



**THE RIGHT TO INFORMATION COMMISSION
ACCRA
12TH MARCH, 2025**

AFR NO: RTIC/AFR/123/2024

**SELASI AKLOT SOE MENSAH
ACCRA
AND**

APPLICANT

**GHANA EDUCATION SERVICE
ACCRA.**

RESPONDENT

**DETERMINATION BY THE RIGHT TO INFORMATION COMMISSION IN RESPECT
OF AN APPLICATION FOR REVIEW FILED BY MR. SELASI AKLOT SOE MENSAH
AGAINST THE GHANA EDUCATION SERVICE'S REFUSAL TO RELEASE
INFORMATION REQUESTED BY MR. SELASI AKLOT SOE MENSAH**

FACTS

The facts of the instant matter are that, on 27th September, 2024, Mr. Selasi Aklotsoe Mensah (hereinafter referred to as the "Applicant") requested for information from the Ghana Education Service (hereinafter referred to as the "Respondent") through the Information Officer of the Respondent.

The applicant sought the following information:

KINDLY GIVE DETAILS OF Mr. Edward Allan Agbeti's qualification, headmaster of Dzodze Penyi Senior High School, and confirm if he was a student of Mount Mary College of Education and University of Cape Coast, including the year he completed and the programmes he offered.

According to the Applicant, the Information Officer of the Respondent refused to grant access to the information requested and explained that it was exempt under section 16 of the Right to Information Act, 2019 (Act 989). Dissatisfied with the decision of the Information Officer, the



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Applicant petitioned the Director-General of the Respondent on 26th October, 2024 for an internal review of the decision of the Information Officer.

When the Applicant did not receive any response to his internal review application, he petitioned the Right to Information Commission (hereinafter referred to as the "Commission") on 4th December, 2024 for a review of the refusal of the Respondent to provide the information requested. Upon receipt by the Commission of the Applicant's application for review, it wrote to the Respondent in a letter dated 19th December, 2024 with reference number: **RTIC/RF/VOL.6/0473** requesting the Respondent to furnish it with the information requested by the Applicant. As at the date of this determination, the Respondent has failed, neglected and refused to respond to the Commission's request.

ISSUE

The issue for determination is whether or not the information requested by the Applicant is exempt under section 16 of Act 989.

RESOLUTION OF ISSUE

The relevant provision in Act 989 in relation to the issue set down for resolution is section 16.

As earlier indicated, the Information Officer of the Respondent in the initial application denied the Applicant's request stating that it was exempt under section 16 (2) (c) of Act 989. The section provides as follows:

Section 16 (2) (c)

Disclosure is unreasonable if it reveals or is likely to reveal information about the individual's

(c) confidential professional, commercial or financial affairs.

The Commission, upon review of the information requested by the Applicant, fails to see how the qualification of a person holding a public position is exempt from disclosure. The Commission finds that a person who holds a public position must be scrutinized to determine whether or not that person is qualified for the position. Without such scrutiny, people might provide fake qualifications to hold public office.

Further, section 16 (3) (j) provides that:



Disclosure is reasonable if

- (j) the individual to whom the information relates was informed or made aware prior to supplying the information or that the information belongs to a class of information that will or might be made available to the public.

Thus, the same section 16 that the Respondent was relying on to deny access to the information made exemptions to non-disclosure of personal information. Since Mr. Edward Allan Agyeti is employed by the Ghana Education Service and has already provided his qualifications to the Ghana Education Service, by accepting such a public appointment, his qualifications cannot be deemed exempt information. The Commission therefore does not find the information requested as being exempt from disclosure.

FINAL ORDERS

The Commission has the power under section 43 (2) (c) of Act 989 to issue recommendations and penalties in relation to cases before it. Section 43 (2) (c) provides as follows:

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.

Further, section 71(2) (f) of Act 989 empowers the Commission to impose administrative penalties on public institutions that fail to comply with an obligation required under the Act. The Section 71 (2) (f) reads:

Section 71(2)

A decision of the commission may include,

- (f) Imposition of an administrative penalty against the public institution or relevant private body where the public institution or relevant private body fails to comply with an obligation under this Act.

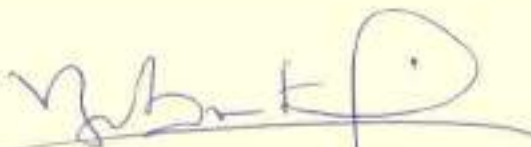


In view of the aforementioned, the Commission hereby makes the following specific orders directed at the Director-General of the Ghana Education Service:

- a. Based on the Respondent's failure to comply with its obligation under Act 989, an administrative penalty of GH¢50,000.00 is imposed on the Respondent and this shall be payable to the Commission not later than 14 days after the date of receipt of this decision. The penalty so imposed shall attract an additional default penalty rate of 10% on the principal penalty sum of GH¢50,000.00 in the event of default for any additional 14 days thereafter.
- b. The Director-General shall ensure that the information requested as stated below is released to the Applicant not later than 14 days after receipt of this decision by the Commission, and same copied the Commission:

KINDLY GIVE DETAILS OF Mr. Edward Allan Agbel's qualification, headmaster of Dzodze Penyi Senior High School, and confirm if he was a student of Mount Mary College of Education and University of Cape Coast, including the year he completed and the programmes he offered.

- c. The information ordered to be released to the Applicant under Paragraph "b" supra shall attract a charge of GH¢0.27 per page where it is to be photocopied. If the information is to be released in a printed form, a fee or charge of GH¢0.38 shall apply and where the information is to be released in computer readable format, a fee or charge of GH¢0.29 should be applied for the information per page pursuant to the Fees and Charges (Miscellaneous Provisions) Act, 2022 (Act 1080).


YAW SARPONG BOATENG, ESQ
EXECUTIVE SECRETARY

