

## **Right to Information Act**

### **Chapter One Beginning and Introduction**

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| Introduction and Title | 1 | <p>(a) This Act determines the principles by which the scope of the right to information in the Maldives is defined; and the principles by which providing the right to access information produced, held or maintained by a state-office is granted to any member of the general public, in order that the matters of the State are conducted with transparency and accountability.</p> <p>(b) This Act maybe be cited as the “Right to Information Act”</p>  |
| Objective              | 2 | <p>The objective of this Act is to specify the rights of every person in respect to the following matters and to define the scope of those rights:</p> <p>(a) to define the right and access to information in any state-office;</p> <p>(b) to determine that the right to information will be limited to the circumstances specified under this Act only, and even under the said circumstances, where the adverse impact to public interest by non-disclosure is greater than that of disclosure, determine the principles by which the said information will be disclosed, in order to uphold the public interest;</p> <p>(c) to encourage the widest publication of information held or maintained at state-offices;</p> <p>(d) Providing a right to every individual to ensure that information held by any state-office in relation to that individual is complete, accurate and not misleading;</p> <p>(e) Set proper policies to accommodate for the implementation of matters mentioned herein.</p> |

**Chapter Two  
Scope of Right**

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| General Right to Information | 3 | <p>(a) This Act, unless otherwise stated herein, obligates any public or private authority upon which a request has been made under this Act, to inform, within due course, any person making a request for information, whether it holds the information specified in the request, or from which authority such record can be obtained.</p> <p>(b) Where such record is to be provided within the scope of this Act, the state-office upon which the request has been made, must do so within due course, unless otherwise stated herein.</p> <p>(c) Notwithstanding where a statute, already enforced or that comes into enforcement after this Act, specifies that information present at a state-office shall be disclosed under a certain procedure, or specifies that such information shall not be disclosed, precedence must be given to the principles specified in this Act. Disclosure or non-disclosure of such information shall be based on the norms determined in this Act.</p> |
| Right to Information         | 4 | <p>(a) Access to information from a state-office in accordance with this Act shall be a legally enforceable right available to every person who requests for such information;</p> <p>(b) Enforceable legal right under sub-section (a) of this section shall mean that access to information may be requested in accordance with this Act, or through a judicial authority and a judicial order granting such access may be obtained and utilized</p>  |
| Abolished state-offices      | 5 | <p>Either of the following shall be responsible for information produced, held or maintained by a state-office that has ceased to exist:-</p> <p>(a) where function of a state-office are assigned to another state-office, responsibility shall be borne by the assigned office.</p>   |

- (b) where the functions of a state-office are assigned to two or more other state-offices, responsibility shall be borne by whichever of those offices which holds the relevant information in question
- (c) where the functions of that state-office have not been assigned to any other state-office, the responsibility shall be borne by the authority in whose custody the information lie.

### **Chapter Three**

#### **Request for Information**

#### Request for Information

- 6 (a) A request for information from a state-office must be made to the Information Officer of that office in writing and must:
  - (1) state that the request for information is made under this Act;
  - (2) provide such details concerning that information as is reasonably necessary to identify it;
  - (3) specify an address where documents to be given to the applicant under this Act shall be sent to;
  - (4) be accompanied by the fee payable under the rules promulgated by that state-office for access to such information; or give assurance of payment upon request by that state-office.
  - (5) specify the name, address and phone number of the person submitting the request
- (b) Where the person requesting for information, is incapable of submitting a request in writing, as prescribed in subsection (a) of this section, due to a physical incapability or illiteracy, such persons may orally submit their request, with the information specified in subsection (a) of this section, to the Information Officer of the

state-office. In such circumstances, the Information Officer, must write down the request, sign it, and have a third person witness the process, have the witness sign the request, have the person orally submitting the request fingerprint the request, and give a copy of the written request to that person.

- (c) A State Office may, in accordance with this Act, prepare and introduce a specific application form for the purpose of making a request. Such an application form, however, shall not be a cause for inconvenience or unreasonable delay in processing a request
- (d) In circumstances where the form mentioned in subsection (c) of this section has not been introduced by the State Office, or where the form is unavailable, requesting for information without the form shall be permissible.
- (e) The form mentioned in subsection (b) of this section shall not compel to provide any information except those specified in subsection (a) of this section.
- (f) The state-office must provide a receipt acknowledging that a request has been submitted.

Time within which to comply with request for information

- 7 (a) Where a request to access for information is made under this Act, action on the request must be taken as promptly as possible and such access must be provided as soon as may be practicable. That period shall not in any event exceed 21 (twenty-one) days.
- (b) Notwithstanding subsection (a) of this section, where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.
- (c) If the information requested involves a lot of information or can only be provided after extensive research, and finding that information

requires an excessive amount of time which would disrupt the normal work load of that State Office, that State Office has the discretion to extend the 21 day period stipulated in subsection (a) of this Section for further 14 days period, which must be made in writing within the first 21 days of the application.

(d) Where a state-office fails to comply with the periods and procedure prescribed in subsections (a), (b) and (c) of this section, that office shall for the purposes of this Act be considered to have refused access to such information.

Incomplete or Inaccurate or Meaningless Request

8 (a) A request for access to information from a state-office may be declined for failure to provide the necessary information in the application, as required in this Act. . However, a request may be so declined only after notifying the applicant and providing the applicant an opportunity to complete all the information required for an application in compliance with this Act, and after offering assistance to help the applicant comply with the requirements of the Act. . If the applicant still fails to comply with the stipulations required for an application under this Act

(b) Where the state-office has responded to the request, or had done so to the same request previously, and where after the response there has been no change to the information since then, or where sufficient time had not elapsed, , the state-office having notified the applicant in writing has the discretion not to proceed with the request, for the reasons so given.

