



RIGHT TO INFORMATION

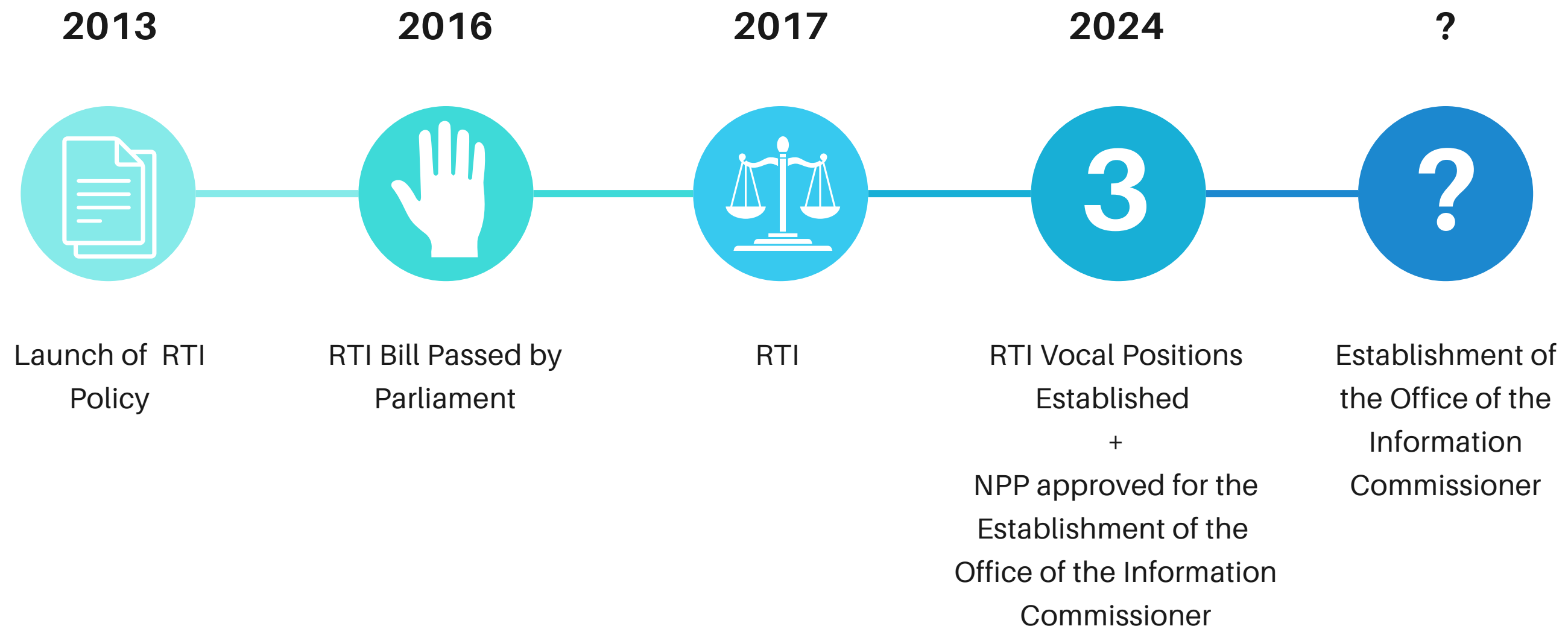
Right To Information Unit
Ministry of the Prime Minister



**AN ACT TO PROVIDE FOR THE GUARANTEE OF THE RIGHT TO
INFORMATION OF ALL PERSONS AND TO ESTABLISH PRACTICAL
EFFECTIVE MECHANISMS SUPPORTIVE OF THAT RIGHT AND FOR
RELATED MATTERS.**

RTI PROGRESS

A brief history of the progress of the RTI in Vanuatu





VISION

TO PROVIDE OPEN, ACCOUNTABLE AND PARTICIPATORY
GOVERNMENT FOR ALL THE PEOPLE OF VANUATU

RIGHT TO INFORMATION LAW

PART 1: PRELIMINARY MATTERS

PART 2: DISCLOSURE AND ACCESS TO INFORMATION

PART 3: THIRD PARTY NOTIFICATION AND INTERVENTION

PART 4: AMENDMENTS OF PERSONAL INFORMATION

PART 5: EXEMPTIONS

PART 6: INFORMATION COMMISSIONER

PART 7: ENFORCEMENT BY THE INFORMATION COMMISSIONER

PART 8: MEASURES TO PROMOTE ACCESS TO INFORMATION PART

PART 9: MISCELLANEOUS PROVISIONS



PURPOSE OF THE ACT

- To give effect to the right to freedom of expression under paragraph 5(1)(g) of the Constitution of the Republic of Vanuatu.
- To provide access to information held by Government agencies, relevant private entities and private entities, subject to exceptions provided under Part 5 of this Act.
- To establish voluntary and mandatory mechanisms to give the public the right to access to information.
- To promote transparency, accountability, and national development by empowering and educating the public to understand and act upon their rights to information.
- To increase public participation in governance.

INTEPRETATIONS OF THE RIGHT TO INFORMATION ACT

APPLICATION OF THE ACT

1980

TODAY

- The Minister may, by Order, declare that this Act applies to records or information created or held by a Government agency at a date earlier than the period referred to in paragraph (1)(a), and also includes information held by a relevant private entity that **relates to any funding provided whole or in part to it by the Government.**
- **This Act does not apply to** any information held by the system of **custom, traditions** and **practices** generally practiced throughout Vanuatu, any **information of a relevant private entity** relating to any function that is not public service related or funded in whole or in part by the Government, any **information which for the purposes of journalism, art or literature** is held by a **publically owned media body** in relation to its program content.

ACT TO PREVAIL

- If a provision of this Act conflicts with a provision of any other Act other than the Constitution, **the provisions of this Act prevail.**
- This Act does not prevent a Government agency, relevant private entity or private entity from giving access to information other than as required by this Act where it has the discretion to do so or where it required to do so by any other Act, policy, practice or order of a Court.

Constitution

RTI Act

Other Acts

15 MINS

MORNING BREAK

15 MINS

M O R N I N G B R E A K

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DISCLOSURE OF INFORMATION

A Government agency or a relevant private entity must publish and disseminate an initial statement of its organization in each official language.

