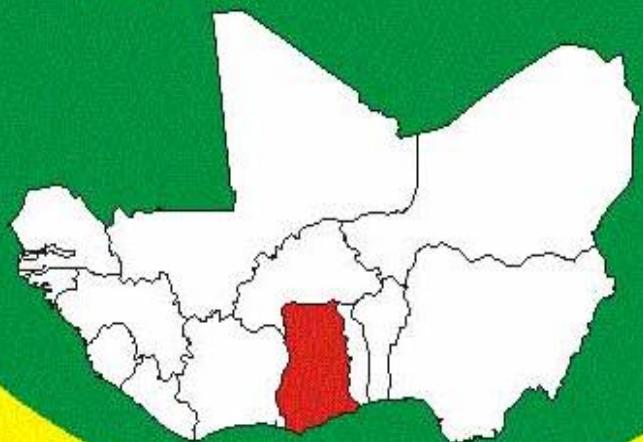


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- Ghana

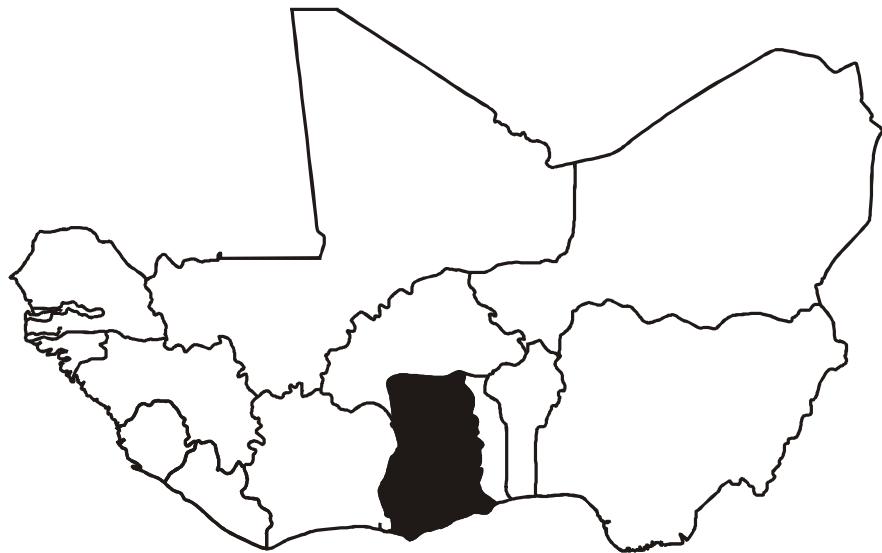


Report of Research into Laws of Ghana with
Access to Information Provisions



WINDOWS FOR TRANSPARENCY

- Ghana



**Report of Research into Laws of Ghana with
Access to Information Provisions**

A publication of



Media Rights Agenda

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Preface

This report is based on a legal research conducted by Media Rights Agenda (MRA) in collaboration with the Media Foundation for West Africa (MFWA) in Accra, Ghana, to establish the scope of access to public information granted citizens and other members of the public under Ghanaian Law.

The research was motivated by the need to explore possibilities for citizens and other members of the public in Ghana to exercise their rights of access to information under the Law even in the absence of a comprehensive Freedom of Information Law as part of a wider project in selected countries in West Africa.

Media Rights Agenda began working on access to information issues in 1993. In 1994, it partnered with the Civil Liberties Organization (CLO) and the Nigeria Union of Journalists (NUJ) to launch a campaign for the adoption of a Freedom of Information Law in Nigeria.

Following from this process, it initiated a vigorous campaign in 1999 to get Nigeria's National Assembly to pass the draft Freedom of Information Bill into a Law which would be assented to by the President, as required by the Constitution.

After more than 10 years of a somewhat frustrating experience in trying to get the government to enact a Freedom of Information law, MRA is now reviewing its strategies for trying to bring about transparency in government and governance. A critical question in that review exercise is whether it is really necessary to wait for the passage of the Freedom of Information Bill before citizens can begin to push their governments to be more open and transparent.

Therefore, while MRA remains committed to the campaign for the enactment of a Freedom of Information Law in Nigeria and similar laws elsewhere on the continent, it has also decided to explore existing laws, regulations and policy documents which provide some opportunities for citizens to obtain information and services from governments and to begin pushing vigorously for their effective implementation.

In spite of the legal status of the right of access to information and the steps so far taken within the African Human Rights system to give effect to this right, Africa appears to be lagging behind other regions of the world

in this global movement towards guaranteeing citizens' right of access to information, with West Africa being among the three worst off regions on the continent.

Very few countries on the continent have clear and specific guarantees of the right to information in their constitutions. Such countries include: Cameroon, the Democratic Republic of the Congo (DRC), Ethiopia, Ghana, Madagascar, Malawi, Mozambique, Senegal, South Africa, Tanzania and Uganda.

However, most of these countries do not have comprehensive freedom of information laws to elaborate this right. Only three of them – South Africa, Uganda and Ethiopia – have freedom of information laws to give effect to this right.

Although Uganda adopted its Access to Information Act since April 2005, full implementation is still being awaited more than five years after. The mandated Regulations which will bring the law into force are still not in place and so, despite having a constitutional guarantee and a freedom of information legislation, Ugandan citizens remain unable to enjoy the right of access to information.

Despite challenges of effective implementation, South Africa's Promotion of Access to Information Act (PAIA) of 2000, the first access to information law on the continent, also appears to be the most credible effort on the continent to empower citizens through access to information as a matter of right although there are recent moves in its Parliament to roll back this gain.

Ethiopia adopted the Law on Mass Media and Freedom of Information in 2008. Although the Ethiopian Law is merged with media legislation, it contains significant features of a Freedom of Information law.

Besides South Africa, Uganda and Ethiopia, the only other country on the continent with freedom of information laws is Angola, which adopted its Access to Official Documents Law (Law 11/02) in 2005.

This means that only four countries out of the 54 in Africa have adopted freedom of information laws – that is about 7.4 per cent. No single country in three (West Africa, Central Africa, and North Africa) out of Africa's five sub-regions has a freedom of information law.

Zimbabwe has a law which it pretentiously calls the Access to Information and Protection of Privacy Act (AIPPA), adopted in 2002 and which it has adopted three times since then, in 2003, 2005 and 2008. But it is difficult to classify AIPPA as a freedom of information law in view of the scope of exemptions contained in the Law and several obnoxious provisions designed to control the media and repress media freedom in the country. It is geared more towards restricting the free flow of information than facilitating it.

Over the past 12 years, there have been vigorous efforts in four countries in West Africa to adopt Freedom of Information laws. These are in Ghana, Liberia, Nigeria and Sierra Leone. There are indications that the bill will soon become law in Liberia because there is no evidence of strong opposition to the bill. In Sierra Leone, the Freedom of Information bill has been in the legislative process now for over five years but is yet to become Law. The situation is even worse in Ghana where the Right to Information Bill has been awaiting legislative action for over seven years. But nowhere in the sub-region has the situation been more disheartening than in Nigeria, where a Freedom of Information Bill has been awaiting passage since 1999.

Many reasons have been advanced for the slow pace of adoption of Freedom of Information laws in Africa, including:

Lack of political will on the part of leaders who ideally have the responsibility for putting such laws in place.

A culture of secrecy in government which makes the notion of public scrutiny an alien concept.

A “messiah complex” among political leaders who believe that they have come to save the people and that they know what is best for them and have all the answers to the problems.

The limited capacity within civil society to conduct effective advocacy for the adoption of freedom of information laws in the respective countries beyond mere sloganeering.

Other competing priorities in many countries where the argument is frequently made that when placed against the need to provide other services and infrastructure such as health, education, water, roads, etc., the requisite institutional arrangements and resources necessary to adopt and implement freedom of information laws will be too costly.

The low levels of awareness among members of the public which severely limits public demand for adoption of freedom of information laws.

Regardless of the absence of comprehensive freedom of information laws in most countries, the project which led to this report sought to explore ways in which citizens can use other existing laws, regulations and policy documents to advance their rights.

In many countries around the continent, there are scores of legislation with access to information clauses or provisions under which government bodies, including ministries, departments and agencies, are obliged to provide information to their citizens either proactively or upon a request being made.

This project sought to identify such laws in Ghana, Liberia, Nigeria and Sierra Leone with the ultimate goal of testing how effectively they are implemented or respected by government officials with a view to empowering citizens in these countries to take advantage of such provisions to advance their human rights in a variety of sectors.

The report will be a valuable resource for citizens and other members of the public interested in exercising their rights of access to information or in testing the levels of transparency and compliance with laws among public institutions in Ghana.

It helps to identify the provisions or sections of laws, regulations and policies which require some public institutions to grant citizens or members of the public access to information directly or through which citizens and other members of the public can have indirect access to information, records and documents held by relevant public institutions.

We hope citizens and members of the Ghanaian public will take advantage of this report to push for information from public institutions.

Edetaen Ojo
Executive Director
Media Rights Agenda

Introduction

The right to information is a potent tool that facilitates and gives full effect to the participation of citizens in governance processes in any constitutional democracy. It is an important mechanism for fighting corruption and arbitrariness in government by enhancing transparency, probity and accountability.

It has been affirmed as a fundamental human right and the foundation for the realization of all other fundamental rights and freedoms.

Despite this recognition, and the recognition by many other international and regional instruments such as the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, the Declaration of Principles on Freedom of Expression in Africa, the African Union Convention on Preventing and Combating Corruption; efforts at giving effect to the right of access to information in Africa has proved more and more difficult. Till date no country in West Africa has an access to information law; countries like Nigeria, Ghana, Liberia, Sierra Leone, and Gambia are still undergoing the processes to ensure the passage of a right to information law, and these attempts have not been without major challenges and constraints.

During the period of this research, a draft Access to Information bill is before parliament. In the absence of a legal framework for the enjoyment of the fundamental right of access to information, however, there are existing laws with access to information provisions under which government bodies are obliged to provide information to their citizens either proactively or upon request.

The thrust of this research work is to carry out a comprehensive audit of all laws in Ghana and identify clauses in existing laws and regulations which give citizens or members of the public access to information held by government bodies as well as those laws and regulations which specifically prohibit and constrain access; a detailed analysis of these provisions to determine their scope, purpose, subject area and applicability.

The overall aim of this research is to identify such laws and legal provisions in Ghana; and assess how effectively the laws or provisions are implemented or respected by government officials with a view to empowering citizens in the country to take advantage of such provisions to obtain official information.

The research findings will form the basis of a report detailing the scope of citizens' legal right of access to public information in Ghana with analyses of their possibility for advancing citizens' human rights in different sectors.

Executive Summary

An examination of the various provisions granting and clogging access to information in Ghana, indicates that even though there is no legal framework for access to information for the citizenry; provisions granting access to public officers abound. Almost all the laws identified have provisions authorizing public institutions to have access to information held by citizens without a corresponding obligation on them to release information to the public. More importantly most of them contains clauses requiring the submission of an annual report to the Board, and or Minister and finally to Parliament. In cases of denial of access in some cases, a term of imprisonment or a fine is imposed.

In this work, laws directly and indirectly granting access to information were treated. For instance laws requiring the submission of reports to a Board or Committee or Minister, which in turn is submitted to the parliament; publication in official gazette, are considered for the purposes of this research as laws granting indirect access to citizens.

Deliberations of Parliament maybe accessed through the Hansard (record of parliamentary proceedings). A person may also have direct access to information by observing the debates in Parliament or through public broadcast, either live broadcast or reported on television and radio.

On the other hand when information is gazetted, it is published and made available at the Government printing house. It is accessible to the public but with certain limitations in respect of its dissemination which includes the responsibility of the public to access and utilize it.

Methodology

This research was carried out under the supervision of the Media Foundation for West Africa. In carrying out this task, the research involved:

1. Compilation of all existing laws and regulations in Ghana;
2. Desktop and library research to identify the laws with access and non access to information clauses
3. Compilation of the access and non access to information clauses in those laws
4. Analysis of these clauses to determine their scope, purpose, subject area and applicability.
5. Preparing report of the findings

EXISTING LAWS:

Existing laws comprise the written and unwritten laws of Ghana as they existed immediately before the coming into force of this Constitution, and any Act, Decree, Law or statutory instrument issued or made before that date, which is to come into force on or after that date.

Audited Laws

- ◆ Acts of Parliament Act, 1960
- ◆ Administration Of Lands Act, 1962
- ◆ Agricultural Development Bank Act
- ◆ Africa Defence (Ghana) Act, 1965
- ◆ Animals (Artificial Insemination) Act, 1955
- ◆ Anti – Money Laundering Act, 2007
- ◆ Anti -Terrorism Act, 2008
- ◆ Atomic Energy Commission Act, 2000
- ◆ Auction Sales Act, 1989
- ◆ Audit Service Act, 2000
- ◆ Bank Of Ghana Act, 2002
- ◆ Book And Newspaper Registration Act, 1961
- ◆ Borrowers And Lenders Act, 2008
- ◆ Bui Power Authority Act, 2007
- ◆ Casino Revenue Tax Act, 1973
- ◆ Centre For Scientific Research Into Plant Medicine Act, 1975
- ◆ Citizenship Act, 2000
- ◆ Credit Reporting Act, 2007
- ◆ Children's Act, 1998
- ◆ Commission On Human Rights And Administrative Justice Act, 1993
- ◆ Community Water And Sanitation Agency Act, 1998
- ◆ Civil Service Act, 1993
- ◆ Conveyance Act, 1973
- ◆ Courts Act, 1993
- ◆ Council For Scientific And Industrial Research Act, 1996
- ◆ Council Of Indigenous Business Associations Act, 1993
- ◆ Copyright Act, 2005
- ◆ Custom House Agents (Licensing) Act, 1978
- ◆ Credit Reporting Act, 2007
- ◆ Debt Recovery (Tema Oil Refinery Company) Fund Act, 2003
- ◆ District Assemblies Common Fund Act, 1993
- ◆ Domestic Violence Act, 2007
- ◆ Driver And Vehicle Licensing Authority Act, 1999
- ◆ Environment Protection Agency Act, 1994
- ◆ Electronic Transactions Act, 2008
- ◆ Energy Commission Act, 1997

Audited Laws

- ◆ Emergency Powers Act, 1994
- ◆ Environmental Protection Agency Act, 1994
- ◆ Export Development And Investment Fund Act, 2000
- ◆ Fair Wages And Salaries Commission Act, 2007
- ◆ Financial Administration Act, 2003
- ◆ Fisheries Commission Act, 1993
- ◆ Forest Plantation Development Fund Act, 2000
- ◆ Forestry Commission Act, 1999
- ◆ Forests Act, 1927
- ◆ Free Zone Act, 1995
- ◆ Geographical Indications Act, 2003
- ◆ Ghana Education Service Act, 1995
- ◆ Ghana Health Service And Teaching Hospitals Act, 1996
- ◆ Ghana Highway Authority Act, 1997
- ◆ Ghana Institute Of Management And Public Administration Act, 2004
- ◆ Ghana Institute Of Languages Act, 1969
- ◆ Ghana Institute Of Journalism Act, 2006
- ◆ Ghana Investment Fund Act, 2002
- ◆ Ghana Investment Promotion Centre Act, 1994
- ◆ Ghana Maritime Authority Act, 2002
- ◆ Ghana Maritime Security Act, 2004
- ◆ Ghana Ports And Harbours Authority Act, 1986
- ◆ Ghana Precious Metals Corporation Act, 1977
- ◆ Ghana Shippers' Authority Act, 1974
- ◆ Ghana Water And Sewerage Corporation Act, 1965
- ◆ Ghanaian Enterprises Development Act, 1975
- ◆ Ghana Shipping Act, 2003
- ◆ Ghana National Service Scheme Act, 1980
- ◆ Ghana National Playing Fields Authority Act, 1977
- ◆ Ghana National Fire Service Act, 1997
- ◆ Ghana Meteorological Agency Act, 2004
- ◆ Ghana Export Promotion Authority Act, 1969
- ◆ Ghana Education Trust Fund Act, 2000
- ◆ Ghana College Of Physicians And Surgeons Act, 2003
- ◆ Ghana Cocoa Board Act, 1984
- ◆ Ghana Civil Aviation Act, 2004
- ◆ Ghana Broadcasting Corporation Act, 1968

Audited Laws

- ◆ Ghana Investment Promotion Centre Act, 1994
- ◆ Ghana Library Authority Act, 1970
- ◆ Ghana Maritime Security Act, 2004
- ◆ Ghana Meteorological Agency Act, 2004
- ◆ Ghana National Petroleum Corporation Act, 1983
- ◆ Human Trafficking Act, 2005
- ◆ Insurance Act, 2006
- ◆ Internal Revenue Act, 2000
- ◆ Incorporated Private Partnerships Act, 1962
- ◆ Institute Of Local Government Studies Act, 2003
- ◆ Institute Of Professional Studies Act, 1999
- ◆ Insurance Act, 2006
- ◆ Internal Audit Agency Act, 2003
- ◆ Internal Revenue Service Act, 1986
- ◆ Judicial Service Act, 1960
- ◆ Judiciary (Retention Of Revenue) Act, 2003
- ◆ Juvenile Justice Act, 2003
- ◆ Kwame Nkrumah University Of Science And Technology, Kumasi
- ◆ Labour Act, 2003
- ◆ Lands Commission Act, 2008
- ◆ Lands Commission Act, 2008
- ◆ Land Registry Act, 1962
- ◆ Law Reform Commission Act, 1975
- ◆ Legal Aid Scheme Act, 1997
- ◆ Local Government Act, 1993
- ◆ Local Government Service Act, 2003
- ◆ Marriages Act, 1884-1985
- ◆ Minerals Commission Act, 1993
- ◆ Minerals And Mining Act, 2006
- ◆ Millennium Development Authority Act, 2006
- ◆ Minerals And Mining Act, 2006
- ◆ Mortuaries And Funeral Facilities Act, 1998
- ◆ Motor Vehicles (Third Party Insurance) Act, 1958
- ◆ National Accreditation Board Act, 2007
- ◆ National Board For Professional And Technician Examinations
- ◆ National Commission For Civic Education Act, 1993
- ◆ National Commission On Culture Act, 1990

Audited Laws

- ◆ National Commission On Small Arms & Light Weapons Act,2007
- ◆ National Council For Tertiary Education Act, 1993
- ◆ National Communications Authority Act, 2008
- ◆ National Development Planning Commission Act, 1994
- ◆ National Development Planning (System) Act, 1994
- ◆ National Disaster Management Organisation Act, 1996
- ◆ National Film And Television Institute Act, 1978
- ◆ National Health Insurance Act 2003
- ◆ National Identity Register Act, 2008
- ◆ National Identification Authority Act, 2006
- ◆ National Information Technology Act, 2008
- ◆ National Lotto Act, 2006
- ◆ National Media Commission Act, 1993
- ◆ National Pensions Act, 2008
- ◆ National Petroleum Authority Act, 2005
- ◆ National Population Council Act, 1994
- ◆ National Reconciliation Commission Act, 2002
- ◆ Non-Bank Financial Institutions Act, 2008
- ◆ National Road Safety Commission Act, 1999
- ◆ National Vocational Training Act, 1970
- ◆ New Times Corporation Act, 1971
- ◆ Northern Development Fund Act, 2008
- ◆ Oaths Act, 1972,
- ◆ Omnibus Services Act, 1972
- ◆ Parliament Act, 1965
- ◆ Parliamentary Service Act, 1993
- ◆ Pawnbrokers Act, 1940
- ◆ Payment Systems Act, 2003
- ◆ Persons With Disability Act, 2006
- ◆ Petroleum Income Tax Act, 1987
- ◆ Public Procurement Act, 2003
- ◆ Police Service Act, 1970
- ◆ Political Parties Act, 2000
- ◆ Public Records and Archives Administration Act, 1997
- ◆ Polytechnics Act, 2007
- ◆ Postal And Courier Services Regulatory Commission Act, 2003
- ◆ Precious Minerals Marketing Corporation Act, 1989
- ◆ Presidential Office Act, 1993

Audited Laws

- ◆ Prisons Service Act, 1972
- ◆ Protection Against Unfair Competition Act, 2000
- ◆ Public Utilities Regulatory Commission Act, 1997
- ◆ Registration Of Births And Deaths Act, 1965
- ◆ Regional Development Corporation Act, 1973
- ◆ Representation Of The People Law, 1992
- ◆ Road Fund Act, 1997
- ◆ Revenue Agencies (Governing Board) Act, 1998
- ◆ Securities Industry Act, 1993
- ◆ Security And Intelligence Agencies Act, 1996
- ◆ Securities Industry Act, 1993
- ◆ Serious Fraud Office Act, 1993
- ◆ Standards Authority Act, 1973
- ◆ Statistical Service Act, 1985
- ◆ Stamp Duty Act, 2005
- ◆ Standards Authority Act, 1973
- ◆ State Secrets Act, 1962
- ◆ Telecommunications (Frequency Registration And Control) Act, 1977
- ◆ Tema Food Complex Corporation Act, 1973
- ◆ Tolls Act, 1973
- ◆ Trademarks Act, 2004
- ◆ Traditional Medicine Practice Act, 2000
- ◆ University Of Cape Coast Act, 1992
- ◆ University Of Education, Winneba Act, 2004
- ◆ University Of Ghana Act, 1961
- ◆ University Of Mines And Technology, Tarkwa Act, 2004
- ◆ Value Added Tax Act, 1998
- ◆ Venture Capital Trust Act, 2004
- ◆ Volta River Development Act, 1961
- ◆ Water Resources Commission Act, 1996
- ◆ Whistleblower Act, 2006

Constitutional Instruments

- Adoption Rules, 2003
- Commission on Human Rights and Administrative Justice (complaint procedure) Regulations, 1994
- Supreme Court Rules, 1996
- Election (Regional Representatives On Council Of State) Instrument, 1993
- Parliamentary Service (Staff) Regulations, 1995
- Public Elections (Registration Of Voters)Regulations
- Public Elections Regulations, 1996
- Court Of Appeal Rules, 1997

Embedded in these laws are provisions granting and clogging access to information respectively. Each of the laws will be treated separately under separate headings.