Transfer of a request from one state-office to the other

9 (a) A state-office in receipt of a request shall under the following circumstances transfer the request to another office. If;

(1) the information to which the request relates is not in custody of the state-office in receipt of the request, and the information is to the knowledge of that office held by another office; or,

- (2) the information to which the request relates is held by the state-office in receipt of the request but its disclosure may best be made by another office; or,
  - (3) another state-office consents to the transfer of a request to that office
- (b) Where a state-office transfers a request to information to another office, in accordance with subsection (a) of this section, it must notify the applicant of the transfer in writing, specifying the date of transfer and the reason for which the request was transferred to the other office.
- (c) Where a state-office transfers a request to information to another office, in accordance with subsection (a) of this section, it must complete the transfer within 7 days of receiving the request.
- Information stored in formats other than documents
- 10 Where the request to access certain information is made, and where it is found that the relevant information is not at the time available in written form but is stored in any other medium which can be retrieved or replicated on to written form, the state-office in receipt of the request shall deal with the request as if it were a request to access a written document. For the purposes of this Act such information will be deemed to be in the form of a written document.

#### **Chapter Four Acknowledgement**

- Decisions regarding requests to access information
- 11 (a) On receiving a request for information the Information Officer of the related state-office must decide on the following:
- (1) whether the information requested can be given promptly or at a later date or if it would be permissible to disclose such information;
  - (2) whether any fee shall be charged to disclose such information;

- (3) whether the information cannot be given within 21 (twenty-one) days;
- (b) Where a state-office fails to notify anything to the applicant who has made a request to access information within 30 (thirty) days of such request, that office shall for the purposes of this Act be considered to have refused access to such information.
- Acknowledging a request for information
- 12 Where a request for access to information is received to a state-office, it shall reply to the applicant in writing, informing the following:
- (a) Where the application is accepted, notice thereof, the amount payable for the disclosure of the requested information and the manner in which the information would be disclosed;
- (b) where the application is not accepted, notice thereof and the reason(s) thereof;
- (c) whether the information requested is available or not from the state-office to which the request was made;
- (d) where the information requested is in the custody of the state-office but cannot be disclosed, the reason(s) for non-disclosure;
- (e) where the information requested cannot be disclosed within 21 (twenty-one) days, the reason(s) for delay;
- (f) that the applicant has the right to appeal under this Act, should the applicant wish to appeal the response given to him in accordance to subsections (b), (c), (d) and (e) of this section.
- Refusal to disclose the information requested
- 13 (a) On receiving a request to access information, the Information officer of the related state-office may refuse to disclose the information if:
- (1) the request relates to information exempted by this Act, and does not meet any of the circumstances specified in section 20 of this Act, or

- (2) the information is otherwise accessible to the public from that office or elsewhere, free of charge or for a fee
  - (3) the information is otherwise accessible to the public without any payment and is disclosed to the public as a normal practice or policy of that State Office.
  - (4) the information is available as a matter of course to the public for a payment.
- (b) Notwithstanding subsection (a)(1) of this section, where a request for information relates to that which has been exempt from this Act, and where that information is exempt because it contains a specific piece of information that can be deleted, and such deletion would remove it from the ambit of an exempt information under the Act, then the state-office in receipt of the request shall not refuse access to that information, if it is possible to grant access after deleting the exempt information.
- (c) Where a state-office declined access to information by virtue of subsection (a) of this section, the state-office must notify the applicant in writing, the reason for the decision.
- (d) In circumstances where the Information Officer refuses to provide information specified in subsection (a)(2) of this section, the applicant must be made known the place, or the state-office, or the procedure by which the requested information can be sought.
- Deferment in disclosing a record      14    (a)    If the requested information cannot be disclosed when the application is made due to the following reasons, the information can be withheld having decided a time for disclosure and up until such time:
- (1) where the information ought to be published under this or another Act and the time for such publication has not arrived at the time the request is made; or



- (2) where the document is prepared for presentation to the People’s Majlis and the time for such presentation has not arrived at the time request is made; or
- (3) if the document is prepared to be presented to a certain authority as may be required by law or an ongoing event or a preplanned event and the time for such presentation has not arrived at the time request is made.
- (b) The Information Officer, having decided to defer the disclosure of information in accordance with subsection (a) of this section, shall inform in writing to the applicant that the disclosure of requested information has been deferred stating the reason for the deferral and the date on which the deferred information would be disclosed.
- (c) Once the applicant is notified of the deferment in accordance with subsection (b) of this section, the applicant has the right to lodge a complaint with the Review Committee of the state-office within 14 (fourteen) days of the receipt of the deferment notification.
- (d) Where the decision of the Review Committee of the state-office, in relation to a complaint lodged, pursuant to subsection (c) of this section, is also to defer access to the requested information, that decision must be notified in writing to the applicant. Whereby the applicant has the right to appeal to the Information Commissioner, within 14 (fourteen) days of the receipt of the said notification.
- Ways in which information may be disclosed      15 (a) Access to information may be granted to a person in any one or more of the following ways:
- (1) if the information is in existence a reasonable opportunity to inspect and study the information; or
- (2) provide a copy of the information; or

- (3) if the information can be heard or viewed with or without the assistance of another device, provide a reasonable opportunity to hear or view the information; or
  - (4) if the document is in the form of shorthand writing or in recorded form, provide a cognitive transcript of the same.
- (b) Where an applicant requests access in a particular form as is stated in sub-section (a) then access must be granted in that particular form.
- (c) Notwithstanding subsection (b) of this section, access may be granted in a form different from the manner requested if the following is encountered in granting access in the form requested by the applicant:
  - (1) if the work to provide the information in the requested form would impede the general functions of the state-office;
  - (2) where, at the moment of disclosure, providing the information in the form requested, it would be detrimental to the information in its original form, or to the preservation of the information in its original form.
  - (3) if it would involve an infringement of copyright.
- (d) If access to information is granted in a manner different from the manner in which it is requested as in subsection (c) above, and it involves an increase in the applicable charge, the applicant must then be made to understand the rise in the charge, and access to information may not be granted unless the applicant consents to receive the information for that increased charge.
- (e) If the information is in more than one language, it must be provided in the language requested

by the applicant. Notwithstanding this principle, where the information is prepared in the Dhivehi language or English or both, providing the information in any of these two languages shall be deemed as having complied with this provision.

