information Officer of that State Institute, compile an annual report and submit it to the Information Commissioner, based on, but not limited to, the following information:

- (a) The number of applications received, the number of applications answered, the number of applications for which access was provided for the requested information and the number of applications for which access to the requested information was not granted;
- (b) The section or provisions of this Act invoked the most in order to refuse a request for information;
- (c) The number of appeals made following refusal to access to information;

- (d) The amount of fees and their total;
- (e) Activities and tasks carried out proactively in order to comply with the duty of information disclosure;
- (f) Activities and tasks carried out for information management;
- (g) Activities and tasks carried out for the purpose of training the employees.

Chapter Nine

The Post and Responsibilities of the Information Commissioner

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| Establishment of the Office of the Commissioner of Information | 43. | <ul style="list-style-type: none"> (a) On the day this Act comes into force, an office titled 'the Information Commissioner's Office' should hereby be established. (b) The Information Commissioner's Office is an independent legal entity possessing a separate seal, having the right to sue and be sued in its own name, and having the right to communicate in its own name. (c) In establishing the Information Commissioner's Office stated in subsection (a) of this section, priority shall be given in utilizing the State resources and employees. |
| Appointment of Information Commissioner | 44. | <ul style="list-style-type: none"> (a) The Information Commissioner shall be appointed by the President, in accordance with this section. (b) Wherever the need to appoint the Information Commissioner arises, the President shall propose to the People's <i>Majlis</i> at least three names. (c) The names that are submitted to the People's <i>Majlis</i> in accordance with subsection (b) of this section shall comprise of those names that the President selected from among the people who answered a public announcement. The President shall also forward to the People's <i>Majlis</i>, for its information, the names of all other respondents to the said public announcement. (d) The President shall appoint as Information Commissioner the person whose name is passed |

by a majority of those present at a session of People's *Majlis* from the name(s) submitted to the *Majlis* by the President in accordance with subsection (b) of this Section.

- (e) The President shall submit the names to appoint as Information Commissioner to the People's *Majlis* within 15 (fifteen) days of the implementation of this Act. And the People's *Majlis* shall decide on nominating a person to the position within 30 (thirty) days of the President proposing such name(s).

Requirement that the Information Commissioner must meet

45. The Information Commissioner so appointed shall meet the following requirements:

- (a) Must have attained the age of 35 years;
- (b) Must not be convicted of an offence punishable under Islamic *Shari'ah* or guilty of offence of fraud or bribery as per *Shari'ah*;
- (c) Must not be a person appointed to hold a political position under the Constitution of any law of the Republic of Maldives;
- (d) Must not be a member of a political party nor engaged in the activities of a political party;
- (e) Must have a first degree, and possess at least 7 (seven) years of work experience.
- (f) Must not be employed in any other employment other than the post saved as Information Commissioner.

Term of Office

46. (a) The term of office of the Information Commissioner who is appointed shall be 1 (one) term of 5 (five) years from the date of his appointment.

- (b) Notwithstanding subsection (a) of this section, except in the circumstance when the Information Commissioner is dismissed from office as in under Section 48 of this Act, the People's *Majlis* can approve the renewal of the appointment of the Information Commissioner for an additional term of not more than 5(five) years.

