



RIGHT TO INFORMATION

Right To Information Unit
Ministry of the Prime Minister



VISION

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



SESSION 1 INTRODUCTION TO THE RTI ACT 2016

1. PURPOSE OF THE ACT (*PART 1(1)*)
2. APPLICATION OF THE ACT (*PART 1(2&4)*)
3. INTERPRETATION (*PART 1(3)*)



SESSION 1 INTRODUCTION TO THE RTI ACT 2016

PURPOSE OF THE ACT (*PART 1(1)*)

- 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.

APPLICATION OF THE ACT (*PART 1 (2,4,5)*)

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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.
- 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 is required to do so by any other Act, policy, practice or order of a Court.

INTERPRETATION (PART 1(3))

- **Application** means a person who is: (a) applying for information under section 13; or (b) appealing to the Information Commissioner under section 64.
- **Day** means any day other than Saturday, Sunday or a public holiday under the Public Holidays Act [CAP 114].
- **Committee** means the Right to Information Steering Committee established under section 74.
- **Document** means any record set out in written or printed paper that bears the original, official or legal form of something and can be used as evidence or information.
- **Government agency** includes: (a) the State; and (b) the Government; and (c) a Constitutional entity; and (d) any other Government agency that is prescribed by the Minister under subsection 2(4).
- **Exempt matter** means any exempt information that is included in a record and which causes that part of the record to be exempted from disclosure under Part 5.
- **Hold** in relation to information that is liable to be produced under this Act, means in the possession, custody or control of a Government agency, relevant private entity or private entity, whether or not it was created by any of them or whether created prior to the commencement of this Act.
- **Information** has the same meaning as record.
- **Information Commissioner** means a person appointed under section 52.
- **Minister** means the Minister responsible for the administration of this Act.
- **Office** means the Office of the Information Commissioner.

INTERPRETATION (PART 1(3))

- **Official language** means any of the three languages under subarticle 3(1) of the Constitution.
- **Personal information** means: (a) information about a person, whether living or deceased, and includes any of the following: (i) information relating to the race, gender, sex, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; or (ii) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the person has been involved; or (iii) any identifying number, symbol or other particular assigned to the person; or (iv) the address, fingerprints or blood type of the person; or (v) the personal opinions, views or preferences of the person; or (vii) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; or (viii) the views or opinions of another individual about the person; or (ix) the name of the person where it appears with other personal information relating to the person or where the disclosure of the name itself would reveal information about the person.

INTERPRETATION (PART 1(3))

- **To avoid doubt, the definition of personal information** under paragraph (a) does not include: (i) information about a person who has been dead for more than 20 years; or (ii) in a case where a person holds or held office as a director, or occupies or occupied a position as a member of the staff, of a Government agency, relevant private entity or private entity: (A) the name of the person or information relating to the office or position; and (B) the terms upon which the person holds or held that office occupies or occupied that position or anything written or recorded in any form by the person in the course of and for the purpose of the performance of such functions; and or (iii) in a case where the person is or was providing a service for a Government agency, relevant private entity or private entity under a contract for services: (A) the name of the person or information relating to the service or the terms of the contract; and (B) anything written or recorded in any form by the person in the course of and for the purposes of the provision of the service; and (iv) the views or opinions of the person in relation to a Government agency, relevant private entity or private entity the staff of any of them, the business, the performance of the services or functions of any of them.
- **Principal administrative officer** means the person who is responsible for the day to day administration of a Government agency, relevant private entity or private entity.
- **Private entity** means: (a) a person who carries on or has carried on a trade, business or profession, but only in that capacity; or (b) a partnership which carries on or has carried on any trade or business; or (c) any former or existing person or any successor in title, but does not include a Government agency or a relevant private entity.