[Disclosure of Information Guide](#)

[VanGov Website Assessment](#)

www.grt.gov.vu

The Act overrides the provisions of any other law dealing with the disclosure of information if there is a conflict. However, a government agency or relevant private entity is not prevented from giving access to information other than under the Act if it is required to do so by any other law, policy, practice or order of a court.

DISCLOSURE OF INFORMATION



A Government agency or a relevant private entity must:

- Within 12 months of the publication of the initial statement under subsection
- And at intervals of not more than 6 months, publish and disseminate up to date information contained in the previous statement.



In addition...(Go to page 13 of RTI Act)

DISCLOSURE OF CERTAIN INFORMATION



The Government is to publish information of its functions and activities including

- Laws, rules or guidelines application to elections.
- Electoral rolls for public inspection.
- The broadcast of sessions of Parliament across Vanuatu.
- Transcripts of parliamentary proceedings; and copies of all Bills and subsidiary legislation.
- Terms of reference, submissions and final reports of Parliamentary Committees.
- Court decisions.

Transcripts of parliamentary proceedings, copies of Bills and other documents that are tabled in Parliament, and terms of reference, submissions and final reports of Parliamentary Committees are to be deposited with the office of the Clerk of Parliament and the Parliamentary library for inspection and be made available for public viewing.

DISCLOSURE OF CERTAIN INFORMATION

What 'certain information' is already **published**?

- ✓ Laws, rules or guidelines application to elections.
- ✗ Electoral rolls for public inspection.
- ✓ The broadcast of sessions of Parliament across Vanuatu.
- ✗ Transcripts of parliamentary proceedings; and copies of all Bills and subsidiary legislation.
- ✗ Terms of reference, submissions and final reports of Parliamentary Committees.
- ✓ Court decisions.

Transcripts of parliamentary proceedings, copies of Bills and other documents that are tabled in Parliament, and terms of reference, submissions and final reports of Parliamentary Committees are to be deposited with the office of the Clerk of Parliament and the Parliamentary library for inspection and be made available for public viewing.

WHO CAN APPLY FOR INFORMATION?

ANYONE, INCLUDING PERSONS WHO ARE NOT VANUATU CITIZENS OR RESIDENT IN VANUATU, CAN MAKE AN RTI REQUEST.

ACCESS TO INFORMATION

A person may access any information from a Government agency, relevant private entity or private entity.

A person may access information from a private entity if the information is to assist in the exercise or protection of any right recognized under the laws of Vanuatu.

A person may access information from a private entity if the information is to assist in the exercise or protection of any right recognized under the laws of Vanuatu.

The application must:

- identify the right which the applicant is seeking to exercise or protect; and
- state the reasons why the information is required to exercise or protect that right.

RIGHT TO INFORMATION OFFICERS

The Public Service Commission must, within 6 months of being specified by an Order of the Minister under paragraphs 2(4)(a) and (b), appoint a person in writing to be a Right to Information Officer for each **Government agency**.

- A **relevant private entity** or a **private entity must** appoint a person or persons to be its Right to Information Officer.
- If a **relevant private entity** or a **private entity fails** to appoint a Right to Information Officer, the Principal Administrative Officer of that entity is to be the Right to Information Officer for the purposes of this Act.

RIGHT TO INFORMATION OFFICERS

The Public Service Commission must, within 6 months of being specified by an Order of the Minister under paragraphs 2(4)(a) and (b), appoint a person in writing to be a Right to Information Officer for each **Government agency**.

- ✓ PMO
- ✓ MOFA
- ✓ Department of Tourism

A Right to Information Officer Right to Information Officer has the following functions:

- To **promote**, within the respective bodies, the best practices in relation to the right to information, its importance and the role of officials in facilitating that right.
- **Records** management, archiving and disposal of records.
- **Serve as a central contact** for receiving applications for information
- To **assist persons** seeking information under this Act.
- **Receive complaints** under this Act.
- **Carry out any other functions** as set out in this Act or any other Act.

(go to RTI Act Page 17)

APPLICATION FOR ACCESS TO INFORMATION

A person who wishes to obtain information from a Government agency, relevant private entity or private entity is to **apply to the relevant Right to Information Officer for access to information held by that Government agency, relevant private entity or private entity.**

(Go to RTI Application Form)

What if the application does not comply with the RTI requirements?

If an application for access to information is made, and that application does not comply with the requirements under subsection 13(4), the Right to Information Officer is to take reasonable steps to **assist the person or applicant, free of charge, to make the application in a manner that complies with this Act.**

ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION



A RTI Officer who receives an **application under subsection 13(1)** must, within **5 days** of receiving the application, acknowledge the receipt and state the following in the acknowledgement:

- the nature of the application; and

Your applying for a copy of the agreement between the Ministry of Education and Teachers Union to cancel their strike.

- the date on which the application was received; and

Your Application was received on the 30th of July, 2024

- the officer responsible for the application.

My name is Jane and I will be looking into your application.

DECISION ON AN APPLICATION



Subject to this Act, a Right to Information Officer to whom an application is made under subsection 13(1) must, within **30 days** of receiving the application:

- **determine** whether or not to grant the application; and
- **notify** the applicant of his or her decision in writing; and
- If the application is granted, subject to the **payment** of any fee, give the applicant access to the information.

What if the application relates to information that appears to be necessary to safeguard the life or liberty of a person?

Within the 48 hours of receiving the application the RTI officer must:

- **determine** whether or not to grant the application; and
- **notify the applicant** of his or her decision in writing; and i
- if the application is granted – **grant the applicant access to the information.**

GRANT OF ACCESS TO INFORMATION



If an application for access to information is granted, the notice to the applicant referred to in paragraph 16(1)(b) must:

- **specify** the reproduction fee payable; and
- state the **form** in which access to the information is to be given; and
- **inform** the applicant of his or her **right of appeal** to the Information Commissioner in relation to:
 - the fee payable or the form in which access has been granted; and
 - the procedure for applying; and
 - the applicable time limits, as set out in section 64.



If an applicant has been notified of a grant of access, he or she must be granted access:

- within **7 days** of payment of a fee – **if a fee is payable** or
- within **7 days** of the date of notifying the applicant – **if no fee is payable**; or
- if a Right to Information Officer is required to respond to an application within **48 hours** under subsection 16(2), and grants the application — as soon as possible, irrespective of whether any fee has been paid.