The 1992 Constitution

The Constitution is the supreme law of the land; it provides the foundation for the exercise and enjoyment of the Right to Information. The Constitution of the Fourth Republic of Ghana which came into effect on 7th January 1993 guarantees as a fundamental human right the right of access to information in the following words:

“All persons shall have a right to –

- (f) Information, subject to such qualifications and laws as are necessary in a democratic society”

It also empowers the state to enact appropriate laws to ensure the enjoyment of rights of effective participation in development processes, including rights of access to agencies and officials of the State necessary in order to realise effective participation in development processes.

Furthermore, various provisions exists in the constitution that regulate (directly and indirectly) citizen's access to information held by public officers in specific sectors. Freedom and Responsibility of the media.

Articles 162 (2): Subject to this Constitution and any other law not inconsistent with this Constitution, there shall be no censorship in Ghana.

(3) There shall be no impediments to the establishment of private press or media, and in particular, there shall be no law requiring any person to obtain a licence as prerequisite to the establishment or operation of a newspaper, journal or other media of mass communication or information.

Article 163 - All state-owned media shall afford fair opportunities and facilities for the representation of divergent views and dissenting opinions.

The media as the fourth estate of the realm offers direct access to information for all citizens and members of the public. Parliamentary debates, commissions of inquiry etc can be accessed through the media i.e. public broadcast on the television, radio or newspaper.

Protection of Personal Liberty

Article 14 (2): A person who is arrested, restricted or detained shall be informed immediately, in a language that he understands, of the reasons for his arrest, restriction or detention and of his right to a lawyer of his choice.”

Persons Detained under Emergency Law

Article 32 (1): Where a person is restricted or detained by virtue of a law made pursuant to a declaration of a state of emergency, the following provisions shall apply:

a) he shall as soon as practicable, and in any case not later than twenty-four hours after the commencement of the restriction or detention, be furnished with a statement in writing specifying in detail the grounds upon which he is restricted or detained and the statement shall be read or interpreted to the person restricted or detained;

Sub (1) (b), goes further to state that the spouse, parent, child or other available next of kin of the person restricted or detained shall be informed of the detention or restriction within twenty-four hours after the commencement of the detention or restriction.

Fair Trial

Article 19 (2): A person charged with a criminal offence shall,

(g) be afforded facilities to examine, in person or by his lawyer, the witnesses called by the prosecution before the Court, and to obtain the attendance and carry out the examination of witnesses to testify on the same conditions as those applicable to witnesses called by the prosecution;

(4). Whenever a person is tried for a criminal offence the accused person or a person authorised by him shall, if he so requires, be given, within a reasonable time not exceeding six months after judgment, a copy of any record of the proceedings made by or on behalf of the Court for the use of the accused person.

It is important to note here that the constitution is silent as to the format and medium through which the information required by the accused person would be provided as well as the sanction for refusal to provide such information by the court within the specified period.

Authorization of Expenditure

Article 179 (1): The President shall cause to be prepared and laid before Parliament at least one month before the end of the financial year, estimates of the revenues and expenditure of the Government of Ghana for the following financial year.

(2) The estimates of the expenditure of all public offices and public corporations, other than those set up as commercial ventures,

The 1992 Constitution

(b) Shall, in respect of payments charged on the Consolidated Fund, be laid before Parliament for the information of members of Parliament.

The report of activities of parliament is accessible by the public. A person, who publishes texts or summary of any report, papers, minutes, votes and proceedings of Parliament, or a contemporaneous report of the proceedings of Parliament, is immuned from any civil or criminal liability arising from such publication except where the publication was effected maliciously or in bad faith.

Implementation of Directive Principles

Article 34 (2): The President shall report to Parliament at least once a year all the steps taken to ensure the realisation of the policy objectives contained in this Chapter; and, in particular, the realisation of basic human rights, a healthy economy, the right to work, the right to good health care and the right to education.

Economic Objectives

Article 36 (5): For the purposes of the foregoing clauses of this article, within two years after assuming office, the President shall present to Parliament a coordinated programme of economic and social development policies, including agricultural and industrial programmes at all levels and in all the regions of Ghana.

Foreign Exchange Dealings

Article 184 (1) The Committee of Parliament responsible for Financial Measures shall monitor the foreign exchange receipts and payments or transfers of the Bank of Ghana in and outside Ghana and shall report on them to Parliament once in every six months.

(2) The Bank of Ghana shall, not later than three months,
(a) after the end of the first six months of its financial year, and
(b) after the end of its financial year,
submit to the Auditor-General for audit, a statement of its foreign exchange receipts and payments or transfers in and outside Ghana.

(3) The Auditor-General shall, not later than three months after the submission of the statement referred to in clause (2) of this article, submit his report to Parliament on the statement.

Under Article 187(3), the Auditor General has a right of access to all books, records returns and other documents relating or relevant to those accounts. The information obtained through the search will be incorporated into an annual report which the Auditor-General is mandated to submit to Parliament, within six months after the end of the immediately preceding year.

Presidential Messages

Article 67: The President shall, at the beginning of each session of Parliament and before dissolution of Parliament, deliver to Parliament a message on the State of the nation.

This state of the nation's address is often available to the public through the electronic and print media.

Functions of Commission of Inquiry

Under Article 280 (3), the President shall cause to be published, the report of a commission of inquiry together with the White Paper on it within six months after the date of the submission of the report by the Commission.

The President also has the discretion to decide whether or not to publish such a report but he must give reasons for a decision not to publish; as is shown in Sub paragraph (4):

“Where the report of a commission of inquiry is not to be published, the President shall issue a statement to that effect giving reasons why the report is not to be published”.

Inquiry Procedure:

Article 281 (1) Except as may be otherwise ordered by the Commission in the interest of public morality, public safety or public order, the proceedings of a commission of inquiry shall be held in public.

Under Article 218, the Commission on Human Rights and Administrative Justice apart from being saddled with the responsibility of educating the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia; it is also mandated to report annually to Parliament on the performance of its functions.

Emergency Powers

ARTICLE 31(1): The President may, acting in accordance with the advice of the Council of State, by Proclamation published in the Gazette, declare that a state of emergency exists in Ghana or in any part of Ghana for the purposes of the provisions of this Constitution.

(2) Notwithstanding any other provision of this article, where a proclamation is published under clause (1) of this article, the President shall place immediately before Parliament the facts and circumstances leading to the declaration of the state of emergency.

The 1992 Constitution

Article 32 (1) Where a person is restricted or detained by virtue of a law made pursuant to a declaration of a state of emergency, the following provisions shall apply:

- (a) he shall as soon as practicable, and in any case not later than twenty-four hours after the commencement of the restriction or detention, be furnished with a statement in writing specifying in detail the grounds upon which he is restricted or detained and the statement shall be read or interpreted to the person restricted or detained;
 - (b) the spouse, parent, child or other available next of kin of the person restricted or detained shall be informed of the detention or restriction within twenty-four hours after the commencement of the detention or restriction and be permitted access to the person at the earliest practicable opportunity, and in any case within twenty-four hours after the commencement of the restriction or detention;
 - (c) not more than ten days after the commencement of his restriction or detention, a notification shall be published in the Gazette and in the media stating that he has been restricted or detained and given particulars of the provision of law under which his restriction or detention is authorised and the grounds of his restriction or detention;
- (3) In every month in which there is a sitting of Parliament, a Minister of State authorised by the President, shall make a report to Parliament of the number of persons restricted or detained by virtue of such a law as is referred to in clause (10) of article 31 of this Constitution and the number of cases in which the authority that ordered the restriction or detention has acted in accordance with the decisions of the tribunal appointed under this article.
- (4) Notwithstanding clause (3) of this article, the Minister referred to in that clause shall publish every month in the Gazette and in the media,
- (a) the number and the names and addresses of the persons restricted or detained;
 - (b) the number of cases reviewed by the tribunal; and
 - (c) the number of cases in which the authority which ordered the restriction or detention has acted in accordance with the decisions of the tribunal appointed under this article.

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Once a bill has been passed and assented to by the president, Section 8(2) provides that the President shall retain one of the original copies of an Act and shall cause one each of the remainder to be deposited with the Chief Justice, the Speaker and the Archivist.

Section 9 provides further for the Publication of every Act in the Gazette in accordance with clause (11) of article 106 of the Constitution⁸ as soon as the President's assent has been signified.

1. ADMINISTRATION OF LANDS ACT, ACT 123, 1962

Section 10

(2) Where the President authorises the occupation and use of a land under this section, the President shall publish a notice in the Gazette giving particulars of the land, of the use to which it is intended to be put, and of the payments which it is intended to make under this section in respect of the use of the land.

Section 13: Duty to give information relating to land:

(1) The persons specified in subsection (2) shall afford to the Minister the information at their disposal regarding the land and its revenues and the reasonable facilities for inspecting and taking copies of records and other documents relating to the land or revenues.

(2) The persons are for the purposes of subsection (1)

- (a) a public officer;
- (b) the officers of local authorities which formerly collected revenue of a land to which a provision of this Act applies;
- (c) the present and past members of a traditional council and the present or past officers of a traditional council;
- (d) the persons who are or have been concerned with or responsible for the administration of the land; and
- (e) the persons who hold or have held the land.

(3) A person who fails or refuses to give information to the Minister in accordance with subsection (1), or gives information which that person knows to be false, commits a misdemeanour.

2. AFRICA DEFENCE (GHANA) ACT, ACT 313, 1965

Section 2 of the Act provides that once the President makes a declaration of a situation which threatens the peace and security of

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Africa, the declaration shall be communicated to Parliament at once if it is sitting or, if not, as soon as it meets.

3. ANIMALS (ARTIFICIAL INSEMINATION) ACT, 1955

Section 5 - Powers of inspection:

An officer of the Department of Animal Health of rank not below that of veterinary officer and a public officer authorised in writing by that officer may, at all reasonable times,

- (b) inspect any premises or an animal, equipment, semen or any other article in or on the premises which is used or suspected to be intended for use in the collection of semen or insemination and demand from the person in charge of the premises an information regarding the animal, equipment, semen or any other article;
- (c) examine the books and the documents in or on the premises, which on reasonable grounds, relate to the animal, equipment, semen or any other article or the collection of semen or insemination and make copies of or take extracts from those books and documents;
- (f) inspect an operation carried out in or on the premises, in connection with the collection of semen or insemination and demand from the person in charge of the operation information regarding the operation.

Section 6: Offences and penalties

- (1) A person who:

- (b) hinders or obstructs an officer referred to in section 5 in the exercise of the powers under that section, or refuses on demand, to give information to that officer in the exercise of those powers or knowingly furnishes false information to that officer, commits an offence and is liable on conviction to a fine not exceeding two hundred penalty units or imprisonment for a period not exceeding six months, or to both the fine and the imprisonment.

4. ANTI-MONEY LAUNDERING ACT, ACT 749, 2007

Section 28 - Request for information:

The Act provides for the establishment of a Financial Intelligence Centre which is empowered to request for information from relevant institutions.

- (1) The Centre or an authorised representative of the Centre may request an accountable institution to disclose whether

- (a) a person is or has been a client of the accountable institution;

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- (b) a person is acting or has acted on behalf of a client of the accountable institution; or
 - (c) a client of the accountable institution is acting or has acted on behalf of another person, and the accountable institution shall comply.
- (2) The Centre may request further information where the Centre is of the opinion that the information given to the Centre is not adequate.

The Financial Intelligence centre, is not authorised to release the information to the public.

Section 29: Information held by supervisory bodies and revenue agencies:

- Section 29 (1) Where a supervisory body or a revenue agency becomes aware or believes that an accountable institution, as a result of a transaction concluded by or with the accountable institution
- (a) has received or is about to receive the proceeds of unlawful activity; or
 - (b) has been used or may be used for money laundering or a suspicious transaction, the supervisory body or revenue agency shall advise the Centre of the fact and furnish the Centre with the information and records in respect of the knowledge or suspicion which the Centre may reasonably require.
- (2) Where the Centre believes that a supervisory body or revenue agency may have information indicating that an accountable institution
- (a) is about to receive the proceeds of unlawful activity as a result of a transaction; or
 - (b) has been used or may be used for money laundering or for the purpose of any suspicious transaction, the Centre may request the supervisory body or revenue agency to confirm or rebut the belief and the supervisory body or revenue agency shall comply.

Section 20 - Annual report and other reports:

- (1) The Board shall, within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Centre for the year to which the report relates.
- (3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

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Section 30 – Suspicious transaction report

A person who or an institution which knows or suspects that a business entity, an accountable institution or a trust has received or is about to receive the proceeds of unlawful activity; or a transaction to which the business entity is a part, facilitated or is likely to facilitate the transfer of the proceeds of unlawful activity; has no apparent business or lawful purpose; is conducted to avoid or give rise to a reporting duty under this Act; may be relevant to an investigation into tax evasion or an attempt to evade the payment of tax, duty or a levy imposed by legislation; or has been used or is about to engage in money laundering, Shall within twenty-four hours after the knowledge or the ground for suspicion of the transaction submit a suspicious transaction report to the centre.

An accountable institution under this Act includes: A bank; A auctioneer; Lawyers; Accountants; Religious bodies; Non-governmental institutions etc.

Nothing in this section requires that information be made available to the public, the financial intelligence centre is authorised to receive information from public institutions but there is no corresponding duty on their part to allow citizens to access such information received. However, this information may be accessed when the Minister submits the report of the centre to parliament.

5. ATOMIC ENERGY COMMISSION ACT, ACT 588, 2000

Section 8: Annual reports

- (1) The Board shall, not later than seven months after the end of the financial year, submit to the Minister an annual report on the activities of the Commission for that year which shall include the Auditor-General's report and the report of a supplementary audit.
- (2) The Minister shall lay the annual report before Parliament.

6. AUCTION SALES ACT, P.N.D.C.L. 230, 1989

Section 40: Annual report of the Board

The Board shall submit to the Minister, not later than three months after the end of each financial year, a report on its activities in respect of that year, together with a statement of income and expenses for the year.

7. AUDIT SERVICE ACT, ACT 584, 2000

Section 11: Audit of public accounts generally

(1) In accordance with article 187 of the Constitution, the public accounts of the Republic and of all public offices, including the courts, the central and local government, administrations of the Universities and public institutions of like nature, of a public corporation or any other body or organisation established by an Act of Parliament, shall be audited and reported on by the Auditor-General.

(2) For the purposes of subsection (1), the Auditor-General or a person authorised or appointed for the purpose by the Auditor-General shall have access to the books, records, returns and any other documents including documents in computerised and electronic form relating to or relevant to those accounts.

Furthermore Section 20

(1) provides that the Auditor-General shall, within six months after the end of the immediately preceding financial year to which each of the accounts relates, submit a report to Parliament and shall, in the report, draw attention to any irregularities in the accounts audited and to any other matter which ought to be brought to the notice of Parliament.

Section 23 - Publication of reports:

(1) The Auditor-General shall publish the reports on the public accounts and the statement of foreign exchange receipts and payments of the Bank of Ghana as soon as the reports have been presented to the Speaker to be laid before Parliament.

(2) The Auditor-General shall submit copies of the published reports to:

- (a) the Government Archivist,
- (b) all public and University libraries in the Republic,
- (c) the libraries of the Ghana Institute of Management and Public Administration and the Management Development and Productivity Institute,
- (d) members of the Board, and
- (e) any other institution approved by the Board.

Section 25 - Submission of annual report on activities of the Service:

The Board shall submit to the President and Parliament as soon as possible but in any event not later than eight months after the end of each financial year, a report on the activities of the Service during the year to which the report relates.

8. BANK OF GHANA ACT, ACT 612, 2002

Section 56 - Power of on-site examiners:

(1) A person who is authorised by the Head of Banking Supervision to examine or investigate or for any other purpose, shall have a right of access to the bank's books and records including documents, minute books, customer files, personnel files, cash and securities and information in an electronic medium, and the bank shall co-operate and assist that person.

Section 77: Auditor's right to information

(1) grants an auditor of a bank a right of access to the accounting records, minutes book, files and any other relevant documentary evidence, cash and securities of the bank, as well as the right to request information and explanation from the directors, management, staff and appointed agents of the bank requisite for the efficient performance of the functions of the auditor.

Furthermore Section 85 authorises the disclosure by the Bank of Ghana of information relating to banks, in the following words:

"Despite the provisions of any other section, the Bank of Ghana may
a. Publish information obtained by it from the banks, in a consolidated form as it considers fit in the public interest"

This means that the bank has the discretion to publish or not to publish such information.

9. BOOK AND NEWSPAPER REGISTRATION ACT, ACT 73, 1961

Sections 1

Provides that the printer of a book shall, within one month after the day on which the book is first taken out of the press, deliver free of charge to The Ghana Library Board, The Registrar-General, The Library of the University of Ghana, The Library of the Kwame Nkrumah University of Science and Technology, The Library of the University of Cape Coast, The Library of the Ghana Academy of Sciences, and The Library of the Kwame Nkrumah Institute of Economics and Political Science.

10. BUI POWER AUTHORITY ACT, ACT 740, 2007

Section 26 - Annual and other reports:

(1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Authority for the year to which the report relates.

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(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

11. CASINO REVENUE TAX ACT, N.R.C.D. 200, 1973

Section 4 - Keeping records:

(1) Provides for the keeping and maintaining of records, books and accounts in the form and in the language that the Commissioner considers to be adequate.

Undersub (2) of Section 4, the records, books and accounts shall be available for examination, at normal working hours, by the Commissioner or a person deputed in writing for that purpose; and the Commissioner or the person deputed is entitled for that purpose to enter and inspect a casino or any other place where the records, books and accounts are kept and to take copies of those records, books and accounts.

12. CENTRE FOR SCIENTIFIC RESEARCH INTO PLANT MEDICINE ACT, N.R.C.D. 344, 1975

Section 16 - Annual report:

(1) The Centre shall not later than six months after the end of each financial year submit an annual report through the Council to the Minister in the form prescribed by Minister which shall include the statement of accounts and the Minister shall as soon as practicable lay the report before Parliament.

(2) The audit report of the Auditor-General shall be included in the annual report of the Centre and the annual report of the Centre shall be published in the manner determined by the Minister.

13. CITIZENSHIP ACT, ACT 591, 2000

Section 15 - Gazette publications:

The Minister shall publish in the Gazette within three months of an application, registration or grant of a certificate of naturalisation, the names, particulars and any other details of a person who:

- (a) applies to be registered as a citizen,
- (b) has been registered as a citizen,
- (c) applies for the grant of a certificate of naturalisation, or
- (d) has been granted a certificate of naturalisation as a citizen.

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14. COMMUNITY WATER AND SANITATION AGENCY ACT, ACT 564, 1998

Section 17 - Annual report and other reports:

- (1) The Board shall as soon as practicable after the end of each financial year but within eight months after the end of the year, submit to the Minister an annual report covering the activities and the operations of the Agency for the year to which the report relates.
- (2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.
- (3) The Minister shall within thirty days of the receipt of the annual report submit a report to Parliament with the statement that the Minister considers necessary.

15. CONVEYANCING ACT, N.R.C.D. 175, 1973

Section 6. Administration of recording scheme

- (1) The Chief Justice, after consultation with the Lands Commission may, by legislative instrument, make Regulations
- (c) Permitting the public to inspect at reasonable times the records of the transfers.

This section gives discretionary powers to the Chief Justice to make regulations permitting the public to inspect records of transfers. (please check transfer of what)

16. COPYRIGHT ACT, ACT 690, 2005

Section 73 - Annual report:

- (1) The Copyright Office shall after the expiration of each financial year but within six months after the end of the year, submit to the Minister through the Legal Service Board an annual report covering the activities of the Copyright Office for the year to which the report relates.
- (3) The Minister shall, within two months after the receipt of the annual report submit the report to Parliament with the statement that the Minister considers necessary.

