

2017

Baseline Assessment on Right to Information Readiness in Vanuatu



Right to Information Unit | Department of
Strategic Policy, Planning and Aid
Coordination | Prime Minister's Office
5/29/2017



Abbreviations

DSPPAC	Department of Strategic Policy, Planning and Aid Coordination
PMO	Prime Minister's Office
RIM	Records and Information Management
RTI	Right to Information

Acknowledgement

This report was prepared by the Right to Information (RTI) Unit. We wish to extend our gratitude to those Government agencies and departments who completed and send in their baseline assessment reports to the RTI Unit.

The Baseline Assessment is fully supported by the Government of Vanuatu. The views shared in the report do not necessarily reflect those of the Government of Vanuatu.

Table of Contents

Abbreviations.....	1
Acknowledgement.....	1
EXECUTIVE SUMMARY.....	3
Baseline Assessment Design.....	3
INTRODUCTION.....	5
Methodology.....	6
FINDINGS AND ANALYSIS.....	7
RTI Awareness.....	7
Records Management.....	7
Staff Resources.....	8
Proactive Disclosure and Requests for Information.....	8
Identification of Special RTI Requirements and Challenges.....	8
ICT Readiness.....	9
CONCLUSIONS & RECOMMENDATIONS.....	10
CONCLUSION.....	10
RECOMMENDATION.....	10

EXECUTIVE SUMMARY



The RTI baseline assessment has been carried out with the aim to assist all government agencies to develop their action plan to ensure they are prepared for RTI implementation. The baseline assessment also enables the RTI Unit to assess the current needs of each government agencies and its ability to prepare to implement the Right to Information Law.

A questionnaire has been used to carry out this assessment. A total number of 82 government agencies were given the baseline assessments to which only 21 completed baseline assessments were returned to the RTI Unit. Therefore 21 baseline assessments were used to develop this report.

Baseline Assessment Design

The assessment was designed to assess the following six areas in government agencies and relevant private entities to determine the RTI readiness of the organisations.

1. RTI Awareness

This section is to find out if the departments have some knowledge of what Right to Information will bring to their organisations and the government as a whole. It also finds out the types of challenges that they may face when implementing Right to Information such as inadequate budget resources and poor records management.

2. Records Management

Successful implementation of Right to Information in each organisation depends on proper records management systems used in the various agencies. Organisations are being asked whether they have a records management policy, plan or disposal plan. The questions in the baseline assessment will help the RTI Unit identify records management status in all government agencies.

3. Staff Resources

This will identify their needs in terms of human resource. The organisations will say whether they have staff members who are given responsibility in dealing with people coming in for information. This area will also find out if the staff in the organisations have attended some training or have been trained in records management. Some organisations will say whether or not they have an officer who will likely take on the responsibilities of the Right to Information Officer. Training will be provided to RTI officers of the first phase agencies.

4. Proactive Disclosure and Requests for Information

This section will assess how agencies are already publishing information about their organisations or whether they are not publishing any information at this stage. Agencies are being assessed on the fees being charged to people obtaining information they provide or if they charge for copies only or if there are no fees charged at all. The agencies are also being assessed on the reading spaces they have to accommodate people to have access to information in their organisations.

5. Identification of special RTI requirements and challenges

This section helps to identify their challenges and requirements which will come when implementing Right to Information.

6. ICT readiness

ICT is a major part of implementing right to information especially for publishing and disseminating information. Websites is a good way for government agencies to publish information as required by the RTI act and keep the information up to date. Agencies will be able to say whether they have an up to date website and a general email address where information can be freely shared amongst their staffs.

INTRODUCTION



This report presents a baseline assessment of readiness of government agencies to implement right to information in Vanuatu. It does not attempt to evaluate the performance in fulfilling national commitments under specific articles of the relevant international conventions. This report also attempts to assist government agencies to develop an action plan to ensure their preparedness for RTI implementation and enable the RTI Unit to assess the current needs of government agencies and their ability to prepare to implement Right to Information Law.

This assessment was commissioned by the Right to Information Unit as part of its commitment to coordinate the implementation of Right to Information Law in Vanuatu. RTI baseline assessment was sent out to government agencies in February 2017 and report being prepared in May 2017.

The Government provides information services to its citizens through print, electronic, social media and radio. Information plays a vital role in citizen's daily life and empowers them to be part of decision making. Right to Information has been ratified by the Government of Vanuatu under the United Nations Convention on the Rights of Persons.

There are still many challenges both in terms of what information is provided by the government and how people access this information. The most fundamental challenge is changing today's environment of a closed culture in providing information about the government and opening it up so people are used to giving information and people get access to information.