INTERPRETATION (PART 1(3))

- **Public services or functions** means services or functions that are essential to the welfare of the people of Vanuatu and which are provided or supported by the Government and its agencies, or by a non-government agency on behalf of the Government.
- **publish** means making known or communicating information to the public through existing and innovative means including: (a) publication on the Government's website or the website of a Government agency or relevant private entity where available; or (b) notice boards of each Government agency or relevant private entity; or (c) public and village announcements; or (d) press releases; or (e) daily and weekly newspapers; or (f) media broadcasts; or (g) existing Government and non-government networks; or (h) the internet; or (i) any other available means for publishing information as the Minister may specify by order, and **disseminate** has a corresponding meaning.
- **Record** means information held in any form or medium by a Government agency, relevant private entity or private entity, whether or not it was created by any of them or came into existence before the commencement of this Act, and includes: (a) a record in writing; or (b) a document, manuscript and file; or (c) a film (including microfilm), negative, microfiche and facsimile copy of a document; or (d) a map, plan, graph or drawing; or (e) a photograph; or a disc, tape, sound track or other device in which sounds or other data are embodied, whether electronically or otherwise, so as to be capable (with or without the aid of some other equipment) of being reproduced; or (g) an email, memo, opinion, advice, press releases, circular, order, logbook, contract, report, samples and models.

INTERPRETATION (PART 1(3))

- **Relevant private entity** means an entity: (a) that is owned, controlled or substantially financed directly or indirectly by funds provided by the Government, but only to the extent of that financing; or (b) that carries out statutory or public services or functions, whether financed directly or indirectly by funds provided by the Government or other source but only to the extent of the statutory or public services or functions; or (c) which the Minister by order designates as a relevant private entity under paragraphs 2(4)(b) and (c).
- **Reproduction fee** means a fee prescribed by the Minister, payable by an applicant upon being given a grant of access to information by a Government agency, relevant private entity or private entity.
- **Right to information** means the right to information that is accessible under this Act and which is held by or under the control of a Government agency, relevant private entity or private entity, and includes, but is not limited to the right to: (a) take notes, extracts or certified copies of records or information; or (b) inspect work, documents or records; or (c) take certified samples of material; or (d) obtain information in the form of compact discs, diskettes, floppy discs, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.
- **Right to Information Officer** means a person appointed under section 10 or 11.
- **Third party** means any other person associated with information other than that person applying for information or any Government agency, relevant private entity or private entity providing such information.
- **Unit** means the Right to Information Unit established under section 69.



SESSION 2 RIGHT TO INFORMATION

1. PART 2 - DIVISION 2 (1): RIGHT TO ACCESS INFORMATION
2. PART 2 - DIVISION 3 (13): APPLICATION FOR INFORMATION
3. PART 2 - DIVISION 3 (15): DUTY TO ASSIST
4. PART 2 - DIVISION 3 (13-30): RESPONSE TIMEFRAME
5. PART 5: EXEMPTIONS (37 - 51)
6. PART 2 - DIVISION 1 (6-7): DISCLOSURE OF INFORMATION
7. PART 7: COMPLAINTS AND APPEAL (64 - 68)

15 MINS

MORNING BREAK



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SESSION 2 RIGHT TO INFORMATION

PART 2 – DIVISION 2 (1): RIGHT TO ACCESS INFORMATION

- **Relevance:** This section establishes the fundamental right of every person, including journalists, to access information held by public authorities. It emphasizes that no justification is required for requesting information, which empowers media to seek documents for investigative purposes without needing to disclose their intent.
- **Application:** Journalists can use this right to request documents, reports, or data from government agencies to uncover stories related to public interest (e.g., budget spending, environmental policies). This right applies to all citizens, making it a powerful tool for media.

SESSION 2 RIGHT TO INFORMATION

PART 2 – DIVISION 3 (13): APPLICATION FOR INFORMATION

- **Relevance:** This section outlines the procedure for submitting an RTI request, including that requests can be made in writing or orally (with assistance for illiterate or disabled applicants). It specifies that requests must identify the information sought but do not need to state a reason.
- **Application:** Drafting an RTI request (part of the practical exercise). Provide examples of clear, specific requests (e.g., “Provide the 2024 expenditure report for the Ministry of Health”) and discuss how to avoid vague requests that might be rejected.

An RTI Request Form is available for download from www.rti.gov.vu. The form has been designed to assist people in gaining access to records held by the Government of Vanuatu.

Make An Information Request

To make an information to any government agency please follow the instructions below;

STEP 1: Download and fill in the request forms in the language of your choice from the links below;

ENGLISH

FRENCH

STEP 2: Send your request information to the government agency.



SESSION 2 RIGHT TO INFORMATION

PART 5: EXEMPTIONS (37 – 51)

- **Relevance:** This section lists grounds for refusing information, such as national security, personal privacy, or commercial confidentiality. However, it also includes a public interest override, meaning information must be disclosed if the public interest outweighs the harm.
- **Application:** Journalists can challenge refusals by arguing the public interest (e.g., exposing corruption or mismanagement). Use hypothetical scenarios (e.g., requesting environmental impact reports) to show how to navigate exemptions.