ACCESS TO INFORMATION DENIED



If an application for access to information is **denied**, the notice to the applicant referred to in paragraph 16(1)(b) must:

- **state the reasons** for the refusal; and
- **inform the applicant of his or her right of appeal to the Information Commissioner**, the procedure for applying and the applicable time limits in accordance with section 64.

(go to page 21)

TRANSFER OF APPLICATION



If an application for information requires information that is held by another Government agency or relevant private entity, the Right to Information Officer must **transfer the application**, or part of it as may be appropriate, to the relevant Government agency or relevant private entity.

(Go to page 22)

DEFERRAL OF ACCESS



A Right to Information Officer may **defer a grant of access** to the information requested in the following circumstances:

- if the information is a report that has been prepared for tabling in Parliament – the Right to Information Officer must defer the grant of access until 5 days after which it has been presented and approved by Parliament.
- if the information constitutes a report that has been prepared for the purpose of reporting to an official or an official body – the Right to Information Officer must defer a grant of access to information until the report has been presented or made available to that person or body or upon the expiration of 45 days from the date of the application, whichever is the earlier.
- if the publication of the information within a particular period is required under the provisions of any law relevant to that Government agency or relevant private entity – the Right to Information Officer must defer a grant of access to information until the expiration of that period.
- if the premature release of the record would be contrary to the public interest – the Right to Information Officer must defer a grant of access to information until the occurrence of any event after which or the expiration of any period beyond which, the release of the document would not be contrary to the public interest.

(Go to page 23(22)(2))

PARTIAL GRANT OF ACCESS



If an application for access to information contains an **exempt matter**, the Right to Information Officer must delete the exempt matter before granting access to the information.

If access to information is granted with the deletion of the exempted "matter, the applicant must be notified of:

- the deletion of the exempt matter; and
- the information to which access has been granted; and
- his or her right of appeal under section 64; and
- the information to which access has been denied and the statutory provision by virtue of which the exempted matter is deleted.

INFORMATION THAT CANNOT BE FOUND OR DOES NOT EXIST



If all reasonable steps have been taken by a Right to Information Officer to find information requested by an applicant and there are reasonable grounds for believing that the information:

- is in the possession of that Government agency or a relevant private entity, but cannot be found; or
- does not exist,

The Right to Information Officer must, within **30 days** of receiving the application, notify the applicant in writing of the matters under paragraph (a) or (b) that it is not possible to grant access to the information requested.

(Go to page 25 (2))

APPLICATION DEEMED TO BE REFUSED

If a Right to Information Officer **fails to make a decision on an application:**

- within the time specified in subsection 16(1); or
- within the time period extended under section 20, the Right to Information Officer is deemed to have refused the application and the applicant may appeal to the Information Commissioner under section 64.

REPEATED APPLICATIONS

A Right to Information Officer may refuse to grant an application for access to information if he or she is satisfied that:

- the application was made by, on behalf of, a person who, person the application is made by, previously made an application for access to the same information; or
- the application was refused and the Information Commissioner or the Court, upon reviewing the decision to refuse the application, has confirmed the decision; or
- there are no reasonable grounds for making the application again.

A Right to Information Officer must notify an applicant of his or her decision to refuse access to information under subsection (1), and inform the applicant of:

- the reason for the refusal; and
- his or her rights to appeal to the Information Commissioner under section 64.

REQUIREMENT TO CONSULT

A Right to Information Officer **must consult with his or her supervisor or the principal administrative officer** of the Government agency or relevant private entity, prior to making a decision on whether to defer access, partially grant access, or refuse to grant access to an applicant.

FORM OF ACCESS & LANGUAGE OF ACCESS

If an applicant has requested that access to information be provided in a particular form, then access must be given in the form or manner requested.

Access to information may be given to an applicant in 1 or more of the following forms or manner:

(Go to page 27 (28)(2))

If access to information is to be granted and the applicant requests that access be given in a particular official language, the information must be:

- provided immediately – if the information already exists in that language; or
- provided in the language specified within a reasonable period of time and free of charge – if the Government agency, relevant private entity or private entity must cause a translation to be prepared.

REPRODUCTION FEES

An applicant must pay the prescribed reproduction fee if his or her request for access to information is granted.

(Go to page 29 (30)(3))

REPRODUCTION FEES

An applicant must pay the prescribed reproduction fee if his or her request for access to information is granted.

(Go to page 29 (30)(3))

REPRODUCTION FEES

You are the RTIO for the Ministry of Health, you receive an application for information about school grants.

What do you do?

- Acknowledge receipt of the application within **5 days**. (*page 18 (14)*)
- Make a decision on the application within **30 days**. (*page 19 (16)*)
- If you grant the application:
 - *Specify the reproduction fee.*
 - *State the form in which access to the information is to be given.*
 - *Inform the applicant of his or her right of appeal to the Information Commissioner in relation to:*
 - *the fee payable or the form in which access has been granted.*
 - *the procedure for applying.*
 - *the applicable time limits, as set out in section 64.*

1 HOUR
LUNCH



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NOTICE TO THIRD PARTIES

When considering an application for access to information that is:

- a personal information of a third party; or
- commercial and confidential information of a third party,

A Right to Information Officer must take reasonable steps to ensure that the third party to whom the information relates, is informed of the application within 14 days after the application is received or transferred.

(Go to page 31 (31))

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APPLICATION FOR AMENDMENT OR ANNOTATION OF RECORDS

If a person claims that a record of a Government agency, relevant private entity or private entity to which access has been lawfully provided contains personal information about him or her that:

- is **incomplete, incorrect, out of date or misleading; and has been used**, or
- is available for use by the Government agency, relevant private entity or private entity, for administrative purposes.

That person may apply to the relevant Right to Information Officer for an amendment or annotation of that record.

The RTI officer upon receiving an application for amendment of records;

- amend the record concerned to make the information complete, correct, up to date or not misleading; or
- make an annotation by adding to the record an appropriate note.

The RTI officer who decides whether or not to amend or annotate a record must inform:

- the applicant; and
- any other Government agency, relevant private entity or private entity to which he or she is satisfied has made prior use of the record,

Of the nature of the amendment or annotation or, as the case may require, of the decision and the reasons for that decision.

GROUP 1

You are the RTIO for the Ministry of Justice & Community Service, you receive an application for information about the amount of school grant paid to Freswota School in 2023.

What do you do?

