

Right to Information and Good Governance

Professor Madhubanti Sadhya

National Law School of India University, Bangalore

Lecture – 70

Comparative Perspective on RTI Law - I

Hello, I am Madhubanti Sadhya from the National Law School of India University Bangalore and in today's discussion I will be looking at the right to information and freedom of information laws in India United States of America and United Kingdom through a comparative lens. We will make the comparison on the basis of certain parameters such as what were the events that led to the enactment of the different clause, how is information defined under each of these laws, who are the public authorities or public agencies from which information may be sort, who are the people who are eligible to seek information under these laws, what is the appeal procedure so on and so forth.

Now, moving on with the discussion. From all the discussions that have happened through this course, it is fairly evident that right to information or freedom of information is a human right and it has been developing at a strong pace only recently, but it is not very new concept. The roots of freedom of information principle date back to the 18th century which is popularly known as the age of enlightenment.

(Refer Slide Time: 01:03)

RTI AND FOI AS A HUMAN RIGHT

- RTI or Freedom of information (FOI) is a human right.
- First FOI law dates back to the 18th Century, the Age of Enlightenment - *Anders Chydenius* (1729-1803)- adopted by the Swedish Parliament in 1766
- Universal Declaration on Human Rights, 1948
- International Covenant on Civil and Political Rights, 1966
- UN Convention Against Corruption, 2003




The world's first freedom of information legislation was adopted by the Swedish parliament in 1766 and it was with the efforts of the politician and thinker Anders Chydenius from the Finnish city of Kohala who played an extremely important role in creating this law. The key

achievement of the 1766 Act was the abolishment of political censorship and the gaining of public access to government document.

Although, the innovation was suspended from 1772 to 1809, the principle of publicity has since then remained central at the Northern countries. Over recent decades Anders Chydenius' legacy has received increased recognition globally especially with the creation of United Nations and international standards on human rights. The right to information has begun to spread.

Freedom of information is in a way recognized in international law and if I were to pinpoint the article it is article 19 of both the universal declaration of human rights and the international covenant on civil and political rights that provides every person with the right to seek and impart information. In 1980, the common wealth law ministers' meet stated that public participation in the democratic and government process was at its most meaningful when citizens have adequate access to official information.

Now, the move for freedom of information has also been advocated by UN Convention against corruption in 2003 and the UN Convention against Corruptions acts a foundation for the rest of the countries to develop legislations in this field. Now, freedom of information may have had a very early start and dates back to the 18th century, but it has been developing rigorously in the recent times. And there are over 100 countries that have enactments relating to freedom or the right to information.

(Refer Slide Time: 04:05)

COMPARISON BETWEEN THE LAWS IN INDIA, USA & UK



- **ENACTMENT**

- **India – Right to Information Act, 2005**

- Four-fold purpose of the Act -informed citizenry -transparency of information which are vital to its functioning -necessary information to contain corruption, and - to hold governments and its functionaries, instrumentalities accountable to the governed

- **USA- Freedom of Information Act (FOIA),1966**

- Efforts first initiated by Representative John Moss in 1955 -brought together politicians, journalists, attorneys and civil society organizations
- FOIA faced strong opposition from the President's administration and the Department of Justice (DOJ) and the United States' legal and law enforcement department.
- Bipartisan support of the bill was strong which led to its enactment



Now, let us look at the three legislations that we want to discuss. First, we will look at how the different laws were enacted. Now looking at the Indian law the right to information act was enacted in 2005 and we know that the constitution of India does not explicitly recognize the citizens right to information, but there have been a series of progressive judgment by the Supreme Court that have recognized this right as an extension of the fundamental right of freedom of speech and expression which is recognized under article 19 (1) A.

But it was only a powerful grass root movement which was well connected or championed by the national advocacy groups that led to the enactment of the 2005 Act of the Right to Information Act. Now, public demand for the RTI act coupled with the support from the congress led united progressive alliance government which came to power in May 2004 and was headed by doctor Manmohan Singh led to the enactment of this legislation in May 2005.

It has been preceded by a number of state RTI laws and at the national level by Freedom of Information Act of 2002 which was really ambitious and ineffectual and therefore the need for a new law was felt and the right to information act was passed. Now, much has already been discussed about how this act was enacted. If we have to actually point out some of the core objectives that this act seeks to fulfil it would be four.