Appointment in case the post becomes vacant	47.	When the post of the Information Commissioner becomes vacant, a person shall be appointed to the post within 60 (sixty) days the latest after the post becoming vacant, as according to section 44 of this Act.
Dismissal from Office	48.	The Information Commissioner shall be dismissed from office, if found that he carried out an act unsuitable to the position of Information Commissioner, or if he is unable to discharge the responsibilities of the post or is incompetent to perform the responsibilities of the post, by the relevant Parliamentary Committee of the People's Majlis, and upon the approval of such finding by the People's Majlis by a majority of those present and voting, calling for the Commissioner's removal from office.
Resignation	49.	If the Commissioner wishes to resign from office, he may do so by submitting a written resignation to the President of the Republic, and the office shall be vacant when the resignation letter is received by the President.
Salary and Benefits	50.	<p>(a) The salary and benefits offered to the Information Commissioner shall be similar to that offered to the President of the Human Rights Commission.</p> <p>(b) The salary and other allowances provided to the employees of the Office of the Information Commissioner shall be determined by the Ministry of Finance and Treasury with the counsel of the Information Commissioner.</p>
Employment, transfer and dismissal of employees of the Office	51.	For the purpose of executing the powers vested, the Information Commissioner has the power to delegate additional employees to the Information Commissioner's Office, to train, promote and dismiss them, without breaching the allocated budget passed by the People's Majlis to run the Office.
Financial Matters	52.	(a) The State treasury shall provide the Office of the Information Commissioner the funds from the annual budget approved by the People's Majlis in order for the Information Commissioner to undertake fully the responsibilities of the office. To allocate fund for the Information Commissioner's Office in the State budget in accordance with the Financial Act and its Regulation, the Information Commissioner shall

send the details to the Ministry of Finance and Treasury.

- (b) The Information Commissioner's Office shall not utilize the financial assistance provided by persons or an organization or a foreign government, for any purpose except that of achieving the objectives of the office.
- (c) A financial statement stating the Information Commissioner's Office's income, expenditure, assets and liabilities, audited and prepared in consultation with the Auditor General and in accordance with the regulations formulated by the Auditor General, shall be submitted to the President and the People's Majlis along with the annual report stipulated in Section 55 of this Act.

General Duties

53. In addition to undertaking the responsibilities specified in this Act, the Information Commissioner has the following powers:

- (a) To examine and report the extent to which this Act is administered by State Institute;
- (b) For the purpose of reforming matters related to information dissemination, to identify what general improvements can be made without singling out a particular State Institute, and identifying certain acts that can be carried out by a specific State Institute;
- (c) To participate, run and cooperate in providing training programs for Government employees, for the purpose of administering this Act;
- (d) Where breaches of this Act are deemed to have taken place, to inform the relevant authorities;
- (e) To publicize the purpose and objectives of this Act and to widely publicize the rights provided to individuals under this Act and to inform them of these rights.

Accountable to
People's *Majlis*

54.

The Information Commissioner shall appear before the People's *Majlis* or any of its relevant committees if required to do so at any time. And the Information Commissioner must answer the questions put before him by the People's

Majlis or committees, to the best of his knowledge.

Annual Report

55. (a) The Office of the Information Commissioner shall prepare and submit an annual report based on the activities of the Commission, before the end of February to the President of the Republic of Maldives and to the People's *Majlis*.
- (b) The annual report stipulated in subsection (a) of this section shall contain the following activities over the reporting period:
- (1) Work carried out by the Information Commissioner within the year;
 - (2) Expenditure statement audited by the Auditor general or by a chartered or public accounting firm approved by the Auditor General.
- (c) The Office of the Information Commissioner shall publish the Annual Report stipulated in subsection (a) of this section within 14 (fourteen) days of submitting the report to the President and the People's *Majlis*.
- (d) Notwithstanding subsection (a) of this section, on a case the Information Commissioner deem relevant, the Commissioner may submit a special report relating to that case, to the President, the People's *Majlis* and the Human Rights Commission.

Chapter Ten

Implementation of matters by the Information Commissioner

Appeal to the
Information
Commissioner

56. (a) Where there is a party dissatisfied with the decision reached by the Review Committee after review, the party may appeal the matter to the Information Commissioner, within 90 days from the date the decision was made or should have been made.
- (b) The Information Commissioner has the power to accept an appeal, even after the lapse of the period mentioned in subsection (a) of this

section, where the Commissioner believes there is a reasonable justification for the delay.