GROUP 1 – APPLICATION TRANSFER

You are the RTIO for the Ministry of Justice & Community Service, you receive an application for information about the amount of school grant paid to Freswota School in 2023.

What do you do?

- Make the transfer to the appropriate agency within **5 days** after receiving the application and immediately notify the applicant. (*page 22 (21)*)

GROUP 2: ACCESS GRANTED

You are the RTIO for the Ministry of Education you receive an application for information about the amount of school grant paid to Freswota School in 2023.

What do you do?

ACCESS GRANTED

You are the RTIO for the Ministry of Education, you receive an application for information.
What do you do?

- Acknowledge receipt of the application within **5 days**. (*page 18 (14)*)
- Make a decision on the application within **30 days**. (*page 19 (16)*)
- If you grant the application:
 - *Specify the reproduction fee.*
 - *State the form in which access to the information is to be given.*
 - *Inform the applicant of his or her right of appeal to the Information Commissioner in relation to:*
 - *the fee payable or the form in which access has been granted.*
 - *the procedure for applying.*
 - *the applicable time limits, as set out in section 64.*

GROUP 3: EXTENSION OF TIME

You are the RTIO for the Ministry of Education you receive an application for information about the amount of school grant paid to Freswota School in 2023. However, the information requested cannot be found within the 30 day period.

What do you do?

GROUP 4: INFORMATION CANNOT BE FOUND OR DOES NOT EXIST

You are the RTIO for the Vanuatu National Profident Fund, you receive an application for information about the transfer of funds from the SPFC Fishing Company to VNPF.

What do you do?

THIRD PARTY NOTIFICATION AND INTERVENTION – GROUP 1

Applicant requests information:

1. Who owns the property currently being rented by the Department of Fisheries?
2. How much is the Department of Fisheries paying monthly for rent?

Application is made to the Director of the Department of Finance.

THIRD PARTY NOTIFICATION AND INTERVENTION – GROUP 1

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1. Who owns the property currently being rented by the Department of Fisheries?
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Application is made to the Director of the Department of Finance.

THIRD PARTY NOTIFICATION AND INTERVENTION – GROUP 1

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THIRD PARTY NOTIFICATION AND INTERVENTION – GROUP 1

Applicant requests information:

1. Who owns the property currently being rented by the Department of Fisheries?
2. How much is the Department of Fisheries paying monthly for rent?

Application is made to the Director of the Department of Finance.

THIRD PARTY NOTIFICATION AND INTERVENTION – GROUP 2

Applicant requests information:

1. Has the Government made any payment in the last 12 months for overseas medical treatment for the former Prime Minister?
2. If the Government made any such payment, please provide the following information:
 - a. Amount paid and for what expense or invoice?
 - b. Out of what budget line?
 - c. What is the legal authority for such payment?

Application is made to the Director General of the Ministry of Foreign Affairs.

THIRD PARTY NOTIFICATION AND INTERVENTION PARTY – GROUP 3

Applicant requests information:

1. Any and all documents related to Vanuatu Government contract, agreement, or arrangement with Vodafone to provide internet services to the Local Government Councils?

Application is made to the Office of the Government Chief Information Officer (OGCIO).

THIRD PARTY NOTIFICATION AND INTERVENTION PARTY GROUP 4

Applicant requests information:

1. What was the COM decision regarding re-allocation of 31 vehicles gifted by China for use at the cancelled Pacific Islands Forum Leaders Meeting?
2. How have the vehicles actually been re-allocated? Which Ministry, Department or individual is currently using each vehicle?
3. If there is any discrepancy between the COM decision and the actual re-allocation, what are the reasons for the discrepancy?

Application is made to the Director General of the Prime Minister's Office.

SCENARIO

Applicant requests to the Office of the President; the cost of the Prime Minister and his delegation to Japan?

How many people in the delegation and their positions?

Their reason to be part of the delegation?

SCENARIO

Applicant requests information about the cost of the extension of the South Pentecost main road to the Prime Minister's Village ?

SCENARIO

Applicant requests the flight manifest of an unscheduled flight from Vanuatu to China?

RTI REQUEST

Applicant request the breakdown spending of the 350 million vatu allocated for the Referendum and how it was spend.

RTI REQUEST

Applicant requests PSC to provide scores in his recruitment panel?

15 MINS

AFTERNOON BREAK

END OF
D A Y 1



RECAP DAY 1



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REFUSAL OF ACCESS TO INFORMATION

A Right to Information Officer may refuse to grant access to information if the information is exempted from disclosure under [Sections 42 to 50](#).

- Personal Information
- Legal Privilege
- Commercial and Confidential Information
- Health and Safety
- Law Enforcement
- Defence and Security
- Economic Interests of the State
- Policy Making and Operations of Agencies
- Information relating to Protected Sites and the Environment

(Go to page 36)

PUBLIC INTEREST TO OVERRIDE EXEMPTIONS

Despite any exemptions under this Part, a Right to Information Officer must grant an application for access to information if it is in the public interest to disclose such information.

A Right to Information Officer must consider whether “**public interest**” applies in relation to any information requested before refusing access on the basis of an exemption under this Part.

A Right to Information Officer is to consider any of the following factors when determining whether access to information is in the public interest:

- the objects of this Act
- the prevention of the commission of offences or other unlawful acts
- the prevention of a miscarriage of justice, abuse of authority or neglect in the performance of an official duty
- the promotion of effective use and oversight of public funds and expenditure
- whether the information is to be used for public debate or discussions.
- the promotion of public participation in the political process and decision-making.
- the avoidance of any danger to the health or safety of an individual or the public.
- the avoidance of unauthorised use, or misuse of public funds.

(Go to page 35 (4))

BURDEN OF PROOF

A Right to Information Officer who refuses to grant access to information must prove that:

- such information is exempted from disclosure under this Act; and
- the public interest in the disclosure of the information does not outweigh the harm to the interest protected under the relevant exemption.

Despite any provision in this Part, a Right to Information Officer must not refuse to communicate information requested if the information is already publicly available.

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WHO IS THE INFORMATION COMMISSIONER?

A person who is appointed by the Judicial Service Commission to hold office for 3 years and eligible for reappointment for 1 term only.