First, to create an informed citizenry. Second, to ensure transparency of information and government functioning which is extremely vital for the functioning of the government. Third necessary information to contain corruption and fourth to hold government and its

functionaries and instrumentalities accountable to the government. The next law that we will be discussing is the United States Freedom of Information Act and how it was enacted.

Now, this is one of the first laws to be enacted on freedom of information and it dates back to 1966 and the act was finally signed in 6th September 1966 by President Lyndon B. Johnson, but the passage of the act was not very easy because the effort for the enactment started way back in 1955 when representative John Moss created a committee to advocate for the creation of right to information.

In his pursuit John Moss brought together several politicians, journalist, attorneys and civil society organizations, but it took more than a decade effort to pass the bill. Early supporters of the Freedom of Information Act included the American Bar Association the United States Chamber of Commerce various committees composed of journalist, editors and broadcasters, but the Act faced very, very strong opposition from the Johnson administration.

And the executive branch of the government which included the department of justice, the United States legal and law enforcement department and the opponents of the Act objected the legislation on the ground that it would unconstitutionally violate the separation of powers and it would encroach on the executive power and eliminate discretion regarding document disclosure.

So, they were strongly opposed to the idea of the Freedom of Information Act, but by Bipartisan support of the bill was very strong and that ultimately left to the Act's adoption, but literally every federal agency opposed it and so severe was President Lyndon B. Johnson aversion to the act that it is said in humour that he had to be literally dragged kicking and screaming to sign the legislation.

(Refer Slide Time: 08:43)

- **UK: Freedom of Information Act, 2000**

- 1960s – first demand for a law on access to information by lawyers, journalists, academics, and members of the two main parties or members of smaller parties
- 1970s onward, joined by public interest, environmental, and health and safety campaigners who wanted to overcome the spillover effects of large-scale industrial production
- 1984 - Campaign for Freedom of Information – coalition between the two groups
- 1996 – Tony Blair associated himself with CFI
- 2000 – Act passed as fulfillment of the Labour Party's election manifesto of the 1997 election



Now, looking at the United Kingdom Freedom of Information Act the first demand for this act rose in the 1960s among professional who were on the margins of formal political organizations and these people comprised of lawyers, journalist, academician and also backbench members of the two main parties who had very little power to effect government policy.

Now, the central concerns of these groups were the threats to individual liberty which was being posed by the growth of administrative state and the inability of the political mechanism which was then existing to adequately address these concerns. From the early 1970s, these group of people were joined by campaigners of public interest environment, health and safety who wanted to overcome the spill over effects of large-scale industrial production.

And in 1984 these two groups created an alliance which was called the campaign for Freedom of Information. Now, although there was a long history of mobilization and support from wide variety or a wide range of social and political interest. The success of access to information laws in the United Kingdom ultimately depended on the Cabinet's receptiveness to such demands.

And in 1996 when Tony Blair the opposition leader of the labour party personally associated himself with the idea of freedom of information act at the CFI annual award ceremony that they started to see some kind of hope that such a legislation may be passed. So, in a way it can be said that United Kingdom Freedom of Information Act was passed by the British parliament in 2000 as a fulfilment of the labor party's election manifesto of the 1997 election.

(Refer Slide Time: 10:58)

DEFINITIONS AND COVERAGE OF THE ACTS



INDIA

- **'Information'** - "as material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, log-books, contracts, reports, paper, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other any other law for the time being in force"
[Section 2(f)]



Now, let us look at some of the important definitions and the coverage of the three legislations. To start with, we will look at the Right to Information Act of India and see how the word information has been defined. Now information is defined under section 2(f) of the Act as material in any form including records, documents, memo, emails, opinions, advice, press release, circular, orders, log books, contracts, reports, paper, samples, models.

Data material held in any electronic form and information relating to any private bodies which can be accessed by a public authority under any other law for the time being in force. So, if you look at the definition it is fairly evident that the word has been very broadly defined and it not only includes any kind of records and documents that the public authority or agency question has at its disposal.

But it also includes contracts or any kind of opinion or advice that the authority has given. So, it is indeed a very broad definition. Now let us look at what the Act means by Right to Information? We know what information is.

