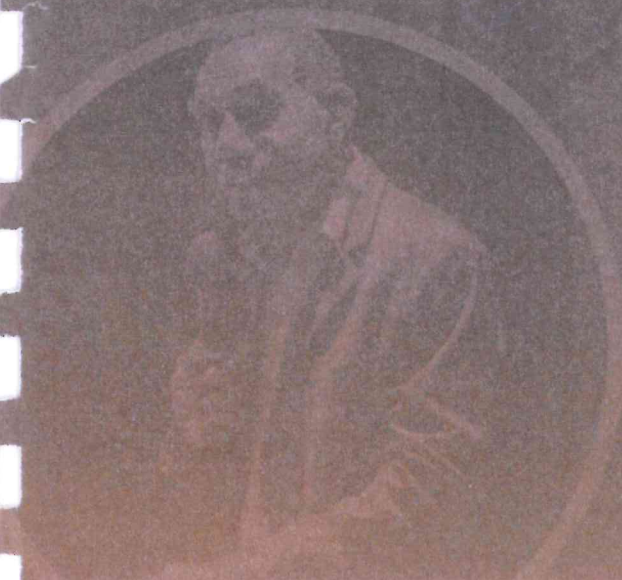
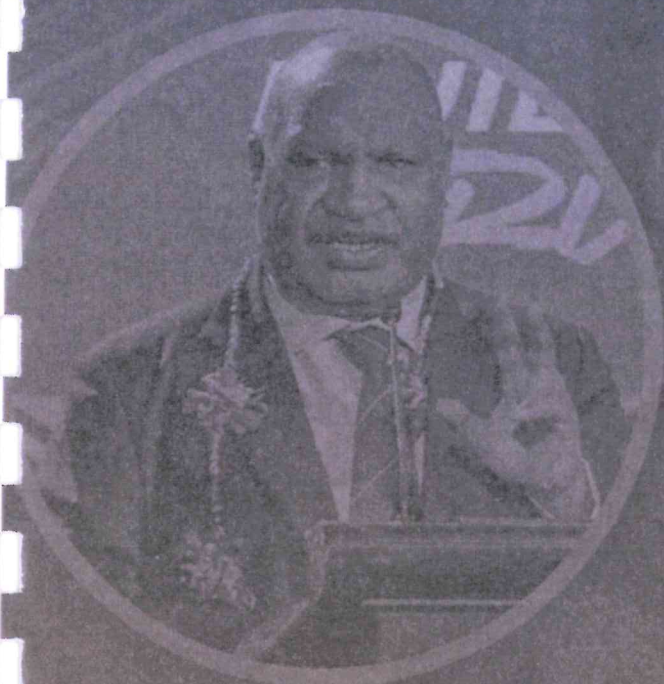




NATIONAL RIGHT TO INFORMATION POLICY



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MINISTER'S FOREWORD



It is my honor to present the Right Information Policy to the people of Papua New Guinea. This policy establishes a comprehensive framework to promote transparency, accountability, and openness in Government by ensuring that citizens have the right to access information held by public institutions as stated in section 51 (3) of the national constitution.

This policy is the result of the collective efforts of my department and key stakeholder agencies. I commend the Secretary, his staff, and all representatives from participating institutions for their collaboration in developing this important policy. It marks a significant step forward in strengthening good governance and complements existing legal and policy frameworks within our public sector.

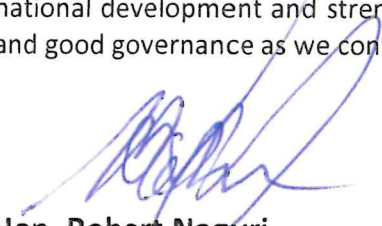
The primary objective of this policy is to empower our citizens by providing them with access to information that enables informed participation in decision-making processes. It also aims to strengthen public trust in Government by promoting openness and improving the flow of information between the State and its people. As a democratic nation, PNG recognizes that access to information is a fundamental pillar of good governance. It is the responsibility of Government to ensure that information is made available in a timely, accessible, and transparent manner, while also safeguarding sensitive information related to national security, privacy, and confidentiality.

