



**THE RIGHT TO INFORMATION COMMISSION  
ACCRA**

**AFR NO: RTIC/AFR/08/2022**

**SHERRIF ISSAH**

**APPLICANT**

**AND**

**DATA PROTECTION COMMISSION  
ACCRA**

**RESPONDENT**

**DECISION BY THE RIGHT TO INFORMATION COMMISSION IN RESPECT OF  
APPLICATION FOR REVIEW FILED BY SHERRIF ISSAH AGAINST REFUSAL TO  
RELEASE INFORMATION REQUESTED BY SHERRIF ISSAH**

The posture of the Respondent in this case does not warrant any detailed decision by the Right to Information Commission (hereafter "The Commission"). This is because the Respondent actually directed the Applicant to an electronic link where the information requested by the Applicant could purportedly be found. The Applicant in this case is Sheriff Issah while the Respondent is the Data Protection Commission of Ghana.

On 25<sup>th</sup> March, 2022, the Commission received from the Applicant an appeal for a reversal under the Right to Information Act, 2019 (Act 989) of a decision by the Executive Director of the Respondent institution refusing to grant him access to certain pieces of information he requested for. Those pieces of information were:

1. The total number of data collectors who have registered with the Data Protection Commission till date; and
2. The total number of data controllers with valid certificates and in good standing till date.



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*P. O. Box YK 1179  
Kanda – Accra  
rticommission@rtic.gov.gh  
+233 3027 88412/ +233 3027 88410*

Upon receipt of the Applicant's application for reversal, the Commission wrote to the Respondent on 31<sup>st</sup> March, 2022 and received on 1<sup>st</sup> April, 2022. The Commission's letter requested the Respondent to furnish justification for refusing to grant the Applicant the information he requested for. In a letter dated 7<sup>th</sup> April, 2022 and referenced DPC/GC/54/01/126-22 and received by the Commission on 12<sup>th</sup> April, 2022, the Respondent intimated to the Commission that "In your quest for the response to the information requested by Mr. Sheriff, we would like to confirm that, the answers to both questions can be found on the register on our website via <https://app.dataprotection.org.gh/en/entities/search/>." The Commission relayed this directional information to the Applicant in an e-mail on 19<sup>th</sup> April, 2022.

Notwithstanding the direction given by the Respondent regarding where the information requested by the Applicant could be found, the Commission received from the Applicant another letter dated 20<sup>th</sup> April, 2022. It is expedient, for purposes of this decision by the Commission, to produce the contents of the Applicant's letter in extenso:

*The register: <http://app.dataprotection.org.gh/en/entities/search/> provides an interface for verifying the validity of data controllers' certificates. It allows users to enter the name of the organization and only provides result based on the name of the particular organization searched. Hence, it allows users to search for limited organizations at a time. This is evident in Appendix 1 of this letter.*

*The Director of Regulatory and Compliance of DPC (Mr. Patrick L. Adonoo) made same assertion (As captured in DPC's response), when I went to submit the initial application on 26<sup>th</sup> January, 2022. In that conversation, I explained to him that, the information on their website does not suffice for my request, which he did not contest.*





*The register does not provide the total number of all registered data controllers, nor the total number of those in good standing. It only provides the details of the organization being searched for. From the aforementioned, the register cannot be queried to provide the following details, I requested:*

- *Total number of data controllers who have registered with the commission till date*
- *Total number of data controllers with valid certificates (in good standing) till date*

*The response from DPC is therefore a deviation from my request. It is highly impracticable to deduce or extrapolate from the register, the above information being sought for.*

As indicated at the outset of this decision, the Commission can deduce from the Respondent's posture that it is not averse to furnishing to the Applicant the information he requested for. This explains why it directed the Applicant to a source where he could get the information he requested. If the information available at the source does not suffice to respond to the Applicant's request (as evidenced by Appendix 1 attached to the Applicant's letter to the Commission dated 20<sup>th</sup> April, 2022), the Commission is of the view that it is only proper for the Respondent to furnish the Applicant with the information he requested in hard copy or a PDF version of it, whichever is capable of being granted. The Commission also determines that the information sought by the Applicant does not fall within the exempt classes of information outlined under sections 5-16 of Act 989.

According to section 43 (2) (c) of Act 989,

"The Commission shall have the power to

(c) make any determination as the Commission considers just and equitable including issuing recommendations or penalties in matters before the Commission"



Proceeding on the premise of this provision, the Commission hereby makes the final orders hereunder outlined.

#### FINAL ORDERS

1. *The Executive Director of the Data Protection Commission, Ms Patricia Adusei-Poku, is hereby ordered, within 14 days from the date of this decision, to ensure release to the Applicant of the following pieces of information:*
  - a. *The total number of data controllers who have registered with the Data Protection Commission as at January 2022; and*
  - b. *The total number of data controllers with valid certificates (in good standing) as at January 2022.*
2. *The information ordered to be furnished to the Applicant shall attract a reasonable fee or charge of GH¢ 1.80 per sheet, if it is to be furnished in print or photocopy, and GH¢ 1.90, if the information is to be furnished in PDF format.*



**YAW SARPONG BOATENG  
EXECUTIVE SECRETARY**

**31<sup>st</sup> MAY, 2022**