SESSION 2 RIGHT TO INFORMATION

PART 2 – DIVISION 1 (6-7): DISCLOSURE OF INFORMATION

- **Relevance:** Public authorities are required to proactively publish certain information (e.g., budgets, policies, organizational details) without a request. This is a valuable resource for journalists to access readily available data for stories
- **Application:** Journalists are encouraged to explore government websites or RTI portals for proactively disclosed information as a starting point for investigations.



SESSION 2 RIGHT TO INFORMATION

PART 7: COMPLAINTS AND APPEAL (64 - 68)

- **Relevance:** This section outlines the process for lodging complaints if a request is denied or inadequately handled, including appeals to the Information Commissioner (once appointed) or the courts. It empowers journalists to challenge obstructions.
- **Application:** Journalists can file a complaint with the RTI Unit or escalate to legal avenues. Highlight the importance of persistence in investigative journalism when agencies withhold information.



GROUP ACTIVITY: BRAINSTORM STORY IDEAS USING RTI

In groups; brainstorm story ideas using RTI. (5 mins)

SESSION 3 DRAFTING AN RTI REQUEST

1. PART 2 - DIVISION 2 (13)(1-4)



SESSION 3 DRAFTING AN RTI REQUEST

- 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.
- 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. *(Part 2, Division 3, (11)(2))*
- Who is the Principal Administrative Officer? According to the RTI Act, the Principal Administrative Officer "*means the person who is responsible for the day to day administration of a Government agency, relevant private entity or private entity*".



SESSION 3 DRAFTING AN RTI REQUEST

- An application made under may be made in writing, orally or through any electronic means, in any official language, and to the relevant Government agency, relevant private entity or private entity, specifying the information required.
- A Government agency or a relevant private entity must not deny access to information based on: (a) any of the applicants reasons as to why the application is being made; or (b) any opinion of an official as to the applicant's reason for applying.



SESSION 3 DRAFTING AN RTI REQUEST

- An application under subsection (1) is to include the following information: (a) a postal address, fax number or email address to which the information may be sent; and (b) a telephone number at which the applicant may be reached; and (c) the form of access required in accordance with section 28; and (d) the language in which the information granted is to be supplied; and (e) an indication of whether the application is being made on behalf of a person and the submission of proof of the capacity in which the applicant is making the application, to the reasonable satisfaction of the Right to Information Officer; and (f) if the application is being made to a private entity - an explanation of why the information may assist in the exercise or protection of any right; and (g) an indication of whether the applicant believes that the information is necessary to safeguard the life or liberty of himself or herself or any other person, and the basis for that belief.



SESSION 3 DRAFTING AN RTI REQUEST

An application under subsection (1) is to include the following information:

- *(a) a postal address, fax number or email address to which the information may be sent; and*
- *(b) a telephone number at which the applicant may be reached; and*
- *(c) the form of access required in accordance with section 28; and*
- *(d) the language in which the information granted is to be supplied; and*
- *(e) an indication of whether the application is being made on behalf of a person and the submission of proof of the capacity in which the applicant is making the application, to the reasonable satisfaction of the Right to Information Officer; and*
- *(f) if the application is being made to a private entity - an explanation of why the information may assist in the exercise or protection of any right; and*
- *(g) an indication of whether the applicant believes that the information is necessary to safeguard the life or liberty of himself or herself or any other person, and the basis for that belief.*



SESSION 3 DRAFTING AN RTI REQUEST

- If an applicant makes an application orally, the Right to Information Officer must reproduce that oral application into written form and provide a copy to the applicant.
- If a Right to Information Officer is able to provide an immediate response to an oral application and the response is to the satisfaction of the applicant, the Right to Information Officer must subsequently reduce the application to writing for documentation purposes.