Lodging Complaints
to Information
Commissioner

57. Without subjecting limitations or omissions to the provisions mentioned in section 15 of this Act, an applicant making a request for information, has the power to appeal directly to the Information Commissioner, in the following circumstances:
- (a) Where the applicant is unable to access information from a specific State Institute, because no Information Officer has been appointed to that State Institute;
 - (b) Where a State Institute refuses to receive an application of request for information without reasonable justification;
 - (c) Where the Information Officer refuses or neglects to provide a receipt notifying that the request has been duly applied under this Act;
 - (d) Where the Information Officer fails to comply to a request for access to information within the time limits required under this Act;
 - (e) Where the Information Officer or the State Institute refuse to comply with the directive issued by the Information Commissioner;
 - (f) Where the Information Officer or the State Institute breach the procedure in this Act regarding access to information.

Power to refuse
appeals

58. (a) The Information Commissioner has the power to refuse appeals lodged before him as under section 57 of this Act, in the following circumstances:
- (1) Where the appeal has no substantial basis;
 - (2) Where the appeal relates to a matter too trivial to be examined;
 - (3) Where the procedure prescribed in section 41 of this Act has not been fully followed in finding a remedy to the complaint.
- (b) Where the Information Commissioner decided the he must accept a complaint lodged under this

section, having examined the complaint in person or by a party decided by him, the Information Officer has the power to reach a decision on the complaint in accordance with this Act.

Procedure to follow
in appeals and
complaints

59. (a) In proceeding with complaints or appeals lodged before the Information Commissioner, the State Institute to which the Information Officer is attributed, has the onus of establishing the following:
- (1) That the information requested was refused based on a provision prescribed in law; or
 - (2) That the State Institute has adhered to that prescribed in this Act.
- (b) All appeals and complaints lodged before the Information Commissioner, in accordance with this Act, shall be examined and completed within 30 days. Where the examination and reaching a decision regarding the complaint or appeal is unfinished for any reason within the time limit, having notified the applicant who made the complaint or appeal with reasons, the Information Commissioner has the power to add additional 15 days to the process.
- (c) Where the complaint or appeal submitted to the Information Commissioner concerns information protecting the interest of a third party, the third party has the right to be heard.
- (d) Unless otherwise stated in this section, all proceedings related to a complaint or appeal must be conducted in open sittings.
- (e) Notwithstanding subsection (d) of this section, in circumstances where information exempted from disclosure under this Act, is to be examined in connection with a complaint or appeal lodged under this Act, the Information Commissioner may examine such information in a confidential sitting or sitting closed to the public.
- (f) The decisions reached by the Information Commissioner must be announced in an open sitting.

- (g) Having examined an appeal or complaint lodged before the Information Commissioner, the decision reached, must be notified to all concerned parties.

Powers vested in
Information
Commissioner

60. The Information Commissioner shall have the following powers in relation to an appeal or complaint lodged before him:

- (a) To summon the concerned persons;
- (b) To obtain statements from those summoned;
- (c) To collect testimony from those willing;
- (d) To request for information;
- (e) To request for documents;
- (f) To order to provide documents;
- (g) To order to provide information;
- (h) To order to provide a specific document or specific information to the Information Commissioner;
- (i) To investigate and review a specific piece of information;
- (j) To obtain evidence;
- (k) To obtain evidence in writing;
- (l) To obtain testimonies in writing;
- (m) To order a specific State Institute to provide information held in its office.
- (n) To summon a specific person, who having being identified as a witness;
- (o) Having specified a given document, to order to submit that document;
- (p) To enter a State Institute;
- (q) To examine and search a given State Institute for the purpose of obtaining a relevant piece of information, and where that information is

found, to withhold the document or the source in which the said information is found;

- (r) To enforce other powers vested in the Information Commissioner under the regulations formulated under this Act.

How decisions are reached with regards to complaints or appeals

- 61. (a) Having examined a lodged appeal or complaint under this Act, the Information Commissioner, can settled the matter in the following ways:
 - (1) That the complaint or appeal is of no substantial basis;
 - (2) To order a specific State Institute to disclose a specific piece of information;
 - (3) To order a specific State Institute to release a specific piece of information;
 - (4) To order to release a specific piece of information in the format requested by the person who made the request;
 - (5) To order the release of a specific piece of information requested by a specific person, in a reasonable format other than that requested by the applicant;
 - (6) To determine that the decision reached by a specific State Institute in relation to a complaint submitted is correct;
 - (7) To order the dissemination of a specific piece of information or a specific class of information;
 - (8) To order to strengthen the document management system of a specific State Institute, or to order to reform relevant procedure;
 - (9) To fine any Information Officer who has breached provisions of this Act;
 - (10) To fine any party who breached a lawful order given by the Information Commissioner;
 - (11) To order a State Institute to take disciplinary measures against an

Information Officer, of that State Institute, repeatedly breaching provisions prescribed in this Act.

