



**RIGHT TO  
INFORMATION  
COMMISSION**  
REPUBLIC OF GHANA

MONTHLY

JANUARY 2025

# NEWSLETTER



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**MEDIA ENGAGEMENT TO PROMOTE AWARENESS  
OF THE RIGHT TO INFORMATION LAW**

# VISION



**“To facilitate the right of access to information: promote, and sustain awareness of the citizenry in their right of access to information and of institutions in their obligation to disclose information.”**

# MISSION



**“To build an informed citizenry, to promote transparency in public discourse, protect, monitor and enforce the right of access to information and to hold public institutions accountable.”**

# CORE VALUES



- **Transparency**
- **Accountability**
- **Fairness**
- **Professionalism and**
- **Independence**



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Staff of the Right to Information Commission Bids Farewell to their Colleague, Jones K.Y. Annan





## **W**elcome to the January edition of our Newsletter!

As we step into 2025 with renewed energy and purpose, the Right to Information Commission extends its warmest greetings and best wishes for a year filled with growth, transparency, and accountability. This year marks another chapter in our collective journey to uphold the principles of openness and empower citizens through the Right to Information Act, 2019 (Act 989).

In this newsletter edition, we spotlight key activities and initiatives undertaken to advance the Commission's mandate. From public sensitization campaigns to strategic collaborations with stakeholders, our efforts remain focused on ensuring that every individual and institution understands their rights and responsibilities under the law.



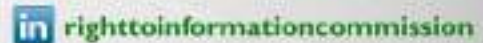
### **Have You Submitted Your 2024 Annual Report?**

Public institutions are being reminded that, in accordance with Section 77 of the Right to Information Act, 2019 (Act 989), which states "a public institution shall within 60 days after the 31st of December of each year submit a written report on the activities of the public institution under this Act during the preceding year to the Commission." The Right to Information Commission hereby calls upon all public institutions to submit a comprehensive written report on their Right to Information (RTI) activities under Act 989 by 1st of March 2025 to the RTI Commission.

The report should encompass the following details:

- a) The number of Right to Information (RTI) applications received between January 2024 and December 2024.
- b) The number of requests received, requests fully approved, partially granted, transferred, referred, deferred, or rejected along with reasons for rejection.
- c) The number of reviews requested, and of which granted or dismissed, accompanied by the reasons for dismissal.
- d) Any application made to the court for judicial review, along with the outcomes, if applicable.
- e) Any other noteworthy matters relevant to the RTI Act, Act 989.

**Non-compliance may result in penalties**





## MEDIA ENGAGEMENT TO PROMOTE AWARENESS OF THE RIGHT TO INFORMATION LAW

**A**s part of ongoing efforts to promote awareness and understanding of the Right to Information Act, 2019 (Act 989), the Commission conducted a focused media engagement with Adehye3 99.1 FM in Kumasi on January 16, 2025. This initiative forms part of the Commission's broader strategy to educate both public institutions and the general public about their rights and responsibilities under the law.

In addition to the main engagement, the Commission also held preliminary discussions with other media partners to explore potential

collaborations for 2025. These pre-engagements aim to establish strategic partnerships that will amplify the dissemination of information on the law and foster a culture of transparency and accountability in governance.

The session with Adehye3 99.1 FM was designed to provide stakeholders with a comprehensive understanding of Act 989. Key topics discussed included an overview of the law, detailed procedures for accessing information, and a breakdown of exemptions and offenses as outlined in the Act. This discussion not only

clarified the practical steps required to exercise the right to information but also underscored the importance of compliance by public institutions to meet their statutory obligations.

Through such engagements, the Commission seeks to empower citizens and public institutions alike, ensuring that the provisions of Act 989 are effectively implemented and that the public's right to information is upheld across the country.