(Refer Slide Time: 12:22)

- **'Right to Information'** includes the right to
 - Inspect work, documents, records;
 - take notes, extracts or certified copies of documents or records;
 - take certified samples of materials; and
 - obtain information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts [sec. 2(j)]
- **Public authority** - "any authority, body or institution of self-government established or constituted under the Constitution of India or by any law made by Parliament or State Legislature, as well as anybody owned, controlled or substantially financed including non-government organization substantially financed by funds provided directly or indirectly by government." [Section 2(h)]
- **Exemptions** – Intelligence and security organizations
- **Who can seek information?** – Only citizens



But what do we mean by right to information? The Act defines right to information as a right to inspect work document, records, taking notes, extracts or certified copies of the documents or records, taking certified samples of material and obtaining information in the form of diskettes, floppies, tape, video cassettes or any other electronic mode or through printout where such information stored in a computer or any device under section 2 (j).

Now we know that diskettes, floppies, video cassettes have gone out of use they were in use when the act was passed in the year 2005. So, basically it is not only obtaining information, it can be accessing information or inspecting any kind of work if you want it can also mean taking notes. So, information in any kind of format which is stored either in the soft copy or in the electronic mode can actually be accessed.

Who is a public authority and why is it important to define public authority because these are the very bodies who fall within the ambit of the act from whom information may be solved? The Act defines public authority as any authority body or institution of semi government established or constituted under the constitution of India or by any law made by parliament or state legislature.

As well as anybody owned controlled or substantially financed including nongovernmental organizations substantially financed by funds provided by the government either directly or indirectly. So, basically all kinds of constitutional bodies then public sector undertakings, government companies, any bodies, local self-

government bodies all of this fall within the ambit of public authority.

So, it covers all courts, parliament, legislative assemblies and councils, but the act does exempt certain authorities from the definition of public authority under section 24 of the Act. So, security and intelligence agencies established by the central government have been exempted from the coverage of the act and the schedule 2 of the act list some of these bodies for instance the intelligence bureau.

The research and analysis wing of the cabinet secretariat then directorate of revenue intelligence. Central Economic Intelligence Bureau, Directorate of Enforcement then Narcotics Control Bureau or the crime branch of the CID all of them have been exempted from the act. So, no public can actually ask for or exercise the right to information against these bodies. So, the law has now specifically cover private bodies.

But it does enables citizens to access information about private bodies if such information is accessible by the public authorities. Like for instance in case of a public, private partnership if any information is available about a private company that is required to be submitted to the government is available to citizen under the Act. So, any kind of public private partnership when there is a private party involved in that public private partnership.

Then that information about that private company can actually be accessed by the citizens under the RTI act. Now, who can seek information under the Act? The Act is basically available for the use of only citizens because the long title of the title the opening words of the act itself says that it is an act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities. So that is how the long title of the act has defined its scope. So, the Act is only accessible or only citizen can basically seek information under the Act.

(Refer Slide Time: 16:55)

UNITED STATES OF AMERICA



• 'Information' -

- Descriptions of the agency's central and field organization;
- Descriptions of the places, employees, members and methods an agency may use to obtain information, submit requests or obtain decisions;
- Statements about the "general course and method"
- Rules of procedure;
- Descriptions of the forms available or the places where forms can be obtained;
- Instructions regarding the scope and content of all papers, reports or examinations; substantive rules of general applicability adopted/authorized by law;
- Statements of general policies or interpretations of general applicability formulated or adopted by the agency; and
- Any amendment, revision or repealing of the aforementioned.



Now, let us look at the United States of America and see how has the word information been defined. So, entities who has subject to the freedom of information act can make available for disclosure information in the federal register. Now, what is the federal registered as a register which publicizes federal government rules proposed rules and notices. So, according to the Freedom of Information Act the federal register the different bodies must publish description of the agencies central and field organization.

Then description of the places, employees, members and methods that an agency uses to obtain information or submit request or obtain decisions then statements about the general course and method of how an agency handles its functions including the nature and requirements of all available informal and formal procedures then what are the rules of procedures of that particular public agency.