(Go to page 43 (52))

The Information Commissioner has the following functions and powers:

- **hear, investigate and make a decision** on an appeal filed under to this Act; or
- to **monitor and report** on the compliance by Government agencies, relevant private entities and private entities with their obligations under this Act; or
- to **review** the exempt status of information and make appropriate recommendations; or
- to **make recommendations** for reform both of a general nature related to the administration of the Act and directed at specific bodies; or
- to **refer** to the appropriate authorities cases, where it appears that a criminal offence has been committed; or to collaborate with or undertake training activities for officials on the right to information and the effective implementation of this Act; or
- to **conduct educational programs** to advance the understanding of the public, in particular of disadvantaged communities; or
- to **publicise** the requirements of this Act and the rights of individual persons under it.

MONITORING AND REPORTING RELATIONSHIPS

A Right to Information Officer of a Government agency or a relevant private entity must submit a monthly report to the Right to Information Unit established under section 69 on the activities of his or her respective organization.

A monthly report submitted under subsection must include the following information:

- the **number of applications** for information received, granted in full or in part, deferred and refused;
- **how often and which provisions of the Act were relied upon** to refuse, in full or in part, applications for information; and
- the **number of transfers** made; and
- the **number and nature of complaints**; and
- the **amount of fees charged**; and
- **particulars of any disciplinary action** taken against any officer in respect to the administration of this Act; and
- **compliance with statutory duties** related to records management; and
- its activities in relation to the **training** of its officers; and
- its activities related to the **duty to publish** information under this Act; and
- any **recommendations for reform**.

PSC Annual Report – RTI Reporting Section



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APPEAL TO THE INFORMATION COMMISSIONER

A person who is not satisfied with a decision of a Right to Information Officer may within 20 days of being notified, appeal against that decision to the Information Commissioner.

The Information Commissioner must within **5 days** of receiving an appeal, acknowledge the receipt of the appeal.

An appeal may relate to any of the following matters:

- refusal of access to information; or
- refusal to indicate whether or not the Government agency, relevant private entity or private entity holds information requested; or
- refusal to communicate information regarding categories of information in its statement of organization; or
- refusal to grant access to information within 48 hours for the protection of life or liberty; or
- failure to respond to an application for information within the time limits specified under the Act; or
- extending the time period for responding to an application; or failing to provide a notice in writing of its response to an application for information; or
- charging a fee, or an excessive fee; or
- failing to transfer an application or transferring an application to an incorrect Government agency, relevant private entity or private entity; or
- failing to communicate information regarding third party consent.

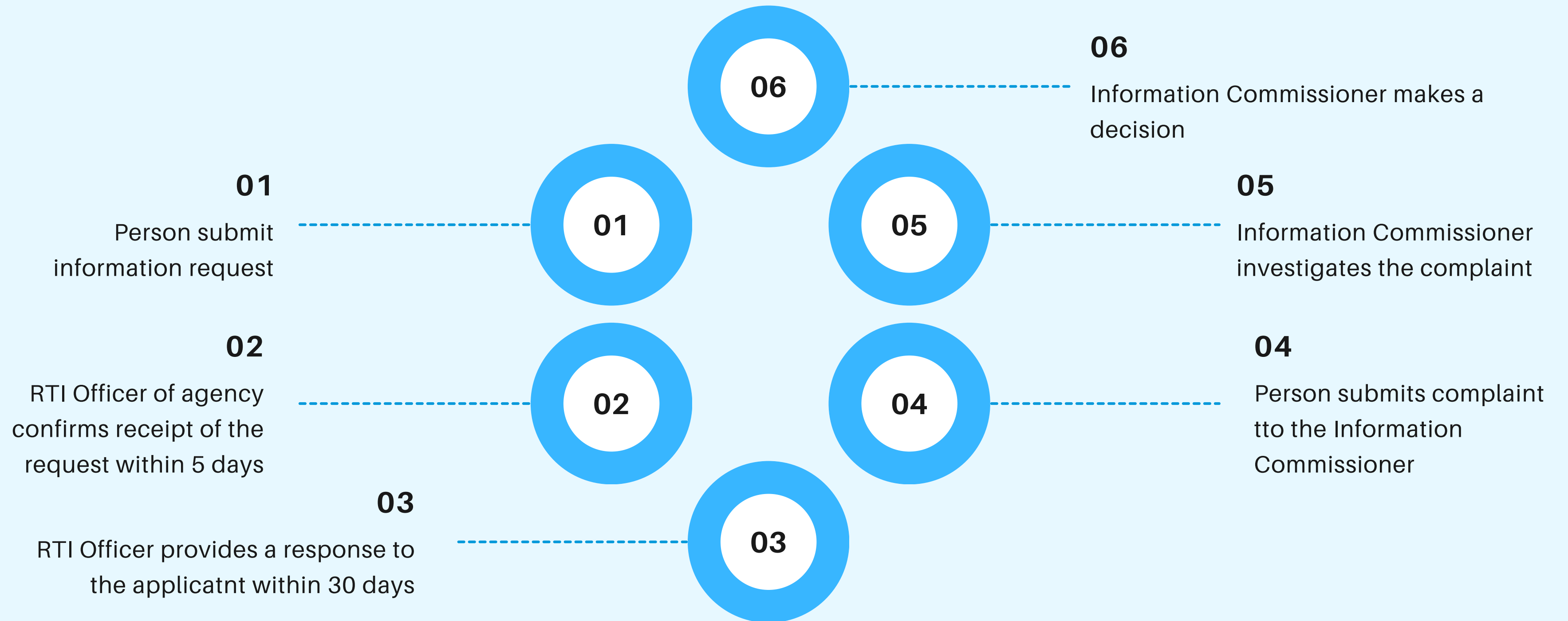
APPEAL TO THE INFORMATION COMMISSIONER

- providing insufficient, incomplete, inaccurate, misleading or false information; or
- failing to communicate information in the form requested; or
- failing to appoint an Right to Information Officer or the refusal of an Right to Information Officer to accept an applicant's application for information or appeal under this Act; or
- disputing the partial grant of access; or in respect of any other matter under this Act.