This baseline assessment report is presented as a strategic review for government agencies to begin preparation for implementation of Right to Information Law in Vanuatu. Information on the baseline assessment is collected from 21 government agencies

Methodology

The RTI Act was gazetted by the State law Office on February 6, 2017. Between 6 – 10 February 2017, a circular (Annex 1) by the Director General/PMO was hand-delivered in brown envelopes to all government Directors General and Directors as well as heads of all relevant private entities and private entities located in Port Vila and via email to all other provinces throughout Vanuatu.

The letter was sent to inform them of the passing of the RTI Bill and the stages of implementation of the RTI Act and seeks their support in organising consultation meetings with the RTI Unit. The letter also contains information on the baseline assessment and the Baseline Assessment form attached with the letter. Over 80 baseline assessment forms were dispatched.

On 10 February 2017, a press release (Annex II) was issued by the Director of DSPPAC, to the local and regional media titled “RTI Request Only after Ministerial Orders”. The aim of the baseline assessment was clearly spelled out in the media release as well as the importance of the RTI consultation sessions.

The RTI Unit made a number of follow ups to all Directors and Director Generals and reminded them to fill in and send in their baseline assessments. Due to a the very limited immediate responses received after the disbursement of the baseline assessment forms, the ultimate deadline was postponed twice from three weeks to two months. Reminder notices were also sent out whenever notices for the RTI Consultation Session with respective government agencies, and also during consultation sessions. The last reminder to all Director Generals and Directors were distributed via email (See Annex 3) on 4 May 2017. However, only total of 21 baseline assessments were received back at the Unit, the latest was at the beginning of July 2017.

The baseline assessments received were from:

- 1) Vanuatu Agriculture and Research Training Centre (VARTC)
- 2) Vanuatu Chamber of Commerce and Industry
- 3) Utility Regulatory Authority (URA)
- 4) National Archives of Vanuatu (NAV)
- 5) Department of Education Services
- 6) Department of Civil Status
- 7) Department of Forests
- 8) State Law Office
- 9) Ports & Marine Department
- 10) Office of the Government Chief Information Officer (OGCIO)
- 11) Department of Agriculture & Rural Development
- 12) Department of Industry
- 13) TORBA Provincial Council
- 14) Scholarship and Training Coordination Department
- 15) National Disaster Management Office (NDMO)
- 16) Government Remuneration Tribunal (GRT)

- 17) Department of External Trade
- 18) Vanuatu Investment Promotion Authority (VIPA)
- 19) Department of Public Health
- 20) Department of Customs and Inland Revenue
- 21) Department of Water Resources

FINDINGS AND ANALYSIS

RTI Awareness

Government agencies and relevant private entities that took part in the baseline assessment report were assessed on their knowledge of what Right to Information would do to their organisations and what challenges may be faced when implementing Right to Information.

The response from government agencies show that these government agencies and relevant private entities know what Right to Information do to their organisations. One is to improve their records management practices, engage with public and be more transparent in their activities.

This assessment has also found out that the major challenge to be faced within these organisations is the shortage of budgetary resources allocated to implement Right to Information.

Nearly all of these organisations have also requested that the RTI Unit provide some training and workshops for their staffs to implement the RTI law.

Records Management

Out of the 21 government agencies and relevant private entities that have submitted their baseline assessments, only 4 organisations have a Records Management Policy that is being used by their organisations. Records Management is an important part of implanting Right to Information and this must therefore be improved to achieve better results when implementing RTI. A policy will help administer the safe keeping and better management of records in the organisations.

Some of the organisations who took part in the baseline assessment have a file plan that is currently being used by their organisations to organise their files and records. The RTI Unit however has not had the opportunity to view any of the file plans that are being said in the baseline assessment.

Vanuatu currently does not have a file/records disposal legislation or policy which explains why all the organisations who have responded to the baseline assessment have no policy or disposal schedule. The disposal and transfer of records must be properly addressed by authorities or records will be destroyed and history can be lost.

Another struggle found by this assessment is that many of these organisations do not have a properly maintained storage facility to store their current records and archived records.

Most of the organisations who responded have not had any of their staff members attend any training in records and information management. This must be addressed by the National Archives who is responsible for managing old records of the government.

Staff Resources

This assessment shows that all government agencies and relevant private entities at some stage are already giving out information and dealing with people requesting information from their organisations.

More than half of these organisations have agreed that if they are to implement the RTI law they will use their current staff to act as RTI Officers. Only a few have suggested creating a totally separate position within their structure and recruiting a new RTI Officer.

