Received
Kwaku K. Asante
28/7/21

Our Reference: RIIC/RF/VOL 1/112

27th July 2021

KWAKU KROBEA ASANTE
THE FOURTH ESTATE
P.O. BOX LG 730
ACCRA.

Dear Sir,

DETERMINATION OF YOUR APPLICATION FOR REVIEW IN RESPECT OF REFUSAL BY THE ACCRA METROPOLITAN ASSEMBLY TO FOLLOW UP ON YOUR REQUEST FOR INFORMATION REGARDING ACHIMOTA LANDFILL SITE

The Right to Information Commission ("the Commission") hereby communicates to you its decision regarding your application to the Accra Metropolitan Assembly (AMA) in respect of "details of the agreement (or copy, if any) under which the Achimota Landfill Site was handed over to J.L. Properties, a private real estate company."

Consequent upon your application for review lodged with the Commission and other series of communication exchanged between you and the Commission, it has come to the Commission's attention that the AMA, by a letter dated 1st April 2021, referred you to the Okaikoi North Municipal Assembly. The said referral was made pursuant to section 20 (c) of the Right to Information Act, 2019 (Act 989), which provides in relevant portions as follows:

"20 (1) Where a public institution is unable to deal with an application because the information requested

(a) is not in the custody or control of the public institution, but to the knowledge of the public institution, it is held by another public institution...the information officer shall, within two days of the receipt of the application,

(c) refer the applicant to the relevant public institution."

From the AMA's letter aforementioned, the referral was made to the Okaikoi North Municipal Assembly because Achimota falls within the jurisdiction of that Municipal Assembly.

The Commission is of the view that the AMA acted in consonance with the law by making the referral. By email communication dated 3rd April 2021 between you and Adelaide, the AMA's

P. O. Box YK 1179
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Ishmael
0302675951

Information Officer, you requested a transfer of your application to the Okaikoi North Municipal Assembly rather. The Commission does not agree with your said request made to the AMA's Information Officer insofar as the AMA does not have custody or control of the information you applied for.

The Commission, by this letter, hereby directs that you submit a fresh application for information to the Okaikoi North Municipal Assembly since the Achimota Landfill Site, as deduced from the AMA's letter addressed to you, falls within the jurisdiction of the Municipal Assembly.

As aforesaid, by this instant letter, the Commission has communicated to you its summary determination of your application for review lodged with it in connection with your request for "details of the agreement (or copy, if any) under which the Achimota Landfill Site was handed over to J.L. Properties, a private real estate company." This summary determination is hinged on the performance of the Commission's function under section 44 (d) of Act 989. The relevant provision states as follows:

"44. To achieve its object, the Commission shall

(d) conduct matters with as little technicality or formality and as expeditiously as possible."

Accept the compliments of the Commission.

Yours faithfully,

RIGHT TO INFORMATION COMMISSION
27 JUL 2021
P. O. BOX YK 1179, KANDA
REPUBLIC OF GHANA, ACCRA

YAW SARPONG BOATENG Esq.
EXECUTIVE SECRETARY
0244209779

CC: The Chief Executive
Accra Metropolitan Assembly
Accra