Then descriptions of the forms which are available or the places where these forms can actually be obtained and accessed then instructions regarding the scope and content of all reports, examination then rules of general applicability which are adopted by the public agency or which has been authorized by law for that public agency then statement of general polices or interpretations of general applicability which have been either formulated or have been adopted by the public agency. Then any kind of amendment, revision or repealing of any of these information.

(Refer Slide Time: 18:58)

Agencies must make these records available for inspection and copying by the public:

- Final opinions and orders made in adjudications;
- Policy statements and interpretations;
- Administrative staff manuals and instructions to staff;
- Copies of all previously released records of public interest; and
- A general index of previously released records

- Records held or maintained by a private company on behalf of a covered government entity are also subject to the FOIA.

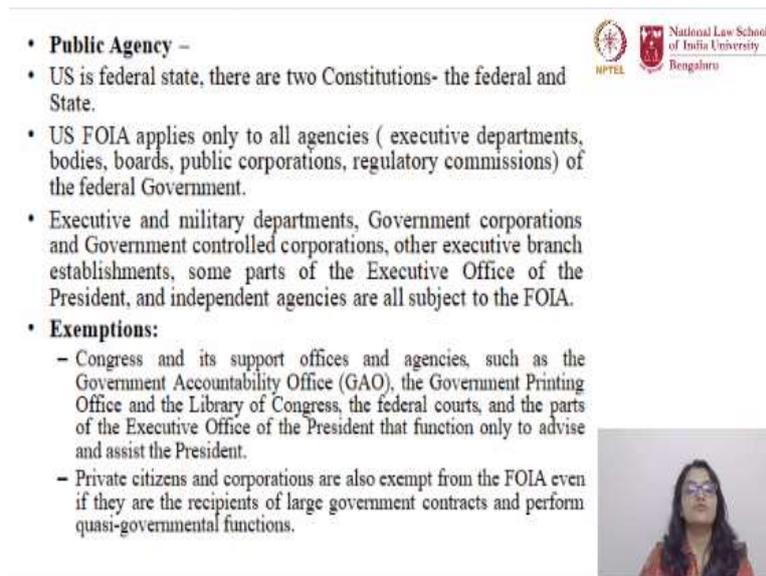


Now, aside from these bodies or these information which will be published in the federal register the agencies must also make records available for inspection and copying by the public. So, these are certain information which has to be available, made available for the public and they include final opinions and orders which may have been made in adjudication including the concurring and dissenting opinions.

So, if any kind of order has been passed by a public agency, then what were the opinions, what were the orders made, what was the concurring opinion, what were the dissenting opinion all of this has to be published then policy statements and interpretations that have been adopted by the agency, but that has not been published in the federal register then administrative staff manuals and instructions to the staff that may affect members of the public.

Then copies of all previously released records that may become or are likely to become the subject of subsequent requests because of the subject matter that they deal with then a general index of previously released records. Now the Freedom of Information Act is not limited to records in an agency's position only. So, if another entity is housing an agency's records then even, they are subject to the Freedom of Information Act. So, records which are held or maintained by any private company on behalf of government entity are also subject to the Freedom of Information Act in the United States of America

(Refer Slide Time: 20:49)



The slide contains a list of bullet points and two logos. The logos are for NPTEL (National Programme on Technology Enhanced Learning) and National Law School of India University, Bengaluru. The text on the slide is as follows:

- **Public Agency –**
- US is federal state, there are two Constitutions- the federal and State.
- US FOIA applies only to all agencies (executive departments, bodies, boards, public corporations, regulatory commissions) of the federal Government.
- Executive and military departments, Government corporations and Government controlled corporations, other executive branch establishments, some parts of the Executive Office of the President, and independent agencies are all subject to the FOIA.
- **Exemptions:**
 - Congress and its support offices and agencies, such as the Government Accountability Office (GAO), the Government Printing Office and the Library of Congress, the federal courts, and the parts of the Executive Office of the President that function only to advise and assist the President.
 - Private citizens and corporations are also exempt from the FOIA even if they are the recipients of large government contracts and perform quasi-governmental functions.

Now who is a public agency? Now in India under the Right to Information Act we refer to these bodies as public authorities and in US they are referred to as public agencies. Now we know that United States of America is a federal state and they have two constitutions the federal constitution and the state constitution. So, there are also two citizenships. The US citizenship and the respective state citizenship.