Under sub section (2), the annual report to be submitted to the Minister in subsection (1), shall include the report of the Auditor-General.

17. COURTS ACT, ACT 459, 1993

Under Section 70(2) where a person affected by a judgement or a court order desires to have a copy of the judgment, order, deposition or any other part of the record, that person shall on application for the copy be furnished with it at a cost.

By this section Access to such information can only be granted to the person affected by the judgment or court order at a fee. No other person is authorized to make such a request.

The section is silent on the format for making such request and the medium through which such information will be provided as well as the penalties for the violation of this provision. However, the Supreme Court has held in the case of Republic v Mensa-Bonsu and Others⁹, that demand for such information has to be channeled through the Registrar of the Court otherwise the information obtained may be considered as illegally or improperly obtained

**18. COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH ACT,
ACT 521, 1996**

Section 24 - Annual report:

- (1) The Board shall as soon as possible after the expiration of each financial year but within six months after the end of the year submit to the Minister an annual report covering the activities and operations of the Council for the year to which the report relates.
- (3) The Minister shall within two months after the receipt of the annual report submit a report to Parliament with a statement that the Minister considers necessary.

**19. COUNCIL OF INDIGENOUS BUSINESS ASSOCIATIONS ACT,
P.N.D.C.L. 312, 1993**

Section 21 - Annual reports:

- (1) The Board shall, within one month after the receipt of the audit report, submit an annual report to the Minister covering the operations of the Council for the year to which the report relates.
- (3) The Minister shall within one month after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

20. CREDIT REPORTING ACT, ACT 726, 2007

Section: 25. Financial institution to provide information without prior consent

A data provider which is a financial institution shall report to the licensed credit bureau the following information without first obtaining consent from the customer

- (a) details of the loans which are ninety days past the due dates for repayment where,
 - (i) the amount owed is not in dispute,
 - (ii) the customer has not made satisfactory proposals for repayment of the debt following formal demand, and
 - (iii) the customer has been given at least twenty-eight days notice of the intention to disclose that information to the Credit Reference Bureau;
- (b) information on a person involved in financial malpractices; and
- (c) information on a person involved in the issuance of dishonoured cheques owing to lack of funds or fraud.

Section 37 - Right to access and challenge of credit records and information

- (1) A person has a right to:
 - (a) receive a copy of information proposed to be provided by a data provider to a credit bureau on the person on request,
 - (b) physically call at the offices of a credit bureau during normal business hours and inspect a file or information concerning that person held by the credit bureau without charge
 - (i) once within a period of twelve months,
 - (ii) if so ordered by a Court or tribunal, and
 - (iii) once within a reasonable period after the person has challenged information given to verify whether that information has been corrected,
 - (c) inspect a file containing information concerning the person held by the credit bureau at another time, on payment of a nominal fee.

Section 40 - Refusal of inspection

A credit bureau shall not refuse to permit a person to exercise the right to inspect a credit bureau file as specified in section 37 (1) (c).

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21. CUSTOM HOUSE AGENTS (LICENSING) ACT, S.M.C.D. 188, 1978

Under Section 7 (d) of this Act, the Minister may, by legislative instrument, make Regulations providing for the inspection of books, records and other relevant documents and business premises of custom house agents;

22. COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE ACT, ACT 456, 1993

Section 12 - Complaints

- (1) A complaint to the Commission shall be made in writing or orally to the national offices of the Commission or to a representative of the Commission in the regional or district branch.

This section is silent on who can make a complaint, in other words complaint can be made by anybody whether a foreigner or a citizen.

Section 18

- (2) The Commission shall submit a copy of its report and recommendations to the complainant.

Section 13

- (4) Where the Commission decides not to investigate or to cease to investigate a complaint, it shall within thirty days of the decision inform the complainant of its decision and the reasons for so refusing.

This section does not specify the manner in which the information will be released to the complainant (whether orally or in writing) and also it did not make provision for penalty for failure to inform the complainant.

The Commission is empowered under Article 281 (1) of the Constitution to hold proceedings in public except as may be otherwise ordered by the Commission in the interest of public morality, public safety or public order.

Under Article 219 of the Constitution, the Commission may, for the purposes of performing its functions under this Act,

- (a) issue subpoenas requiring the attendance of a person before the Commission and the production of a document or record relevant to an investigation by the Commission;
- (d) require a person to disclose truthfully and frankly an information within the knowledge of that person relevant to an investigation by the Commission¹⁰

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**23. DEBT RECOVERY (TEMA OIL REFINERY COMPANY) FUND ACT,
ACT 642, 2003**

Section 13: Annual Report

The Minister shall within three months after the end of each financial year, submit a report on the Fund to Parliament.

24. DISTRICT ASSEMBLIES COMMON FUND ACT, ACT 455, 1993

Section 14: Annual Report

The Administrator shall, within six months after the end of each financial year, submit to Parliament a report of the activities of the Fund during the preceding financial year including the manner in which the moneys lodged in the Fund have been distributed and the report of the Auditor-General on the accounts.

25. DOMESTIC VIOLENCE ACT, ACT 732, 2007

Section 29, allows for the establishment of a fund called, “Victims of Domestic Violence Support Fund” and under Section 34, the minister is expected to submit annual report of the activities and operation of the fund for the year to the parliament. This report shall include the audited accounts of the Fund and the Auditor-General’s report on the account of the Fund.

26. DRIVER AND VEHICLE LICENSING AUTHORITY ACT, ACT 569

Section 25 Annual Report:

(1) The Board shall submit to the Minister as soon as practicable and not more than six months after the end of each financial year a report dealing generally with the activities and operations of the Authority during the year to which the report relates.

(2) The report shall include

- (a) the audited accounts of the Authority and the Auditor-General’s report on the accounts,
- (b) a statement of the Authority’s budget and operational plans for the next financial year, and
- (c) any other information that the Board considers necessary.

(3) The Minister shall, within two months after receipt of the annual report, submit the report to Parliament with the statements the Minister considers necessary.

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27. ELECTRONIC TRANSACTIONS ACT, ACT 772, 2008

Section 80: Annual report and other reports

- (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Registry for the year to which the report relates.
- (2) The annual report shall include the report of the Auditor-General.
- (3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

28. EMERGENCY POWERS ACT, ACT 472, 1994

Section 2: Information to Parliament

By virtue of clauses (2)11 and (3)12 of article 31 of the Constitution, where a Proclamation is published,

- (a) the President shall place immediately before Parliament the facts and circumstances leading to the declaration of the state of emergency;

Section 8. Report to Parliament of persons detained under emergency powers

- (1) Pursuant to clauses (3) and (4) of article 32 of the Constitution, in every month in which there is a sitting of Parliament, a Minister authorised by the President shall make a report to Parliament of the number of persons restricted or detained under the state of emergency, and the number of cases in which the authority that ordered the restriction or detention has acted in accordance with the decisions of the tribunal.

- (2) Despite subsection (1), the Minister referred to in subsection (1) shall publish every month in the Gazette and in the media

- (a) the number and the names and addresses of the persons restricted or detained,
- (b) the number of cases reviewed by the tribunal, and
- (c) the number of cases in which the authority which ordered the restriction or detention has acted in accordance with the decisions of the tribunal.

29. ENERGY COMMISSION ACT, ACT 541, 1997

Section 8 (1) Pursuant to clauses (3) and (4) of article 32 of the Constitution, in every month in which there is a sitting of Parliament, a Minister authorised by the President shall make a report to Parliament of the number of persons restricted or detained under the state of

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emergency, and the number of cases in which the authority that ordered the restriction or detention has acted in accordance with the decisions of the tribunal.

(2) Despite subsection (1), the Minister referred to in subsection (1) shall publish every month in the Gazette and in the media

(a) the number and the names and addresses of the persons restricted or detained,

(b) the number of cases reviewed by the tribunal, and

(c) the number of cases in which the authority which ordered the restriction or detention has acted in accordance with the decisions of the tribunal.

Section 50 - Annual report

(1) The chairman of the Board shall, as soon as possible after the end of each financial year but within six months after the end of the year, submit to the Minister an annual report dealing generally with the activities and the operations of the Commission in respect of the preceding year.

(2) The annual report shall include

(a) a copy of the audited accounts of the Commission together with the Auditor-General's report on them, and

(b) any other information required by the Minister.

(3) The Minister shall, within two months after receiving the annual report of the Commission, submit the report to Parliament with a statement the Minister considers necessary.

30. ENVIRONMENTAL PROTECTION AGENCY ACT, ACT 490, 1994

Section 26: Annual and other reports

Under Section 26 (2) The Minister shall within one month, lay the annual report on the activities of the Agency for that year which shall include the report of the Auditor-General, before Parliament, with the statements that the Minister considers necessary.

31. EVIDENCE ACT, NRCD 323, 1975

Section 99: Required reports

1. A person making a record, report or disclosure required by law has no privilege to refuse to disclosure or to prevent any other person from disclosing the contents of the record, report or disclosure except as otherwise specifically provided by any enactment.

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2. A public officer or public entity to whom a record, report or disclosure is required by law to be made has a privilege to refuse to disclose the contents of the record, report or disclosure, if the law requiring it to be made prevents disclosure for the purpose in question.

What this means is that even if the law provides for non disclosure of a particular record or report, the public officer reserves the right to disclose the information

32. EXPORT DEVELOPMENT AND INVESTMENT FUND ACT, ACT 582, 2000

Section 26 Annual report:

(1) The Board shall submit to the Minister as soon as practicable and not more than seven months after the end of each financial year a report dealing generally with the activities and operation of the Fund during the year to which the report relates and shall include

- (a) the audited accounts of the Fund and the Auditor-General's report on the accounts of the Fund, and
- (b) any other information the Board considers necessary.

(2) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

33. FAIR WAGES AND SALARIES COMMISSION ACT, ACT 737, 2007

Section 27 Annual report and other reports

(1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Commission for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

34. FINANCIAL ADMINISTRATION ACT, ACT 654, 2003

Section 55 Annual Report

(1) The governing body of a corporation shall, as soon as possible after the expiry of each financial year but within six months after the end of the financial year, submit an annual report to the sector Minister dealing generally with the activities and operations of the corporation within that year.

- (2) The annual report shall include
 - (a) a copy of the audited accounts of the corporation together with the Auditor-General's report on them,
 - (b) a statement of the directions given by the sector Minister to the governing body within that year in accordance with this Act and the enactment under which the corporation exists, and
 - (c) any other information that the sector Minister may in writing reasonably request.
- (3) A copy of the annual report of the governing body of a corporation shall also be sent by that body to
 - (a) the Minister responsible for Finance,
 - (b) the head of the Statistical Service,
 - (c) the Governor of the Bank of Ghana, and
 - (d) any other person that the Minister responsible for Finance may authorise.
- (4) The sector Minister shall, as soon as practicable and in any event within two months after receiving the annual report of the governing body, lay the report before Parliament.

35. FISHERIES COMMISSION ACT, ACT 457, 1993

Section 19 Annual Report:

- (1) The Authority shall, as soon as possible after the expiration of each financial year but within six months after the end of the financial year, submit to the Minister an annual report dealing generally with the activities of the Commission and shall include
 - (a) a copy of the audited accounts of the Commission together with the Auditor-General's reports on it, and
 - (b) any other information as the Minister may require.
- (2) The Commission shall also submit to the Minister any other reports on its activities as the Minister may require.
- (3) A copy of the annual report shall be forwarded by the Authority to the
 - (a) Office of the President,
 - (b) National Development Planning Commission,
 - (c) Statistical Service, and
 - (d) Ministry of Information.
- (4) The Minister shall, not later than three months after receiving the annual report, lay the report before Parliament.

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36. FOREST PLANTATION DEVELOPMENT FUND ACT, ACT 583, 2000

Section 19: Annual report

- (1) The Board shall, within one month after the receipt of the Auditor-General's report, submit to the Minister a report dealing generally with the activities and operations of the Fund during the year to which the report relates.
- (2) The report shall include
 - (a) the audited accounts of the Fund and the Auditor-General's report on the accounts of the Fund, and
 - (b) any other information that the Board considers necessary.
- (3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with the statement that the Minister considers necessary.

37. FORESTRY COMMISSION ACT, ACT 571, 1999

Section 28 Annual report and other reports

- (1) The Board shall submit to the Minister not more than six months after the end of each financial year a report dealing generally with the activities and operations of the Commission during the year to which the report relates.
- (2) The report shall include:
 - (a) the audited accounts of the Commission and the Auditor-General's report on the accounts,
 - (b) a statement of the Commission's budget and operational plans for the next financial year, and
 - (c) any other information that the Board considers necessary.
- (3) The Minister shall, within three months after receipt of the annual report, submit the report to Parliament with the statements that the Minister considers necessary.

38. FORESTS ACT, CAP 157, 1927

Section 25 Accounts and audit

- (1) The Forestry Commission shall keep proper records in relation to the accounts and shall for each financial year not later than the last day of the fifth month after the close of the financial year following the end of the financial year, prepare a statement of accounts in the form directed by the Auditor-General.
- (2) The accounts shall be audited by the Auditor-General and published in the manner determined by the Minister.

Acts of Parliament Act, Act 63, 1960

(3) The Minister shall lay a copy of the statement of accounts prepared by the Forestry Commission with a copy of the report made by the auditor on the statement of accounts before Parliament.

39. FREE ZONE ACT, ACT 504, 1995

Section 38 Annual Report

The Minister shall submit to Parliament as soon as practicable and not more than six months after the end of each financial year a report dealing generally with the activities of the Board during the financial year to which the report relates.

40. GEOGRAPHICAL INDICATIONS ACT, ACT 659, 2003

Section 3 Register and publication

- (1) The Registrar shall maintain a register in which the Registrar shall record the matters required by this Act to be recorded.
- (2) A person may consult or obtain extracts from the register under conditions prescribed by the Regulations.
- (3) The Registrar shall publish in the prescribed manner the publications required to be made under this Act.

41. GHANA BROADCASTING CORPORATION ACT, N.L.C.D. 226, 1968

Section 11(2) The Corporation shall prepare, in respect of each financial year, a statement of account which shall include:

- (a) a balance sheet, a statement of income and expenditure and a statement of surplus containing the information which, had the Corporation been a company registered under the Companies Act, 1963 (Act 179), would be required to be laid before the company by the directors at an annual general meeting, and
 - (b) any other information in respect of the financial affairs of the Corporation that the member or the Minister responsible for Finance may require.
- (3) The Corporation shall, within three months after the end of each financial year, submit to the Minister an annual report which shall include the statements of account specified in subsection (2) and the Minister shall as soon as practicable lay the report before Parliament.

42. GHANA CIVIL AVIATION ACT, ACT 678, 2004

Section 16 (1) The Board shall maintain proper books of account and proper records in the form approved by the Auditor-General.

Acts of Parliament Act, Act 63, 1960

- (2) The Board shall, not later than three months after the end of the financial year, submit for audit to the Auditor-General, its books and records of account.
- (3) The Auditor-General shall, not later than three months after the submission under subsection (2), audit the books and records of account and submit a report to Parliament.

Section 17 Annual Report:

- (1) The Board shall, not later than seven months after the end of the financial year, submit to the Minister an annual report on the activities of the Authority for the year, which shall include the Auditor-General's report and the report of a supplementary audit.
- (2) The Minister shall lay the annual report before Parliament.

43. GHANA COCOA BOARD ACT, P.N.D.C.L. 81, 1984

Section 33 Annual Report

- (1) The Directors shall as soon as possible after the expiration of each financial year of the Board but within six months after the termination of that year, submit to the Minister an annual report of the Board dealing generally with the activities and operations of the Board within that year which shall include,
 - (a) a copy of the audited accounts of the Board together with the Auditor-General's report on the audited accounts,
 - (b) a statement of the directions given to the Board under section 32,
 - (c) each report submitted by the internal auditor under section 19 in relation to that financial year, and
 - (d) any other information that the Minister may request.
- (2) A copy of the annual report shall be forwarded by the directors to
 - (a) the Minister responsible for Finance,
 - (b) the Bank of Ghana, and
 - (c) the Central Bureau of Statistics.
- (3) The Minister shall, not later than three months after receiving the annual report, lay a copy of the annual report before Parliament.

Acts of Parliament Act, Act 63, 1960

44. GHANA COLLEGE OF PHYSICIANS AND SURGEONS ACT, ACT 635, 2003

Section 32: Annual Report:

- (1) The Council shall submit to the Minister as soon as practicable and in any event not more than eight months after the end of each financial year a report dealing generally with the activities of the College during the year to which the report relates.
- (2) The report shall include
 - (a) the audited accounts of the College and the Auditor-General's report on the accounts of the College, and
 - (b) any other information considered necessary by the Council.
- (3) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement the Minister considers necessary.

45. GHANA EDUCATION SERVICE ACT, ACT 506, 1995

Section 23: Annual report and other reports:

- (1) The Council shall as soon as possible after the expiration of each financial year but within six months after the end of the year, submit to the Minister an annual report covering the activities and the operations of the Service for the year to which the report relates.
- (2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.
- (3) The Minister shall within two months after the receipt of the annual report submit a report to Parliament with a statement that the Minister considers necessary.
- (4) The Council shall also submit to the Minister any other reports that the Minister may in writing require.

46. GHANA EDUCATION TRUST FUND ACT, ACT 581, 2000

Section 22: Annual Report:

- (1) The Board shall submit to the Minister as soon as practicable but not more than six months after the end of each financial year a report dealing generally with the activities and operation of the Fund during the year to which the report relates.
- (2) The report shall include
 - (a) the audited accounts of the Fund and the Auditor-General's report on the accounts of the Fund, and

Acts of Parliament Act, Act 63, 1960

- (b) any other information the Board considers necessary.
- (3) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

47. GHANA EXPORT PROMOTION AUTHORITY ACT, N.L.C.D. 396, 1969

Section 13: Annual report:

The Council shall in each year, at the date directed by the Minister, make a report to the Minister of the activities of the Authority during the preceding year and the Minister shall submit copies of the report to Parliament.

48. GHANA HEALTH SERVICE AND TEACHING HOSPITALS ACT, ACT 525, 1996

Section 53: Annual report and other reports:

- (1) The Council and a teaching hospital board shall as soon as possible after the expiration of each financial year but within six months after the end of the year, submit to the Minister an annual report covering the activities and the operations of the Service or the teaching hospital for the year to which the report relates.
- (2) The annual report submitted under subsection (1) shall include the reports of the Auditor-General.
- (3) The Minister shall within two months after the receipt of the annual report submit a report to Parliament with a statement that the Minister considers necessary.

49. GHANA HIGHWAY AUTHORITY ACT, ACT 540, 1997

Section 34 Annual Report:

- (1) The Board shall submit to the Minister as soon as practicable but not more than six months after the end of each financial year a report dealing generally with the activities and operations of the Authority during the year to which the report relates.
- (2) The report shall include
- (a) the audited accounts of the Authority and the Auditor-General's report on the accounts,
 - (b) a statement of the Authority's budget and operational plans for the next financial year, and
 - (c) any other information that the Board considers necessary.
- (3) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

Acts of Parliament Act, Act 63, 1960

50. GHANA INSTITUTE OF JOURNALISM ACT, ACT 717, 2006

Section 29: Annual report and other reports:

- (1) The Council shall, within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Institute for the year to which the report relates.
- (2) The annual report shall include the report of the Auditor-General.
- (3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

51. GHANA INSTITUTE OF LANGUAGES ACT, N.L.C.D. 324, 1969

Section 12: Audit:

- (4) The Auditor-General shall, not later than the thirty-first day of March in each year, forward to the Minister a copy of the audited accounts and the report on the accounts.
- (5) The Auditor-General shall report annually to the Minister the results of the examination of the accounts and financial statement of the Institute and the report shall state whether in the opinion of the Auditor-General,
 - (a) proper books of accounts have been kept by the Institute,
 - (b) the financial statement of the Institute
 - (i) was prepared on a basis consistent with that of the preceding year and is in agreement with the books of account,
 - (ii) in the case of the balance sheet, gives a true and fair view of the state of the Institute's affairs as at the end of the financial years,
 - (iii) in the case of the statement of income and expense, gives a true and fair view of the income and expense or profit and loss account of the Institute for the financial year; and the Auditor-General shall call the attention of the Minister responsible for Finance to any other matter falling within the scope of the examination which should be brought to the attention of the Minister.
- (6) The Auditor-General shall submit to the Minister responsible for Finance any other reports the Minister may consider necessary or the Minister responsible for Finance may require.
- (7) The annual report of the Auditor-General shall be included in the annual report of the Institute which shall be laid before Parliament by the Minister.