## **Chapter Five Correcting Information**

The right to request to correct information regarding a person

16 Where after having examined or being given a copy of a piece of information, the applicant under the following circumstances informs the state-office that the information requires correction, the state-office shall after verification, amend the records appropriately if:

- (a) the information contains personal information of the applicant;
- (b) the information has to be used for administrative purposes;
- (c) the information according to whom it relates to is, incorrect, untrue, incomplete, or misleading

Refusal to amend records in a state-office

17 Where an application is made for amendment of records held by a state-office, the office in receipt of such application may decide not to amend the records if:

- (a) the state-office is confident that the information is complete, correct and not substantially misleading,
- (b) the state-office is confident that the application to amend the records contains incorrect or misleading information,
- (c) the procedure for amendment of the information to which the application for amendment relates is specifically provided for in a statute, and said procedure was not followed.

- Requirement of annotations
- 18 Where a person makes an application for amendment of information relating to him, claiming that the information in the state-office is incorrect, untrue or incomplete and where the state-office decides not to amend that information, the applicant may request for an “annotation” to be included in that information:
- (a) specifying that certain details in the information are claimed to be incorrect or untrue or misleading; or
  - (b) where the information is untrue or incorrect, those details which according to that person would make the information, correct or complete.

### **Chapter Six Charges**

- Charging Fees
- 19 (a) Circumstances under which fees shall be charged and the rate at which such fees shall be charged for the disclosure of information shall be determined in a regulation made in accordance with this Act.
- (b) The state-office, by virtue of the regulation mentioned in subsection (a) of this section, shall have the authority to charge a fee for disclosing of any information under this Act.
- (c) In so determining the applicable fee or charge, pursuant to subsection (a) of this section, due consideration must be given to the following:
- (1) that the charge or fee payable does not exceed the actual cost of transforming and providing the information in the required format;
  - (2) that the fee does not amount to a charge taken for the task of searching, examining, collecting and verifying the information;
  - (3) That no inconvenience is caused to a person who is financially disadvantaged, in obtaining access to information which he is entitled to under this Act;

- (4) That no fee shall be charged where the information requested is personal information of the applicant or the information sought relates to that which is of general public interest.
- (d) Notwithstanding the authority of imposing fees for access to information by State-Offices under this Section, , in the event where the State-Office fails to provide information within the specified time period under this Act, the information must be provided to the applicant free of charge.
- (e) Where the information sought for from a State-Office is accessible information under this Act, upon request for such information, the information officer of the state-office must inform the applicant of the fee payable for accessing the requested information.
- (f) Following shall be specified in the regulation formulated under subsection (a) of this section:
  - (1) the procedure for deciding fees;
  - (2) parties from whom fees shall not be charged
  - (3) parties exempted from fees
  - (4) maximum chargeable fee

### **Chapter Seven**

#### **Precedence of Public Interest and Exemptions**

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| Giving Precedence to Public Interest | 20 | <ul style="list-style-type: none"> <li>(a) Every section in this Chapter shall be interpreted to accommodate and maintain the principles prescribed in this section and without imposing limitations on the said principles.</li> <li>(b) Notwithstanding anything any section of this Chapter, a state-office shall disclose information upon request where larger public interest warrants the disclosure of such information rather than denial of access and where the</li> </ul> |
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interest protected by non-disclosure is outweighed by the interests of the larger public upon disclosure.

- (c) Where access to certain information sought for under this Act is not granted citing reasons of public interest, the following grounds shall not be regarded as justifiable reasons that would erode public interest:
- (1) the information contains such details if disclosed to the public may make it difficult for the concerned state-office to be answerable;
  - (2) the information contains such details that may undermine public confidence in the concerned state-office;
  - (3) the information contains such deletions, which may adversely impact the comprehension of the remaining details.

Partial Disclosure of Information      21    Where an application is made for access to information, and part of that information is exempted from disclosure under this Act, having removed the exempted part, the remaining part of the information shall be disclosed.

Information received in confidence      22    The following information shall be exempt from the disclosure under this Act:

- (a) Information, disclosure of which is an offence under any law of Maldives;
- (b) information, disclosure of which could cause action for breach of confidence to be filed against the government, or
- (c) information, disclosure of which could prevent future communication of such information to the government.
- (d) The following information, where disclosure may not be in the best interest of justice and fairness:
  - (1) details whose disclosure could have a

substantial adverse impact on the ability of government to manage or administer the economy of the state,

- (2) information, if prematurely disclosed could adversely affect a person or group of person,
- (3) where disclosure of certain information would prejudice the privilege of a judicial court or that of the People’s Majlis,
- (4) information, related to a trial the proceeding of which were, according to judicial proceedings, not open to the public,
- (5) personal or legal or judicial information relating to a child who has not attained the age of 18 (eighteen), the disclosure of which may harm the child’s person or dignity,
- (6) information concerning sexual abuse or other such offenses perpetrated against women or children below the age of 18 (eighteen), the disclosure of which may identify the victim or harm the victim’s person or dignity.

Personal Information

- 23 (a) Where the information to be disclosed by a state-office concerns the personal information of a third person, the Information Officer of that state-office shall not disclose the information without the consent of the third party.
- (b) Notwithstanding subsection (a) of this section, where the disclosure of the third person’s personal information is in the interest of maintaining public interest, for that reason, that information may be disclosed to its relative extent without the consent of the third party, but with the authority of the review Committee set up in the state-office under this Act.

Legal Privilege

- 24 (a) Where the information to be disclosed is that of an investigation conducted under law or trial proceedings at court enjoying legal privilege,

the state-office has the discretion not to disclose such information.

- (b) Notwithstanding subsection (a) of this section, where the beneficiary of the legal privilege waives that privilege, the provision prescribed in this section shall not apply thereafter.