(12) To order the police to investigate any case of any person alleged to have committed an offence prescribed under this Act, and where, after the police investigation, the Information Commissioner finds legal action should be brought against the person, to send the case to the Prosecutor General.

(b) Unless overturned by a judicial court, decisions reached by the Information Commissioner in accordance with this Act, shall be regarded as valid decisions and are legally binding.

Investigations under own initiative

62. (a) In circumstances where the Information Commissioner identifies that a specific State Institute does not carry out its functions in accordance with this Act, the Information Commissioner, has the power to initiate his own investigations and reach a decision regarding the matter, even in the absence of a specific appeal or complaint by any aggrieved party.

(b) The Information Commissioner must complete any investigation carried under subsection (a) of this section in reasonable time, and having completed, must take measures in relation to the case, from among the measures prescribed under section 61 of this Act.

(c) Where, after having investigated a case as according to subsection (a) of this section, a specific State Institute is found to have discharged its functions contrary to this Act, the Information Commissioner must order that State Institute to correct them. The Information Commissioner must also order the said State Institute, the measures to be taken in order to correct them.

Delegating Power

63. (a) The investigative powers vested in the Information Commissioner under sections 58, 60 and 62 of this Act, can be delegated to another capable party decided by Information Commissioner, in writing.

- (b) Notwithstanding subsection (a) of this section, the powers of reaching decisions in appeals, and powers ordering correction or reform vested in the Information Commissioner under this Act, may not be delegated to another party.
- Appeal Powers 64. (a) Where there is a party unsatisfied with the decision reached by the Information Commissioner as under this Act, the party may appeal the matter to the High Court, within 10 days from the date the decision was made or should have been made. And in any such appeal proceedings, the appellant has the onus of establishing that he followed the law correctly un his suit against the Information Commissioner.
- (b) A judicial court may only probe a decision made by the Information Commissioner under this Act, in the appeal stage prescribed in this section.
- Complying to Decisions 65. Where 45 (forty five) days have elapsed, without a party neither appealing nor complying with a decision made by the Information Commissioner, the Commissioner may submit the matter to the Office of the Prosecutor General, requesting to send the matter to a judicial court to take action against the party in accordance with the legal procedure for disobeying an order lawfully issued.
- Immunity 66. (a) The Information Commissioner or any staff of the Information Commissioner's Office shall not be subject to any civil or criminal measure, for any action or omitting to act in good faith, in undertaking the responsibilities of the official duties, in accordance with the vested power or while performing upon this Act or by a power granted within any other Act.
- (b) A person, having gained information of a wrongdoing, may not be subject to any disciplinary measures or punishment, regardless of any breach of a legal, administrative or employment obligation on his part, for releasing information on the wrongdoing. This is subject to him having acted in good faith to disclose the wrongdoing, and without having any other interest in the matter.

- (c) A person may not be subject to any civil or criminal measure or subject to punishment, for releasing information on an illegal act or an offense, or an act of corruption, or information regarding the potential to commit such an act, or place of such an act by a party.
- (d) No action for defamation or breach of duty of confidentiality may lie against a person in a State Institute who in processing a request to access information under this Act, who believes, in good faith that access may duly be granted to such information under the Act.
- (e) No offense may lie against a person or an assistant, in a State Institute who decided to provide a request to access information under this Act, believing in good intention that access may duly be granted to such information under the Act.
- (f) Where an act or undertaking of a State Institute was found to be conducted in good intention, in order to administer the provisions of this Act, the person who acted as such will not carry any personal liability for his actions.