Training will be needed to build their capacity in implementing the RTI law and improving their records and information management systems.

Proactive Disclosure and Requests for Information

Most of the assessed organisations deal with information request to an assigned member of staff except the National Archives of Vanuatu who has an allocated reading area where people making information requests can sit and view records requested.

More than half of the assessed organisations do not charge any fees for information provided to people who request information. Some however are charging some fees for providing information to people who make requests.

Only three of the assessed organisations make online application forms available for public to download and view online.

Out of all the assessed organisations only six of them have buildings and spaces that will allow access to disable people.

Photocopy machines, scanners and printer are not a problem to any of the organisations being assessed. These tools are vital for providing information requested under the RTI law.

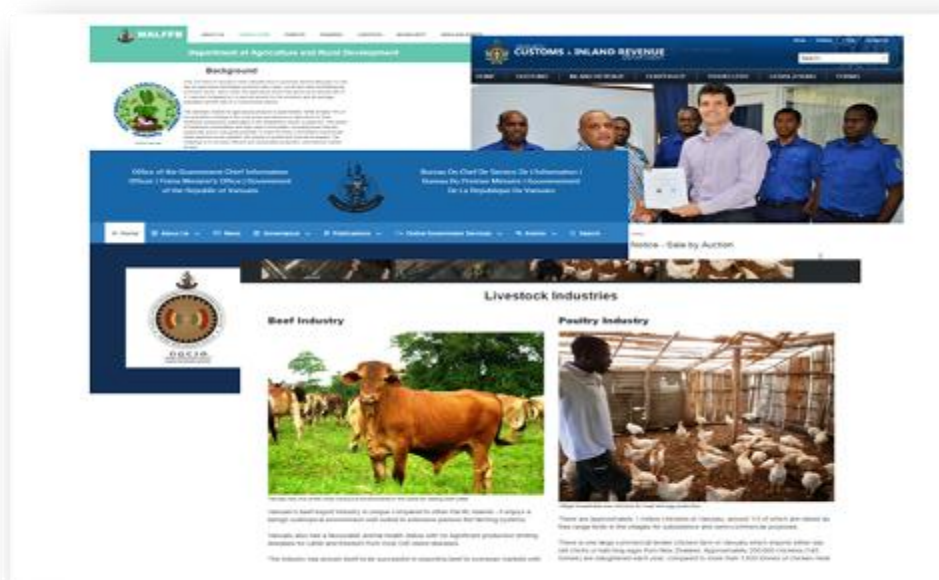
Many organisations regularly publish their annual reports and financial reports every year. The information being requested most of the time or hot topics are not being published frequently.

It is a very straightforward process in all these government agencies when it comes to people coming in to request information.

Identification of Special RTI Requirements and Challenges

This assessment finds out that all responding government agencies and relevant private entities are sure that they will receive a high number of RTI requests under the RTI law. Only a few of these agencies think that the requests will be cyclical and peak during Christmas season and school holidays. No complex requests are expected to come from information requests made under the RTI law.

ICT Readiness



Most of the government agencies and relevant private entities that were assessed have a IT Officer who is responsible for their ICT issues. Most of the government agencies are connected to the government network except from a few of the relevant private entities like the National Archives of Vanuatu and VARTC. About four of the agencies have up to date websites that provide information about their organisations while others have out of date websites and some have no website at all. It is important that the websites publish more information as required by the RTI law. Only one agency has a website that is accessible to people with disabilities. Internet is available in all organisations except some policies prevent staffs from accessing certain websites.

None of the responding agencies have a policy for filing email records in their organisations. Providing information is available in many different formats and most of the responding agencies can provide records in writing, maps, plans, graphs, drawings, soundtracks and films. IT is also an important part of implementing RTI therefore the assessment also shows the format which information can be delivered to people who make information requests. Many organisations can

provide photocopies, CD/DVD and digital files which is a positive when beginning the implementing of RTI. The RTI Unit has researched the different organisations and some have very active Facebook accounts and twitter accounts. This is a very efficient and sustainable way of providing information to the public as requested or as required.

CONCLUSIONS & RECOMMENDATIONS

CONCLUSION

To conclude this assessment finds out that all Government agencies have some fair knowledge of what RTI is and what challenges will be faced when implementing RTI. The challenges include capacity building and budgeting. This must be seriously considered when preparing budgets and allocating resources for the implementation of the Right to Information Law in Vanuatu.