Information on  
Business Affairs

25 Where disclosing the following types of information would result in irrevocable damage, the state-office has the discretion of non-disclosure:

- (a) where the information was gathered on an agreement of confidentiality and that information has any of the following attributes:
- (1) trade secrets;
  - (2) information, if disclosed would have a detrimental impact on the business or financial interest of the third party;
- (b) where the information was sought or received or known through a relation formed with another country or through an international organization by an agreement or by an exchange of correspondence, and where disclosing that information would or may adversely affect the relationship established with that country or organization.
- (c) where the information requested is that which was received or utilized or maintained in connection with an official mandate carried out by a state-office, and concerns an agreement or transaction made between two private individuals or between two companies, and where that information, if disclosed, would reveal secrets of personal or financial or debt or business matters.

Health and  
Protection

26 Where disclosure of a request to access information would endanger a person's health or life or physical safety, the state-office has the discretion of non-disclosure.

Records relevant  
to enforcement

27 (a) Following information are exempt from the applicability of the Act:



agencies

- (1) information containing details that could prejudice an ongoing investigation of an alleged breach of law;
  - (2) information that may expose the identity of a confidential source of information;
  - (3) information that needs to be kept confidential for the enforcement or administration of a legislation;
  - (4) a document that could endanger a person's life or physical safety;
  - (5) information that could prejudice a person's right to fair trial to an ongoing proceeding;
  - (6) information that could prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating, or dealing with acts constituting breach of law,
  - (7) information that could endanger the security of a building, structure or vehicle,
  - (8) information that could impede the arresting of a person accused of an offence, or information that could facilitate a person's escape from custody.
- (b) Following information shall not be withheld under subsection (a) of this Section:
- (1) information that could reveal that the scope of a law enforcement investigation had exceeded limits defined by law;
  - (2) information containing set of general principles adhered to by a law enforcement agency in dealing with alleged breaches of law;
  - (3) information relating the degree of success achieved in programs, designed

to stop the breach of law;

- (4) information made known to the person under investigation as per the normal procedure.

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| Administering the Law    | 28 | Where disclosing the following types of information would result in irrevocable damage, the state-office has the discretion of non-disclosure: <ul style="list-style-type: none"><li>(a) the ability to administer justice;</li><li>(b) the ability to impose a lawful tax or duty and the ability to determine whether such a tax needs to be taken;</li><li>(c) the ability to administer the rules governing immigrants entering Maldives;</li><li>(d) the ability to determine, in a particular case, whether civil or criminal charges has to be filed, or whether legal measures have to be taken.</li></ul>  |
| Defense and Security     | 29 | In the event where disclosure of a piece of information which contains details that would endanger national security as interpreted within the scope of the Constitution and disclosure would result in irrevocable damage, the state-office has the discretion of non-disclosure. The provision mentioned in this section will not include the following: <ul style="list-style-type: none"><li>(a) information concerning administrative and management matters</li><li>(b) information concerning projects issued on a contract basis or through tender bids</li><li>(c) information concerning employment and dismissal of employees</li><li>(d) any other such information, the disclosure of which will not endanger national security.</li></ul> |
| Public Economic Interest | 30 | Where disclosing the following types of information would result in irrevocable damage, the state-office has the discretion of non-disclosure:  |

- (a) the ability of the government to manage the economy of the State in a beneficial manner;
  - (b) legitimate financial or commercial interest of a state-office
- Administration and Formulation of Policy      31
- (a) Where disclosing the following types of information would result in irrevocable damage, the state-office has the discretion of non-disclosure:
    - (1) information that would obstruct the formulation of government policy in a manner that achieves its goal;
    - (2) information, where the premature disclosure of which, would be prejudicial to the benefits of administering a policy;
    - (3) information relating to a matter, the disclosure of which, would be an obstruction to a test or audit procedure.
  - (b) Compliance to subsection (a) shall not apply to research, surveys, examinations and technical information.
- Cabinet Records      32
- (a) A state-office has the discretion to not disclose the following information:
    - (1) a document prepared for submission to Cabinet;
    - (2) a document submitted to Cabinet;
    - (3) a draft of a document prepared for submission to Cabinet or a copy of a document submitted or prepared for submission to Cabinet;
    - (4) Information, the disclosure of which would reveal details of deliberations and decisions in the cabinet and the identity of the speaker.
  - (b) Cabinet documents are not exempt in following circumstances:

(1) documents consisting of administrative details, financial details, or statistical details which is prepared for submission to Cabinet or for discussion in Cabinet,

(2) information, concerning a matter submitted to the Cabinet and of which its deliberations have been concluded;

(3) a document, where 10 (ten) years have lapsed since its submission to Cabinet.

(c) In this section a reference to Cabinet includes Cabinet committees and Cabinet subcommittees.

Time Limits

33 The provisions prescribed in sections 22, 26, 27, 28, 29 and 30 shall not apply to information which have attained 10 (ten) years.

Procedure to follow in disclosure of information relating to a third party

34 (a) Where a request for information of a third party, that is protected by sections 23, 24, 25 and 26, is received by a state-office, and where the Information Officer of those state-office intends to disclose it, the third party must be notified within 5 days of receiving the request, that such information is intended to be disclosed.

(b) Where the third party receives a notification of disclosure as according to subsection (a) of this section, and where there is an objection to that disclosure, the Information Officer must be informed orally or by writing within 7 days following the date of notification

(c) In deciding to disclose the said information, the Information Officer, having considered the reasons for objecting to disclose by the third party, can decide to disclose or not disclose the information.

(d) Where the Information Officer decides to disclose the information despite objections from the third party, the third party must be notified in writing that the information has been disclosed and the reasons for its disclosure. The Information officer must also

state in the said notice that where the third party is unsatisfied with the decision, he has the right of appeal as according to section 40 of this Act. The notification must also specify the contact details of the appeal authority.

- (e) The Information Officer shall disclose information the disclosure of which is objected by the third party, after having the approval of the appeal and review stage.

