

**Training dialogue:
Access to Information Act, 2005 and Ask Your Government Portal
6th November 2014 at Golf Course Hotel**

Organised by Office of the Prime Minister,
Directorate of Information and National Guidance

In collaboration with the Africa Freedom of Information Centre (AFIC)
and The Collaboration on International ICT Policy for East and Southern Africa (CIPESA)

Chairing: Mr. Simon Mayende, Director of Information and National Guidance

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| 8:00 – 8:30 | Registration | |
| 8:30 – 9:00 | Opening remarks | Hon. Rose Namayanja Minister of Information & National Guidance |
| Chairing: Lillian Nalwoga CIPESA | | |
| 9:00 – 9:15 | Survey on Promoting access to information through ICT's in Uganda | Carlota Estalella Alba, AFIC |
| Introduction | | |
| 9:15 – 10:00 | The right to Information in Uganda: human right and Access to Information Act, 2005 | Dan Ngabirano |
| 10:00 – 11:00 | ATIA implementation: milestones and progress | Sylvia Biraahwa, OPM And Mr. Dennis Obbo, Ministry of Lands, Housing and Urban Development |
| 11:00 – 11:30 | Questions and discussions | |
| 11:30 – 12:00 | Tea Break | |
| 12:00 – 12:30 | New media opportunities for information disclosure and citizen engagement | Juliet Nanfuka Nakiyini, CIPESA |
| 12:30 – 13:30 | Ask Your Government Make and respond to an information request | Ashaba Justus, AFIC |
| 13:30 – 14:00 | Questions and discussions | |
| 14:00 – 14:15 | Way forward | Mr Mayende, OPM |
| 14:15 | Lunch | |



Constitution of Uganda 1995, Article 41:

Every citizen has a right of access to information in the possession of the State or any other organ and agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to privacy of any other person.

Training dialogue on the Access to Information Act, 2005 and Ask Your Government Portal

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November 6, 2014 at Golf Course Hotel, Kampala

The objectives of this dialogue

- **Increase registration of Communication Officers (CO) with the Portal.**
By the end of this year the objective is to register all MDAs, excluding the local government. The registration is linked to the availability of updated contact information of the respective Communication officers and their commitment to consult and respond to requests.
- **Create an official link to www.askyourgov.ug on the different Government's websites**
It would be ideal that when a citizen visits an official website and doesn't find the information he/she was looking for, they can then easily see a link to the [askyourgov.ug](http://www.askyourgov.ug) website where to ask for the sought information.

Role of Communication/Information Officers in [askyourgov.ug](http://www.askyourgov.ug)

- **Commitment to reply the information requests received within 21 days as established by law.**
[Askyourgov.ug](http://www.askyourgov.ug) follows all the requirements established in the ATIA, consequently, every CO registered has to commit to respond to requests within the 21 days.
- **Help civil servants to gather information and effectively implement the law as well as annually report to the Parliament as established by law.**
[Askyourgov.ug](http://www.askyourgov.ug) can provide aggregated information on the type of requests, agencies that answer timely or within the 21 days, the frequency of requests, the satisfaction of the citizen with the process, etc.
- **Explore new media platforms for increased openness and citizen engagement.**
[Askyourgov.ug](http://www.askyourgov.ug) is just one platform, other web based platforms including social media like Facebook, Twitter and blogs have the potential to facilitate ATIA. Regular engagements with citizens on MDA's social media accounts and regular updates to official websites can work complimentary to [askyourgov.ug](http://www.askyourgov.ug).
- **Survey perceptions on using Information and Communication Technologies (ICTs) tools and systems to advance the right to information in Uganda.**
The results of this survey will inform advocacy and awareness raising engagements to increase citizens' requests for information and the release of information by public bodies.

Ask Your Government Platform

Askyourgov.ug is a web portal where citizens can make information request to Information Officers from the different MDAs of the Government of Uganda. The main objective of the platform is to bridge the gap between government and citizens and facilitate the public to ask for information. At the same time, Askyourgov.ug incorporates ICT in the work of government and fills the gap in the implementation of the Access to Information Act, 2005.

Askyourgov.ug promotes transparency and accountability of the state to citizens through making information open and available to all citizens including civil society organisations, media, human rights defenders and many other stakeholders.