RTIC media engagement with Adehye3 FM, Kumasi



RTIC staff with management of Akoma FM, Kumasi



# ARTICLE



## IMPACT OF IMPLEMENTATION OF THE RIGHT TO INFORMATION LAW ON CITIZEN PARTICIPATION IN DEMOCRACY AND ACCOUNTABLE GOVERNANCE IN GHANA

**R**ight to Information, variously referred to as Access to Information or Freedom of Information, is a process or situation that allows people to obtain information generated, received, collected, or stored by, or available to, the government (Banisar, D., 2002). It is a legal framework that allows citizens and non-citizens to access government records without going through any court process. Right to Information (RTI) is regarded as an intrinsic good, a human right that all individuals should be able to enjoy regardless of its impact on economic growth or political stability (Gomez, M., 2019). The root of RTI laws can be found in the very tenets of democracy, hence, the Swedish legislature passed the first RTI bill into law in 1776. In the final quarter of the Twentieth Century, twenty-six nations had passed the law, indicating citizens' increased demand for transparency from governments (Kamble, B., 2018). Ninety-six countries have adopted the law in the first two decades of the twenty-first century, with Ghana being the most recent.

Ghana is party to several instruments that guarantee the right to information. Article 19 of the International Covenant on Civil and Political Rights, 1972 and Article 9 of the African Union Convention on Preventing and Combatting Corruption, 2003 also enjoin State parties to adopt such legislative and other measures to give effect to the right of access to any information that is required to assist in the fight against corruption and related offences (Udombana, N. J., 2003).

Ghana's Right to Information Bill was drafted as far back as 1999 by the Institute of Economic Affairs (IEA) and reviewed in 2003, 2005 and 2007 (Odijie, M. E., & Imoro, M. Z., 2021). After almost two decades of advocacy by civil society organisations (CSOs) and other non-state actors, including the media, it was finally presented in Parliament for the very first time in 2010. Following intense pressure from CSOs and other RTI advocates, Ghana officially passed the RTI Bill into law on 26th March, 2019. The Bill went through numerous revisions before becoming law. This right to information is enshrined in Article 21(1)(f) of the 1992 Constitution of Ghana. Article 21(1)(f) provides that, "All persons shall have the right to information, subject to such qualifications and laws as are necessary in a democratic society."

The Right to Information Commission (the Commission) was established in October 2020 pursuant the Right to Information Act, 2019 (Act 989) to promote, protect, monitor and enforce the right of access to information as enshrined under Article 21 (1) (f) of the 1992 Constitution aforesaid.

The implementation of the RTI Law has brought positive and tremendous impact on Ghana's political and democratic dispensation. Prior to the commencement of the operations of the Commission, public interest in the activities of public institutions was somewhat dampened because of the brazen reluctance of public servants to



willingly provide information to the public. The attitude of public servants was to position themselves as 'owners' of the information generated; they failed to understand that information was generated for the benefit of the public. The consequence of this position of public servants included a lack of transparency in the activities of public institutions which breed cronyism and an inefficient bureaucratic system. In addition to the above, there was the lack of accountability by public servants to the public on how resources which have been entrusted to their care have been used. The establishment of the Commission has, however, emboldened the public to apply for, and exact as a matter of right, information generated by public institutions. This has led to a greater level of transparency and accountability in the affairs of public institutions. For instance, in 2020, when the Commission started its operations, twenty- three (23) requests for information were processed. In 2022, a total of seven hundred and twenty- three (723) applications were processed across public institutions. This shows an increase of seven hundred (700) requests from the twenty- three (23) recorded in the year 2020. Owing to the work of the Commission, public institutions have now become aware of the importance of proactively disclosing information to the general public. They have also come to understand the importance of disclosing information requested as long as the information does not fall under the exempt categories of information under Act 989. This stands to improve the level of participation of the public in

dialogues and produce a more informed populace.

Prior to the passage of Act 989 and the establishment of the Commission, the public had to contend with the situation where public institutions seemingly operated under a cloud of secrecy. Public institutions often asked for reasons from applicants who sought information prior to the passage of the law. The risk associated with this practice was that requests for information could be declined on the basis of the reason provided by the applicant. The absence of Act 989 thus made it easier for public institutions to exclude the public from their operations though information is generated on behalf of the public. The existence of Act 989 has however made it possible for persons to seek information on the activities that have a bearing on their lives and the public institution is required to grant access to information so long as it does not fall under the exemptions provided under Act 989.