GROUP ACTIVITY: PARTICIPANTS DRAFT SAMPLE RTI REQUESTS FOR HYPOTHETICAL STORIES

In groups; brainstorm and draft sample RTI requests for hypothetical stories.
(10 Mins)

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SESSION 4 RECORDS MANAGEMENT AND PROACTIVE DISCLOSURE

1. PART 8 (72)(1-3): CODE OF PRACTICE ON INFORMATION AND RECORDS MANAGEMENT

2. PART 2 - DIVISION 1 (6) : DISCLOSURE OF INFORMATION



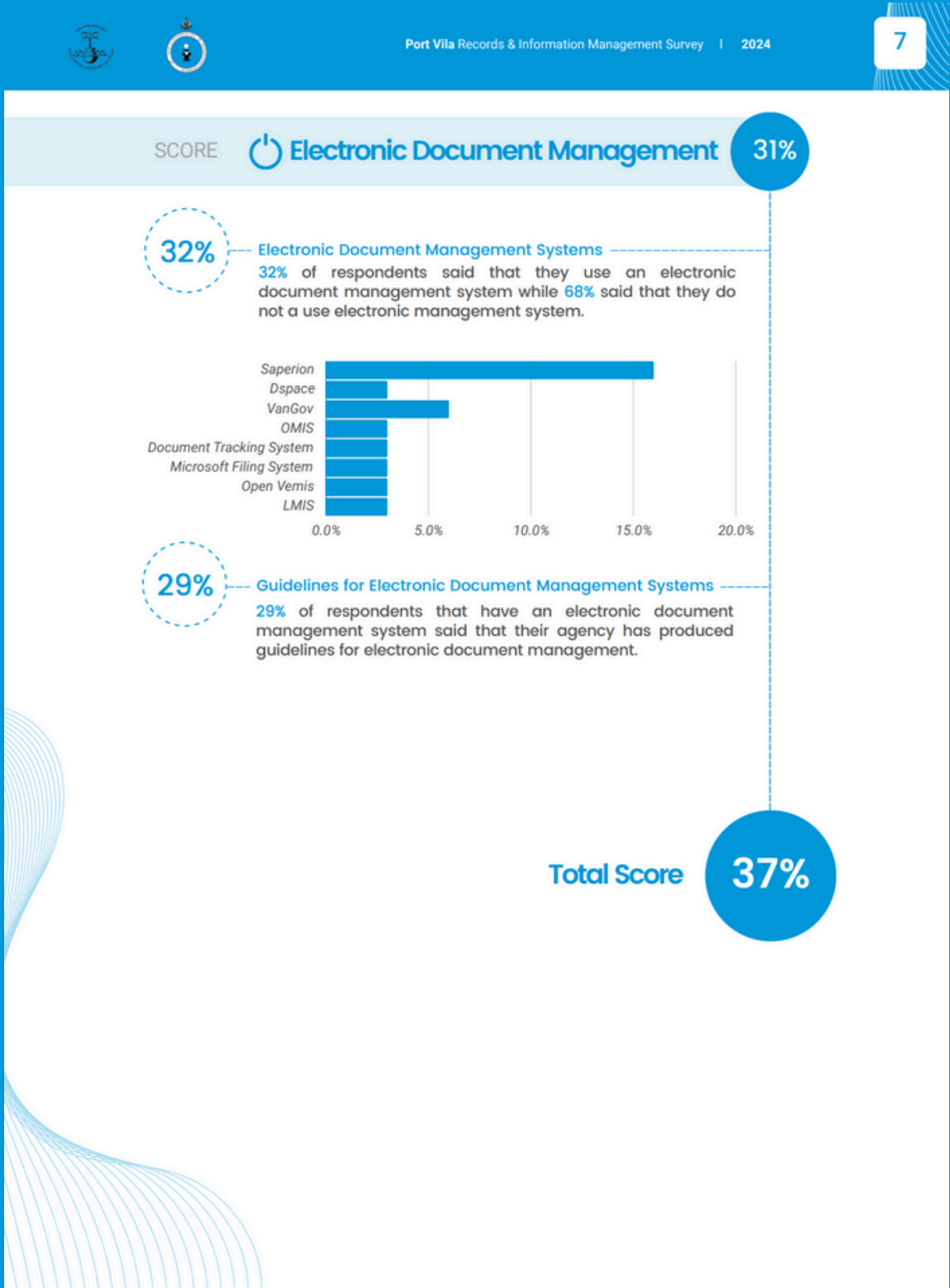
SESSION 4 RECORDS MANAGEMENT

- (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.
- The Unit must, after consulting all relevant and interested parties, and on the recommendation of the Archivist appointed under section 5 of the Archives Act [CAP 216], issue within 12 months of the commencement of this Act, a Code of Practice relating to: (a) the creation, keeping, management and disposal of records; and (b) the transfer of records to the National Archives.
- Subject to the availability of resources, a Government agency or a relevant private entity must, within a reasonable time, cause as many records as possible to be digitized and made available through a country-wide network.