This assessment finds out that many of the government agencies and relevant private entities have very poor records and information management systems. Good records management will determine the successful implementation of the RTI law. Government agencies must be trained on the basics of records and information management and learn how to write their own records policy and plan.

All government agencies must receive RTI workshops and their RTI officers must be trained in implementing and using the RTI law.

As a service provider it is the government's duty to ensure that the citizens of Vanuatu have a fair knowledge of what each government agency is doing and get information about the organisations. The government is currently not publishing enough information about their organisations on the website or through other means. This must be improved and information must be published as required by the RTI Act. All Government agencies do not have an allocated reading area where people can sit down and access information about the agencies. Information must be made available online for easy access.

Many government agencies have very poor maintained websites and these sites have been out of date for some time. A few agencies who have up to date sites do not however publish information as required by the RTI Act. It is recommended that the well maintained websites include information about their organisations as required by the RTI Act.

RECOMMENDATION

This assessment has been carried out to determine the readiness of the government agencies and relevant private entities to be part of the first phase implementation of the RTI Act. After assessment of 21 government agencies and relevant private entities this report has the following recommendations:

1. This assessment results recommends that the following Government agencies and relevant private entities be included in the first phase of the RTI Law implementation. The following have stated in their baseline assessment forms that they can provide information within allocated time required by the RTI Act, they already have identified a staff member to take responsibilities of the RTI Officer or have indicated that they will recruit new staffs to undertake the responsibilities of the RTI Officer, they have up to date websites that may need to be updated with information required to be published under RTI Act and are willing for their officers to undertake training on RIM and RTI. All except for Utilities Regulatory Authority have a Facebook page where followers of the page can request information through it or get up to date information about the organisations. The government agencies and relevant private entities are listed as the :
 - a. Department of Agriculture and Rural Development
 - b. Department of Livestock
 - c. Department of Forests
 - d. Department of Customs and Inland Revenue
 - e. Office of the Government Chief Information Officer
 - f. State Law Office
 - g. National Archives of Vanuatu
 - h. Utilities Regulatory Authority
2. The Government must allocate budget resources to support Government departments and the implementation of the RTI Act.
3. The National Archives and RTI Unit must conduct records and information management trainings and workshops with all agencies that have been assessed in this report and others to help them improve their records management systems.
4. Government agencies who are recommended to be part of the first phase implementation of Right to Information must recruit their Right to information Officers as soon as possible.
5. The RTI Unit must conduct RTI training for RTI Officers early August to ease first phase implementation of RTI Act.
6. Government agencies must prepare to develop their websites to include information required to be published according to the RTI Act. This information must be regularly updated.
7. The Government must regulate the standard reproduction fees for information being reproduced under the RTI Act..

ANNEX 1

REPUBLIC OF VANUATU
Office of the Director General
Prime Minister's Office
Private Mail Bag 9053
Telephone No: (678) 22413



REPUBLIQUE DE VANUATU
Bureau du Directeur General
du Premier Ministre
Sac Postal Confidential 9053
Facsimile No: (678) 22863

02 February 2017

To: Director Generals
Directors
Heads of Constitutional Bodies

RE: RIGHT TO INFORMATION (RTI) BASELINE ASSESSMENT

I write with reference to the above matter and the Right To Information (RTI) Act that was passed by Parliament on 24th November 2016. The Government is now committed to implementing this RTI policy and legislation.

The Government has started implementation of the RTI policy and implementation of the RTI legislation is also about to commence. The RTI Act implementation is scheduled to happen over a period of 5 years and in three phases. The RTI Unit has been established to lead this process.

In preparation for the first phase of implementation of the RTI law, the Government through the Right to Information Unit under DSPPAC/PMO is conducting baseline assessments in different Government agencies to identify certain agencies that are potentially ready to begin implementation.

These agencies will go through a RTI sensitisation before the first Ministerial order to specify which government agencies to which the RTI law applies.

As such, I am requesting your Department to complete the attached baseline assessment form and to the RTI Unit by 24 February 2017.

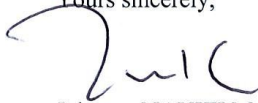
Government agencies are encouraged to disclose as much information as they can about their agencies. Information to be disclosed is listed in the RTI Bill, Part 2, Division 1(6) (1) a-o. A copy of this page is attached to this letter.

It is also mandatory that all Directors Generals, Directors and Heads of Units and Statutory Bodies prepare to meet with RTI Unit in separate meetings for a brief on what is expected to be undertaken by each line agencies, departments, private entities, statutory bodies, in preparation for the RTI implementation.