In the case where Raymond Acquah and Fiifi Koomson of the Multi Media Group sought from the Ghana Airports Company Ltd (GACL) a copy of the contract signed between Frontiers Company Ltd and the GACL, and the amount of money accrued to GACL and the Frontiers Company Ltd from the Covid-19 testing at the airport from the inception of the contract to the time the request for information was sought, the GACL contended that the information sought was exempt information. However, the Commission ordered it to submit copies of the requested documents

for a review. After the review, the Commission determined that the information did not fall within the exempt provisions of Act 989 and directed GACL to release the information to the applicants.

Also, Act 989 is to promote and enhance transparency and accountability by making the process of government decisions more open. The persons who occupy public office, including private organisations and institutions that perform public functions or receive public resources, are accountable to the citizenry; same as institutions identified by the Minister of Information in legislative instrument as relevant private bodies. In most cases, persons who hold public office fail to appreciate that they are trustees of public resources and are accountable to the people of Ghana. As trustees, they are required to be accountable, loyal, faithful, prudent and to protect State property and resources under their control. Persons can therefore hold these public officers to account for how public resources entrusted to them have been managed. A specific example can be found in the determination by RTI Commission in favour of Occupy Ghana against the Lands Commission where Occupy Ghana sought information on:

1. A list of all public lands over which government's ownership or control has been relinquished, and the names of the persons to which these lands have been released:
2. The respective sizes and locations (suburbs, towns/cities or regions) of all such lands.



3. The conditions of release, whether free, sale, lease or licence.
4. If the land has been leased, the amount of rent payable.
5. Any other amount paid or received by government, if any, for each such transaction.
6. A copy of any written ministerial policy direction to the Lands Commission on these and other related matters.

This case had a chequered history involving several correspondences between the parties travelling over 8 months. Owing to the failure of the Lands Commission to provide the listed requests, Occupy Ghana petitioned the Commission for a review of the refusal of the Lands Commission to grant it access to the information it had requested. In its review, the Commission instructed the Lands Commission to release the information to the applicant and further imposed an administrative penalty of GH¢ 100,000.00 on Lands Commission for its failure to comply with its obligations under Act 989.

Ghana has had a long history of corruption with multiple scandals reported over the years and these corruption scandals have weakened the legitimacy of democratic institutions among the broader population. In 2017, Ghana scored 40 on the global corruption perception index on a scale of zero to 100 with hundred (100) being the cleanest. In 2018 and 2019, Ghana scored 41 for both years. From 2020 to 2022, Ghana maintained a score of 43 indicating a very marginal

improvement in corruption perception. Over the years, various governments have taken various steps to aid in the fight against corruption. Ghana has carried out far more research into corruption than any African country over the years, however, corruption still exists in the Ghanaian society. This is mostly due to the lack of accountability and transparency.

As part of the Government's commitment to the fight against corruption, a major step that the Government took was to pass Act 989 in 2019 and subsequently establish the Right to Information Commission to promote, monitor, protect and enforce the tenets of the Act. For instance, determinations made by the Commission in cases between the Centre for Democratic Empowerment and the Electricity Company of Ghana, Centre for Democratic Empowerment and the Agricultural Development Bank, and the Centre for Democratic Empowerment and the National Lotteries Authority all related to evaluation reports on contracts awarded by these public institutions. In all these cases, the Commission, upon review of the documents requested from the public institutions, instructed the public institutions to release summaries of the evaluation reports to the applicant whilst excluding third party information and tax clearance certificates.

Moreover, Act 989 has since its inception made access to information for research purposes less cumbersome. Prior to this, academics had to submit a consent form to the organisation of interest

before being allowed to administer questionnaires or have access to institutional data. This bureaucratic process frustrated academics in their quest to access information that would be useful to their research work. Act 989, however, makes it possible for academics to access information under the law without giving reasons for accessing that information, except for situations where the applicant indicates that the information is needed urgently. The law has therefore helped to remove barriers academia faced in their pursuit of information. The Commission has received requests from applicants who needed information to complete their academic work. Though not required under section 1(3) of Act 989 to give reasons, most of these applicants indicated that their need for the information was for academic purposes.