52. GHANA INSTITUTE OF MANAGEMENT AND PUBLIC ADMINISTRATION ACT, ACT 676, 2004

Section 31: Annual report:

- (1) The Council shall within eight months after the expiration of each financial year submit to the Minister an annual report covering the activities and operations of the Institute for the year to which the report relates.
- (2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.
- (3) The Council shall also submit to the Minister any other reports that the Minister may in writing require.
- (4) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

53. GHANA INVESTMENT FUND ACT, ACT 616, 2002

Section 21: Annual report:

- (1) The Board shall submit to the Minister as soon as practicable, but not more than four months after the end of each financial year, a report dealing generally with the activities and operation of the Fund during the year to which the report relates.
- (2) The report shall include
 - (a) the audited accounts of the Fund and the Auditor-General's report on the accounts of the Fund, and
 - (b) any other information that the Board considers necessary.
- (3) The Minister shall, within two months after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

54. GHANA INVESTMENT PROMOTION CENTRE ACT, ACT 478, 1994

Section 14 Annual Report:

- (1) The Board shall submit to the President within two months after the receipt of the auditor's report, a report on the activities and operations of the Centre during the preceding year.
- (2) The annual report of the Centre shall include
 - (a) a copy of the audited accounts of the Centre together with the Auditor-General's report on it, and
 - (b) any other information that the President may request.

Acts of Parliament Act, Act 63, 1960

(3) The President shall through a Minister designated by the President present to Parliament a report on the activities and operations of the Centre.

55. GHANA LIBRARY AUTHORITY ACT, ACT 327, 1970

Section 3: Annual report:

- (1) As soon as possible after the 30th day of June in every year, the Board shall prepare a report of the activities of the Authority during the year.
- (2) The report shall be published in the manner directed by the Minister responsible for Education.

56. GHANA MARITIME AUTHORITY ACT, ACT 630, 2002

Section 24 Annual report and any other reports:

- (1) The Board shall submit to the Minister as soon as practicable, but not more than eight months after the end of each financial year a report dealing generally with the activities and operations of the Authority during the year to which the report relates and shall include
 - (a) the audited accounts of the Authority and the Auditor-General's report on the accounts,
 - (b) a statement of the Authority's budget and operational plans for the next financial year, and
 - (c) any other information that the Board considers necessary.
- (2) The Minister shall within two months after receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

57. GHANA MARITIME SECURITY ACT, ACT 675, 2004

Section 8: Provision of security level information:

- (1) Where the Authority sets any of the security levels, it shall duly provide information related to the set security level to
 - (a) every Ghanaian ship,
 - (b) every port facility within the country, and
 - (c) any other ship or port facility that may be affected by the setting of the security level.
- (2) Where the Authority updates information related to a set security level under section 7, it shall relay any security related information to the ships and port facilities specified under paragraphs (a) to (c) of subsection (1).

Acts of Parliament Act, Act 63, 1960

58. GHANA METEOROLOGICAL AGENCY ACT, ACT 682, 2004

Section 24: Annual report and other reports:

- (1) The Board shall as soon as practicable after the expiration of each financial year but within eight months after the end of the year submit to the Minister an annual report covering the activities and operations of the Agency for the year to which the report relates.
- (2) The report shall include
 - (a) the audited accounts of the Board and the Auditor-General's reports of the accounts, and
 - (b) any other information that the Board may consider necessary.
- (3) The Minister shall within two months of the receipt of the annual report submit a report to Parliament with a statement that the Minister considers necessary.

59. GHANA NATIONAL FIRE SERVICE ACT, ACT 537, 1997

Section 25: Annual report and other reports:

- (1) The Council shall as soon as possible after the end of each financial year but within six months after the end of the year submit to the Minister an annual report covering the activities and operations of the Service for the year to which the report relates.
- (2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.
- (3) The Council shall also submit to the Minister any other reports that the Minister may in writing require.
- (4) The Minister shall within two months after the receipt of the annual report, submit the report to Parliament with a statement the Minister considers necessary.

**60. GHANA NATIONAL PLAYING FIELDS AUTHORITY ACT, S.M.C.D.
107, 1977**

Section 14: Annual report:

- (1) The Board shall, as soon as possible after the expiration of each financial year but within three months after the termination of that year, submit to the Minister an annual report dealing generally with the activities and operations of the Authority within that year.
- (2) The Minister shall, as soon as possible after receiving the annual report of the Authority, lay the report before Parliament.

61. GHANA NATIONAL SERVICE SCHEME ACT, ACT 426, 1980

Section 27: Annual report:

- (1) The Board shall as soon as possible after the expiration of each financial year but within six months after the termination of that year, submit to the Minister an annual report dealing generally with the activities and operations of the Scheme within that year.
- (2) The report shall include
 - (a) a copy of the audited accounts of the Scheme together with the Auditor-General's report,
 - (b) each report submitted by the internal auditor under section 18 in relation to that financial year, and
 - (c) any other information requested by the Minister.
- (3) A copy of the annual report shall be forwarded by the Board to
 - (a) Parliament,

62. GHANA PORTS AND HARBOURS AUTHORITY ACT, P.N.D.C.L. 160, 1986

Section 16: Annual reports and periodical returns:

- (1) The Board shall, as soon as possible after the end of each financial year, submit to the Minister a report dealing with the activities of the Authority during the year.

- (2) The Minister shall lay a copy of the annual report before Parliament.
- Section 76: Free access to copies of regulations on dues and rates:

The Authority shall keep at the office of the Authority in each port a book specifying the dues and rates in force and shall allow free inspection of the book at a reasonable time.

63. GHANA PRECIOUS METALS CORPORATION ACT, S.M.C.D. 105, 1977

Section 23: Annual report:

- (1) The Corporation shall, not later than six months after the end of each financial year submit to the Minister an annual report of its operations during the preceding financial year which report shall include the statement of accounts and the Auditor-General's report.
- (2) A copy of the annual report of the Corporation shall be sent to the Minister responsible for Finance and the Government Statistician.
- (3) The Minister shall, as soon as possible after receiving the annual report of the Corporation, lay the report before Parliament.

Acts of Parliament Act, Act 63, 1960

64. GHANA SHIPPERS' AUTHORITY ACT, N.R.C.D. 254, 1974

Section 14: Power to request information and inspect premises:

- (1) An authorised officer or employee of the Authority may,
 - (a) inspect the premises of a person in the course of employment, or
 - (b) request a person in writing to furnish returns and any other documents, for inspection.

Under Section 14(2) a person who prevents an officer or employee from inspecting premises in exercise of the powers under subsection (1) (a), or furnishes a false or incorrect return or document, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

65. GHANA SHIPPING ACT, ACT 645, 2003

Section 86: Inspection of books and documents admissible in evidence:

- (1) Any person may, on application to the Registrar during office hours and on payment of fees determined from time to time by the Board inspect a register book.

Section 479: Publication of international conventions ratified by the Republic:

- (1) The Director-General shall from time to time by notice in the Gazette publish
 - (a) the international conventions including amendments to them and replacements and any other international instruments which apply to Ghana, and the reservations entered into by Ghana; and
 - (b) those international conventions, including amendments to them and replacements of them and any other international instruments which cease to apply to Ghana.
- (2) The Director-General shall keep a copy of
 - (a) the instruments referred to in subsection (1) that have application in Ghana, and
 - (b) notices issued under this Act,and shall on payment of a prescribed fee make copies available for inspection and for the taking of copies by members of the public, seafarers or persons concerned with or having an interest in ships or shipping.

Acts of Parliament Act, Act 63, 1960

66. GHANA WATER AND SEWERAGE CORPORATION ACT, ACT 310, 1965

Section 13: Auditor's report:

- (1) The Auditor-General shall report annually to the Minister the result of the examination of the accounts and financial statement of the Corporation, and the report shall state whether
 - (a) proper books of account have been kept by the Corporation;
 - (b) the financial statement of the Corporation
 - (i) was prepared on a basis consistent with that of the preceding year and is in agreement with the books of account;
 - (ii) in the case of the balance sheet, gives a true and fair view of the state of the Corporation's affairs as at the end of the financial year; and
 - (iii) in the case of the statement of income and expenses, gives a true and fair view of the income and expenses or profit and loss of the Corporation for the financial year, and the Auditor-General shall call the attention of the Minister to any other matter falling within the scope of the examination which should be brought to the attention of Parliament.

67. GHANAIAN ENTERPRISES DEVELOPMENT ACT, N.R.C.D. 330, 1975

Section 21: Annual report:

- (1) The Commission shall, with effect from a date determined by the Minister and for each subsequent year prepare and send to the Minister a report of the steps taken to implement this Act within the preceding twelve months.
- (2) As soon as may be after the receipt of the Commission's report the Minister shall lay before Parliament a copy of the report together with a statement that the Minister considers necessary.

68. LANDS COMMISSION ACT, ACT 770, 2008

Section 5: Disclosure:

- (1) A financial institution shall, at least fourteen days before the disbursement of a loan to the mortgagor, disclose all relevant information in writing to the Mortgagor in accordance with the relevant sections of Borrowers and Lenders Act.

Acts of Parliament Act, Act 63, 1960

69. INCORPORATED PRIVATE PARTNERSHIPS ACT, ACT 152, 1962

Section 30: Keeping of accounts:

(3) The Registrar may, by order published in the Gazette, prescribe the form of, or minimum information to be given in, accounts and balance sheets to be kept and prepared in accordance with this section, and may require accounts and balance sheets to be audited and may prescribe the qualifications of auditors.

Section 55: Inspection and copies of registered documents:

A person may inspect the register of particulars of charges and a document registered by the Registrar on payment of the prescribed fee for each inspection of the register and documents relating to one firm, and may require a copy of, or extract from, a document registered by the Registrar on payment of the prescribed fee for each page.

70. INSTITUTE OF LOCAL GOVERNMENT STUDIES ACT, ACT 647, 2003

Section 19: Annual report and other reports:

- (1) The Council shall within six months after the end of each financial year submit to the Minister an annual report covering the activities and operations of the Institute for the year to which the report relates.
- (2) The annual report submitted under subsection (1) shall include the audited accounts of the Institute and the Auditor-General's report on the accounts of the Institute.
- (4) The Minister shall within two months after the receipt of the annual report submit a report to Parliament with a statement that the Minister considers necessary.

71. INSTITUTE OF PROFESSIONAL STUDIES ACT, ACT 566, 1999

Section 27: Annual report and other reports:

- (1) The Council shall within six months after the expiration of each financial year submit to the Minister through the National Council for Tertiary Education an annual report covering the activities and operations of the Institute for the year to which the report relates.
- (2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.
- (4) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement the Minister considers necessary.

Acts of Parliament Act, Act 63, 1960

72. INSURANCE ACT, ACT 724, 2006

Section 20: Annual report and other reports:

- (1) The Commission shall as soon as practicable after the end of each financial year but within eight months after the end of the financial year submit an annual report to the Minister covering the activities and the operations of the Commission for the year to which the report relates.
- (2) The annual report shall include the report of the Auditor-General.
- (3) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement that the Minister may consider necessary.

Section 167: Report on inspection:

- (1) The Commission shall, within six weeks after completing an inspection, forward a report to the insurer or insurance intermediary concerned setting out a summary of its findings.

73. INTERNAL AUDIT AGENCY ACT, ACT 658, 2003

Section 23: Annual report to the President:

- (1) The Board shall not later than three months after the end of each financial year submit to the President a report of the activities of the Agency in respect of the preceding financial year and shall in the report
 - (a) state its findings on activities of the internal audit units of the Ministries and the District Assemblies;
 - (b) provide details of its expenditure for the preceding financial year as compared with its budgeted expenditures for that year.
- (2) The President shall cause the report with the comments of the President to be laid before Parliament by the Minister.

74. INTERNAL REVENUE SERVICE ACT, P.N.D.C.L. 143, 1986

Section 17: Annual report and estimates:

- (1) The Board shall every year submit to the Minister and to Parliament.
 - (a) a report of its activities and operations during the preceding financial year within three months after the end of that financial year;
 - (b) detailed estimates of its revenue and expenditure for the next financial year, three months before the commencement of each financial year.

Acts of Parliament Act, Act 63, 1960

75. JUDICIAL SERVICE ACT, C.A. 10, 1960

Section 29: Annual report:

- (1) As soon as may be after 30th June in each year the Judicial Secretary shall prepare a report giving details of the administration of the Service during the previous twelve months.
- (2) The report shall be submitted by the Judicial Secretary to the Chief Justice, who shall cause it to be laid before Parliament.

76. JUDICIARY (RETENTION OF REVENUE) ACT, ACT 661, 2003

Section 4: Accounts and audit:

- (1) The Judiciary shall maintain proper books of account and other records in a form determined by the Auditor-General.
- (2) The Judiciary shall not later than six months after the end of each financial year submit the books of account to the Auditor-General for audit.
- (3) The Auditor-General shall not later than six months after the end of the immediately preceding financial year submit the audit report to Parliament and shall, in this report draw attention to the irregularities in the accounts audited and to any other matter which in the opinion of the Auditor-General ought to be brought to the notice of the Parliament.

77. JUVENILE JUSTICE ACT, ACT 653, 2003

Section 1: Information of arrest:

Section (1) At least one parent, a guardian or a close relative of a juvenile shall be informed of the arrest of the juvenile by the police as soon as possible after the arrest and the juvenile shall have right of access to legal advice.

78. KWAME NKRUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY, KUMASI ACT 80, ACT, 1961

Section 14: Annual report:

Within six months after the end of each academic year the University Council shall cause a report of the activities of the University during that year to be drawn up and made available to the public.

79. LABOUR ACT, ACT 651, 2003

Section 151: Annual reports of the Commission:

- (1) The Commission shall, within eight months after the end of each financial year, submit to the Minister an annual report on the activities of the Commission during that year.

Acts of Parliament Act, Act 63, 1960

- (2) The report shall include a copy of the audited accounts of the Commission in respect of the financial year and the report of the Auditor-General on the audited accounts.
- (3) The Minister shall within two months of the receipt of the annual report from the Commission submit the report to Parliament with the comments that the Minister considers necessary.

80. LAND REGISTRY ACT, ACT 122, 1962

Section 18: Publication of lists of registered instruments:

- (1) Within ten days after the last day of each month, the registrar in charge of each office shall send to the chief registrar a complete list in the Form G set out in the Schedule, or to that effect, of the instruments registered in the registrar's office during the past month.
- (2) On receipt of the lists the chief registrar shall, within fourteen days, compile one general list which shall be retained in the chief registrar's office, and shall send one copy of it to the registrar in charge of each office, and publish the list in the Gazette.

82. LANDS COMMISSION ACT, ACT 767, 2008

Section 34: Accounts and audit:

- (3) The Auditor-General shall not later than three months after the submission under subsection (2) audit the books and records of accounts and submit a report to Parliament.

Section 35: Annual report:

- (1) The Commission shall as soon as possible after the expiration of each financial year but within six months after the end of the preceding financial year, submit to the Minister an annual report that deals generally with the activities of the Commission.
- (2) The report shall include
 - (a) a copy of the audited accounts of the Commission together with the Auditor-General's report on it, and
 - (b) any other information required by the Minister.
- (3) The Commission shall submit to the Minister any other reports on its activities required by the Minister.
- (4) The Minister shall as soon as possible but not later than three months after receiving the annual report lay the report before Parliament with comments the Minister considers necessary.

82. LAW REFORM COMMISSION ACT, N.R.C.D. 325, 1975

Section 7: Annual report:

The Commission shall in each year submit to the Minister an annual report on its proceedings, including the report of the Auditor-General.

Acts of Parliament Act, Act 63, 1960

Section 8: The Minister shall lay before Parliament

- (a) the programmes prepared by the Commission and approved by the Minister,
- (b) the proposals for reform formulated by the Commission pursuant to those programmes, and
- (c) the annual report submitted by the Commission under section 7 together with the comments that the Minister may think necessary to make.

83. LEGAL AID SCHEME ACT, ACT 542, 1997

Section 31: Annual report:

- (3) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

84. LOCAL GOVERNMENT ACT, ACT 462, 1993

Section 93: Access to records:

- (1) A person authorised in writing for that purpose by the Minister shall at reasonable time have access to, and is entitled to inspect the books, accounts and records of a District Assembly and may advise the Assembly on them and submit reports to the Minister and to the regional co-ordinating council in connection with them.

Section 119: In formation and inspection of premises:

- (1) A rating authority, a rate collector or a rate assessment committee, or a person authorised in writing by the rating authority, may request from a person an information that is reasonably required for the assessment or collection of rates.
- (2) A person authorised in writing by a rating authority may at reasonable times and on the production of the written authority, enter any premises and request the production of any books in the premises for inspection, and hold an interview with a person present on the premises, that is reasonably necessary for the purpose of
 - (a) verifying the accuracy of an information supplied under subsection (1), or
 - (b) ensuring that section 115 is being complied with

Section 121 (1) The accounts of a District Assembly together with the books, records, returns and any other documents relevant to the accounts and the annual statement of its accounts, shall each year be audited by the Auditor-General and reported on by the Auditor-General to the Minister, to Parliament and to the District Assembly.

Acts of Parliament Act, Act 63, 1960

Section 125: Publication of annual statement of accounts:

A District Assembly or any other body shall, at its own office and in any other manner directed by the Minister publish

- (a) the annual statement of its accounts, and
- (b) the report on the accounts and statements made by the Auditor-General,

three months after the close of the financial year to which the accounts relate or the receipt of the Auditor-General's report.

85. LOCAL GOVERNMENT SERVICE ACT, ACT 656, 2003

Section 31: Annual report and other reports:

- (1) The Council shall within eight months after the end of each financial year submit to the Minister an annual report covering the activities and the operations of the Service for the year to which the report relates.
- (2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.
- (3) The Council shall submit to the Minister any other reports that the Minister may require in writing.
- (4) The Minister shall within two months after the receipt of the annual report submit a report to Parliament with the statement that the Minister considers necessary.

87. LOCAL GOVERNMENT ACT, ACT 462, 1993

Section 82: Copy of by-laws

A copy of the by-laws made by a District Assembly shall be deposited at the office of the Assembly and shall be open at reasonable times to public inspection without the payment of a fee.

Section 93: Access to records

- (1) A person authorised in writing for that purpose by the Minister shall at reasonable time have access to, and is entitled to inspect the books, accounts and records of a District Assembly and may advise the Assembly on them and submit reports to the Minister and to the regional co-ordinating council in connection with them.

87. MARRIAGES ACT, CAP. 127, 1884-1985

Section 49: Publication of banns:

Section 49 (1) (a) provides that on the receipt of the notice of intended marriage, the marriage officer shall personally publish the banns of marriage between the parties named in the notice at the town or village where the person giving the notice resides, in the place of worship of the religious denomination to which that person belongs.

88. MILLENNIUM DEVELOPMENT AUTHORITY ACT, ACT 702, 2006

Section 23: Annual report and other reports:

- (1) The Board shall within one month after the receipt of the audit report of the Auditor-General submit to the Minister an annual report that covers the activities and the operations of the Authority for the year to which the report relates.
- (2) The annual report shall include the report of the Auditor-General.
- (3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

89. MINERALS AND MINING ACT, ACT 703, 2006

Section 20 (2): Subject to subsection (1), the records, documents and reports furnished or attained under sections 1913 and 6314 shall be made available for inspection and copy by the public, on payment of the prescribed fee.

- (3) Nothing in this section prohibits the disclosure of confidential information,
 - (a) where the disclosure is necessary for the purposes of this Act or an enactment,
 - (b) for the purposes of a prosecution under this Act or any other enactment, or
 - (c) to a person being a consultant to the Commission or an officer who is authorised by the Minister to receive the confidential information.

90. MINERALS COMMISSION ACT, ACT 450, 1993

Section 17: Annual report:

- (1) The Board shall, as soon as possible after the expiration of each financial year but within six months after the end of the year, submit to the Minister an annual report dealing generally with the activities and the operations of the Commission within that year which shall include
 - (a) a copy of the audited accounts of the Commission together with the Auditor-General's report on it, and
 - (b) any other information required by the Minister.
- (2) The Minister shall within two months after receiving the annual report of the Commission submit the report to Parliament with a statement the Minister considers necessary.

Acts of Parliament Act, Act 63, 1960

91. MORTUARIES AND FUNERAL FACILITIES ACT, ACT 563, 1998

Section 36: Annual reports:

- (1) The Council shall, within six months of the end of the financial year, submit to the Minister an annual report of the activities and operations of the Board in respect of the preceding year.
- (2) The annual report shall include a copy of the audited accounts together with the Auditor-General's report and the Minister shall within two months after receipt of the annual report submit the report to Parliament with the necessary comments.

92. MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT, NO. 42, 1958

Section 10: Duty to give information to third parties:

- (2) The bankrupt debtor, personal representative of a deceased debtor and the official assignee, trustee, liquidator, receiver, manager or person in possession of property may give, at the request of a person claiming in respect of a liability owed to that person, information reasonably required to ascertain whether rights have been transferred to or vested in that person under this Act or the purposes of enforcing those rights.