So, therefore the United States freedom of information act applies to all agencies of the federal government. So, they include executive departments, bodies, boards, public corporations, regulatory commissions all of this of the federal government. Now executive and military departments and government corporations and government control corporations, other executive branch establishments.

Then certain parts of the executive office of the president in all independent agencies they are all subject to the freedom of information act, but there are certain exemptions as well. Requestors have access for records held by most, but not all federal government agencies. Now there are certain key actors that are not subject to the freedom of information act and these bodies include the congress.

And its support offices and agencies such as the government accountability office then the government printing office and the library of the congress, the federal courts and part of the executive office of the president that function only on the advice, only to advise and assist the president. Now, private citizen and corporations are also exempt from the freedom of

information act even if they have received large government contracts or performed quasi-governmental functions.

So, one of the examples of this would be the private prison industry. So, although these bodies do receive government grants and contracts and they perform quasi-governmental functions, but they do not fall within the ambit of the Freedom of Information Act.

(Refer Slide Time: 23:18)

- **Who can seek information?**

- Anyone may file a FOIA request.
- Judicial and legislative interpretation of "person" includes American citizens, residents, foreign nationals, minors, prisoners, corporations, the media, universities and other organizations.

- **Format of information**

- Public agencies must provide information in electronic format.
- Requesters can specify their desired format. Agencies are supposed to dispense the information in the format requested as either paper or electronic copies (a CD-ROM or email attachment), if the record is "readily producible" in that format.



Now, who can seek information under the Freedom of Information Act? Anyone may file a Freedom of Information Act request. So, judicial and legislative interpretations of the term person includes American citizens, resident, foreign nationals, minors, prisoners, corporations, the media, universities and other organizations. So basically, there have been various judicial pronouncements where the question came up as to who do we understand by the term person.

So, 'person' actually includes not only American citizens, but also foreign nationals. Now, in order to file a request person must follow the proper filing procedure and reasonably described the information that they are seeking. However, the agency is not required to create documents or records in order to fulfill a request under the freedom of information act and what is the format in which the information would be provided.

The public agency as the Act addresses are to provide information for public inspection in electronic format. If the requestors want, they can also specify the format in which they would want the information, but agencies are supposed to dispense the information in the

format requested as either paper or electronic copies. If the record is in a readily producible in that format.

So, if the format is such which is readily producible and that is exactly the format in which the person seeking information has asked for it then it will be made available to the person seeking the information under the act.

(Refer Slide Time: 25:13)



The slide features a list of bullet points on the left and a video inset on the right. At the top right, there are two logos: the IITEL logo and the National Law School of India University Bengaluru logo. The video inset shows a woman with glasses speaking.

- **UNITED KINGDOM**
- **Information** - Section 84 defines information as “any information recorded in any form” and held by the public authority.
- **Public Authority** – defined in schedule I
 - all government departments, NHS, bureaus, boards, public sector corporations, schools, colleges, universities including legal entities like companies, and councils.
 - covers/ affects 100,000 public bodies
 - Secretary of State can amend the list to include those providing services under contractual obligation to such public authorities.
- **Exemptions** - the Security Service, the Secret Intelligence Service or the Government Communications Headquarters
 - Scottish political and administrative authorities covered by the Freedom of Information (Scotland) Act 2002 (FOISA).
 - 13 security and intelligence authorities and their related tribunals and commissions

In the United Kingdom section 84 of the Freedom of Information Act defines information as any information recorded in any form and held by the public authority. So, basically the act bestows upon the public in the country, the legal right to know about the functioning of public authorities that is a general right of access to information held by public authorities. The right allows people to do two things.

First, to ask whether the public authority concerned has the information that the person specifies and secondly if it has the material to give copies of it in the form that the person wants that is it could be photocopies or electronic files provide that the information is not legally exempt from disclosure. Now under the UK law that is the Freedom of Information Act the term ‘public authority’ is being used to designate all kinds of bodies from whom information may be sought.

Now, the Freedom of Information Act is applicable to all public authorities at the central and the local level and the bodies have been identified under schedule 1 of the Act and the

secretary of the state has the power to amend the list to also include other public authorities including those who provides services under contractual obligations to the public authorities. Now, the public authorities in Britain include all government departments. NHS bureaus, boards, public sector corporations, schools, colleges, universities including legal entities like companies and councils.