### **Chapter Eight Dissemination of Information on the Act**

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| How the Act is to be used | 35 | The Information Commissioner shall prepare in writing and provide for the easy and broad access of information regarding the procedures for access of information under this Act.   |
| Information Officer       | 36 | <p>(a) The highest ranking official of every state-office must designate Information Officer(s) in their respective state-offices having the responsibility to provide information to the public requesting for the information under this Act. And the names, designations and contact details of the Information Officers, must be disseminated as widely as possible and must be publicly accessible.</p> <p>(b) In accordance with subsection (a) of this section, Information Officer(s) shall be designated from among the employees of each state-office. This Act does not prohibit such Information Officers from doing any other official work in addition to the undertaking the responsibilities prescribed under this Act.</p> <p>(c) In addition to the responsibilities stipulated in this Act, the Information Officers shall also be responsible the following:</p> <p>(1) formulate the policies and principles required to maintain, archive and disclose the information, according to the principles laid down by the Information Commissioner under section 38 of this Act, and administer and encourage the implementation of these;</p> |

- (2) Each Information Officer of a state office shall bear the highest responsibility of disclosing information requested under this Act, and for assisting individuals seeking to obtain information, and to make decisions regarding requests made under section 11, 12, 13, 14 and 15 of this Act.
- (d) In undertaking the tasks assigned to the Information Officer, he may request assistance from other employees at the state-office, in order to ensure the maximum achievement of the objectives of this Act.
- (e) Where the Information Officer sought assistance from any employee in the state-office in accordance with subsection (d) of this Act, such assistance must be provided. And where a breach of this Act had taken place and assistance had been sought from another employee, for the purpose of the investigation, such employee shall be deemed as the same as an Information Officer.
- Proactive Disclosure
- 37 Every state-office shall take the initiative and publish annually or within a shorter period of time, the following information and shall arrange to provide them without limiting to such documents only:
- (a) details of the functions, responsibilities, structure and duties of the state-office;
- (b) details of direct services provided or being provided to the public
- (c) details of the mechanism of lodging a complaint at the state-office in connection to a matter undertaken by that office, and details of the number of complaints received thus far;
- (d) easily comprehensible details of how documents are maintained;
- (e) information held or maintained by the state-office, and the type of information generally published, and the procedure to be followed in

requesting for information;

- (f) the responsibilities and duties of high ranking officials of the state-office, their powers and discretions given to them, and policy followed in making decisions;
- (g) the rules, regulations, policies, principles and norms followed by the state-office in implementing its responsibilities;
- (h) details of decisions taken that would affect the public and the reasons for those decisions, their implications and details of their background;
- (i) the manner in which suggestions and criticisms on decision-making can be exercised by the public and influenced in relation to the policies of those functions carried out by the state-office,
- (j) the budget allocated to the state office, indicating the particulars of all plans, proposed expenditures and details of disbursements made;
- (k) the individual remuneration and benefits received by all the employees of the state-office;
- (l) the norms followed by the state-office for the discharge of its functions;
- (m) the stages and procedure followed in the decision making process of the state-office, and the mechanisms for supervision and accountability.

Guidelines regarding the responsibility to publish information

38 The Information Commissioner shall undertake the following:

- (a) determine the minimum and maximum standards that state-offices must comply in disclosing information;
- (b) where requested, provide opinion to state-offices regarding matters related to

dissemination of information.

Maintaining  
Information

- 39 (a) Every state-office shall maintain records to facilitate the easy access of information, and follow guidelines for that purpose.
- (b) Where a person needs correction of an incorrect point included in a person's information, each state-office must provide reasonable procedures to enable the correction.
- (c) The Information Commissioner shall publish within a determinable duration, the general guidelines concerning the granting of access and the maintenance, storage and elimination of records held by state-offices.

Training of  
Employees

- 40 The Information Commissioner shall, for the purpose of proper execution of this Act, employ personnel and train them with regard to the right to information and the policies laid down in this Act.

Review Procedure

- 41 (a) Each state-office shall set up a Review Committee with the task of examining and reviewing complaints lodged by those unsatisfied by the decisions of the Information Officers. And that Committee must consist of those at a higher rank than the Information Officer(s).
- (b) Where there is a party unsatisfied with the decision made by the Information Officer(s) of a state-office, a submission may be made to the Review Committee of the state-office requesting a review of the decision, within 30 days from the date the decision was made or should have been made.
- (c) The Review Committee mentioned in subsection (a) of this section, may accept a complaint to be reviewed, even after the lapse of the period mentioned in subsection (b) of this section, where the Committee believes there is a reasonable justification for the delay.
- (d) Where the complaint submitted concerns the information of a third party, a decision on the complain must be reached after having heard



the third party.

- (e) As a normal practice, complaints submitted to the Review Committee must be reviewed within 30 days and where the review is not completed within this period, due to a special circumstance, it must be completed within an additional 15 days.
- (f) The Review Committee, having examined and reached a decision about a complaint submitted to it, shall notify its decision to all concerned parties in writing.

Reporting to the  
Information  
Commissioner

42 Each state-office must, once a year, under the initiative of the Information Officer of that state-office, compile an annual report and submit it to the Information Commissioner, based on, but not limited to, the following information:

- (a) the number of applications received, the number of applications answered, the number of applications for which access was provided for the requested information and the number of applications for which access to the requested information was not granted;
- (b) the section or provisions of this Act invoked the most in order to refuse a request for information;
- (c) the number of appeals made following refusal to access to information;
- (d) the number of times fees were charged and the total value of the fees paid;
- (e) activities and steps taken proactively in order to comply with the duty of information disclosure;
- (f) activities and steps taken for information maintenance;
- (g) activities and steps taken for the purpose of training employees.