93. NATIONAL ACCREDITATION BOARD ACT, ACT 744, 2007

Section 19: Annual report and other reports:

- (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Board for the year to which the report relates.
- (2) The annual report shall include the report of the Auditor-General.
- (3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

Section 20: Obtaining information:

- (1) The Board may, for the proper and efficient performance of its functions, authorise the Executive Secretary, an employee of the Board or any other person to request information from an institution and the institution shall comply with the request.
- (2) The Executive Secretary, an employee or any other person authorised by the Board shall have access to the relevant records, books or facilities of the institution requested to provide the information.

Acts of Parliament Act, Act 63, 1960

94. NATIONAL BOARD FOR PROFESSIONAL AND TECHNICIAN EXAMINATIONS ACT, ACT 492, 1994

Section 11: Obtaining information:

- (1) The Council may for the proper and efficient performance of its functions, authorise the executive secretary appointed under section 20, or a representative of the executive secretary to request information from an institution and the institution shall comply with the request.
- (2) The executive secretary or the representative shall for the purpose of obtaining the requested information, have access to the relevant records, books or facilities of the institution required to provide the information.

Section 25: Annual report:

- (1) The Council shall in each year, submit to the Minister an annual report indicating the activities and operations of the Board in respect of the preceding year.
- (2) The annual report shall include a copy of the audited accounts together with the Auditor-General's report and the Minister shall as soon as practicable after receipt of the annual report submit the report to Parliament with the Minister's comments.

95. NATIONAL COMMISSION FOR CIVIC EDUCATION ACT, ACT 452, 1993

Section 20: Annual report:

The Commission shall submit an annual report to Parliament indicating the activities and operations of the Commission for the preceding year.

96. NATIONAL COMMISSION ON CULTURE ACT, P.N.D.C.L. 238, 1990

Section 24: Access to records:

- (1) A person authorised in writing in that behalf by the Board shall at all reasonable times have access to, and
 - (a) is entitled to inspect the books, accounts and records of a regional or district centre.

97. NATIONAL COMMISSION ON SMALL ARMS AND LIGHT WEAPONS ACT, ACT 736, 2007

Section 16: Annual report and other reports:

- (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Commission for the year to which the report relates.

Acts of Parliament Act, Act 63, 1960

- (2) The annual report shall include the report of the Auditor-General.
- (3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

98. NATIONAL COMMUNICATIONS AUTHORITY ACT, ACT 769, 2008

Section 23: Annual report and other reports

- (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Authority for the year to which the report relates.
- (2) The annual report shall include the report of the Auditor-General and shall be submitted in the form and contain the information set out in the Schedule to this Act.
- (3) The Minister shall, within one month after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

99. NATIONAL COUNCIL FOR TERTIARY EDUCATION ACT, ACT 454, 1993

Section 15: Annual report

- (1) The Minister shall submit to Parliament within six months after the end of each financial year a report on the activities and operations of the Council during the preceding year.

100. NATIONAL DEVELOPMENT PLANNING COMMISSION ACT, ACT 479, 1994

Section 19: Annual report

The Commission shall, as soon as possible after the expiration of each financial year but within six months after the end of the financial year submit an annual report to the President and Parliament dealing generally with activities of the Commission and including the Auditor-General's report on the accounts.

101. NATIONAL DEVELOPMENT PLANNING (SYSTEM) ACT, ACT 480, 1994

Section 3: Public hearing of development plans

- (1) A district planning authority shall conduct a public hearing on a proposed district development plan and shall consider the views expressed at the hearing before the adoption of the proposed district development plan.

Acts of Parliament Act, Act 63, 1960

- (2) A local community in a district authorised by the district planning authority to prepare a sub-district or local action plan under section 515 shall conduct a public hearing before the adoption of the proposed sub-district or local action plan.

102. NATIONAL DISASTER MANAGEMENT ORGANISATION ACT, ACT 517, 1996

Section 24: Annual report

- (2) The Minister shall, within six months after the end of the financial year, submit to Parliament an annual report dealing with the activities and operations of the Organisation including the training of personnel to deal with disasters.

103. NATIONAL FILM AND TELEVISION INSTITUTE ACT, S.M.C.D. 151, 1978

Section 14: Annual report

- (1) The director shall, as soon as possible after the expiration of each academic year but within three months after the expiration, submit to the Board an annual report dealing generally with the activities and operations of the Institute, including a statement of account for the preceding financial year.
- (2) The Board shall, as soon as practicable after the receipt of the director's annual report forward it to the Minister.
- (3) The Minister shall lay a copy of the report before Parliament.

104. NATIONAL HEALTH INSURANCE ACT, ACT 650, 2003

Section 27: Gazette notification

On the licensing, suspension or revocation of the licence of a scheme, the Council shall publish the name and particulars of the scheme in the Gazette and newspapers of national circulation that the Council shall determine.

Section 62: Inspection of annual report

- (1) A member of a scheme may inspect a copy of the annual report of the scheme during normal business hours at the principal office of the scheme.
- (2) On a request by a member for a copy of the annual report and on payment to the scheme of the relevant fee, the scheme shall supply a copy of the report to the member.

Section 100: Annual report and other reports of the Authority

- (3) The Minister shall within two months of the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

Under Sub Section (2), the annual report to be submitted under subsection (1) shall include the report of the Auditor-General, a report of the effect of the implementation of the national health insurance policy on the nation, and a report on the Fund specifying the total disbursement, reserve and the average cost provided from the Fund to beneficiaries under the schemes.

105. NATIONAL IDENTITY REGISTER ACT, ACT 750, 2008

Section 49: Disclosure of personal information without consent

The Authority may disclose the personal information of on an individual record in the Register without the consent of that individual if the information is required

- (a) by a public authority for national security reasons;
- (b) for a purpose connected with the prevention and detection of crime;
- (c) for a purpose related to the prevention, detection or investigation of conduct in respect of which a public authority has the power to impose penalties;
- (d) for a matter related to national health insurance or immigration,
- (e) to correct inaccurate or incomplete personal information recorded in the Register; or
- (f) for a purpose relevant to the functions of the Authority.

Section 51: Right of access to personal information by an individual

- (1) Subject to this Part an individual may access personal information about that individual, which is in the custody or under the control of the Authority including information on its use and disclosure.

106. NATIONAL IDENTIFICATION AUTHORITY ACT, ACT 707, 2006

Section 16: Annual report and other reports of the Authority

(1) The Board shall within one month after receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Authority for the year to which the report relates.

(2) The annual report shall include

- (a) the report of the Auditor-General; and
- (b) a report of the status of implementation of the national identity issuance policy.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

107. NATIONAL INFORMATION TECHNOLOGY ACT, ACT 771, 2008

Section 24: Annual report and other reports

- (1) The Board shall within one month after the receipt of the audit report submit an annual report to the Minister covering the activities and the operations of the Agency for the year to which the report relates.
- (2) The annual report shall include the report of the Auditor-General.
- (3) The Minister shall within one month after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

108. NATIONAL LOTTO ACT, ACT 722, 2006

Section 52: Annual report

- (1) The Board shall submit to the Minister as soon as practicable and in any event not later than six months after the end of each financial year a report dealing generally with the activities and operation of the Authority during the year to which the report relates and shall include
 - (a) the audited accounts of the Authority and the Auditor-General's audit report on the accounts of the Authority, and
 - (b) any other information that the Board considers necessary.
- (2) The Minister shall within two months after the receipt of the annual report under subsection (1) submit the report to Parliament with a statement that the Minister considers necessary.

109. NATIONAL MEDIA COMMISSION ACT, ACT 449, 1993

Section 23: Annual report

- (1) The Commission shall in each year, submit to Parliament an annual report indicating the activities and operations of the Commission in respect of the preceding year.

110. NATIONAL PENSIONS ACT, ACT 766, 2008

Section 24: Annual report and other reports

- (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Authority for the year to which the report relates.
- (2) The annual report shall include the report of the Auditor-General.
- (3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

Acts of Parliament Act, Act 63, 1960

111. NATIONAL PETROLEUM AUTHORITY ACT, ACT 691, 2005

Section 38: Disclosure of information by Board and submission of reports

- (1) Subject to this Act and any other enactment, the Board may disclose to the public information obtained by it in the performance of its functions under this Act.

Section 53: Annual report and other reports

- (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Authority for the year to which the report relates.
- (2) The annual report shall include the report of the Auditor-General.
- (3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary

112. NATIONAL POPULATION COUNCIL ACT, ACT 485, 1994

Section 16: Annual report and other reports

- (1) The Board shall, as soon as possible after the expiration of each financial year but within six months after the end of the year, submit to the President an annual report covering the activities and the operations of the Council for the year to which the report relates.
- (2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.
- (3) The Board shall send a copy of the annual report of the Council to
 - (a) the Minister responsible for Finance,
 - (b) the Government Statistician, and
 - (c) the chairman of the National Development Planning Commission.
- (4) The President shall, within two months after the receipt of the annual report cause the report, to be submitted to Parliament with a statement that the President considers necessary.

113. NATIONAL RECONCILIATION COMMISSION ACT, ACT 611, 2002

Section 12: Public and private hearings

- (1) The proceedings of the Commission shall be held in public, but the Commission may for good cause have private hearings.
- (3) The Commission shall in all its proceedings both in private and public permit the presence of the victim in the matter and any other persons whose presence the Commission considers necessary.

Acts of Parliament Act, Act 63, 1960

Section 25: Accounts and audit

- (1) The Commission shall maintain proper books of accounts and other records of account in the form determined by the Auditor-General.
- (2) The Commission shall not later than three months after it has submitted its report, submit to the Auditor-General its books and records of account.
- (3) The Auditor-General shall not later than three months after the receipt of the books and records of account of the Commission under subsection (2), audit the books and records of account, prepare an audit report and submit the audit report to the Attorney General who shall lay it before Parliament.

114. NATIONAL ROAD SAFETY COMMISSION ACT, ACT 567, 1999

Section 20: Annual report

- (1) The chairman of the Board shall as soon as possible after the expiration of each financial year but within six months after the end of the year, submit to the Minister an annual report dealing generally with the activities and operations of the Commission within that year which shall include a copy of the audited accounts of the Commission together with the Auditor-General's report on it.
- (2) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

115. NATIONAL VOCATIONAL TRAINING ACT, ACT 351, 1970

Section 14: Annual report

- (1) The Board shall, not later than 6 months after the end of each financial year, submit an annual report to the Minister in the form prescribed by the Minister which shall include the statement of account specified in section 13 (2), and the Minister shall as soon as practicable lay the report before Parliament.

116. NEW TIMES CORPORATION ACT, ACT 163, 1971

Section 23: Annual report:

- (1) The Board shall, as soon as possible after the expiration of each financial year but within six months after the termination of that financial year, submit to the Minister an annual report dealing generally with the activities and operations of the Corporation within that year.
- (2) The annual report shall include:
 - (a) a copy of the audited accounts of the Corporation together with the Auditor-General's report in those accounts,

Acts of Parliament Act, Act 63, 1960

- (b) each report submitted in relation to that financial year by the internal auditor under section 13,
 - (c) a statement of the directions given by the Minister to the Corporation under section 25 within that year, and
 - (d) any other information requested in writing by the Minister.
- (2) A copy of the annual report of the Corporation shall be sent by the Corporation to
- (a) the Minister responsible for Finance, and
 - (b) the Head of the Central Bureau of Statistics.
- (3) The Minister shall, as soon as possible after receiving the annual report of the Corporation, lay a copy of the report before Parliament.

117. NORTHERN DEVELOPMENT FUND ACT, ACT 768, 2008

Section 24: Annual reports

- (1) The Board shall, within one month after the receipt of the audit report submit an annual report to the Minister covering the operations of the Fund for the year to which the report relates.
- (2) The annual report shall include the report of the Auditor-General.
- (3) The Minister shall within one month after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

118. OATHS ACT, N.R.C.D. 6, 1972

Section 14: Annual report

- (1) The Administrator shall within six months after the end of the financial year submit to the Minister a report of the activities of the Office during the preceding financial year including the manner in which the revenue has been distributed and the Auditor-General's report on the accounts.
- (2) The Minister shall as soon as possible but not later than three months after receiving the annual report lay a copy of the report before Parliament.

This Act is silent on the penalty for the violation of any of the provisions of this section.

119. OMNIBUS SERVICES ACT, N.R.C.D. 71, 1972

Section 32: Annual report

Under Section 32, The Minister shall, as soon as possible after receiving the annual report dealing generally with the activities and operations of the Services Authority within that year, from the Minister, lay a copy of the report before Parliament.

The annual report shall include a copy of the audited accounts of the Services Authority together with the Auditor-General's report on the accounts, each report submitted by the internal auditor, each report submitted by the managing director, a statement of the directions given by the Minister to the Services Authority, within that year, and any other information requested in writing by the Minister.

120. PARLIAMENT ACT, ACT 300, 1965

Section 24: Immunity from publication of proceedings

Subject to the Constitution, and to this Act, a person shall not be under a civil or criminal liability in respect of the publication of the text or a summary of a report, paper, the minutes, votes or proceedings of Parliament unless it is shown that the publication was effected maliciously or otherwise in want of good faith.

In otherwords reports, minutes, proceedings of parliament are accessible by every member of the public including Ghanaians and foreigners.

121. PARLIAMENTARY SERVICE ACT, ACT 460, 1993

Section 17: Annual report

(1) The Board shall, as soon as possible, after the expiration of each financial year, but within three months after the termination of that year, submit to Parliament an annual report dealing generally with the activities and operations of the Service within the year which shall include any other information requested by Parliament.

122. PAWBROKERS ACT, CAP. 189, 1940

Section 44: Information to be given by police

(1) Information as to property lost, stolen or otherwise fraudulently disposed of shall be given by the police, as soon as possible after the loss or fraud, to all pawnbrokers, with lists and descriptions of the property.

123. PAYMENT SYSTEMS ACT, ACT 662, 2003

Section 7: Customer information prior to execution or receipt of a transfer

On request, an institution shall make available to its actual and prospective customer in a comprehensible form, information on conditions for transfer through the system, including at least,

- (a) an indication of the time needed for the funds to be credited to the account of the beneficiary's institution;
- (b) an indication of the time needed for the funds credited to the account of the institution to be credited to the beneficiary's account;
- (c) details of the charges payable by the customer; and
- (d) details of the complaints and redress procedures available to the customer and means of access to them.

Section 8: Customer information subsequent to the execution or receipt of a transfer:

- (1) Unless expressly agreed to the contrary, after the execution or receipt of transfer, the institution shall supply its customer with clear information in a comprehensible form including at least,
 - (a) a reference enabling the customer to identify the transaction,
 - (b) the original amount of the transfer, and
 - (c) the amount of charges payable by the customer.
- (2) Where the originator has specified that the charges for a transfer are to be wholly or partly borne by the beneficiary, the beneficiary shall be informed accordingly by the beneficiary's institution.

124. PERSONS WITH DISABILITY ACT, ACT 715, 2006

Section 57: Annual report and other reports

- (1) The Board shall within one month after the receipt of the audit report submit an annual report to the Minister covering the activities and the operations of the Council for the year to which the report relates.
- (2) The annual report shall include the report of the Auditor-General.
- (3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

125. POLICE SERVICE ACT, ACT 350, 1970

Section 36: Annual report

(1) As soon as may be after the 30th day of June in each year the Inspector-General shall prepare a report giving details of the administration of the Service and the Volunteer Police Reserve during the previous twelve months.

(2) The report shall be submitted to the Minister who shall lay it before Parliament.

Under Section 23(1-4), The Inspector-General or superior police officer, on receiving a written complaint as to an instance of bribery, corruption, oppression or intimidation by a police officer; a neglect or non-performance of duty by a police officer; any other misconduct by a police officer, from members of the public, shall cause a full and impartial investigation to be made, and shall send a report of the conclusion to the complainant.

There is no time frame within which this report is to be sent to the complainant and there is also no provision for penalties in case of failure to send such a report.

126. POLITICAL PARTIES ACT, ACT 574, 2000

Section 29: Gazette notices

Where a provision of this Act requires the Commission to publish anything in the Gazette, it may in addition to or in exceptional circumstances in lieu of the publication, publish it in the national daily newspapers and on the radio and television and the provisions of this Act shall have effect accordingly.

127. POLYTECHNICS ACT, ACT 745, 2007

Section 31: Annual report and other reports

Section 31 (1) The Council of a polytechnic shall within one month after the receipt of the audit report submit to the Minister an annual report covering the activities and the operations of the Council for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

Acts of Parliament Act, Act 63, 1960

128. POSTAL AND COURIER SERVICES REGULATORY COMMISSION ACT, ACT 649, 2003

Section 36: Annual report

- (2) The Minister shall within two months after receiving the annual report of the Commission submit the report to Parliament with a statement that the Minister may consider necessary.

129. PRECIOUS MINERALS MARKETING CORPORATION ACT, P.N.D.C.L. 219, 1989

Section 26: Annual report

- (3) The Minister shall as soon as possible after receiving the annual report of the Corporation, lay the report before Parliament.

130. PRESIDENTIAL OFFICE ACT, ACT 463, 1993

Section 11: Annual report

The President shall within three months after the end of each financial year, submit to Parliament an annual report containing

- (a) the number of presidential staff employed at the Office,
- (b) the ranks or grades of the staff, and
- (c) employees in the other public services assigned to the Office.

131. PRISONS SERVICE ACT, N.R.C.D. 46, 1972

Section 50: Annual report

- (1) As soon as may be after the thirtieth day of June in each year the Director-General shall prepare a report giving details of the administration of the Service during the previous twelve months.
- (2) The report shall be submitted to the Minister who shall lay the report before Parliament.

132. PUBLIC PROCUREMENT ACT, ACT 663, 2003

The Public Procurement Act provides for public procurement; administrative and institutional arrangements for public procurement; stipulates tendering procedures; establishment of the Public Procurement Authority, among others.

Section 13: Annual report

- (1) The Board shall within three months after the end of each year, submit to the Minister a written report indicating the activities and operations of the Authority in respect of the preceding year.

Acts of Parliament Act, Act 63, 1960

- (2) The annual report shall include a copy of the audited accounts together with the Auditor-General's report and the Minister shall as soon as practicable after receipt of the annual report submit the report to Parliament with the comment that the Minister considers necessary.

The Auditor-General's office is a public office under Section 187 of the constitution and he is charged with the responsibility to audit all public offices. To facilitate the performance of this function the Constitution grants him the right to have access to all books, records, returns and other documents relating or relevant to those accounts. The information obtained will be incorporated into an annual report which the Auditor-General is mandated to submit to Parliament, within six months after the end of the immediately preceding year.

Information submitted to Parliament is public information which can be accessed without any hindrance by the public (both citizens and foreigners) through the Hansard.

This is affirmed by Article 120 of the Constitution which states that subject to certain exceptions, everyone has the right to access information and publication of the text or a summary of any report, papers, minutes, votes and proceedings of Parliament; or a contemporaneous report of the proceedings of Parliament. Also the freedom to report Parliamentary proceedings and publish reports submitted to Parliament is a means of making information accessible to the public from Parliament.

Even though the citizenry can access the annual report submitted by the minister under Section 13, its effectiveness as a tool by the citizenry to influence the procurement process is minimized because there is no time frame within which the Minister is required to submit the report to parliament, thus where the information is required as a matter of urgency, the possibility of getting the information as and when required is not guaranteed. In the same vein, there is no penalty provided for failure to submit the report to parliament.

Section 24: Decision on prequalification

- (2) The procurement entity shall promptly notify each supplier or contractor submitting an application to prequalify of whether or not it has been prequalified and shall make available to any member of the general public upon request, the names of the suppliers or contractors who have been prequalified.

Section 31 (1) A procurement entity shall promptly publish notice of procurement of contract awards. Sub Section (2) provides that regulations shall provide for the manner of publication of the notice of procurement contract awards

Acts of Parliament Act, Act 63, 1960

Section 47: Procedures for inviting tenders or applications to prequalify

- (1) A procurement entity shall invite tenders or, where applicable, applications to prequalify by causing an invitation to tender or an invitation to prequalify, to be published in the Procurement Bulletin.
- (2) The invitation to tender or invitation to prequalify shall also be published in at least two newspapers of wide national circulation.
- (3) The invitation may also be published in a newspaper of wide international circulation, in a relevant trade publication or technical or professional journal of wide international circulation.

Section 95: Public access to legal texts

The chief executive officer of the Authority shall ensure that administrative rulings and directives of general application under this Act are promptly made available to the public.