Askyourgov.ug will thus promote disclosure of information, transparency and accountability through enabling increased communication between citizens and the government with regards to information. In addition to this it also;

- Lowers barriers that prevent the public from making requests for documents and information held by government.
- Empowers citizens to effectively scrutinise government decisions that affect them.
- Encourages government agencies to disclose information in a timely manner that is accessible by all.
- Serves as a tool for citizens to monitor the performance of the various government agencies in the work they are mandated to do.
- Raises citizens' access to public sector information
- Promotes the active engagement of citizens with government The portal will serve as a library of information requested by citizens and provided by government agencies. Citizens will be able to search through the library.

Askyourgov.ug was officially launched on August 14, 2014 by the Ministry of Information and National Guidance the Hon. Namayanja Rose Nsereko. The initiative is a partnership between OPM, the AFIC and CIPESA.

Askyourgov.ug is a great opportunity for government officers to give effective answers to demands from citizens, overcoming some challenges in the implementation of ATIA. The system comes at Zero cost for the citizens and for the government agency by overcoming the problem with the multiple forms and the need to physically go to MDAs buildings.

Implementing the right of access to information

The legal *right* of access to government information by citizens is a critical principle in the quest for more accountable governments. Accordingly, Uganda passed an Access to Information Act (ATI) in 2005 taking a critical but inadequate step in the direction of instituting accountable governance. The Ugandan law follows many of the elements of global good practices for ATI laws, but a number of specific gaps have been identified, such as limitations in scope and the lack of an independent appeals mechanism.

Ask Your Government supports us in making public information easily accessible to the citizens of Uganda. In addition to easy access of information, it promotes a less costly, less time consuming and more efficient way of requesting information from numerous public bodies.

Hon. Namayanja Rose Nsereko

Minister of Information and
National Guidance

Scope: the law applies to all information and records of government ministries, departments, local governments, statutory corporations and bodies, commissions, and other agencies, but not to private bodies, corporate bodies, or civil society organizations, even when their activities affect the rights of citizens. Exceptions to disclosure include several categories of information: the exemption for cabinet records, which are accessible only after a minimum of seven years, is a key weakness of the law because policymaking in Uganda is mainly conducted at the cabinet, ministerial, and sectorial levels.

The ATIA has well-established **procedures for requesting and accessing information**. The chief executive officers of departments are designated information officers. The ATIA provides for **notice and timelines** within which information should be processed and responses made (within 21 days) as well as fee schedules. But concerns have been raised about the lengthy timelines, the often complex and protracted procedures to access information, and the potential high costs. Much emphasis must be given to the **procedures for legal challenge** (especially when and if the exemptions are used to shield information). Issues such as mandatory publication of certain information, time limits for completion of information requests, administrative duty to assist the requester, costs for requests and copying, sanctions for failure to comply, reporting requirements, and appeals procedures must receive much greater attention. These practicalities will ultimately determine the value and usability of the law for ordinary citizens.

ATIA regulations further highlights other procedural challenges, including the multiplicity of **forms** (up to 15 different types) that must be used to access information and the requirement to provide a name and physical address, eliminating the option of submitting an anonymous request.

The ATIA Regulations passed in 2011 have generally been welcomed by stakeholders and the public and should finally pave the way to wide scale implementation of the ATIA. However, some concerns have been raised regarding their effectiveness in enhancing ATI, given the potentially high **cost**, procedural complexities (including multiplicity of forms and processes), and **lack of guidance for implementing agencies**, largely leaving the individual information officers with the discretion to interpret the various provisions. A number of areas identified for further explanation in the ATIA are not expounded on in the ATI regulations, which do not give sufficient guidance to public officials and could cause ambiguity in the implementation of the ATIA. For instance, ATIA Section 47(1)(e) provides for the development of “**uniform criteria**” for information officers to apply **when deciding what records to make available**; these have not been developed. The regulations provide for a **cost per request**, currently set at Shs. 20,000 *per request* to cover the actual cost of retrieval and reproduction. While this fee can be waived in specific instances, it is prohibitively high. There is also the high potential for multiple charges because the fees are assessed on a per request basis.

When the ATIA was enacted, **no significant resources were allocated for its implementation**. The Directorate of Information, working with other stakeholders, including civil society, has been implementing initiatives aimed to simplification, translation, dissemination of the ATIA, awareness-raising for the public, and training of public officials, in addition to other activities. But separate resources have not been allocated for this, neither to the directorate nor to individual ministries.