The Act technically covers or affect 1 lakh public bodies and the authorities covers the explicitly identified schedule 1 and which also specifies that certain bodies are covered only with respect to particular functions. So, basically the schedule enlists the different bodies. And also mentions the function with respect to which information may be sought.

So, all functions of all bodies may not come within the purview of the freedom of information act. Now, section 84 of the act also exempts some bodies from the application of the act and these bodies include the security service, the secret intelligence service or the government communication headquarters from the definition of government department.

And the Scottish political and administrative authorities that are covered by the Freedom of Information Act in Scotland are also exempt from this act and then absolute exemption applies to the information held by or related to 13 security and intelligence authorities and the related tribunals and commissions that are there. So, even these secret security and intelligence authorities are exempt from the ambit of the freedom of information act in UK.

(Refer Slide Time: 28:30)

• Who can seek information?

- Being an Unitary State, the Act is applicable to all British citizens residing in England, Wales, and Northern Ireland.
- Scotland, has its own freedom of information law passed by the Scottish Parliament in 2002 governing British citizens residing in Scotland
- Not just UK citizens but to every member of the public. The request has to be in written form, but e-mail will do. An applicant does not have to give his /her real name, but only a contact address in the request. Neither must he explain why he wants the information. The public authority has no right to ask the reason from the applicant.



Now, who can seek information under the Act? United Kingdom is a unitary state and the freedom of information act is applicable to all British citizens who reside in England, Wales and Northern Ireland. Although, Scotland is an integral part of the UK it has its own freedom of information law which was passed by the Scottish parliament in 2002 government British citizen residing in Scotland.

So, those citizens of Britain or the British citizen who reside in Scotland fall under the ambit of the act which was passed by the Scottish parliament and not under the UK Freedom of Information Act. Now, the freedom of information act grants the right to know or the freedom of information not just to the citizens of United Kingdom, but to every member of the public and the request has to be in a written format.

But email is also entertained and the applicant does not have to give his or her real name, but contact address in the request is sufficient and the applicant also need not explain why he needs the information and the public authority has no right to ask reasons from the applicant.

(Refer Slide Time: 29:55)

PROCESS OF OBTAINING INFORMATION

 National Law School
of India University
Bengaluru

- **INDIA**
- Every public authority to designate within 100 days of the enactment as many officers as the Central Public Information Officer (CPIO) or State Public Information Officers and senior officer as the first appellate authority
- The CIC or the SIC, is the second level appellate authority for all complaints and disputes under the Act.
- Applicant has to submit a request in writing or through electronic medium state the format in which disclosure is sought along with prescribed fee to the Public Information Officer.
- Applicant need not give any reasons for making such a request or any other personal details except those that may be necessary for contacting him.
- PIO can seek assistance of other public officers.
- Information to be provided within 30 days and within 48 hours if information relates to life and liberty of a person.
- If information sought relates to confidential or personal information of a third party, such persons are to make representations to the PIO after which PIO decides considering the "larger public interest"
- PIO may also deny providing such information under Section 8 of the Act.



Now, let us look at the process of obtaining information under the three legislations. In India section 5 of the right to information act provides that every public authority should within 100 days of the enactment of the legislation designate as many officers as central public information officers or state public information officers in all administrative units or offices under it to basically facilitate the provision to information to persons who request for it under the act.

Each public authority must also designate a senior officer as the first appellate authority who shall be senior to the CPIO or the SPIO as the case may be and of that particular public authority. The central information commission or the state information commission is the second level appellate authority for all complaints and disputes on the information rights of citizens under the act.

Now, when we look at the process of appeal under The Right to Information Act this will be a little more clear. Now what is the applicant expected to do? The applicant seeking information has to submit a request in writing for through an electronic medium and the official language of the concerned state to which the applicant belongs or English or Hindi and state the format in which the disclosure of information is sought along with the prescribed fee.

And this application has to be made to the public information officer of the concerned department or public authority. The section that is section 5 however provides that the applicant is not required to give any reasons for making such a request and only such personal information is required which would be necessary to communicate the information. So, basically you need not divulge the applicant need not divulge his real identity.