Power of Fining

67. (a) Where the Information Officer commits any of the following, the Information Commissioner must impose a fine, of not more than MRF 5000 (five thousand).
- (1) Refusal to accept a request for access to information without justifiable reason;
 - (2) Refusal to provide access to information, without justifiable reason, within the time limits prescribed in this Act;
 - (3) Refusal to provide information with bad intention;
 - (4) Providing incomplete or misleading or incorrect information.
- (b) The Information Commissioner must order a State Institute to take disciplinary measures against an Information Officer as having

repeatedly breached provisions prescribed in this Act.

- (c) Where any person commits any of the following, the Information Commissioner has the power to charge a fine of not more than MFR 25,000 (twenty-five thousand).
 - (1) Where the State Institute or the Information Officer obstructs duties to be carried out under this Act;
 - (2) Obstruction of the duties to be carried out by the Information Commissioner under this Act;
 - (3) Destroying information subject to a request of access under this Act, with bad intention;
 - (4) Misappropriation or tempering with information held at a State Institute contrary to the decided procedure.

Chapter Eleven General Rules

Applying the law to certain bodies

68. Associations and Organizations functioning in the Maldives under funds from State budget, or under funds received from a foreign government, or under funds from an international body, notwithstanding what is stated otherwise in another statute, shall be applicable to all the provisions that are applicable to the State Institutes under this Act. And all provisions of this Act that are administered upon State Institutes shall be applied to these bodies to its best level.

Formulation of Regulations

69. (a) The regulations necessary to implement the provisions of this Act, according to the intentions of this Act shall be formulated and enforced by the Information Commissioner.
- (b) In formulation and enforcement of regulations mentioned in subsection (a) of this section, the Information Commissioner must consult those likely to be affected or those required to administer the regulations.

- (c) Without limiting the scope of the discretion vested in the Information Commissioner as under subsection (a) of this section, the Information Commissioner has the power to formulate and enforce regulations on the following matters;
 - (1) Further guidelines on information dissemination;
 - (2) Training of employees;
 - (3) Submission of report to the Information Commissioner;
 - (4) Providing of notices as stipulated by the Act;
 - (5) Administrative guidelines and norms to be enforced to fully utilize this Act.
- (d) Regulations to be formulated under this section shall be enacted within 3 months from the date this Act is implemented and published in the Government Gazette.

Prioritizing the Right to Information	70.	In enforcing and interpreting provisions of this Act, the onus shall be on the interest of fully enabling the right to information.
Enforcement date of the Act	71.	This Act shall come into force in 6 (six) months after it is passed, assented and is published in the Government Gazette.
Definitions	72.	<p>In this Act, unless stated otherwise:</p> <ul style="list-style-type: none"> (a) “Information Commissioner” refers to the Information Commissioner appointed under this Act or the body or party entrusted with his responsibilities. (b) “Information Officer” refers to the employee or employees designated by the highest officer of the State Institute, from among the employees at the State Institute who are not among the high-ranking officials, appointed to undertake the responsibilities at State Institute level, mentioned in section 36 of this Act; (c) “Information” refers to any kind of information, or any information produced at any given date, or any information produced by any party, or any information

stored in any device, held and managed by a State Institute, which does not belong to a third party;

- (d) "Person" shall include natural and legal personalities;
- (e) "Review Committee" refers to the committee formed under section 41 (a) of this Act, consisting of a minimum of 3 (three) people from among high-ranking officials of a State Institute, entrusted to review an appeal a decision made by an Information Officer.
- (f) "State Institute" shall include the executive, the legislative the judiciary, independent institutions, independent institutes, security services and councils elected under the Constitution. Also included are those bodies which take any State responsibilities, those functioning under the State budget and those receiving assistance from the State budget;
- (g) "Information of a State Institute" shall mean the information which is produced, held or managed by State Institute;
- (h) "Third Party" refers to the beneficiary of the information protected under sections 23, 24, 25 and 26 of this Act, and whose interest the said sections protect. This definition does not include State Institute and applicants of information.