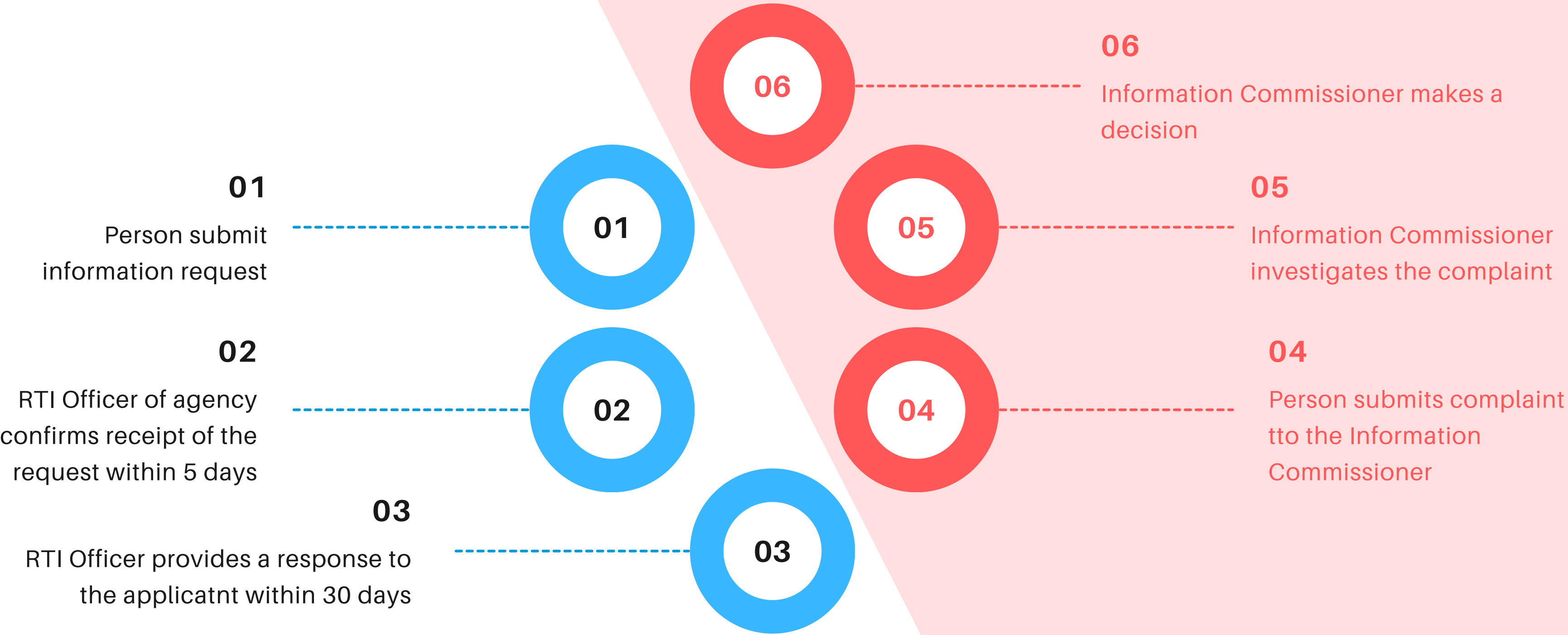
If an appeal is not made within the period specified (20 days), the Information Commissioner may extend the period if he or she is satisfied that the applicant's delay in doing so was reasonable.

(Go to page 52 (65 – 68))

THE IDEAL RTI **CYCLE**



CURRENT **STATUS** OF RTI IMPLEMENTATION



15 MINS

MORNING BREAK

RIGHT TO INFORMATION LAW

PART 1: PRELIMINARY MATTERS

PART 2: DISCLOSURE AND ACCESS TO INFORMATION

PART 3: THIRD PARTY NOTIFICATION AND INTERVENTION

PART 4: AMENDMENTS OF PERSONAL INFORMATION

PART 5: EXEMPTIONS

PART 6: INFORMATION COMMISSIONER

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RIGHT TO INFORMATION UNIT

The Right To Information Unit has the following functions:

- to provide secretariat support to the Right to Information Steering Committee;
- to serve as a central resource for Right to Information Officers and officers;
- to develop and monitor the National Implementation Plan;
- to train Right to Information Officers and officers;
- to engage with civil society to promote the use and understanding of the Act by the public;
- to develop educational materials for officers and the general public;
- to develop and execute public education activities suited to Vanuatu socio-economic context;
- to develop a National Code of Practice on information and records management;
- to establish and refine reporting and monitoring mechanisms between itself, Agencies or Entities and the office of the Information Commissioner.

(Got to page 56 (70))

INFORMATION COMMISSIONER'S GUIDELINE ON PROACTIVE PUBLICATION

The Information Commissioner may, within 12 months of his or her appointment publish a guideline on minimum standards and best practices regarding the duty of a Government agency or relevant private entity to **proactively publish information** according to sections 6 and 7.

[Guide – Disclosure of Information](#)

CODE OF PRACTICE ON INFORMATION AND RECORDS MANAGEMENT

A Government agency, relevant private entity or private entity must maintain its records in a manner which facilitates the right to information under this Act, and in accordance with the Code of Practice.