SESSION 4 STATUS OF RECORDS & INFORMATION MANAGEMENT



[VIEW SURVEY](#)



SESSION 4 PROACTIVE DISCLOSURE

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

[VIEW REPORT](#)

Disclosure of Information **SECTION 6**

The Right To Information Act requires all Government agencies or relevant private entities to publish and disseminate an initial statement of its organization in each official language, this order is issued in Part (2), Division (1), [Section \(6\)\(1\)](#) of the Act. Section (6)(1) lists fifteen (15) categories of information that must be published and they are listed from sub-articles (a) to (o) accordingly.

The Right To Information Unit has developed this resource guide as a tool support Government agencies and relevant private entities to comply Section (6)(1) of the RTI Act.

[How do I use this resource?](#)

The sub-articles (a) to (o) are in the larger bold blue colored fonts and their examples are located beneath each of them in small black colored fonts. You can simply copy the text and paste it into your website while changing parts of the examples where necessary to fit your agency.

[Need Assistance?](#)

Email: hkevin@vanuatu.gov.vu

VOIP: 2678





SESSION 5 OVERCOMING BARRIERS TO RTI IMPLEMENTATION

- Common challenges: Confidentiality claims, delays, and lack of awareness
- Legal grounds for withholding information (**Exemptions**) and how to challenge them (**Public Interest**) - *Part 5 of the RTI Act*
- Role of media in combating misinformation through RTI



SESSION 4 EXEMPTIONS

A Right to Information Officer may refuse to grant access to information if the information is exempted from disclosure under sections 42 to 50. (See *brochure for more information on Exemptions*)

What information is exempted?

A Right to Information Officer may refuse to grant access to information if the information is exempted from disclosure under RTI Act sections 42 to 50. Information exempted under RTI include:

- a. Personal information
- b. Legal privilege
- c. Commercial and confidential information
- d. Health and safety
- e. Law enforcement
- f. Policy making and operations of Agencies
- g. Information relating to protected sites and the environment

Information that is exempted under these sections ceases to be exempt if it is more than **10 years old** commencing from the date on which it was made.



SESSION 4 PUBLIC INTEREST

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 subsection (1) applies in relation to any information requested before refusing access on the basis of an exemption under this Part. (3)
- A Right to Information Officer is to consider any of the following factors when determining whether access to information is in the public interest:

SESSION 4 PUBLIC INTEREST

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 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.

