



Our Reference RTIC/AFR/2021/09

19<sup>th</sup> August 2021

THE CHIEF DIRECTOR  
MINISTRY OF ROADS AND HIGHWAYS  
ACCRA



Dear Sir,

**DETERMINATION BY THE RIGHT TO INFORMATION COMMISSION IN RESPECT OF REQUEST FOR INFORMATION BY MR. KWAKU KROBEA ASANTE DATED 28<sup>TH</sup> APRIL, 2021**

Your letter dated 10<sup>th</sup> August 2021 and referenced MA197/264/01 refers.

The Right to Information Commission (“The Commission”) is pleased with your assurance of readiness to release information requested by applicants once the appropriate officers receive the requests. Per Paragraph (3) of your above-referenced letter, you indicated that the request for information by Mr. Kwaku Krobea Asante (“The Applicant”) was not received by the Designated Information Officer. In effect, that is the reason why the Ministry of Roads and Highways (“The Ministry”) did not attend to his request.

The Commission would like to draw your attention to some relevant sections of the Right to Information Act, 2019 (Act 989). These are sections 19 and 26(1):

***“19. An application to access information shall be dealt with by the information officer of the public institution.”***

***“26. (1) A public institution may refuse to continue to process an application where the applicant has not paid the prescribed processing fee for the reproduction of information within the period of time specified in the notice.”***

It is instructive to note that, from **Section 19** of Act 989, whereas an application for information is to be dealt with by the information officer, there is no specific mandatory requirement that the application must be lodged with, or submitted to, the information officer only. This makes it clear that the application be lodged with, or received by, the public institution. The Commission states that it is inappropriate for an application to be declined or ignored simply because it was not submitted to, or lodged with, the information officer.

According to section 26(1) of Act 989, the ground upon which a public institution may refuse to process an application for information is where the applicant has failed to pay the prescribed fee for reproduction of the requested information within the time specified. Again, it is instructive to note that, in terms of the law, submission of an application for information to an officer other than the information officer is never a ground for refusing to process the application.



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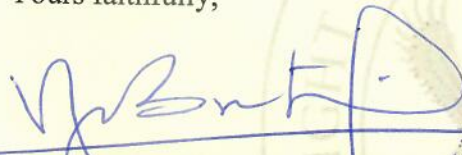
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From the documents available to the Commission, the Applicant's application to the Ministry dated 28<sup>th</sup> April 2021 was addressed to the information officer. The application was also duly received and stamped by the Ministry on 29<sup>th</sup> April 2021. Once the application was addressed to the information officer, it was to be forwarded to the Designated Information Officer of the Ministry. The Commission, therefore, finds the Ministry's attempt to justify why it failed to attend to the application as untenable. The Commission finds that the Applicant appropriately addressed his application. The application was, therefore, never misdirected. As aforesaid, even if it was not directed at the information officer, once same was received by the Ministry, the Ministry was bound to attend to it in accordance with Act 989.

Consequent upon the findings of the Commission supra, the Chief Director of the Ministry, Mr. Edmund Offei-Annor, is ordered to ensure that the received application is duly referred to the Designated Information Officer for the necessary action within fourteen (14) days from the date of receipt of this order.

Kindly accept the compliments of the Commission.

Yours faithfully,



**YAW SARPONG BOATENG, Esq.**  
**EXECUTIVE SECRETARY**  
**0244209779**



**CC: Kwaku Krobea Asante**  
**The Fourth Estate**  
**Accra**