## **Chapter Nine**

### **The Office and the Responsibilities of the Information Commissioner**

- Establishment of the Office of the Commissioner of Information
- 43 (a) On the day this Act comes into force, an office titled ‘the Information Commissioner’s Office’ is hereby established.
- (b) The Information Commissioner’s Office shall be an independent legal entity possessing a separate seal, having the right to sue and be sued in its own name, and having the right to communicate in its own name.
- (c) In establishing the Information Commissioner’s Office stated in subsection (a) of this section priority shall be given in utilizing the state resources and employees.
- Appointment of Information Commissioner
- 44 (a) The Information Commissioner shall be appointed by the President, in accordance with this section.
- (b) Wherever the need to appoint the Information Commissioner arises, the President shall propose to the People’s Majlis at least three names.
- (c) The names that are submitted to the People’s Majlis in accordance with subsection (b) of this section shall comprise of those names that the President selected from among the people who answered a public announcement. The President shall also forward to the People’s Majlis, for its information, the names of all other respondents to the said public announcement.
- (d) The President shall appoint as Information Commissioner the person whose name is passed by a majority of those present at a session of People’s Majlis from the names submitted to the Majlis by the President in accordance with subsection (b) of this Section.
- (e) Upon implementation of this Act, the President shall submit the names for the proposed Information Commissioner to the People’s Majlis within 15 (fifteen) days of the implementation of this Act. And the People’s Majlis shall decide on nominating a person to the position within 30 (thirty) days of the

President proposing such names.

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| Requirement that the Information Commissioner must meet | <p>46 The Information Commissioner so appointed shall meet the following requirements:</p> <ul style="list-style-type: none"> <li>(a) must have attained the age of 35 years;</li> <li>(b) must not be convicted of an offence punishable by a had, or an offence of fraud or bribery as per Shari'ah;</li> <li>(c) must not be a person holding an elected office or a political position under the Constitution of any law of the Republic of Maldives;</li> <li>(d) must not be a member of a political party nor engaged in the activities of a political party;</li> <li>(e) must have a first degree in the legal field, and possess at least 7 (seven) years experiences in working in the legal or Shari'ah field in the Maldives, or must have a first degree in the human rights field, and possess at least four years experience in working in the human rights field in the Maldives.</li> <li>(f) must not be employed in any other employment save as Information Commissioner.</li> </ul> |
| Term of Office  | <p>47 (a) The term of office of the Information Commissioner who is appointed shall be 1 term of 5 years from the date of his appointment.</p> <p>(b) Notwithstanding subsection (a) of this section, except when the Information Commissioner is dismissed from office under Section 7 of this Act, the People's Majlis can approve the renewal of the appointment of the Information Commissioner for an additional term of not more than 5 years.</p>  |
| Appointment in case the post becomes vacant             | <p>48 When the post of the Information Commissioner becomes vacant a person shall be appointed to the post within 60 (sixty) days of the post becoming vacant, as according to section 3 of this Act.</p>   |
| Dismissal from  | <p>49 The Information Commissioner shall be dismissed</p>   |

Office		from office, if found that he carried out an act unsuitable to the position of Information Commissioner, or if he is unable to discharge the responsibilities of the post or is incompetent to perform the responsibilities of the post, by the relevant Parliamentary Committee of the People’s Majlis, and upon the approval of such finding by the People’s Majlis by a majority of those present and voting, calling for the Commissioner’s removal from office.
Resignation	50	If the Commissioner wishes to resign from office, he may do so by submitting a written resignation to the President of the Republic, and the office shall be vacant when the President receives the resignation letter.
Salary and Benefits	51	<p>(a) The salary and benefits offered to the Information Commissioner shall be in part with that offered to the President of the Human Rights Commission.</p> <p>(b) The salary and other allowances provided to the employees of the Office of the Information Commissioner shall be determined by the Commissioner with the advice of the Ministry of Finance and Treasury.</p>
Accountable to People’s Majlis	53	The Information Commissioner shall appear before the People’s Majlis or any of its relevant committees if required to do so at any time. And the Information Commissioner must answer the questions put before him by the Majlis or committees, to the best of his knowledge.
Employment, transfer and dismissal of employees of the Office	54	For the purpose of executing the powers vested in the Information Commissioner, he has the power to delegate additional employees to the Information Commissioner’s Office, to train, promote and dismiss them, without breaching the allocated budget passed by the People’s Majlis to run the Office.
Financial Matters	55	(a) The State treasury shall provide the Office of the Information Commissioner the funds from the annual budget approved by the People’s Majlis in order for the Information Commissioner to undertake fully the responsibilities of the office.

- (b) The Information Commissioner’s Office shall not utilize the financial assistance provided by persons or an organization or a foreign government, for purposed except that of achieving the objectives of the office.
- (c) A financial statement stating the Information Commissioner’s Office’s income, expenditure, assets and liabilities, audited and prepared in consultation with the Auditor General and in accordance with the regulations formulated by the Auditor General, shall be submitted to the President and the People’s Majlis along with the annual report stipulated in Section 14 of this Act.

General Duties

- 56 In addition to undertaking the responsibilities specified in this Act, the Information Commissioner has the following powers:
- (a) to examine and report the extent to which this Act is administered by state-offices;
  - (b) for the purpose of reforming matters related to information dissemination, to identify what general improvements can be made without singling out a particular state-office, and identifying potential improvements related to a specific state-office;
  - (c) to participate, run and cooperate in providing training programs for Government employees, for the purpose of administering this Act;
  - (d) where breaches of this Act are deemed to have taken place, to inform the relevant authorities;
  - (e) to publicize the purpose and objectives of this Act and to widely publicize the rights provided to individuals under this Act and to inform them of these rights.

Annual Report

- 57 (a) The Office of the Information Commissioner shall prepare and submit an annual report based on the activities of the Commission, before the end of February to the President of the Republic and the People’s Majlis.

- (b) The annual report stipulated in subsection (a) of this section shall contain the following activities over the reporting period:
- (1) Work carried out by the Information Commissioner within the year;
  - (2) Expenditure statement audited by the Auditor general or by a chartered or public accounting firm approved by the Auditor General.
- (c) The Office of the Information Commissioner shall publish the Annual Report stipulated in subsection (a) of this section within 14 (fourteen) days of submitting the report to the President and the People’s Majlis.
- (d) Notwithstanding subsection (a) of this section, when a special circumstance arises and should the Information Commissioner deem relevant, the Commissioner may submit a special report relating to that circumstance, to the President, the People’s Majlis and the Human Rights Commission.