The RTI Unit will be contacting to discuss this further. Find attached a schedule for each ministerial and departmental briefings.

A copy of the baseline assessment is attached with this letter. For any queries on the baseline assessment please contact RTI Unit on VOIP 2680 or Email: righttoinformation@vanuatu.gov.vu

Yours sincerely,



Johnson NAVITI Marakipule
Director General



ANNEX 2

**GOVERNMENT OF THE
REPUBLIC OF VANUATU**
Department of Strategic Policy,
Planning and Aid Coordination
Private Mail Bag 9053, Port Vila
Vanuatu Tel: (678) 23150 Fax:
25481



**GOUVERNEMENT DE LA
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10 February 2017

Press Release

RTI requests can be made after Ministerial Order

Following the gazettal of the Right to Information (RTI) Act by the State Law Office on February 6, 2017, the Right To Information Unit (RTIU) under the Department of Strategic, Policy, Planning and Aid Coordination (DSPPAC) wishes to clarify that the Gazetting of the Act now gives effect to preparations for the first phase of the implementation process. Under the RTI Act there are three stages in the implementation process covering a period of nearly 5 years.

The first phase will begin within six month from the date of gazettal during which only those departments and agencies that are covered under a Ministerial Order from the Prime Minister, will be required to give information under the Act. This will be followed by another 24 months during which more government departments and line agencies will be identified and declared under the Second Ministerial Order to comply with the Act. Departments and agencies not covered in the first and second phase will be on the last list of agencies on the final and Third Ministerial Order.

In preparation for the First Phase, the RTI Unit through the Department of DSPPAC/PMO, has this week disbursed baseline assessment forms to all government departments and agencies, including all government statutory bodies which will be filled in and returned by the end of this month. The form aims to assess and identify certain agencies that are potentially ready with human, finance and ICT resources, to begin implementation.

The RTI Consultation sessions with Director Generals, along with their directors, chief executive officers and heads of their respective divisions and units have also been scheduled for separate meetings throughout this year.

The sessions come in line with the National RTI policy and is part of the first phase of the RTI Implementation Plan. It will give an overview on what each, ministry, departments and agencies are expected to do in preparation for the implementation of the RTI law. This will include a new structure consisting of a position for the RTI Officer.

The consultation sessions will also help departments and agencies put in place their respective Agency Action Plans to ensure they respond positively to requests for information.

The gazettal of the RTI Act again reflects the current Charlot Salwai Coalition Government's continued commitment to United Nations Conventions on Human Rights signed by Vanuatu.

End


Gregoire Nimbtik
Director



Department of the Department of Strategic Policy, Planning and Aid Coordination

ANNEX 3

RTI Baseline Assessment & RTI Consultation Session

From: Harold Obed Tahun

Sent: Thursday, 4 May 2017 11:21

To: Edward Kaltamat; George Borugu; George Taleo; Jesse Dick Joe; Johnson Naviti Marakipule; Nebcevanhas Benjamin Shing; Pacco Siri; Roline Lesines Tekon; Tony Amos Sewen; DIRECTORS

Subject: RTI Baseline Assessment & RTI Consultation Session

Dear Directors General and Directors,

We are now one month away from the necessary preparation work in time for the issuance of the first Ministerial Order by Prime Minister Charlot Salwai Tabimasma, on which government departments and line agencies will be under the first phase of the RTI Implementation Plan. We are hoping that this Order is made at the end of July.

A significant initial part of this preparatory work that involves all Directors General and Directors is the filling in of the RTI Baseline Assessment Form. This is a very important step to evaluate each department's readiness for the implementation phase.

A number of reminders have been sent out, and deadline moved two times. With that, I would like to thank the few Directors who have filled and returned the 11-page document. At the same time, I regret to advise that most have not done so.

The success of the government's RTI Policy, hence the implementation plan, rests on us all, and I am asking those who have not filled-out the Baseline Assessment Forms to do so.

Another significant part of the preparation strategy is for the RTI Unit to conduct RTI Consultation Sessions with you and your management team. This again, has been very slow. I therefore asked that you allocate an hour and a half of your already busy schedule for this session. Following this first session, there will be more sessions with specific officers involved.

I take this opportunity to thank you all for your support so far, either directly or indirectly, to this under-resourced RTI Unit. If you have questions, please feel free to contact us at the RTI Unit on VOIP 2608 or through DSPPAC 23150.

May God continue to bless you in your service to this nation.

Sincerely,

Harold Obed

Right To Information (RTI) Unit Manager

Department of Strategic Policy, Planning and Aid Coordination

Office of the Prime Minister