133. PUBLIC OFFICE HOLDERS (DECLARATION OF ASSETS AND DISQUALIFICATION) ACT, ACT 550, 1998

Section 6: Declaration as evidence

Pursuant to clause (3) of article 286 of the constitution, a declaration made under this Act shall on demand, be produced in evidence before a court of competent jurisdiction, or before a commission of inquiry appointed under article 278 of the constitution or before an investigator appointed by the Commission for Human Rights and Administrative Justice

A citizen can access court documents under Article 19(4) of the Constitution which provides for access by an accused person or his representative, after prosecution, to a copy of his/her record which may include all the information relating to the court proceedings as well as documentary evidence used to prosecute the case. This information is given upon request and which request should be granted within 6 months from the time of demand.

134. PUBLIC RECORDS AND ARCHIVES ADMINISTRATION ACT, ACT 535, 1997

Section 13: National archives and other repositories

(2) The Director may, on the advice of the advisory committee and with the approval of the Council designate a place other than the national archives or any other archival repository under the control of the director, as a place of deposit for specified public records where the director is satisfied that:

Acts of Parliament Act, Act 63, 1960

- a. The place provides suitable facilities for the preservation and safekeeping of public records of permanent value, and access for their consultation by the public

Section 16

(3): Public records to which members of the public normally have access before transfer into the custody of the Director or to a place of deposit under section 13 of this Act shall continue to be open to public inspection irrespective of their age.

By this provision, any member of the public can have access to public records which are normally accessible by the public. Under Section 16(1) Public records designated by the director shall only be available to the public after the expiration of a period of 30 years.

Section 24: Denial of access

A person who without reasonable cause denies access to public records to an official of the Department commits an offence and is liable on summary conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months or to both fine and imprisonment.

There is no corresponding provision for penalty where any citizen or member of the public is denied access to public records held in the archives.

135. PUBLIC UTILITIES REGULATORY COMMISSION ACT, ACT 538, 1997

Section 37: Annual report

The chairman of the Board shall, as soon as possible after the expiration of each financial year but within six months after the end of the year, submit to Parliament an annual report dealing generally with the activities and the operations of the Commission within that year which shall include a copy of the audited accounts of the Commission together with the Auditor-General's report on it.

136. REGIONAL DEVELOPMENT CORPORATION ACT, N.R.C.D. 140, 1973

Section 21: Publication of audit report

Section 21 (1) The audited report of a Corporation shall be published every year in the Gazette. The report shall also be open for inspection by a member of the public at the head office of the Corporation. (Section 21(2).

Acts of Parliament Act, Act 63, 1960

137. REVENUE AGENCIES (GOVERNING BOARD) ACT, ACT 558, 1998

Section 12: Annual reports and estimates

Section 12 (1) The Board shall submit to the Minister

(a) a report on the activities and operations of the revenue agencies for each financial year within three months after the end of the financial year to which the report relates; and

(b) detailed estimates of the revenue and expenditure of the revenue agencies for the next financial year within three months before the beginning of that financial year.

(2) The Minister may call for returns of revenue or revised estimates from any of the Commissioners of the revenue agencies.

(3) The Minister shall within three months of the receipt of the report from the Board submit the report with the Minister's comments to Parliament.

138. ROAD FUND ACT, ACT 536, 1997

Section: Annual report

(1) The Board shall submit to the Minister as soon as practicable and not more than six months after the end of each financial year a report dealing generally with the activities and operation of the Fund during the year to which the report relates.

(2) The report shall include

(a) the audited accounts of the Fund and the Auditor-General's report on the accounts of the Fund, and

(b) any other information considered necessary by the Board.

(3) The Minister shall within two months after its receipt submit the annual report to Parliament with the statement that the Minister considers necessary.

139. SECURITIES INDUSTRY ACT, P.N.D.C.L. 333, 1993

Section 7A: Annual and other reports

Section 7A (1) The Board shall submit to the Minister as soon as practicable and in any event not more than six months after the end of each financial year, an annual report dealing generally with the activities and operations of the Commission during the year to which the report relates which shall include

(a) the audited accounts of the Commission and the Auditor-General's report on the accounts, and

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- (b) any other information that the Board may consider necessary.
- (2) The Minister shall within two months after receipt of the annual report submit the report to Parliament with the statements that the Minister considers necessary.

140. SERIOUS FRAUD OFFICE ACT, ACT 466, 1993

Section 21: Annual report

- (1) The director shall submit to the Attorney-General an annual report on the activities and operations of the Office during the preceding year within three months after the end of the year to which the report relates.
- (2) The Attorney-General shall within two months after the receipt of the annual report, submit the report to the President and to Parliament.

141. STAMP DUTY ACT, ACT 689, 2005

Section 46: Registers, books, to be open to inspection

Section 46. A public officer who has custody of a register, book, record, paper or proceeding, the inspection of which may tend to secure a duty or to prove or lead to the discovery of a fraud or omission in relation to a duty chargeable under this Act, shall at reasonable times, permit a person authorised by the Commissioner to inspect the register, book, record, papers and proceeding and for the authorised person to take the notes and extracts that the person considers necessary without a fee or reward.

142. STANDARDS AUTHORITY ACT, N.R.C.D. 173, 1973

Section 18: Annual report

- (1) The Board shall, not later than three months after the thirtieth day of June in each year, furnish the Minister with a report of the activities of the Authority during that year, and shall attach to the report a copy of the accounts of the Authority for that year certified by the Auditor-General.
- (2) A copy of the annual report of the Authority including the accounts shall be laid before Parliament within twenty-eight days after the date of its receipt by the Minister.

143. TEMA FOOD COMPLEX CORPORATION ACT, N.R.C.D. 176, 1973

Section 22: Annual report

1. The Corporation shall, as soon as possible after the expiration of each financial year but within six months after the termination of that financial year, submit to the Minister an annual report dealing generally with the activities and operations of the Corporation within that year.

Acts of Parliament Act, Act 63, 1960

- (4) The Minister shall, as soon as possible after receiving the annual report of the Corporation, submit the report to Parliament.

144. TOLLS ACT, N.R.C.D. 153, 1973

Section 6: Accounts and audit

- (1) The Minister shall cause to be prepared not later than the thirtieth day of August in each year a statement showing in detail the income and expenditure incurred in the operation of toll roads, toll bridges and toll ferries in the preceding financial year.
- (2) The statements shall be audited by Auditor-General and a copy of the statements so audited shall be published in the Gazette.

145. TRADEMARKS ACT, ACT 664, 2004

Section 21: Publication

The Registrar shall publish in the Gazette, or in an official Bulletin, and any print media a publication required under this Act.

146. TRADITIONAL MEDICINE PRACTICE ACT, ACT 575, 2000

Section 37: Annual report and other reports

- (1) The Board shall as soon as practicable after the expiration of each financial year but within six months after the end of the year submit to the Minister an annual report covering the activities and the operations of the Council for the year to which the report relates.
- (2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.
- (3) The Minister shall within two months of the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

147. UNIVERSITY OF CAPE COAST ACT, P.N.D.C.L. 278, 1992

Section 23: Annual report

Within six months after the end of each academic year, the Council shall draw up a report of the activities of the University during that year and make the report available to the public.

Section 26: Audit

The books and accounts of the University shall be audited each year by the Auditor-General and the report shall be laid before parliament by the Minister as soon as practicable. Section 26(1, 3 &4)

Acts of Parliament Act, Act 63, 1960

148. UNIVERSITY OF EDUCATION, WINNEBA ACT, ACT 672, 2004

Section 27: Annual report

- (1) The University shall, within six months after the end of each financial year, submit to the Minister an annual report on the activities of the University during that year.
- (2) The report shall include a copy of the audited accounts of the University in respect of the financial year and the report of the Auditor-General on the audited accounts.
- (3) The Minister shall within two months of the receipt of the annual report from the University submit the report to Parliament with such comments as the Minister considers necessary.

149. UNIVERSITY OF GHANA ACT, ACT 79, 1961

Section 14: Annual report

Within six months after the end of each academic year the University Council shall draw up a report of the activities of the University during that year and shall make the report available to the public.

150. UNIVERSITY OF MINES AND TECHNOLOGY, TARKWA ACT, ACT 677, 2004

Section 19: Annual report

- (1) The Council shall within eight months after the expiration of each year submit to the Minister an annual report covering the activities and operations of the University for the year to which the report relates.
- (3) The Council shall also submit to the Minister any other reports that the Minister may in writing require.
- (4) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with such statement as the Minister considers necessary.

151. VALUE ADDED TAX ACT, ACT 546, 1998

Section 52: Annual reports

- (1) The Board shall submit to the Minister
 - (a) a report on the activities and operations of the Service for each financial year within six months of the end of the financial year to which the report relates, and
 - (b) detailed estimates of its revenue and expenditure for the next financial year within three months before the beginning of that financial year.

Acts of Parliament Act, Act 63, 1960

(3) The Minister shall within three months of the receipt of the report from the Board submit a report on that report to Parliament.

152. VENTURE CAPITAL TRUST ACT, ACT 680, 2004

Section 25: Annual report

The Board shall submit to the Minister as soon as is practicable and in any event not more than eight months after the end of each financial year, a report on the activities and operation of the Trust during the year to which the report relates.

The report shall include the audited accounts of the Trust and the Auditor-General's report on the accounts of the Trust; and any other information that the Board may consider necessary.

The Minister shall within two months after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

153. VOLTA RIVER DEVELOPMENT ACT, ACT 46, 1961

Section 32: Annual report

The Authority shall annually, not later than six months after the end of its financial year, present to the President a report dealing generally with the activities and operations of the Authority during the preceding financial year and containing

(a) the information with regard to the proceedings and policy of the Authority that the Authority considers may properly be given without detriment to the interests of the undertaking of the Authority, and

(b) a copy of the statement of accounts referred to in section 26, together with a copy of the report made by the auditor on that statement or on the accounts, and the report shall not later than seven months after the end of the Authority's financial year be laid before Parliament.

153. WATER RESOURCES COMMISSION ACT, ACT 522, 1996

Section 27: Annual report:

(1) The Commission shall, as soon as possible after the expiration of each financial year but within six months after the termination of the year, submit to the Minister an annual report dealing generally with the activities and the operations of the Commission within that year which shall include

(a) a copy of the audited accounts of the Commission together with the Auditor-General's report on it, and

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- (b) any other information that the Minister may require.
- (2) The Minister shall within two months after receiving the annual report of the Commission submit the report to Parliament with a statement the Minister considers necessary.

155. WHISTLEBLOWER ACT, ACT 720, 2006

The Whistle blowers Act provides for the manner in which individuals may in the public interest disclose information that relates to unlawful or other illegal conduct or corrupt practices of others; to provide for the protection against victimisation of persons who make these disclosures; to provide for a Fund to reward individuals who make the disclosures

Section1: Disclosure of impropriety

- (1) A person may make a disclosure of information where that person has reasonable cause to believe that the information tends to show
- (a) an economic crime has been committed, is about to be committed or is likely to be committed;
 - (b) another person has not complied with a law or is in the process of breaking a law or is likely to break a law which imposes an obligation on that person;
 - (c) a miscarriage of justice has occurred, is occurring or is likely to occur;
 - (d) in a public institution there has been, there is or there is likely to be waste, misappropriation or mismanagement of public resources;
 - (e) the environment has been degraded, is being degraded or is likely to be degraded; or
 - (f) the health or safety of an individual or a community is endangered, has been endangered or is likely to be endangered.

Section 1(4)(c)the disclosure is made to one or more of the persons or institutions specified in section 3.

Section 3: Person to whom or institution to which disclosure of impropriety may be made

- (1) Disclosure of impropriety may be made to any one or more of the following:
- (a) an employer of the whistleblower;
 - (b) a police officer;
 - (c) the Attorney-General;
 - (d) the Auditor-General;
 - (e) a staff of the Intelligence Agencies;

Acts of Parliament Act, Act 63, 1960

- (f) a member of Parliament;
- (g) the Serious Fraud Office;
- (h) the Commission on Human Rights and Administrative Justice;
- (i) the National Media Commission;
- (j) the Narcotic Control Board;
- (k) a chief;
- (l) the head or an elder of the family of the whistleblower;
- (m) a head of a recognised religious body;
- (n) a member of a District Assembly;
- (o) a Minister of State;
- (p) the Office of the President;
- (q) the Revenue Agencies Governing Board; or
- (r) a District Chief Executive

The implication of this section is that disclosure can be made to the person itemized above irrespective of whether they are Ghanaians or foreigners living in Ghana.

Under Section 4(1), the disclosure may be made orally or in writing. There is no provision indicating the time frame within which the disclosure should be made by the whistle blower or the penalty in the event of non disclosure by the whistle blower.

Section 6: Action by person who receives disclosure of impropriety

- (1) When a disclosure of impropriety is made to a person specified in section 3, the person shall:
 - a. make a record of the time and place where the disclosure is made,
 - b. give to the whistle blower an acknowledgment in writing of receipt of the disclosure, and
 - c. Keep the writing in which the disclosure is made confidential and in safe custody pending investigation of the impropriety

Furthermore by Section 8, the person to whom disclosure is made is required to undertake an investigation and submit findings to the Attorney General.

Even though this section grants access to information to certain persons and institutions, access to the disclosure is not available to the public. Section 6(3) states: "Where a person to whom the disclosure is made fails to keep confidential the disclosure, the person commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or both".

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1992 Constitution of the Republic of Ghana

Privileges of witnesses

Section 121

- (2) A public officer shall not be required to produce before Parliament a document where
- (a) the Speaker certifies
 - (i) that the document belongs to a class of documents, the production of which is injurious to the public interest;
 - (ii) that disclosure of the contents of the document will be injurious to the public interest; or
 - (b) the National Security Council certifies
 - (i) that the document belongs to a class of documents, the production of which is prejudicial to the security of the State; or
 - (ii) that disclosure of the contents of the document will be prejudicial to the security of the State.

Section 135: Production of official documents in court:

- (1) The Supreme Court shall have exclusive jurisdiction to determine whether an official document shall not be produced in court because its production or the disclosure of its contents will be prejudicial to the security of the State or will be injurious to the public interest.
- (2) Where any issue referred to in clause (1) of this article arises as to the production or otherwise of an official document in any proceedings before any court, other than the Supreme Court, the proceedings in that court shall be suspended while the Supreme Court examines the document and determines whether the document should be produced or not; and the Supreme Court shall make the appropriate order.
- (3) The proceedings of the Supreme Court as to whether an official document may be produced shall be held in camera.

1. CODE OF CONDUCT FOR PUBLIC OFFICERS

Under Section 286: (7) Before entering upon the duties of his office, a person appointed to an office to which the provisions of this article apply, shall take and subscribe the Oath of Allegiance, the Oath of Secrecy and the Official Oath set out in the Second Schedule to this Constitution, or any other oath appropriate to his office.

- (5) The public offices to which the provisions of this article apply are those of

- (a) the President of the Republic;

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- (b) the Vice-President of the Republic;
- (c) the Speaker, the Deputy Speaker and a member of Parliament;
- (d) the Minister of State or Deputy Minister;
- (e) the Chief Justice, Justice of the Superior Court of Judicature, Chairman of a Regional Tribunal, the Commissioner for Human Rights and Administrative Justice and his deputies and all judicial officers;
- (f) the Ambassador or High Commissioner;
- (g) the Secretary to the Cabinet;
- (h) the Head of Ministry or government department or equivalent office in the Civil Service;
- (i) the chairman, managing director, general manager and departmental head of a public corporation or company in which the State has a controlling interest; and
- (j) such officers in the public service and any other public institution as Parliament may prescribe.

2. AGRICULTURAL DEVELOPMENT BANK ACT, ACT 286, 1965

Section 36: Disclosure of information:

- (1) A person, of whatever designation, participating in the direction, administration, control and the running of the Bank shall not disclose a written or an oral information which that person has obtained by virtue of a function of under this Act, unless that person is otherwise called on to give evidence in a court of competent jurisdiction or to fulfil an obligation imposed by law or in the performance of that function.
- (2) A person who contravenes a provision of subsection (1) commits an offence and is liable, on summary conviction, to a term of imprisonment of not less than five years.

3. ANTI-MONEY LAUNDERING ACT, ACT 749, 2007

Section 1: Suspicious transaction report:

- (3) A person who makes a suspicious transaction report shall not
 - (a) disclose the contents to another person, or
 - (b) reveal the personal details of the officer of the Centre who receives the report to another person.
- (4) A person who receives a suspicious transaction report shall not
 - (a) disclose the contents of the report to a person not authorised to know the contents of the report, or
 - (b) disclose the personal details of the person who made the report to another person.

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- (5) A person who makes a suspicious transaction report shall disclose the contents where
 - (a) the person is required by law to disclose the contents;
 - (b) it is to carry out the provisions of this Act;
 - (c) it is for legal proceedings; or
 - (d) it is by an order of a Court.

Section 48: Oath of secrecy:

- (1) A person
 - (a) appointed to an office;
 - (b) appointed to act in an office; or
 - (c) authorised to perform a function,under this Act shall swear the oath of secrecy set out in the Second Schedule before assuming office or before performing the function under this Act.
- (2) A person specified under subsection (1) shall not disclose information obtained by the Centre under this Act from which a person can be identified except
 - (a) to enable the Centre carry out its functions;
 - (b) for the prevention or detection of an offence;
 - (c) in connection with the discharge of an obligation under an international agreement;
 - (d) to comply with a court order; or
 - (e) as otherwise provided under any other law.
- (3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than three years or to both.

4. ANTI-TERRORISM ACT, ACT 762, 2008

Under Section (4) Information provided to the Inspector General of Police shall not be used or disclosed by the Inspector General except to protect national security or public safety.

5. ARMED FORCES ACT, ACT 105, 1962

Section 16: Offences relating to security

- (1) A person subject to the Code commits an offence, if that person

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- (b) without authority discloses in any manner whatsoever information relating to the numbers, position, material, movements, preparations for operations of any of the Armed Forces or of any forces co-operating with the Armed Forces;
 - (c) without authority discloses in any manner whatsoever any information relating to a cryptographic system, aid, process, procedure, publication or document of any of the Armed Forces or of any forces co-operating therewith
- (2) A person convicted of an offence under subsection (1) shall suffer death, if he acted treasonably; or is liable in any other case to imprisonment for life or to any lesser punishment provided by this Act.

6. BANK OF GHANA ACT, 2002

Section 25: Declaration of secrecy:

- (1) The employees of the Bank of all classes of designation are bound by a declaration of secrecy unless they are otherwise called upon to give evidence in a Court or to fulfil an obligation imposed by law.
- (2) For the purposes of this section a former employee of the Bank is similarly bound and shall not disclose an information whether documentary or otherwise relating to the affairs of the Bank except by order of a Court or to fulfil an obligation imposed by law.
- (3) A person who contravenes a provision of this section commits an offence and is liable on summary conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

Section 83: Secrecy of information:

- (1) Each Director, officer or employee of the Bank or any person appointed by the Bank pursuant to the banking laws shall
 - (a) in the case of a Director or head of department, take an oath of confidentiality in the form set out in Part I of the Second Schedule; and
 - (b) in any other case, make a declaration of confidentiality before the chairperson of the Board in the form set out in Part II of the Second Schedule, before the person begins to perform any functions under the banking laws.
- (2) Except
 - (a) for the purposes of
 - (i) the performance of functions or the exercise of powers under the banking laws; or

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- (ii) meeting the requirements of an agreement or understanding reached by the Bank with any other relevant supervisory body; or
- (b) when lawfully required to do so,
 - (i) by an order of a Judge in chambers or any court of law; or
 - (ii) under any enactment,

no person referred to in subsection (1) shall, during and after a relationship with the Bank, disclose directly or indirectly to any person any information related to the affairs of the Bank, or any other bank or of any of its customers, which the person has acquired in the discharge of duties or the performance of functions.

(3) Any person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding one thousand penalty units.

Section 84: Secrecy of customer information

- (1) Subject to the other provisions of this Act, each person with access to the books, accounts, records, financial statements or other documents, whether electronically or otherwise, of a bank shall:
 - (a) in the case of a director or key management personnel, take an oath of confidentiality in the form set out in Part I of the Third Schedule; or
 - (b) in any other case, make a declaration of confidentiality before the chief executive officer or deputy chief executive officer of the bank in the form set out in Part II of the Third Schedule, before the person begins to perform any function under the banking laws.
- (2) Except for the purpose of the performance of functions or the exercise of a power under the banking laws or as directed in writing by the Bank, no person referred to in subsection (1) shall, during or after a relationship with the bank, disclose directly or indirectly to any person any information related to the affairs of any of its customers including deposits, borrowings or transactions or other personal, financial or business affairs without the prior written consent of the customer or the personal representative of the customer.

7. BOOK AND NEWSPAPER REGISTRATION ACT, ACT 73, 1961

Under Sections 1, The printer of a book shall, within one month after the day on which the book is first taken out of the press, deliver free of charge to The Ghana Library Board, The Registrar-General.

