



THE RIGHT TO INFORMATION COMMISSION

ACCRA

29TH JANUARY, 2026

AFR NO.: RTIC/AFR/71/2025

**INNOVATIVE TEACHERS
MANKESSIM**

APPLICANT

VRS

**NATIONAL PENSIONS REGULATORY
AUTHORITY**

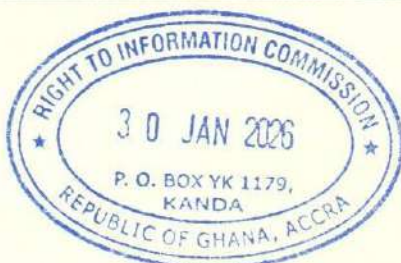
RESPONDENT

ACCRA

**DETERMINATION BY THE RIGHT TO INFORMATION COMMISSION IN RESPECT
OF AN APPLICATION FOR REVIEW FILED BY INNOVATIVE TEACHERS,
REPRESENTED BY STEPHEN DESU AGAINST THE NATIONAL PENSIONS
REGULATORY AUTHORITY FOR NON-DISCLOSURE OF REQUESTED
INFORMATION.**

FACTS

On 14th October 2025, the Right to Information Commission (hereinafter referred to as the “Commission”) received an application for review from Innovative Teachers represented by Stephen Desu (hereinafter referred to as the “Applicant”) seeking a review of the failure of the National Pensions Regulatory Authority (hereinafter referred to as the “Respondent”) to grant access to information requested under the Right to Information Act, 2019 (Act 989).



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According to the Applicant, he submitted two separate requests for information to the Respondent, dated **30th October 2024** and **20th January 2025** respectively. However, he did not receive any response to either request.

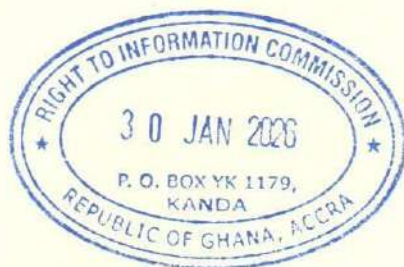
The Applicant subsequently submitted an application for internal review, dated 18th August 2025, addressed to the Chief Executive Officer of the Respondent in respect of both initial requests, but received no response.

The Applicant on 30th October 2024 requested for the following information:

“1. With reference to your letter dated 12th November, 2012 you indicated that the persons listed below were approved and registered as trustees of Ghana Education Service Occupational Pension Scheme:

- i. Very Rev. Paa Solomon Essilfie Grant
- ii. Mr. Awote Nkansa
- iii. Ms. Abenaa Gyamera
- iv. Ms. Lilly Otoo
- v. Mr. Seth Oduro Boadu
- vi. Mr. Christian Addai Poku
- vii. Ms. Marjorie Affenyi
- viii. Mr. Alexander Kwaku Agyei-Frimpong
- ix. Mr. John Yaw Gyedu Gyamera
- x. Mr. Alex Bonnie
- xi. Mr. Christian Koranmoah

Dr. Joseph K.A Agyei as the approved and registered independent trustee.



a. Kindly provide the evidence that was given to the National Pensions Regulatory Authority from the grantors (the GES workers who made contributions into the Temporary Pension Fund Account) that approved the persons mentioned herein as trustees and independent trustee in accordance with the trust law that gives grantors the power to appoint trustees.

b. On what legal grounds did the National Pensions Regulatory Authority register these persons as trustees when some of the persons mentioned herein did not contribute to the Temporary Pension Fund Account since they were not Ghana Education Service employees?

c. Kindly provide any evidence that was given to the National Pensions Regulatory Authority that indicated that the grantors (the GES workers who made contributions into the Temporary Pension Fund Account) approved the Trust Deed and Governing scheme rules that was used to register Ghana Education Service Occupational Pension Scheme (Please note that the Scheme Governing rules and Trust Deed are not known to the workers of GES).

2. It is trite legal knowledge that Ghana Education Occupational Pension Scheme ought to have been incorporated as a body corporate to assume a natural person status before NPRA registered same as an occupational pension scheme in accordance with section 24 of the Companies Code 1963 (Act 179 repealed) and Section 129 (2) of the National Pensions Law 2008 (Act 766). On what legal grounds did NPRA register Ghana Education Service Occupational Pension Scheme at the time it was not registered as an incorporated company?

3. According to the 2019 audited account of Ghana Education Service Occupational Scheme (attached), the National Pensions Regulatory Authority transferred 1.6 billion in bonds and thirty million Ghana cedis (30,000,000.00 GHS) in cash to a ghost company (Ghana Education Service Occupational Pension Scheme was not a natural person). On what legal ground was this transfer made given that Ghana Education Service Occupational Scheme did not have a certificate to commence business and a certificate of incorporation?"