Immunity granted to the Information Commissioner

- 58 No criminal or civil suit shall be filed against the Information Commissioner or person acting under delegation of the Commissioner, in relation to committing or omitting an act in good faith whilst undertaking responsibilities prescribed in this Act. Unless bad faith is proven, the information exchanged under this Act is privileged information and no action for defamation maybe pursued based on the information.

## **Chapter Ten**

### **Implementation of matters by the Information Commissioner**

Appeal to the Information Commissioner

- 59 (a) Where there is a party unsatisfied with the decision reached by the Review Committee after review, the party may appeal the matter to the Information Commissioner, within 90 days from the date the decision was made or should have been made.

- (b) The Information Commissioner has the power to accept an appeal, even after the lapse of the period mentioned in subsection (a) of this section. The Information Commissioner may accept the submission of a late appeal, where the Commissioner believes there is a reasonable justification for the delay.

Lodging  
Complaints to  
Information  
Commissioner

- 60 Without subjecting limitations or omissions to the provisions mentioned in section 15 of this Act, an applicant making a request for information, has the power to appeal directly to the Information Commissioner, in the following circumstances:
- (a) where the applicant is unable to access information from a specific state-office, because no Information Officer has been appointed to that state-office;
- (b) where a state-office refuses to receive an application of request for information without reasonable justification;
- (c) where the Information Officer refuses or neglects to provide a receipt notifying that the request has been duly applied under this Act;
- (d) where the Information Officer fails to comply to a request for access to information within the time limits required under this Act;
- (e) where the Information Officer or the state-office attributed to the Information Officer fails to comply with a directive issued by the Information Commissioner;
- (f) where the Information Officer or the state-office attributed to the Information Officer, breaches any provision prescribed in this Act regarding access to information.

Power to refuse  
appeals

- 61 (a) The Information Commissioner has the power to refuse appeals lodged before him as under section 60 of this Act, in the following circumstances:
- (1) where the appeal has no substantial

basis;

- (2) where the appeal relates to a matter too trivial to be examined;
- (3) where the procedure prescribed in section 41 of this Act has not been fully followed in finding a remedy to the complaint.

(b) Where the Information Commissioner decided the he must accept a complaint lodged as according to this section, having examined the complaint in person or by a party decided by him, the Information Officer has the power to reach a decision on the complain as according to this Act.

Procedure to follow in appeals and complaints

- 62 (a) In proceeding with complaints or appeals lodged before the Information Commissioner, the state-office to which the Information Officer is attributed, has the onus of establishing the following:
- (1) that the information requested was refused based on a provision prescribed in law; or
  - (2) that the state-office has adhered to that prescribed in this Act.
- (b) All appeals and complaints lodged before the Information Commissioner, in accordance with this Act, shall be examined and completed within 30 days. Where the examination and reaching a decision regarding the complaint or appeal is unfinished for any reason within the time limit, having notified the applicant who made the complaint or appeal with reasons, the Information Commissioner has the power to add additional 15 days to the process.
- (c) Where the complaint or appeal submitted to the Information Commissioner concerns information protecting the interest of a third party, the third party has the right to be heard.
- (d) Unless otherwise stated in this section, all



proceedings related to a complain or appeal must be conducted in open sittings.

- (e) Notwithstanding subsection (d) of this section, in circumstances where information exempted from disclosure under this Act, is to be examined in connection with a complain or appeal lodged under this Act, the Information Commissioner may examine such information in a confidential sitting or sitting closed to the public.
- (f) The decisions reached by the Information Commissioner must be announced in an open sitting.
- (g) Having examined an appeal or complaint lodged before the Information Commissioner, the decision reached, must be notified to all concerned parties.

Powers of the  
Information  
Commissioner

63 The Information Commissioner shall have the following powers in relation to an appeal or complaint lodged before him:

- (a) to summon those persons that have to be summoned;
- (b) to obtain statements from those summoned;
- (c) to collect testimony from those willing;
- (d) to request for information;
- (e) to request for documents;
- (f) to order to provide documents;
- (g) to order to provide information;
- (h) to order to provide a specific document or specific information to the Information Commissioner;
- (i) to investigate and review a specific piece of information;
- (j) to obtain evidence;

- (k) to obtain evidence in writing;
- (l) to obtain testimonies in writing;
- (m) to order a specific state-office to provide information held in its office
- (n) to summon a specific person, who having being identified as a witness;
- (o) having specified a given document, to order to submit that document;
- (p) to enter a state-office;
- (q) to examine and search a given state-office for the purpose of obtaining a relevant piece of information, and where that information is found, to withhold the document or the source in which the said information is found;
- (r) other powers vested in the Information Commissioner under the regulations formulated under this Act.

How decisions are reached with regards to complaint or appeals

- 64 (a) Having examined an appeal or complaints lodged before the Information Commissioner, the matter can be settled in the following ways:
- (1) that the complaint or appeal is of no substantial basis;
  - (2) to order a specific state-office to disclose a specific piece of information;
  - (3) to order a specific state-office to release a specific piece of information;
  - (4) to order to release a specific piece of information in the format requested by the person who made the request;
  - (5) to order the release of a specific piece of information requested by a specific person, in a reasonable format other than that requested by the applicant;

- (6) to determine that the decision reached by a specific state-office in relation to a complaint submitted is correct;
- (7) to order the dissemination of a specific piece of information or a specific class of information;
- (8) to order to strengthen the document management system of a specific state-office, or to order to reform relevant procedure;
- (9) to fine any Information Officer who has breached provisions of this Act;
- (10) to fine any party who breached a lawful order given by the Information Commissioner;
- (11) to order a state-office to take disciplinary measures against an Information Officer, of that state-office, repeatedly breaching provisions prescribed in this Act.
- (12) to order the police to investigate any case of any person alleged to have committed an offence prescribed under this Act, and where, after the police investigation, the Information Commissioners finds legal action should be brought against the person, to send the case to the Prosecutor General.

(b) Unless overturned by a judicial court, decisions reached by the Information Commissioner in accordance with this Act, shall be regarded as valid decisions and are legally binding.