Clear guidelines on the role and profile of IOs and PROs have not been published. Training in information management and public relations work is also very limited. There is a general lack of capacity among information officers. In most public agencies, the lack of capacity also relates to the ability to handle document requests.



QUESTIONNAIRE

Assessment of Public Officials' Perceptions of Using ICT to Respond to Information Requests

The Africa Freedom of Information Centre (AFIC) and the Collaboration on International ICT Policy in East and Southern Africa (CIPESA) are conducting a survey on perceptions about using Information and Communication Technology (ICT) tools and systems to advance the right to information (RTI) in Uganda. Uganda passed an Access to Information Act in 2005 and it is the intention of AFIC and CIPESA to use the results of this survey to increase citizens' requests for information and the release of information by public bodies. Please spare 15 minutes to answer this short survey.

| | |
|--|--|
| <p>1. Gender</p> <p>a) Male b) Female</p> | <p>2. Please state the government Ministry, Department/Agency you are employed in</p> |
| <p>3. Which of the following best describes your current position? (Select only one response)</p> <p>a) Information Officer b) Media and Communications / Public Relations Officer c) Permanent Secretary d) Project Officer e) IT Officer f) Intern g) Other (please specify): _____</p> | <p>4. How would you rate your knowledge of Uganda's Access to Information law? (Please choose at most 1 answer)</p> <p>a) Extremely Knowledgeable b) Rather Knowledgeable c) Moderately Knowledgeable d) Barely knowledgeable e) Not at all Knowledgeable</p> |

5. Have you ever received a request for information from the public made formally using the Access to Information Act?
a) Yes b) No

If yes, what information was requested for and what was your response to the request?

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6. Are most information requests made by the public to you formally made (quoting the Access to Information Act) or informally (not filling in a form)?

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7. Please rate the level of your knowledge and proficiency in use of the following technology tools and services: *(Please tick wherever applicable)*

| Tool/service | None | Poor | Workable | Good | Excellent |
|--|------|------|----------|------|-----------|
| Google and other search engines | | | | | |
| Email (including sharing photos and documents as attachments) | | | | | |
| Contribute to online discussion groups/ chats | | | | | |
| Use of social media (Twitter, Whatsapp, Facebook, MySpace etc) | | | | | |
| SMS on mobile phone | | | | | |
| Blogging | | | | | |
| Downloading files (documents and media) | | | | | |
| Video conferencing (Skype, Google Plus etc.) | | | | | |

8. Increased openness and disclosure of information by government officials is beneficial to citizens (Please choose at most 1 answer)

- a) Agree b) Strongly agree c) Neither agree nor disagree d) Disagree e) Strongly disagree

9. How often do you use these ICT tools and services in your role as a public official? *(Please tick wherever applicable)*

| Activity | Frequency | | | | |
|---|-----------|------------------|--------|---------|-------|
| | Daily | 2-4 times a week | Weekly | Monthly | Never |
| Email | | | | | |
| Search engines – Google, yahoo, bingetc | | | | | |
| Content Management System for website updates and uploads | | | | | |
| Online discussion groups | | | | | |
| Facebook | | | | | |
| Twitter | | | | | |
| SMS via mobile | | | | | |
| Other (please specify) | | | | | |

10. Would the use of ICT make it easier for you to respond positively to requests for information made electronically?

- a) Yes b) No

Please explain the answer you have given.....

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11. Had you heard of the askyourgov.ug portal before you were invited to this workshop? a) Yes b) No

12. Had you used the askyourgov.ug portal before today’s training? a) Yes b) No

13. Suggest ways to enable more citizens and public officials to use the portal?.....

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14. What are the main challenges in the uptake of ICTs in government work?.....

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15. What is your perceived usefulness of ICT for responding to RTI requests? (please tick all that apply)

| | Strongly agree | Agree | Neutral | Disagree | Strongly disagree |
|---|----------------|-------|---------|----------|-------------------|
| Using ICT would make it easier and simpler to respond to requests | | | | | |
| Using ICT to make RTI responses would make government bodies more responsive and more effective | | | | | |
| I would have more incentive to respond to requests for information through ICT than traditional methods | | | | | |
| It is less costly for citizens to use ICT for RTI requests | | | | | |
| It would require a lot of effort to become skillful at using ICT for RTI responses | | | | | |

16. Suggest ways in which public bodies (central and local government, and statutory agencies) can more actively open up their information through ICT.

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Additional comments/suggestions.....

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THANK YOU