On 20th January 2025, the Applicant further requested for the following information;



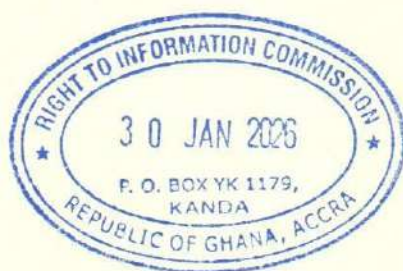
1. Copies of the electronic form of the monthly contributions of Ghana Education Service workers.
2. Copies of data collected from the Controller and Accountant General's Department concerning contributions of GES workers.
3. Copies of investment returns to contributors of Ghana Education Service.
4. Since all the contributions of all public sector workers were lodged in one Temporary Pension Fund account and invested, how did the NPRA arrived at 1.6 billion and 30,000,000.00 as contributions from workers of Ghana Education Service?
5. According to Ghana Education Service Occupational Pension Scheme, a return of Two Hundred and Seventy-Seven Million, Forty-Seven Thousand Ghana Cedis (277, 047,000.00 GHS) was interest on the amount invested from the contribution of GES workers. How did NPRA arrive at this figure?

After receiving the application for review from the Applicant, the Commission wrote to the Respondent by a letter dated 10th November 2025, directing it under **sections 43(2)(b) and 70 of the Right to Information Act, 2019 (Act 989)** to furnish the Commission with reasons for the refusal to release the requested information and also provide the Commission with the information requested by the Applicant for the purpose of review.

As at the date of this determination, the Respondent has failed, refused, or neglected to respond to both the Applicant and the Commission.

LEGAL ANALYSIS

According to **section 23(1) of Act 989**, where an application for access is received by a public institution, the public institution is required to respond within fourteen days from the date of receipt of the application. Failure to do so amounts to a breach of statutory duty.



Section 27(1) of Act 989 provides that a public institution may refuse access to information if:

- a. The application is manifestly frivolous or vexatious; or
- b. The information requested is exempt under **sections 5 to 16 of Act 989**.

The Respondent failed to provide any justification under the stated grounds. However, upon examining the information requested by the Applicant, the Commission finds that the only portions of the Applicant's requests that are exempt for being personal information of Ghana Education Service contributors are two requests in the 20th January 2025 application, namely:

'1. Copies of the electronic form of the monthly contributions of Ghana Education Service workers.

'3. Copies of investment returns to contributors of Ghana Education Service.'

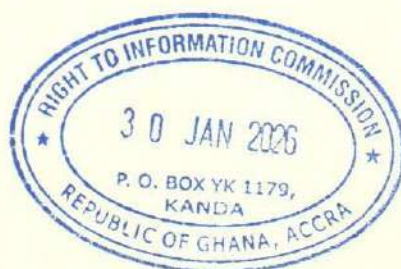
The above requests are exempt from disclosure under **section 16 of Act 989** for being personal information and the pieces of information requested therein can only be given with the express consent of the Contributors of Ghana Education Service.

The above conclusion of the Commission aside, the Applicant's request does not meet the threshold for classification as frivolous or vexatious.

It is pertinent to note that **section 70 of Act 989** places a duty on a public institution, a relevant private body or an interested party to assist the Commission in the course of an application or investigation. The Commission observes that the Respondent's continued and willful non-cooperation amounts to a violation of its statutory duty.

The Commission therefore concludes that the National Pensions Regulatory Authority is in breach of the following provisions in the Act:

- a. **Section 23**, for failure to respond to an application for information within the prescribed period.
- b. **Section 70**, for failure or cooperate with, and assist, the Commission in investigating a complaint received under the Act.



FINAL ORDERS

Pursuant to the power conferred on the Commission under **section 43(2)(c) of Act 989** to make any determination as the Commission considers just and equitable including issuing recommendations or penalties in matters before the Commission and **section 71(4) of Act 989** to issue directives that the Commission considers necessary for the enforcement of its decisions, the following orders are hereby made;

1. **Administrative Penalty:**

An administrative penalty of **GH¢100,000.00** is imposed on the National Pensions Regulatory Authority for its failure to respond to the Applicant and to the Commission, in violation of Act 989. This amount shall be paid to the Commission not later than **fourteen (14) days** from the date of receipt of this determination. In default, an additional **ten percent (10%)** shall accrue for every subsequent fourteen (14)-day period.

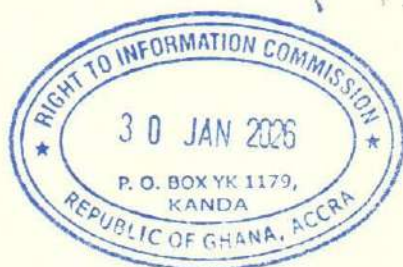
2. **Disclosure of Information:**

The Respondent, National Pensions Regulatory Authority is hereby directed to provide the Applicant with the requested information, save Requests (1) and (3) of the 20th January 2025 application, within **seven (7) days** of receipt of this determination, and copies of the information released to the Applicant furnished to the Commission within the same timeframe.

3. **Fees and Charges:**

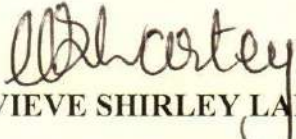
Any reproduction of information or documents shall attract statutory fees as stipulated in the **Fees and Charges (Miscellaneous Provisions) Act, 2022 (Act 1080):**

- GH¢0.27 per photocopied page
- GH¢0.38 per printed page



- GH¢0.29 per page for data provided on an electronic device

The Commission further reminds the National Pensions Regulatory Authority of its obligation to uphold transparency and accountability under **Act 989** and to comply fully with all lawful requests for information henceforth.



GENEVIEVE SHIRLEY LARTEY, ESQ
EXECUTIVE SECRETARY