At this juncture, I commend the Marape–Rosso Government for its strong leadership and commitment to advancing transparency, accountability, and public sector reform. The development of this policy reflects our government's vision of building a more open, inclusive, and responsive system of governance.

Access to information plays a critical role in combating corruption, enhancing service delivery, and promoting citizen engagement. However, it also requires responsibility from both public institutions and citizens to ensure that information is used ethically and constructively. This policy therefore seeks to balance the right to access information with the need to protect legitimate state and individual interests.

My department will serve as the lead implementing agency, working in close collaboration with relevant Government bodies, oversight institutions, civil society organizations, and development partners to ensure effective implementation and compliance.

I encourage all public institutions to embrace this policy by fostering a culture of openness and proactive information disclosure. I also call on all Papua New Guineans to utilize this policy responsibly to contribute to national development and strengthen our democracy. Together, let us promote transparency, accountability, and good governance as we continue to build a better future for Papua New Guinea.



Hon. Robert Naguri

Minister for Department of Information and Communication Technology

SECRETARY'S STATEMENT



The Right to Information Policy represents a significant milestone in Papua New Guinea's journey towards strengthening democratic governance, institutional accountability, and public trust. It reflects the Government's commitment to fostering a culture of openness and ensuring that citizens have meaningful access to information that affects their lives and development.

As societies become increasingly interconnected and information-driven, transparency is no longer merely an administrative obligation but a fundamental requirement for effective governance. Access to information empowers citizens, strengthens public participation, promotes informed decision-making, and reinforces confidence in public institutions. In this regard, the Right to Information Policy provides a strategic framework to support a more transparent, responsive, and accountable public sector.

This policy is grounded in the constitutional principles of openness and public accountability and aligns with the Government's broader reform agenda to enhance good governance and improve service delivery. It recognizes that information is a valuable national asset and that its responsible management and accessibility are essential to sustainable development, social inclusion, and democratic progress.

The development of this policy has been guided by extensive stakeholder engagement and reflects a collective commitment to advancing transparency across all levels of government. It establishes a foundation upon which public institutions can strengthen information management practices, improve public access to information, and promote greater citizen engagement in national development.

The Department remains committed to providing leadership and coordination in advancing the objectives of this policy. Its successful implementation will require the continued collaboration of government agencies, oversight institutions, civil society, development partners, and citizens alike. Together, we share a common responsibility to cultivate an environment where transparency, accountability, and integrity are embedded within the fabric of public administration.

I wish to acknowledge the leadership of our Acting Minister Hon. Peter Tsamalili Jnr, Prime Minister Hon. James Marape and the government for championing this important initiative. Their commitment to strengthening governance and empowering citizens has been instrumental in bringing this policy to fruition.

As we look toward the future, I encourage all public institutions to embrace the principles contained within this policy and work collectively towards a more open, inclusive, and accountable government. Through our shared commitment, we can strengthen public confidence, enhance democratic participation, and contribute meaningfully to the advancement of Papua New Guinea.


STEVEN MATAINAHO
Secretary

ACKNOWLEDGMENTS

This Right to Information Policy was developed by the Department of Information and Communications Technology (DICT) in partnership with the United Nations Development Programme (UNDP) and its consultant, Ms. Aylair Livingstone with inputs provided by UNDP Chief Technical Adviser (Anti-Corruption) Dr. Alma Sedlar.

The Policy was developed under the Preventing and Countering Corruption in Papua New Guinea Project (PNG Anti-Corruption Project) implemented by the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC) and funded by the European Union (EU). The efforts and support of the following government and non-government agencies and partners who dedicated their time and helped create a Policy that is both globally consistent and adapted to local circumstances is gratefully acknowledged:

- Department of Information and Communications Technology (DICT)
- Transparency International PNG (TI PNG)
- PNG Open Government Partnership Secretariat
- United Nations Development Programme United Nations Office on Drugs and Crime

This document was developed by the Department of Information and Communications Technology (DICT) with the support of the UNDP under the Project "Preventing and Countering Corruption in Papua New Guinea" (PNG Anti-Corruption Project) implemented by the United Nations Development Programme (UNDP) Papua New Guinea and United Nations Office on Drugs and Crime (UNODC) and funded by the European Union.