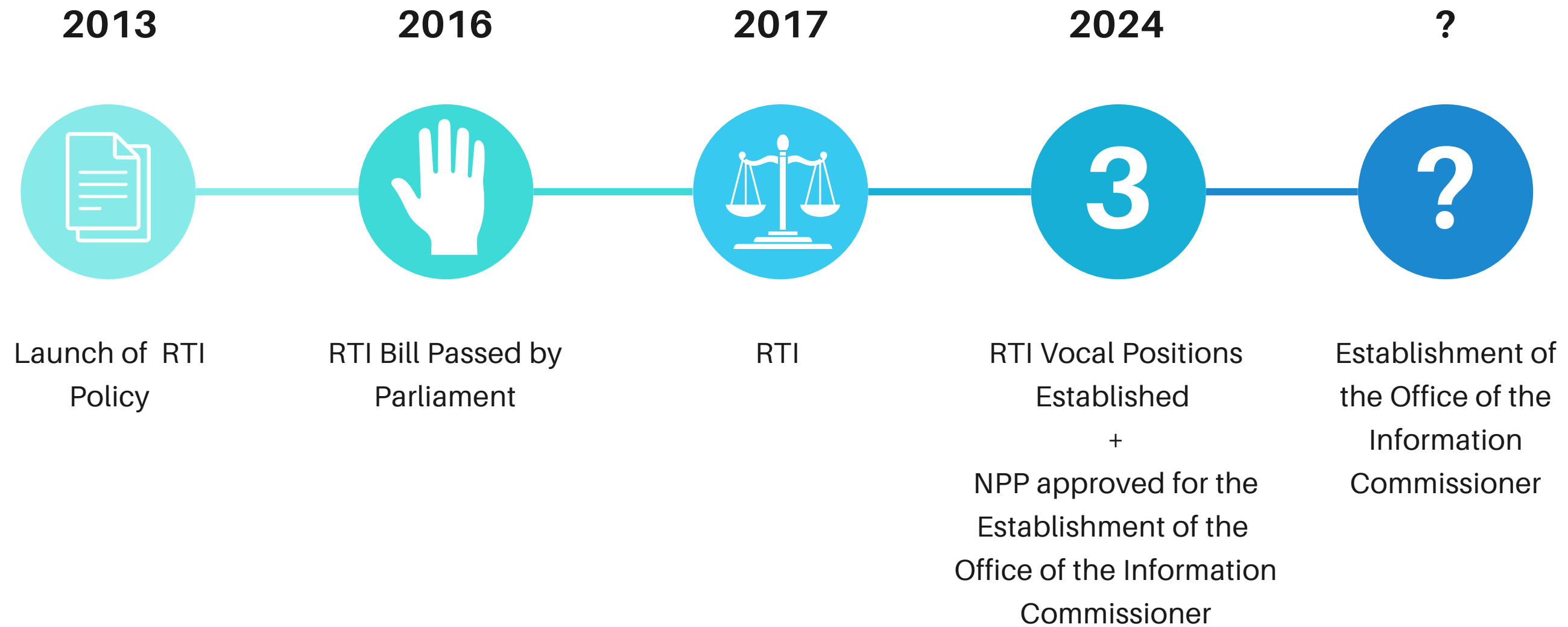


SESSION 6 ACTION PLANNING AND MEDIA ADVOCACY

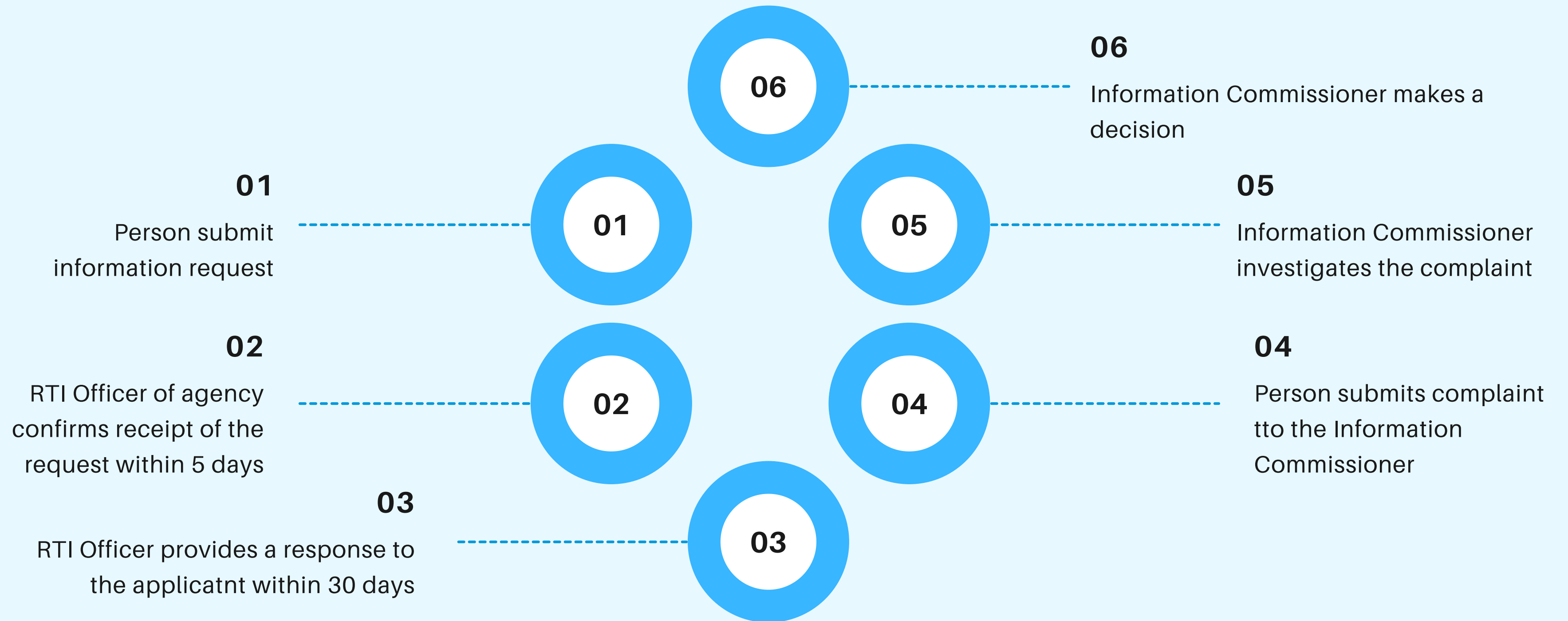
- Group activity: **Develop an action plan for using RTI in reporting**
- Strategies for media to raise public awareness about RTI (29 September)
- Role of media in advocating for RTI Commissioner appointment
- Sharing of resources: RTI Unit contacts, online portals