Prior to the passage of Act 989, several journalists either suffered or stood the risk of defamation suits because of their inability to independently verify information before publishing their stories. These situations came about due to the difficulty in accessing information or the blatant denial of access to information by holders of information. This, as already pointed out, militated against the ability of journalists to verify their stories before publication. Journalism deals with the relay of information for public consumption. There is therefore the need to churn out credible information to avoid misinformation of the public. The passage of Act 989 has now made it possible for journalists to publish credible stories for public



consumption. This is made possible through submitting applications to the RTI Commission to compel information holders to release information to journalists provided the information is not exempt under the law, where the initial application for information to the public institutions is denied.

In the past four years, journalists and media houses have accessed information from public institutions under Act. Notable amongst these are Raymond Acquah and Fiifi Koomson of the Multimedia group against the Ghana Airports Company, Kweku Krobea Asante of the Fourth Estate (of Media Foundation for West Africa) against the Ghana National Fire Service, Evans Aziamor-Mensah of the Fourth Estate (of Media Foundation for West Africa) against the Minerals Commission, Manasseh Azure Awuni of the Fourth Estate (of Media Foundation for West Africa) against the Office of the President, and Manasseh Azure Awuni against the Council of State.

Prior to the passage of Act 989, indigents or poor individuals might have faced barriers in accessing information due to inability to pay for information requests, lack of knowledge about their right to access information, or systemic discrimination. This may have limited their ability to fully hold those in power accountable. The enactment of the law has paved the way for such people with limited resources to confidently request information of relevance from all public institutions devoid of heckling and not giving any explanation as to the use of the said information. This has further emboldened this category of persons to access information on matters that affect their daily lives. Under section 75 of Act 989, a fee or charge shall not be paid for information by an applicant who is indigent. It is instructive to note that determination of who an indigent person is rests with the discretion of the information officer who deals with an application for information on behalf of the public institution.

In conclusion, the enactment of the Right to Information (RTI) Act in Ghana has ushered in a new era of transparency, accountability, and citizen empowerment. Prior to its implementation, public institutions operated under secrecy, hindering accountability and fostering inefficiency. However, with the establishment of the Right to Information Commission, there has been a notable increase in transparency, evidenced by the surge in information requests processed by public institutions. This has empowered citizens to hold public officials accountable, contributing to the fight against corruption and strengthening democratic governance. Moreover, the RTI law has facilitated access to information for various stakeholders, including academics, journalists, and economically disadvantaged individuals, promoting informed decision-making and civic participation.

By: **Stephen Owusu Esq.**  
Right to Information Commission



## STAFF OF THE RIGHT TO INFORMATION COMMISSION BIDS FAREWELL TO THEIR COLLEAGUE, JONES K.Y. ANNAN

January 24, 2025, was a somber day for the Governing Board, Management and Staff of the Right to Information Commission of Ghana as we gathered to bid farewell to our dear colleague, Jones K. Y. Annan. The St. Margaret Mary Catholic Church at Dansoman SSNIT flat was filled with family, friends and loved ones who came to pay their respects to a man who dedicated his life to promoting transparency and accountability in Ghana.

As we mourn the loss of our colleague, we also celebrate his life and the invaluable contributions he made to the Commission. Jones was more than just a colleague; he was a friend, a mentor, and a shining example of dedication and hard work.

Jones was an integral part of this Commission, and his passing leaves a void that cannot be filled.

We take comfort in the knowledge that Jones's legacy will live on through the work we continue to do. We will

miss him dearly, but we will also draw strength from the memories we shared with him.

Rest in peace, dear Jones. Your dedication to the cause of transparency and accountability will never be forgotten.



Management and Staff of RTIC at the St. Margaret Mary Catholic Church, Dansoman during the funeral





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