Investigations  
under own  
initiative

65 (a) In circumstances where the Information Commissioner identifies that a specific state-office is not discharging its functions in accordance to this Act, the Information Commissioner, has the power to initiate his own investigations and reach a decision regarding the matter, even in the absence of a specific appeal or complaint by any aggrieved party.



Commissioner may submit to the Office of the Prosecutor General, a request to send the matter to a judicial court, in order to take action against the party for disobeying an order lawfully issued under judicial or legal authority.

Immunity

- 69 (a) The Information Commissioner or any staff of the Information Commissioner's Office shall not be subject to any civil or criminal measure, for any action or omitting to act in good faith, in carrying out the responsibilities of Information Commissioner.
- (b) A person, having gained information of a wrongdoing, may not be subject to any disciplinary measures or punishment, regardless of any breach of a legal, administrative or employment obligation on his part, for releasing information on the wrongdoing. This is subject to him having acted in good faith to disclose the wrongdoing, and without having any other interest in the matter.
- (c) A person may not be subject to any civil or criminal measure or subject to punishment, for releasing information on an illegal act or an offense, or an act of corruption, or information regarding the potential to commit such an act, or place of such an act by a party.
- (d) No action for defamation or breach of duty of confidentiality may lie against a person in a state-office who in processing a request to access information under this Act, who believes, in good faith that access may duly be granted to such information under the Act.
- (e) No offense may lie against a person or his assistant, in a state-office who decided to provide a request to access information under this Act, believing in good faith that access may duly be granted to such information under the Act.
- (f) Where an act or undertaking of a state-office was found to be conducted in good faith, in order to administer the provisions of this Act, the person who acted as such will not carry any

personal liability for his actions.

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| Exempt from Liability | 70 | No criminal or civil suit shall be filed against any person responsible to discharge the provisions of this Act, where his action was carried out in good faith whilst undertaking the responsibilities of this Act.   |
| Power of Fining       | 71 | <p>(a) Where the Information Officer commits any of the following, the Information Commissioner must impose a fine on him, of not more than 5000 (five thousand) Rufiyaa.</p> <ul style="list-style-type: none"> <li>(1) Refusal to accept a request for access to information without justifiable reason;</li> <li>(2) Refusal to provide access to information, without justifiable reason, within the time limits prescribed in this Act;</li> <li>(3) Refusal to provide information with bad intent;</li> <li>(4) providing incomplete or misleading or incorrect information</li> </ul> <p>(b) The Information Commissioner must order a state-office to take disciplinary measures against an Information Commissioner as having repeatedly breached provisions prescribed in this Act.</p> <p>(c) The Information Commissioner has the power to charge a fine of not more than 25,000 (twenty-five thousand) Rufiyaa for the following matters:</p> <ul style="list-style-type: none"> <li>(1) Where the state-office or the Information Officer obstructs duties to be carried out under this Act;</li> <li>(2) Obstruction of the duties to be carried out by the Information Commissioner under this Act;</li> <li>(3) Destroying information subject to a request of access, with bad intent;</li> <li>(4) Misappropriation or tempering with</li> </ul> |

information held at a state-office  
contrary to decided procedure.

## **Chapter Eleven General Rules**

- Applying the law to certain bodies 72 Associations and Organizations functioning in the Maldives under funds from state budget, or under funds received from a foreign government, or under funds from an international body, notwithstanding what is stated otherwise in another statute, shall be applicable to all the provisions that are applicable to the state-offices under this Act. And all provisions of this Act that are administered upon state-offices shall be equally applied to these bodies.
- Formulation of Regulations 73 (a) The regulations necessary to implement the provisions of this Act, according to the intentions of this Act shall be formulated and enforced by the Information Commissioner.
- (b) In formulation and enforcement of regulations mentioned in subsection (a) of this section, the Information Commissioner must consult those likely to be affected or those required to administer the regulations.
- (c) Without limiting the scope of the discretion vested in the Information Commissioner as under subsection (a) of this section, the Information Commissioner has the power to formulate and enforce regulations on the following matters;
- (1) further guideline on information dissemination;
  - (2) training of employees;
  - (3) submission of report to the Information Commissioner;
  - (4) providing of notices as stipulated by the Act;
  - (5) administrative guidelines and norms to be enforced to fully utilize this Act.

- (d) Regulations to be formulated under this action shall be enacted and publicized within 6 months from the date this Act is implemented and published in the Government Gazette.

Prioritizing the Right to Information	74	In enforcing and interpreting provisions of this Act, the onus shall be on the interest of fully enabling the right to information.
Enforcement date of the Act	75	This Act shall come into force 6 (six) months after it is passed, assented and is published in the Government Gazette.
Definitions	76	<p>In this Act, unless stated otherwise:</p> <p>“Information Commissioner” refers to the Information Commissioner appointed under this Act or the body or party entrusted with his responsibilities.</p> <p>“Information Officer” refers to the employee or employees designated by the highest officer of the state-office, from among the employees at the state-office who are not in the rank of high-ranking officials, appointed to undertake the responsibilities mentioned in section 36 of this Act, at state-office level;</p> <p>“Information” refers to any kind of information, or any information produced at any given date, or any information produced at any given party, or any information stored in any device, held and maintained by a state-office, and that which does not belong to a third party;</p> <p>“person” shall include natural and legal personalities;</p> <p>“Review Committee” refers to the committee formed under section 41 (a) of this Act, consisting of more than 3 people from among high-ranking officials of a state-office, entrusted to review an appeal a decision made by an Information Officer.</p> <p>“State-Office” shall include the executive, the legislature and the judiciary, independent institutions, independent offices, security services and councils elected under the Constitution. Also included are those bodies party to any state</p>



responsibilities, those functioning under the state budget and those receiving assistance from the state budget;

“Information of a State-Office” shall mean every piece of information produced, held or maintained by state-office;

“Third Party” refers to the beneficiary of the information protected under sections 23, 24, 25 and 26 of this Act, and whose interest the said sections protect. This definition does not include state-officers and applicant of information.