The Library of the University of Ghana, The Library of the Kwame Nkrumah University of Science and Technology, The Library of the University of Cape Coast, The Library of the Ghana Academy of Sciences, The Library of the Kwame Nkrumah Institute of Economics and Political Science, but the provisions of this section does

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not apply to books printed by the Government Printer for or on behalf of the Government, except as directed by the Minister (see section 7).

8. BORROWERS AND LENDERS ACT, ACT 773, 2008

Section 17: Confidentiality, personal information and borrower credit records:

Section 17: A lender or a person who acts on behalf of a lender shall not disclose information obtained from a borrower unless the information is required under the Credit Reporting Act, 2007 (Act 726) under any other law or by a court.

9. CHILDREN'S ACT, ACT 560, 1998

Section 39: Prohibition of publication of information on child:

- (1) A person shall not publish information that may lead to the identification of a child in a matter before a family tribunal except with the permission of the family tribunal.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment.

10. CIVIL SERVICE ACT, P.N.D.C.L. 327, 1993

Section 90: Oaths to be sworn by civil servants:

- (1) Persons recruited into the Civil Service shall swear the oath of allegiance, the oath of secrecy and the official oath set out in Part One of the Schedule.
- (3) A civil servant shall not be considered for the first promotion unless evidence is made available of the compliance with subsection (1) by that civil servant.

Section 76: Particular types of misconduct

Without prejudice to the generality of section 7517, it is misconduct for a civil servant

(h) to make unauthorized disclosure to classified and unclassified official information or document or both to a private person or to another public officer.

11. COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE ACT, ACT 456, 1993

Section 17: Maintenance of secrecy:

- (1) The Commissioner or a Deputy Commissioner and every person holding an office or appointment under the Commission shall maintain secrecy in respect of the matters that come to their knowledge in the performance of their functions.

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- (2) A person holding office or appointment under the Commission who is likely to have access to confidential information of the Commission shall, before proceeding to carry out any functions under this Act, take and subscribe to the Oath of Secrecy set out in the Second Schedule to the Constitution.

It is important to note here that the Commission on Human Rights and Administrative Act is an Act that provides for the investigation of complaints of violations of fundamental human rights and freedoms, injustice and corruption, abuse of power and unfair treatment of persons by public officers. One expects that all the sections of the Act should contain provisions that promote access to information by the public but rather the requirement of oath taking and maintenance of secrecy creates a lot of confusion as to what ought and ought not to be disclosed by public officers/servants to the public.

12. COURTS ACT, ACT 459, 1993

Section 8: Production of official documents:

- (1) By virtue of article 135 of the Constitution, the Supreme Court has exclusive jurisdiction to determine whether an official document shall not be produced in Court because its production or the disclosure of its contents will be prejudicial to the security of the State or will be injurious to the public interest.

Section 70: Access to record of the Court

- (1) A person is not entitled to inspect or to have a copy of the record of evidence given in a case before a Court or to a copy of the Court's notes, except as may be expressly provided by the Constitution, a rule of a court or any other enactment.

13. CREDIT REPORTING ACT, ACT 726, 2007

Section 26: Financial institution to provide information with consent of borrower:

- (1) A data provider which is a financial institution shall not report any of the information specified under section 24 to a licensed credit bureau unless the prior consent in writing of the borrower has been obtained by the financial institution for
- (a) the submission of the information to the credit bureau, and
 - (b) the storage, processing and dissemination of the information by the credit bureau in accordance with this Act.
- (2) The financial institution shall request the consent of the customer in
- (a) account opening application forms,
 - (b) loan application forms, and

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(c) loan agreements.

Section 24: Submission of information to credit bureaus

(1) A data provider which is a financial institution shall submit information to a licensed credit bureau that relates to a person who enters into a credit agreement with the financial institution.

(2) The information to be provided under subsection (1) includes:

(a) the amount of the loan or other facility granted to the person from the financial institution;

(b) the sum of the outstanding loans including contingent liabilities extended to the person by the financial institution;

(c) the date on which the loan was made and the dates for payment of the principal and the interest as agreed;

(d) information on the composition and the types of collateral which secured the debt obligation;

(e) in the case of a financial institution which sells goods or offers services on a credit basis or with delayed payment terms;

(i) the amount of the goods and services provided on a credit basis together with contingent and possible obligations,

(ii) the dates the services were provided,

(iii) the agreed schedule of payment for the services, and

(iv) information on the composition and the types of collateral that secured the payment obligations;

(f) where the borrower is a natural person including an entrepreneur, the following information;

(i) full name,

(ii) gender,

(iii) date of birth,

(iv) place of residence,

(v) information contained in the borrower's identification documents including passport, voter's identity card and national identity,

(vi) the taxpayer registration number of the borrower, and

(vii) the social security number of the borrower, and

(g) where the borrower is an artificial person, the following information is to be submitted;

(i) the name of the entity,

(ii) its organisational and legal form,

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- (iii) its location,
- (iv) the number and date of registration as a legal entity,
- (v) the taxpayer identification number,
- (vi) the full names of its Chief Executive Officer, directors and shareholders, and
- (vii) the taxpayer identification numbers of the Chief Executive Officer, directors and shareholders.

The information listed under this section can only be submitted to a licensed credit bureau with the prior consent of the borrower¹⁸

Section 34: Credit bureau to observe privacy and secrecy principles:

- (1) A credit bureau, data provider or credit information recipient shall observe the following principles:
 - (b) the confidentiality of information;
 - (f) privacy and secrecy of communication.

Section 50: Information from books to be published with prior consent:

- (1) The person who has custody or control of books shall give consent in writing prior to the publication or disclosure of information obtained from the books.
- (2) Information obtained from books that have been produced shall not be published or disclosed without the previous consent in writing of the person who has custody or control of the books except to
 - (a) the Bank, its officers and employees, and
 - (b) as required by law.
- (3) A person who publishes any information in contravention of this section commits an offence and is liable on summary conviction to a fine of not more than two thousand penalty units or a term of imprisonment of not more than four years or both.

14. ELECTRONIC TRANSACTIONS ACT, ACT 772, 2008

Section 37: Restrictions on disclosure of information:

- Subject to the provisions of the Constitution, a person may make disclosure of information under this Act
- (a) to a law enforcement agency,
 - (b) for criminal or civil proceedings,
 - (c) to government agencies responsible for safety and security on official request, and

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- (d) to a third party enquiry for confirmation of a licence or representations made by a licence holder.

Section 60: Restrictions on disclosure of information:

- (1) Information contained in the register of a critical database shall not be disclosed to another person other than to employees of the Agency who are responsible for the keeping of the register.
- (2) The Agency is at liberty to disclose information to
 - (a) a law enforcement agency, and
 - (b) a Ministry, Department or Agency.

Section 102: Disclosure of electronic information:

- (1) Except as provided in this Act, a provider of an electronic communication service or remote computing service shall not disclose a record or other information pertaining to a subscriber to a customer of an electronic communication service to any person without the consent of the subscriber or customer.
- (2) A provider of an electronic communication service or remote computing service shall disclose a record or other information related to a subscriber or customer to a law enforcement agency
 - (a) on receipt of a Court order for the disclosure, or
 - (b) on receipt of the written consent of the subscriber or customer to the disclosure.

15. ENVIRONMENTAL PROTECTION AGENCY ACT, ACT 490, 1994

Section 36: Non-disclosure of confidential information:

Information furnished by an applicant in respect of the registration of a pesticide or its renewal which is agreed to by the Agency and the applicant as confidential shall not be disclosed by the Agency unless authorised by law.

16. EVIDENCE ACT, NRCD 323, 1975,

Section 99: Required reports:

- (2) A public official or public entity to which a record, report or disclosure is required by law to be made has a privilege to refuse to disclose the contents of the record, report or disclosure if the law requiring it to be made prevents its disclosure for the purpose in question.

Section 106: State secrets:

- (1) Except as otherwise provided by section 107 or by any other enactment, the Government has a privilege to refuse to disclose, and to

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prevent a person from disclosing, a State secret unless the need to preserve the confidentiality of the information is outweighed by the need for disclosure in the interests of justice.

(2) A State secret is information considered confidential by the Government, which has not been officially disclosed to the public, and for which it would be prejudicial to the security of the State or injurious to the public interest to disclose.

(3) The Government's privilege under subsection (1) may be claimed only by a Minister of the Government responsible for administering the subject matter to which the State secret relates, or by a person authorised in writing by the Minister to claim the privilege.

(4) In an action in a Court where the Government's privilege under subsection (1) is claimed, other than for an official document, the Court shall act in accordance with article 135 of the Constitution.

17. GHANA INVESTMENT PROMOTION CENTRE ACT, ACT 478, 1994

Section 34: Official secrecy and duty of public officers:

(1) A person who in the course of official duties in the administration of this Act has possession of or control over a document or an information obtained under this Act and who communicates that document or information or any part of it to any other person without authority to communicate it by an enactment or by the Board, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment.

18. GHANA MARITIME SECURITY ACT, ACT 675, 2004

Section 16: Non-disclosure of ship security plan:

(1) The master and company of a Ghanaian ship shall ensure that a written approval of a ship security plan is kept on board the ship and protected from unauthorised access or disclosure.

(2) Where the plan is kept in an electronic format it shall be protected in such a manner as to prevent its unauthorised deletion, destruction or amendment.

(3) A person who without authorisation discloses a ship security plan or gives access to a ship security plan contrary to subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not exceeding five thousand penalty units or to a term of imprisonment not exceeding five years or to both the fine and the imprisonment.

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Section 50. Report on port facility security assessment

- (1) On completion of a port facility security assessment, the person who carried out the assessment shall prepare for the Authority a report that contains,
 - (a) a summary of how the assessment was conducted,
 - (b) a description of each vulnerability discovered during the assessment, and
 - (c) a description of countermeasures that could be employed to address each vulnerability.
- (2) The report shall be protected from unauthorised access or disclosure.
- (3) A person who without authorisation discloses a report or gives access to a report contrary to subsection (2), commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not exceeding five thousand penalty units or to a term of imprisonment not exceeding five years or to both the fine and the imprisonment.

19. GHANA METEOROLOGICAL AGENCY ACT, ACT 682, 2004

Section 29: Confidentiality:

- Section 29 (1) A member of the Board, the Director-General, or any other officer or employee of the Agency
- (a) shall, subject to the existing law, treat as confidential an information obtained in the performance of functions under this Act; and
 - (b) shall not disclose an information except when required to do so by a Court, under an enactment or any other circumstances determined by the Board.
- (2) A person who acts contrary to subsection (1) is subject, in the case of an officer or employee of the Agency, to disciplinary action, and in the case of a member of the Board is liable to be removed from the Board.

20. GHANA NATIONAL PETROLEUM CORPORATION ACT, P.N.D.C.L., 1983

Section 23: Confidential information:

- Section 23 (1) A member of the Board, the Auditor-General or an auditor or an employee of the Corporation shall not disclose or divulge an information which is considered by the Corporation to be of a confidential nature to a person other than the Minister, a member of the National Energy Board or of the Board or an employee or any other

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appointee of the Corporation in the course of official business.

- (2) In case of violation of subsection (1),
 - (a) where the offender is a member of the Board that member shall be dismissed from the Board by the President on the advice of the Minister;
 - (b) where the offender is an employee of the Corporation, the employee shall be dismissed on approval by the Board.

21. HUMAN TRAFFICKING ACT, ACT 694, 2005

Section 38: No publication on human trafficking:

- (1) A person shall not publish a report of human trafficking proceedings under this Act which may reveal the identity of the trafficked person except with the leave of the court.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or a term of imprisonment not exceeding twelve months or to both.

22. INSURANCE ACT, ACT 724, 2006

Section 169: Privileged document and information:

- (1) A person is not required to disclose information under section 168 if that person would be entitled to refuse to disclose the information or to produce the document on the grounds of legal professional privilege in legal proceedings.
- (2) For the purposes of this section, information comes to a lawyer in privileged circumstances if it is communicated or given to the lawyer
 - (a) by a client or by a representative of the client in connection with the giving by the lawyer of legal advice to the client,
 - (b) by a person or that person's representative seeking legal advice from the lawyer, or
 - (c) by a person in contemplation of, or in connection with, legal proceedings, or for the purposes of those proceedings.

23. INTERNAL REVENUE ACT, ACT 592, 2000

Section 127: Official secrecy

- (1) A person appointed under, or employed in carrying out a provision of this Act shall regard and deal with the documents and information which come to that person's possession or knowledge in connection with the performance of functions under this Act as secret, and shall not disclose an information or a document except in accordance with

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this Act or under an order of a superior court.

24. LABOUR ACT, ACT 651, 2003

Section 125: Inspectors to maintain confidentiality:

1. An inspector

(a) shall not divulge during or after termination of the inspector's service, any manufacturing or commercial secrets or working processes or confidential information which may have come to the inspector's knowledge in the course of duties;

25. MINERALS AND MINING ACT, ACT 703, 2006

Section 20: Public access to information:

(1) Records, documents and information furnished or attained under sections 19 and 63 shall, as long as the holder or the holder's successor-in-title retains the mineral right, or any mineral right granted in substitution over the area to which the records, documents and information relate, be treated as confidential and shall not be divulged without the prior written consent of the holder.

4) A person to whom disclosure is made under this section is under an obligation to treat the information as confidential.

Section 21: Copyright in information

Despite a law to the contrary, the copyright in respect of the documents, records and information furnished or attained under sections 19 and 63 shall pass to and reside with the Republic on and from the time that the records, documents and information become available, under section 20 (2) for inspection by the public.

26. MINERALS AND MINING ACT, ACT 703, 2006

Section 20: Public access to information:

(1) Records, documents and information furnished or attained under sections 19 and 63 of this Act shall, as long as the holder or the holder's successor-in-title retains the mineral right, or any mineral right granted in substitution over the area to which the records, documents and information relate, be treated as confidential and shall not be divulged without the prior written consent of the holder.

27. NATIONAL IDENTITY REGISTER ACT, ACT 750, 2008

Section 47: Security of personal information held by the Authority

(2) The Authority is responsible for the protection of personal information in its custody or under its control including information that has been transferred to a third party for processing.

(3) Where the Authority contracts a third party to perform a function

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relating to information in its custody it shall take reasonable steps to ensure that the information available to that third party is protected.

(4) The Authority shall determine the degree of protection required, taking into consideration the circumstance, including

- (a) the sensitivity of the information,
- (b) the volume of the information, and
- (c) the format in which the information is stored.

(5) The Authority shall make available to a person the general description of the safeguards that the Authority uses to protect personal information on request, and to comply with subsection (1).

Section 48: Disclosure of personal information with consent

(1) The Authority may provide any person with personal information of an individual's entry recorded in the Register if

- (a) that person obtains the prior consent of the individual, and
- (b) that person makes the application with the authority of that individual.

(2) The personal information that may be provided to a person under subsection (1) is

- (a) identity data;
- (b) a photograph of the individual concerned;
- (c) information that relates to residential status and personal reference numbers;
- (d) the signature of the individual concerned; and
- (e) information in respect of the questions and responses used to identify the individual who made an application for an entry or a modification of an entry in the Register.

(3) Where a person is provided with personal information under subsection (1) in connection with a particular purpose, that person shall not use that information for any other purpose unless

- (a) the individual to whom the information relates permits the use of the information for that other purpose,
- (b) the use of the information for that other purpose is authorised or required by law,
- (c) the purpose for which the information is used is directly related to the purpose for which the information was collected, or
- (d) the information is used

- (i) in a form in which the individual concerned is not identified,

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or

- (ii) for statistical or research purposes and will not be published in a form that can reasonably be expected to identify the individual concerned.

Section 50: Unauthorised disclosure of information

(1) The Authority, members of the Board and staff of the Authority shall not disclose or provide any personal information in connection with

- (a) an application,
- (b) an enquiry, or
- (c) an investigation

related to a registration or application process in this Part without lawful authority.

(2) A person who is employed or contracted to give effect to the provisions of this Part, shall

- (a) keep in strict confidence, and
- (b) assist to keep in strict confidence any personal information that comes to the knowledge of the person in the course of duty.

(3) A person shall not make available any record of personal information received by a registration official to

- (a) an unauthorised person, or
- (b) a person not entitled to receive the information.

(4) A person who contravenes a provision of this section, commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or to a term of imprisonment of not more than two years or to both.

Access to Personal Information

Section 51: Right of access to personal information by an individual

(2) Despite subsection (1)19, an individual cannot have access to personal information if

- (a) the information relates to the requirement of an investigative body to enforce a law or to carry out an investigation relating to the enforcement of that law or to gather information or intelligence for the enforcement of that law,
- (b) the Authority has reasonable grounds to believe that the information relates to a breach of or a contravention of a law that has been, is being or is about to be committed,

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- (c) the process of granting the access is likely to reveal confidential or organisational information that is likely to adversely affect the interests of the Authority, or
 - (d) that access is contrary to the public interest.
- (3) An individual shall not have access to personal information in the custody of the Authority where granting the access is likely to reveal the personal information of another individual who does not consent to granting the access and it is not possible to sever the requested information from the personal information of that other individual.

28. NATIONAL PENSIONS ACT, ACT 766, 2008

Section 191: Publishing of reports

- (1) The Board may publish in a form and manner that it considers fit, reports and results of an investigation.
- (2) For the purpose of the law of defamation, the publication of any matter by the Board shall be absolutely privileged.

29. NATIONAL PETROLEUM AUTHORITY ACT, ACT 691, 2005

Section 38: Disclosure of information by Board and submission of reports

- (2) Despite subsection (1), the Board shall not disclose to a person
 - (a) a trade secret, and
 - (b) privileged commercial or financial information, without the prior written undertaking of that person to keep the secret, information or matter in strict confidence and to use it for the purpose for which it was sought.
- (3) Despite subsection (1), the Board shall not disclose to a person matters that relate to national security.

Section 57: Gazette notices

Where a provision of this Act requires publication in the Gazette, the Board may, in addition to or in exceptional circumstances, cause the publication to be published.

- (a) in the national daily newspapers, and
- (b) on radio and television,

30. NATIONAL RECONCILIATION COMMISSION ACT, ACT 611, 2002

Section 12(4) Where proceedings are held in private, the Commission shall direct that:

- (a) any information from the proceedings shall not be made public;
- (b) a person shall not disclose the identity of a witness in the proceedings;

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(c) records of proceedings be kept in the manner that will protect the identity of a witness, but the Commission may for good reason direct otherwise.

Section 27: Oath of office

On assumption of office each member of the Commission shall depose to "The Oath of Secrecy" and the Official Oath

31. NON-BANK FINANCIAL INSTITUTIONS ACT, ACT 774, 2008

Section 41: Confidentiality:

Subject to any law that relates to sharing of information on credit transactions, a non-bank financial institution and its staff shall ensure that transactions are conducted in strict confidence and that the confidentiality of customers is maintained.

32. OATHS ACT, N.R.C.D. 6, 1972

Section 12: Additional oaths

Despite anything in section 320, the President may in writing require the holder of an office specified in the First Schedule to take the Oath of Allegiance, the Oath of Secrecy or an Oath prescribed by that Schedule in relation to the office of that holder.

Oath of Secrecy (required of all civil servants)

I, _____, do (in the name of the Almighty God) (solemnly affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall come to my knowledge in the discharge of my official duties except as may be required for the discharge of my official duties or as may be specially permitted by law²¹.

33. PETROLEUM INCOME TAX ACT, P.N.D.C.L. 188, 1987

Section 30: Obligations of secrecy

(1) A person having an official duty in the administration of this Act, and having possession of, or control over, the documents, accounts or information relating to petroleum operations and the amount and value of petroleum produced and saved by a person, who at any time communicates the information or anything contained in the documents or accounts to a person, other than a person to whom, there is authority by law to communicate it to, for the purpose of this Act or the Internal Revenue Act, 2000, (Act 592) commits an offence, and is liable on summary conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and imprisonment.

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34. POLICE SERVICE ACT, ACT 350, 1970

Section 17: Misconduct and unsatisfactory service

It is misconduct for a police officer –

- (j) to divulge a confidential information to a person not authorized to receive it.

35. PROTECTION AGAINST UNFAIR COMPETITION ACT, ACT 589, 2000

Section 5: Unfair competition in respect of secret information

(1) An act or a practice in the course of industrial or commercial activities, that result in the disclosure, acquisition or use by another person of secret information without the consent of the rightful owner of that information and in a manner contrary to honest commercial practices constitutes an act of unfair competition.

(2) Disclosure, acquisition or use of secret information by another person without the consent of the rightful owner may, in particular, result from

- (a) industrial or commercial espionage;
- (b) breach of contract;
- (c) breach of confidence;
- (d) inducement to commit any of the acts referred to in paragraphs (a) to (c);
- (e) acquisition of secret information by a third party who knew or was grossly negligent in failing to know, that an act referred to in paragraphs (a) to (d) was involved in the acquisition.

(3) For the purposes of this section, information is “secret information” if

- (a) it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question;

- (b) it has commercial value because it is secret; or

- (c) it has been subject to reasonable steps under the circumstances by the rightful owner to keep it secret.