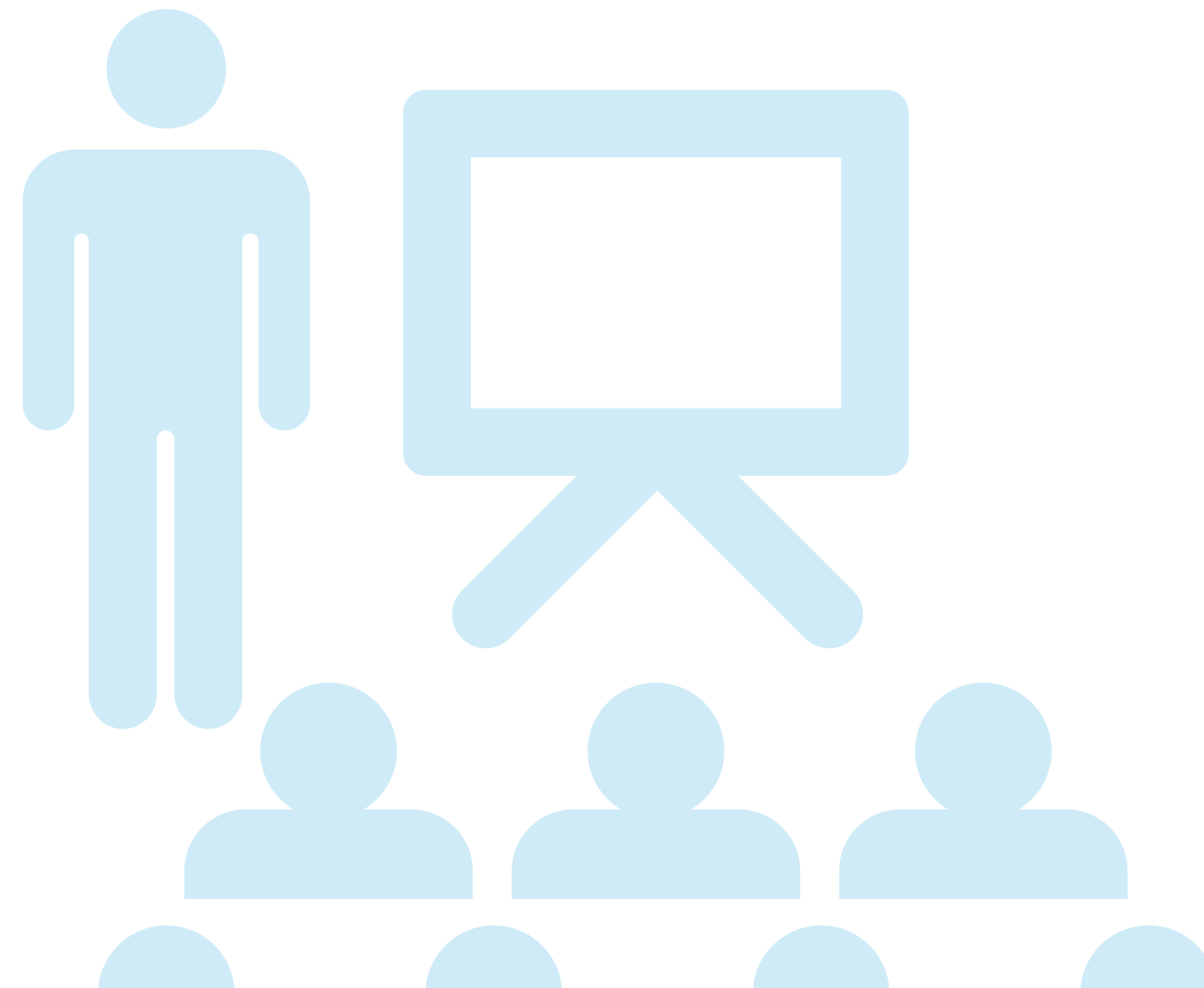
[Code of Practice on Records & Information Management](#)

Records Management Survey

Survey Report

TRAINING OF OFFICIALS

A Government agency, relevant private entity or' private entity must ensure the allocation of resources and make arrangements with the Unit for the training of its officials on the right to information and the effective implementation of this Act.



RIGHT TO INFORMATION STEERING COMMITTEE

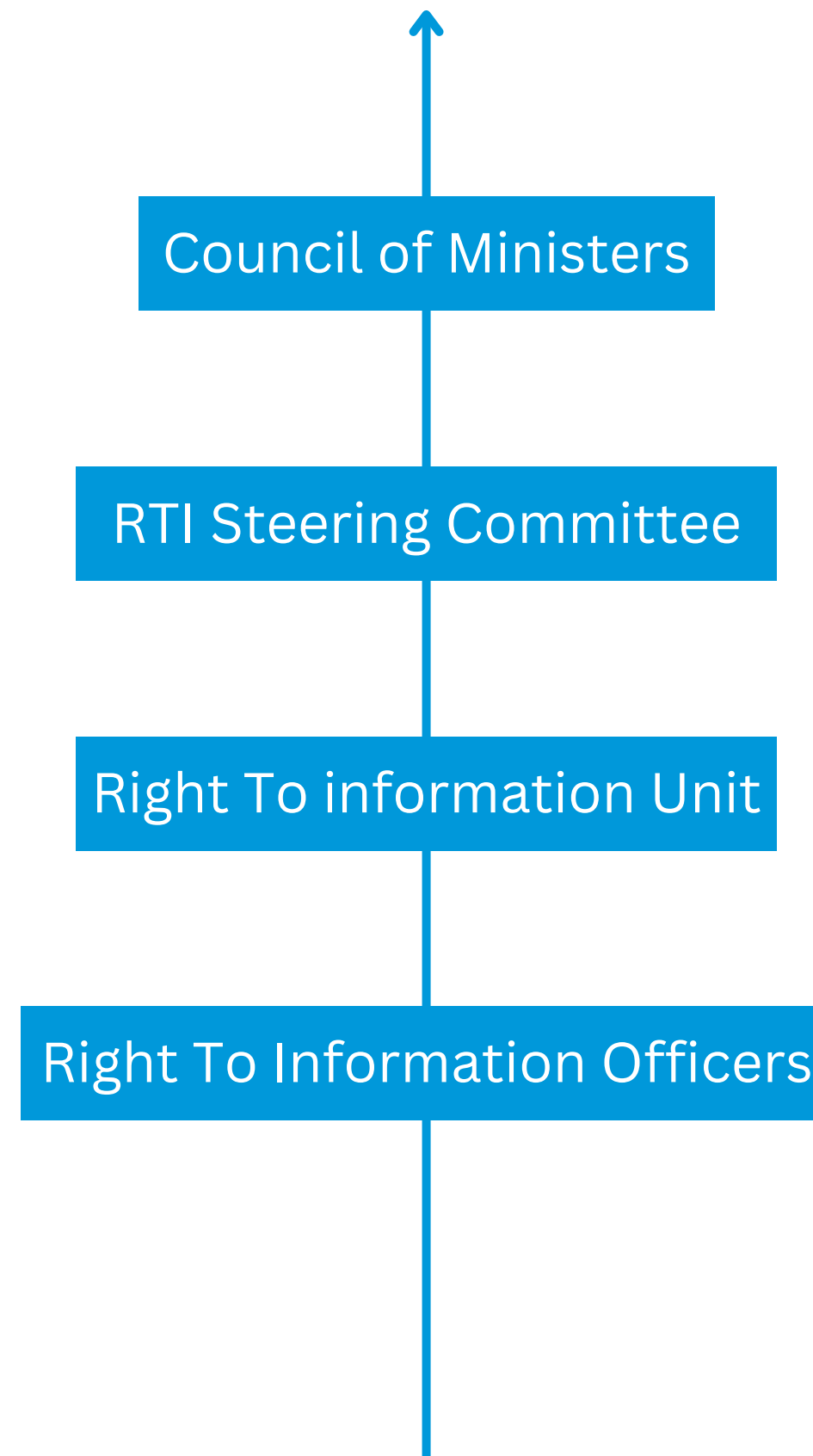
The Committee has the following functions:

- to provide direction for, and oversight of, the implementation of the Right to Information Policy;
- to assist with the monitoring and evaluation of the implementation of the Right to Information Policy, the Right to Information Unit and this Act;
- to advise the Government on the development of necessary Regulations and any amendments to any legislation in order to ensure consistency with the intentions of the Right to Information Policy and this Act;
- to receive reports on the progress of Right to Information implementation and the achievement of milestones under the Right To information Implementation Plan, and review and make recommendations on the findings of these reports to the Minister, including but not limited to, risk management and further policy or planning needs in relation to right to information;
- to provide a forum for the identification and consideration of issues arising in the implementation of this Act, including other significant issues in relation to the right to information brought forward by committee members or the organisations they represent;
- to advise and guide the Right to Information Unit on the development of a broad training strategy for Right to Information in the public service;
- to advise and guide the Right to Information Unit on proactive publication, particularly in relation to innovative and effective means of disseminating information;
- to monitor and make recommendations to the Right to Information Unit for the development of sound record management practices to facilitate access to information;
- to advise the Right to Information Unit on the development of communications strategies to sensitise civil servants on the right to information and the provisions in the Right to Information Act, and increase public awareness and understanding of the right to information and their rights under this Act.

REPORTING REQUIREMENTS

1. The Committee is to report to the Council of Ministers at least 2 times a year on the progress of the implementation of RTI.
2. The Committee may provide further reports at the request of the Council of Ministers or if the Committee considers necessary.
3. Reports prepared by the Committee under this Section are to include recommendations for changes to legislation, policy or regulations and any other recommendations as the Committee determines

RTI IMPLEMENTATION STRUCTURE



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INFORMATION RELEASED IN PUBLIC DOMAIN

- Information to which an applicant is granted access under this Act must be regarded as information that is in the public domain.
- If an applicant is granted access to their personal information or the personal information of their next of kin or someone for whom they are a guardian or legal personal representative, that information is not to be treated as having entered the public domain.

WHISTLEBLOWERS

A person is not liable to any civil or criminal action or any administrative or employment related sanction or detriment for:

- releasing information on any wrongdoing; or
- releasing information which would disclose a serious threat to health, safety or the environment,

as long as they acted in good faith and in the reasonable belief that the information was substantially true and disclosed evidence of wrongdoing or a serious threat to health, safety or the environment.

For the purposes of subsection (1), wrongdoing includes the commission of a criminal offence, failure to comply with a legal obligation, a miscarriage of justice, corruption or dishonesty, or serious maladministration regarding a Government agency, relevant private entity or private entity.

GOOD FAITH DISCLOSURES

Right to Information Officer or any person assisting the Right to Information Officer is **not liable to any civil or criminal action**, or any administrative or employment related sanction or detriment, for anything done in good faith in the exercise, performance or purported performance of any power or duty under this Act.

PROTECTION AGAINST LIABILITY FOR DEFAMATION, BREACH OF CONFIDENCE OR COPYRIGHT

This Act is not to be construed as authorizing the disclosure of any information:

- containing any defamatory matter; or
- the disclosure of which would be in breach of confidence or of copyright.

If access to information in subsection is granted in the bona fide belief that the grant of such access is required by this Act, no action for defamation, breach of confidence or breach of copyright is to be taken against:

- a Government agency, relevant private entity or private entity, any Minister or any officer involved, by reason of the grant of access or of any republication of that information; or
- the author of the information or any other person who supplied the information to the Government agency, relevant private entity or private entity, any Minister or any officer in respect of the publication involved in or resulting from the grant of access, by reason of having so supplied the record.

The grant of access to information in accordance with this Act is not to be construed as authorization or approval:

- for the purpose of the law relating to defamation or breach of confidence, of the publication of the record or its contents by the person to whom access is granted; or
- for the purposes of the Copyright and Related Rights Act No. 42 of 2000, of the doing by that person of any act comprised within the copyright in any work contained in the information.

OFFENCES

A person who:

- refuses to receive an application for information; or
- in bad faith, denies an application for information; or
- knowingly gives incomplete, misleading or wrong information; or
- destroys information, without lawful authority; or
- obstructs access in any way to any information; or
- obstructs the performance of a Government agency, relevant private entity or private entity from carrying out a duty under this Act; or
- interferes with or obstructs the work of the Information Commissioner, a Right to Information Officer or any other officer assisting the Information Commissioner or the Right to Information Officer; or
- directs, proposes, counsels or causes any person in any manner to do any of the above,

Commits an offence punishable on conviction by a fine not exceeding VT500,000 or by a term of imprisonment not exceeding 1 year, or both.

(Go to page 67 (2))

GROUP ONE

You are the right to information officer in the Ministry of Internal Affairs. You receive a request for information about the policy and practice of the Ministry on the procurement of rifles for the army.

The applicant asks about the type of rifles procured. The information would reveal that a large number of rifles used by the infantry were often defective – they overheated and jammed when fired repeatedly.

Do you provide the requested information?

GROUP TWO

Request for Information

List of all persons who received citizenship in 2021, whether by naturalization, through a citizenship program, or by other means.

The information requested is:

1. Name of person receiving citizenship;
2. Original country of citizenship of the person;
3. Constitutional category under which the person received citizenship (e.g, naturalisation, citizenship program, etc);

Request is being made under the RTI Act.

The request happened during a period where the citizenship program was under public criticism. Do you provide the requested information?

GROUP THREE

You are a RTIO in the Department of Agriculture. You receive an RTI request asking for details of research being conducted under the department into genetically modified crops. The research is in an experimental stage.

What must you consider when making a decision on this?

GROUP FOUR

You are a RTIO in the Vanuatu Supreme Court. You have been asked to provide information about the shareholdings and other sources of income of a judge, currently overseeing an inquiry into the award of a government contract to a private firm.

There is concern that the judge or his close relatives could have shares in the company.

What are some points you must consider when making a decision?



TANK YU TUMAS

Right To Information Unit
Ministry of the Prime Minister

PARTICIPANT EVALUATION FORM

<https://shorturl.at/hEJEH>