RTI PROGRESS

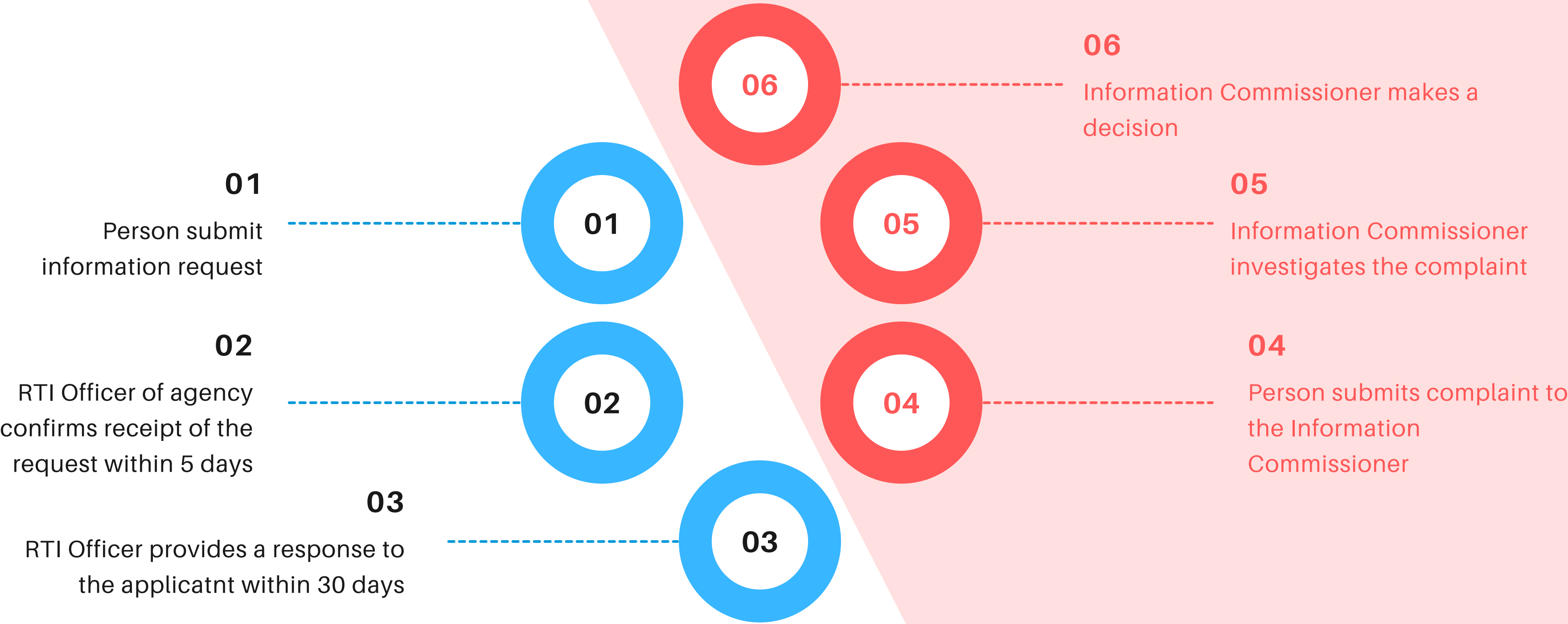
A brief history of the progress of the RTI in Vanuatu



THE IDEAL RTI **CYCLE**



CURRENT **STATUS** OF RTI IMPLEMENTATION



TANK YU TUMAS!

E N D O F W O R K S H O P