36. Prisons Service ACT, NRCD 46, 1972

Section 16: Misconduct and unsatisfactory service:

It shall be misconduct for a prisons officer:

- (j) to divulge any confidential information to a person not authorized to receive it.

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37. PUBLIC PROCUREMENT ACT, ACT 663, 2003

Section 63: Non disclosure of tender evaluation details:

Information relating to the examination, clarification, evaluation and comparison of tenders shall not be disclosed to suppliers or contractors or to any other person not involved officially in the examination, evaluation or comparison of tenders or in the decision on which tender should be accepted, except as provided in section 28 on the record of procurement proceedings.

Section 28: Record of procurement proceedings:

Section 28 (4) provides that certain disclosures maybe ordered by a competent court but the procurement entity shall not make the disclosure if such information will be contrary to the law; impede law enforcement; contrary to the interest of the public; prejudice legitimate commercial interests of the parties, or inhibit fair competition as provided under the Protection Against unfair Competition Act.²²

Section 77: Confidentiality:

- (1). The procurement entity shall treat proposals and any negotiations on selection procedure as confidential and avoid the disclosure of their contents to competing consultants
- (2) A party to the negotiations shall not reveal to any other person any technical, price or other information relating to the negotiations without the consent of the other party.

38. PUBLIC ORDER ACT, ACT 491, 1994

Section 1: Notification of special event

- (1) A person who desires to hold a special event in a public place shall notify the police of that intention not less than five days before the date of the special event.
- (2) The notification shall be in writing and signed by or on behalf of the organiser of the special event and shall specify
 - (a) the place and hour of the special event,
 - (b) the nature of the special event,
 - (c) the time of commencement,
 - (d) the proposed route and destination, and
 - (e) the proposed time of closure of the event.
- (3) The notification shall be submitted to a police officer not below the rank of assistant superintendent or other police officer responsible for the police station nearest to the location of the proposed special event.
- (4) Where a police officer notified of a special event under subsection

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(1) has reasonable grounds to believe that the special event if held may lead to violence or endanger public defence, public order, public safety, public health or the running of essential services or violate the rights and freedoms of any other persons, the police officer may request the organiser to postpone the special event to any other date or to relocate the special event.

39. PUBLIC RECORDS AND ARCHIVES ADMINISTRATION ACT, ACT 535, 1997

Section 16: Thirty years rule

(1) Public records in the National Archives and any other archival repository designated by the Director shall be available for public inspection after the expiration of a period of thirty years from their creation unless a longer or shorter period is prescribed by regulations.

40. REGISTRATION OF BIRTHS AND DEATHS ACT, ACT 301, 1965

This Act provides for the registration of births, foetal deaths and deaths, as well as the provisions burial grounds and other related matters.

Section 6: Disclosure of information

A person shall not communicate or allow to be communicated to any other person an information obtained under this Act, or allow a person to inspect or have access to any other record containing information obtained under this Act except as authorised by or under this Act.

Section 31: Searches of records

(1) The Registrar, on the application of a person and the giving by that person of the information that the Registrar thinks fit and on the payment by that person of the prescribed fee, shall if satisfied that the information is not to be used for an improper purpose, cause a search to be made on behalf of that person

- (a) for the record of the registration in the office, of a birth, foetal death or death, and
- (b) for the record in the office of a burial.

(2) The Registrar shall make a report on the search which shall state whether or not the birth, foetal death, death or burial is registered or recorded and, if registered, shall state the registration number but the report shall not contain any further information.

41. REPRESENTATION OF THE PEOPLE LAW, P.N.D.C.L. 284, 1992

Section 31: Requirement of secrecy

(1) An election officer, clerk, interpreter, candidate, election agent or polling agent on duty at a polling station shall maintain and help in maintaining

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the secrecy of voting and shall not, except for a purpose authorised by law, communicate to any other person an information as to

(a) the name of a voter who has or has not applied for a ballot paper or voted at a polling station, or

(b) the number on the register of a voter who has or has not applied for a ballot paper or voted at a polling station, or

(c) the official mark.

(2) A person present at the counting of votes shall maintain and help in maintaining the secrecy of voting and shall not communicate an information obtained at the counting of the votes as to the candidate for whom a vote is given on a particular ballot paper.

(3) A person shall not

(b) obtain or attempt to obtain in a polling station information about the candidate for whom a voter in that station is about to vote or has voted, or

(c) communicate at any time to any other person an information obtained in a polling station about the candidate for whom a voter in that station has voted or is about to vote, or about the number, on the ballot paper given to a voter at that station,

4) A person who has undertaken to assist

(a) a blind voter to vote, or

(b) a voter who is incapacitated from voting by any other physical cause to vote,

shall not communicate at any time to another person information as to the candidate for whom that disabled voter intends to vote or has voted, or as to the number, on the ballot paper given for the use of the disabled voter.

42 SECURITIES INDUSTRY ACT, 1993, P.N.D.C.L. 333

Section 17: Secrecy of information from books

(1) An information obtained from a book that has been produced under section 10, 11 or 12 shall not, without the previous consent in writing of the person who has custody or control of the books, be published or disclosed, except to the Commission and its officers and employees, unless the publication or disclosure is required

(a) with a view to the institution of or for the purposes of, criminal proceedings, or

(b) for the purpose of proceedings under section 10, 11 or 12.

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(2) A person who publishes an information in contravention of subsection (1) commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment.

43. SECURITY AND INTELLIGENCE AGENCIES ACT, ACT 526, 1996

The Security and Intelligence Agencies Act, is an ACT passed to make provision in respect of the National Security Council, to provide for the establishment of regional and district security councils, to specify the state agencies responsible for implementing government policies on the security of the Republic and issues relating to internal and external security and to provide for related matters.

Section 35: Oaths:

(1) A director and any other employee of an intelligence agency shall, before the commencement of functions under this Act, take the oath of allegiance and the oath of secrecy provided in the Schedule.

Section 35: Authorised disclosure of information

(1) An employee of an intelligence agency shall not disclose information obtained in the performance of a function under this Act except as required by virtue of this Act or any other enactment.

Under section 36, Disclosure is only permitted to the following persons:

36 (2) Despite subsection (1), an intelligence agency may permit the disclosure of information by an employee under this Act,

(a) to a public officer who has authority to investigate an alleged contravention of a law or to the Attorney-General, if the information is required for an investigation or prosecution;

(b) to the Minister responsible for Foreign Affairs, if the information relates to the conduct of the international affairs of the country;

(c) to the Minister responsible for Defence or a person designated by the Minister, if the information is relevant to the defence of the country;

(d) to the Chief Justice, if the information is required by a Court of competent jurisdiction;

(e) to a Minister of State or person in the public service, if in the opinion of the director the disclosure of the information is essential in the public interest, and the public interest outweighs an invasion of privacy that may result from the disclosure.

Section 37: Offences to disclose information and identity:

(1) Subject to the Constitution and to section 36, a person shall not disclose an information obtained by that person or to which that person had access in the performance of functions under this Act or to which

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that person had access in the administration or enforcement of this Act and from which there can be inferred the identity of

- (a) any other person who is or was a confidential source of information or assistance to the intelligence agency, or
- (b) a person who is or was an employee engaged in covert operational activities of the intelligence agencies.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a term of imprisonment not exceeding ten years.

Section: Disclosure before Parliament:

Section 38 (1) An employee of an intelligence agency shall not be required to produce before Parliament a document or any other evidence where

- (a) the Speaker certifies
 - (i) that the document or the other evidence belongs to a class of documents or evidence, the production of which is injurious to the public interest, or
 - (ii) that the disclosure of the evidence or of the contents of the document will be injurious to the public interest; or
- (b) the Council certifies
 - (i) that the document or any other evidence belongs to a class of documents or evidence the production of which is prejudicial to the security of the Republic, or
 - (ii) that disclosure of the evidence or of the contents of the document will be prejudicial to the security of the Republic.

(2) Where there is doubt as to the nature of a document or any other evidence referred to in subsection (1), the Speaker or the Council shall refer the matter, in accordance with article 135 of the Constitution, to the Supreme Court for determination whether the production, or the disclosure of the contents, or the document or any other evidence would be injurious to the public interest or prejudicial to the security of the Republic.

44. SECURITIES INDUSTRY ACT, P.N.D.C.L. 333, 1993

Section 17: Secrecy of information from books:

(1) An information obtained from a book that has been produced under section 10, 11 or 12 shall not, without the previous consent in writing of the person who has custody or control of the books, be published or disclosed, except to the Commission and its officers and employees, unless the publication or disclosure is required

- (a) with a view to the institution of or for the purposes of, criminal proceedings, or

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- (b) for the purpose of proceedings under section 10, 11 or 12.
- (2) A person who publishes an information in contravention of subsection (1) commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment.

45. STANDARDS AUTHORITY ACT, 1973, N.R.C.D. 173

Section 23: Secrecy:

- (1) The information obtained by the Board or by an officer or employee of the Authority or by any other person in the course of administration of this Act as to a formula, process, or practice shall be treated as confidential, except for purposes connected with the administration of this Act.

46. STATISTICAL SERVICE ACT, P.N.D.C.L. 135, 1985

Section 19: Oath of secrecy

A person employed to perform a function under this Act shall, before entering on the duties of office make and subscribe the oath or affirmation set out in the Second Schedule, before a District Magistrate or a Commissioner for Oaths.

47. STATES SECRETS ACT, ACT 101, 1962

Section 1: Acts prejudicial to the republic

Any person who, for any purpose prejudicial to the safety or interests of the Republic,

(c) obtains, collects, records or publishes or communicates in whatever manner to any other person any secret official code word, or pass word, or any sketch, plan model, article, or note or other document or information that is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power; commits an offence under this act.

Sub (3) Where a document or information relating to or used in a prohibited place, or anything in that place, or any secret official code word or pass word is made, obtained, collected, recorded, published or communicated by a person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the Republic unless the contrary is proved by the person accused.

Section 3: Wrongful communication of information

1. A person commits an offence who having possession, or control of

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a secret official code word or password or a secret official document or information,

(a) communicates the code word, pass word, sketch, plan, model, article, note, document or information to any person, other than a person to whom he is authorized to communicate with, or a person to whom it is in the interest of the Republic his duty to communicate it.

(3): any person who, having in his possession or control any sketch, plan, model, article, note, document or information that relates to munitions of war, communicates it directly or indirectly to a foreign power, or in any other manner prejudicial to the safety or interests of the Republic, commits an offence under this Act.

(5)(b): any person who allows any other person to have possession of any official document issued for the use of that person alone, or communicates a secret official code word or pass word so issued, or, without lawful authority or excuse, has possession of an official document or secret official code word or pass word issued for the use of any other person, or on obtaining possession of an official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to a police officer, commits an offence under this Act.

48. TELECOMMUNICATIONS (FREQUENCY REGISTRATION AND CONTROL) ACT, S.M.C.D. 71, 1977

Section 8: Licensing of telecommunication stations

A person shall not establish or use a station for telecommunication unless that person has obtained a licence to do so issued by the Board under this Act.

Section 9: Licence for the installation of telecommunication apparatus

A person shall not install or use a telecommunication apparatus unless that person has obtained a licence to do so issued by the Board under this Act

Section 17: Disclosure of messages:

(1) A person who, except in the course of judicial proceedings or for the purpose of any report, discloses an information as to the contents, sender or addressee of a message being information which would not have come to the knowledge of that person but for the use of telecommunication apparatus by that person or by another person, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

This provision does not apply in matters of state security as is shown in Section 17(2).

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(2). Despite subsection (1) a person who receives a message by means of telecommunication affecting the security of the state shall within a reasonable time after the receipt of the message convey the contents of the message to a police officer not below the rank of an inspector.

49. VOLTA RIVER DEVELOPMENT ACT, ACT 46, 1961

Section 16: Research and records:

The Authority shall, with a view to facilitating present or future research or planning, maintain and preserve the records relating to its functions as it shall consider proper, and may engage in research, and assist others to engage in research, in respect of a matter relating to those functions and may publish the records and the results of a research in which it may engage. - Note: the section says "May", in other words it is at the discretion of the authority to decide whether or not to publish the report.

50. WHISTLEBLOWER ACT, ACT 720,2006

The Whistle blowers Act provides for the manner in which individuals may in the public interest disclose information that relates to unlawful or other illegal conduct or corrupt practices of others; to provide for the protection against victimisation of persons who make these disclosures; to provide for a Fund to reward individuals who make the disclosures

Section 6: Action by person who receives disclosure of impropriety:

(1) when a disclosure of impropriety is made to a person specified in section 3, the person shall:

- d. make a record of the time and place where the disclosure is made,
- e. give to the whistle blower an acknowledgment in writing of receipt of the disclosure, and
- f. Keep the writing in which the disclosure is made confidential and in safe custody pending investigation of the impropriety

Where a person to whom the disclosure is made fails to keep confidential the disclosure, the person commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both. - note this does not apply where the disclosure is made to persons listed under section 3

Constitutional Instruments Granting Access

The 1992 Constitution:

Fair trial

Section 19 (4) Whenever a person is tried for a criminal offence the accused person or a person authorised by him shall, if he so requires, be given, within a reasonable time not exceeding six months after judgment, a copy of any record of the proceedings made by or on behalf of the Court for the use of the accused person.

1. SUPREME COURT RULES, 1996

The Supreme Court rules is established under Article 33 (4), Article 64 (3), Article 157 (2)23

Section 37: Copies of record for parties

(1) Subject to clause (4) of article 19 of the Constitution, an appellant may, at any time after notice of a criminal appeal or notice of an application for leave has been given to the appellant, obtain from the Registrar of the Court below free of charge for the purposes of the appeal, copies of the record of the proceedings.

(2) The respondent shall be supplied with a copy of the record of the proceedings.

Section 72: Copies of documents for the Court

Where for the purposes of these Rules a person files or is required to file a document, that person shall, in addition, file a sufficient number of copies of the document for the use of the Justices of the Court and for service on the Attorney-General, on the other parties and on any other persons that the Court may direct.

Section 74: Pronouncement of judgment

(4) Copies of the opinions shall on payment of the requisite fees be given to the parties and the public after they have been duly certified by the Registrar in accordance with section 99 (1) of the Courts Act, 1993 (Act 459).

2. ELECTION (REGIONAL REPRESENTATIVES ON COUNCIL OF STATE) INSTRUMENT, 1993

Section 11: Notification of election results

The Commission shall furnish the President with the names of the elected members and shall publish the results of the election in the Gazette and the media.

Constitutional Instruments Granting Access

3. PARLIAMENTARY SERVICE (STAFF) REGULATIONS, C.I. 11, 1995

The Parliamentary Act was issued under section 18 of the Parliamentary Service Act, 1993 (Act 460) by virtue of Article 124 (5)²⁴

19. Annual appraisal report

- (1) The reporting officer shall submit in respect of each employee an annual report which shall be discussed with that employee before submission.
- (2) The employee shall be permitted to read and comment in writing on the report.

4. PUBLIC ELECTIONS (REGISTRATION OF VOTERS) REGULATIONS, C.I.12, 1995

Section 27: Public notice and the Gazette

Where a matter is provided in these Regulations to be published in the Gazette it may, in lieu of, or in addition to the publication in the Gazette, be published through the radio, television, the national newspapers or any other medium of mass communication.

5. PUBLIC ELECTIONS REGULATIONS, C.I.15, 1996

Section 3: Notice of election:

- (1) On receipt of a writ of an election, the returning officer shall publish notice of the election throughout the constituency in the manner directed by the Commission.
- (2) A notice of an election under these regulations shall be in the form directed by the Commission and shall specify the day, the place and the time for the nomination of candidates and the day when the poll is to be taken.

6. COURT OF APPEAL RULES, 1997

Section 22: Submission by party not appearing

At any time before the hearing of an appeal a party to the appeal may file a declaration in the Form 12 set out in Part One of the Schedule that that party does not wish to be present in person or by counsel at the hearing of the appeal in which case that party shall file five copies of the arguments, which that party desires to submit to the Court, a copy of which shall be supplied to the other party at the appropriate stage of the hearing; and the appeal shall be dealt with as if that party had appeared.

Constitutional Instruments Granting Access

Section 42: Copies of record for appellant

The appellant may obtain from the Registrar of the Court below free of charge, copies of the record and the document or exhibit in the possession of the Registrar for the purpose of the appeal.

Section 50: Report of trial Court

- (1) The Registrar shall, in relation to an appeal, if directed by the Court, request the trial Justice of the Court below to furnish the Registrar with a report in writing, giving the Justice's opinion on an aspect of the trial in the Court below and the trial Justice shall furnish the report to the Registrar.
- (2) The report of the trial Justice shall be made to the Court and the Registrar shall, on request, furnish the appellant and respondent with copies of the report.

Constitutional Instruments Clogging Access to Information

1. COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (COMPLAINT PROCEDURE) REGULATIONS, 1994

Section 9. Submission of monthly reports

- (1) The head of a district branch of the Commission shall, within five days of the end of every month, submit to the head of the regional branch of the Commission, a report of the complaints investigated by the district branch in the preceding month and the recommendations of the district branch on the complaints.
- (2) The designated head of a regional branch of the Commission shall submit a monthly report on the complaints investigated by the district branches and the regional branch together with the recommendations, to the national office.

The sections of this instrument allow the public institution to have access to relevant information without a corresponding obligation on them to release same to the public. The report of complaints investigated is not available to the public.

2. PARLIAMENTARY SERVICE (STAFF) REGULATIONS, C.I.11, 1995

This regulation is issued under section 18 of the Parliamentary Service Act, 1993 (Act 460) by virtue of Article 124 (5)²⁵

Section 21: Oath of secrecy

An employee shall subscribe to the Oath of Secrecy as provided in the First Schedule.

2. ADOPTION RULES, C.I.42, 2003

Issued under the power conferred on the Rules of Court Committee by subsection (1) of section 86 of the Children's Act, 1998 (Act 560)²⁶

Section 22: Restriction on disclosure of information

- (1) No person shall knowingly reveal the identity
 - (a) of the applicant to any parent or relative of the child; or
 - (b) of any parent or relative of the child to the applicant, unless that person does so with the consent of the Court granted on the advice of the Department.
- (2) Any information obtained by any person in the course of relating to proceedings under the Act shall be treated as confidential and shall not be disclosed except as may be necessary for the proper execution of duty.
- (3) Any person who contravenes any provision of this rule commits an offence and is liable on summary conviction to a fine not exceeding 125 penalty units or to a term of imprisonment not exceeding six months or to both.

Conclusion / Recommendations

The Right to Information (RTI) is a fundamental human right which underpins all rights. Almost all the existing laws identified lack the key element required for accessing information i.e. the right to seek redress where access is denied. The aim of exercising the right of access to information is not necessarily to provide punishment for the act of refusal to give information but to get the information needed.

The passage of a Right to Information law will erase this shortfall. A common factor identified in this work is that public access to information is restricted, but access is granted to public institutions which have no obligation to disclose such information received. The above analysis, we hope, demonstrates that there is an urgent need for a legal framework that will regulate the right of access to information in Ghana. Therefore the possibility of appeal provided under the Ghana Right to Information Bill should be extended to existing legislation when the bill is passed.



Media Rights Agenda (MRA) is an independent, non-governmental organisation established in August 1993 for the purpose of promoting and protecting press freedom and freedom of expression in Nigeria. MRA is registered in Nigeria, has Observer Status with the African Commission on Human and Peoples' Rights in Banjul, The Gambia.

MRA's programmes fall into four broad categories, namely: Litigation, Training, Research and Publications, and Advocacy, although its projects in these areas often overlapped. Its specific project activities include monitoring of attacks on the press, publication of reports on media issues, legislative lobbying, organizing seminars, conferences and workshops, research and litigation, particularly class actions and legal assistance to journalists who are physically attacked, arrested or detained, unjustly dismissed from their work or are harassed in other manners.

The Aims and Objectives of Media Rights Agenda are:

- a. to promote respect and recognition for press freedom and freedom of expression in Nigeria;
- b. to provide protection and support for journalists and writers engaged in the lawful pursuit of their professional duties;
- c. to promote the highest standards of professional ethics, integrity, training and conduct in the journalism profession; and
- d. to bring about a conducive social and legal atmosphere for the practice of journalism, and ensure the protection of the journalist's right not to be compelled to work against his or her conviction or disclose confidential sources of information.

Media Rights Agenda has an administrative structure made up of Trustees, the Executive Committee, Advisory Council and the Secretariat.

Executive Committee

Edetaen Ojo, Executive Director

Tunde Fagbohunlu, Director of Legal Services

Morenike Ransome-Kuti, Director of Research

Austin Agbonsensemi, Director of Publications

Eze Anaba, Director of Projects

Tive Denedo, Director of Campaigns

Angela Agoawike, Member

Ibim Semenitari, Member

Secretariat

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