And kind of communication or any kind of address that will help the PIO to respond to the request of the applicant is sufficient. Now what does the information officer have to do he has to make efforts and if necessary, he can seek assistance of other public officers to provide the information which has been sought by the applicant. The time limit for this is 30 days. So, the PIO has to give information within 30 days of receiving the request.

And section 7 of the act states that if the information relates to life and liberty of a person then the PIO has to supply the information within 48 hours. Say for instance somebody is facing some kind of charge in a case and if you know if the person could be arrested because the information is not available then in such cases of emergency the PIO may have to make the information available within 48 hours.

Now, where the information sought relates to any kind of confidential or personal information of the third party then this particular third party has to make representation to the PIO after which the officer will decide considering larger public interest whether or not the

information should be provided to the applicant. So, in this case the public information officer may take a maximum of 40 days to provide the information.

The PIO also has the right to deny information and the grounds for such a denial are provided under section 8 of the Act, but every denial of information has to be supported with reasons for non-provision of information. So, if any kind of information is denied under the act the officer has to give reasons as to why the information has been denied.

(Refer Slide Time: 34:10)

- **USA**

- Every federal agency/public authority must set up a FoIA Office to deal with all requests for information
- Applications to be dealt with within 20 working days with an extension of 10 working days in exceptional circumstances in which case the applicant are to be informed.
- If information likely to affect life or personal liberty and safety or a person then information to be provided on a "compelling need basis" within 10 days
- Applicant may be asked to pay additional fee to the already prescribed fee to process and provide the requested information
- In case of denial applicant must be informed of the name and designation of the officer who denied the request along with reasons thereof.
- The applicant need not mention the reasons for making an application unless they intend to claim waiver of fee.
- Fee can be waived
 - when request for information is made for educational or scientific purposes and non-commercial use of information
 - disclosure is likely to contribute to public understanding of government activities in public interest



Now, let us look at the law in the United States of America. Now in the US every federal agency or public agency has to set up a freedom of information act office to deal with request for information held by that particular agency. Now former President Bush had created an executive order which was signed in December 2005 and the name of the order was improving agency disclosure of information.

And through this executive order a position of a chief freedom of information act officer was created and what is the purpose of office it was basically a high-level official who had to monitor the implementation of the freedom of information act. Now, this very executive order also requires all officials or all agencies to establish one or more freedom of information act request a service centre and Freedom of Information Act public liaison to assist in freedom of information act requests. So, this executive order does make provisions for a lot of offices to be established to facilitate access to information. Now under the open government act which was again signed by President Bush in December 2007 and office of

government information services has come into existence in the national archives and records administration.

And the task of this office is basically to review agency compliance of the freedom of information act. So, this newly established office of information services will mediate to resolve any kind of dispute as non-exclusive alternatives to litigation so that you know it does not result any kind of freedom of information request does not result in litigation so they will try to look at alternative modes of dispute resolution.

Further this Act also calls upon every agency to designate a freedom of information act public liaison who will assist in the resolution of any such dispute. Now, all applications relating to information which are covered within the ambit of the law and those that do not fall under the exemptions are to be dealt with in 20 workings and an extension of 10 working days may be given an exceptional circumstance in which case the applicant would be informed of the same within the 20 working days.

And the applicant would also be given an opportunity to limit the scope of information required. Now, what are these exceptional circumstances or unusual circumstances? Now unusual or exceptional circumstances have been defined as the need to search and locate the requested information due to voluminous records or because the information needs to be obtained from a different agency.

So, in case of these unusual or exceptional circumstances the information will not be provided within 20 days and an extension of 10 days would be required and within the first 20 days only the applicant would be informed that this further period of 10 days would be required to provide the information. Now, if there is any kind of delay, then an applicant can appeal to a higher authority or court.

And if the higher authority or court finds reasonability in the agency's contention, then such extension of time may be granted to provide the information. So, if any kind of information is likely to affect the personal liberty and safety of a person then such information is to be provided for by the agency on a compelling need basis within 10 days. So, we have seen in the Indian law it is within 48 hours, but in the US this information if it affects any kind of

personal liberty or safety of a person then the US law gives a time limit of 10 days to provide this information.