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ACRONYMS

CLRC	Constitutional and Law Reform Commission
DA	Departments and Agencies
DIO.	Departmental Information Officer
DPMNEC	Department of Prime Minister and National Executive Council
FOI	Freedom of Information
DICT	Department of Information and Communications Technology
NACPA	National Anti-Corruption Plan of Action (2020 – 2025)
NACS	National Anti-Corruption Strategy (2010 – 2030)
NEC	National Executive Council
NGO	Non-Governmental Organizations
OGP	Open Government Partnership
PIF	Pacific Islands Forum
PILAG	Pacific Institute of Leadership and Governance
PARBICA	Pacific Regional Branch of the International Council on Archives
PNG	Papua New Guinea
RIM	Records and Information Management
RTI	Right to Information
TI PNG	Transparency International Papua New Guinea
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
ICAC	Independent Commission Against Corruption

DEFINITIONS

“applicant” means any natural person or legal entity, whether national or foreign, who applies to a public or private body for access to a record or who makes a complaint under this Policy

“application” means a request for records or information made by an applicant to a public or private body and **“request”** has a corresponding meaning

“Archives” means the National Archives and Public Records Services

“Cabinet” means the National Executive Council

“day” means any day other than Saturday, Sunday, or a public holiday

“exempt material” means any matter the inclusion of which causes part of a record to be exempt from disclosure

“hold” means a record which is liable to be produced under this Policy and which is in the possession, custody, or control of a public or private body, whether or not it was created by any of them or whether created prior to the adoption of this Policy

“information” means information that is asked for by an applicant as distinct from an application for specific records

“official language” means any of the three official languages being English, Tok Pisin and Hiri Motu

“private body” means a person who carries on or has carried on a trade, business, or profession; or a partnership which carries on or has carried on any trade or business; or any former or existing person or any successor in title but does not include a public body

“Proportionality Test and Public Interest Test” means the assessment of proportionality between the reasons for granting access to information and reasons for imposing restrictions and granting access to information only if the public interest prevails.

“public body” includes public authorities, other state authorities, bodies of the local and regional self-government units, legal entities and other persons vested with public authority, legal entities established by the Papua New Guinea or the local, provincial and regional self-government units, legal entities engaged in public service, legal entities entirely funded by the state budget or the budget of the local and regional self-government units or from public resources /taxes, contributions, etc.), and companies in which the Papua New Guinea or the local and regional self-government units hold individual or joint majority ownership. the state; departments and agencies; statutory bodies; and public corporations in which the Government holds more than fifty per cent shares

“public information” means any information originating from the field of work of the bodies and occurring in the form of a document, a case, a dossier, a register, a record, or other documentary

material (hereinafter referred to as "the document") drawn up by the body, by the body in cooperation with other body, or acquired from other persons.

"public services or functions" means services or functions that are essential to the welfare of the people of Papua New Guinea, and which are provided or supported by the Government and its agencies, or by a non-government agency on behalf of the Government;

"publish" means communicating information to the public through any or more of the following means –

- a. publication on the Government's website or the website of a public or private body where available;
 - b. notice boards;
 - c. public and village announcements;
 - d. press releases;
 - e. daily and weekly newspapers;
 - f. media broadcasts;
 - g. existing Government and non-government networks;
 - h. the internet;
 - i. any other available means for publishing information as the Minister may direct
- and *"disseminate"* has a corresponding meaning

"records" means information held in any form including –

- a. a record in writing
- b. a map, plan, graph, or drawing;
- c. a photograph;
- d. a disc, tape, soundtrack, or any other device in which sounds or other data (not being visual images) are embodied, whether electronically or otherwise, so as to be capable (with or without the aid of some other equipment) of being reproduced;
- e. any film (including microfilm), negative, tape or other device in which one or more visual images are embodied whether electronically or otherwise, so as to be capable (with or without the aid of some other equipment) of being reproduced,

held by a public body, or a private body to which this Policy applies, in connection with its function as such, whether or not it was created by them or before the adoption of this Policy

"reproduction fee" means a fee which is payable by an applicant for a copy of a record to which access has been granted by a public body or private body

"responsible Minister" means the Minister responsible for the administration of this Policy

"re-use of information" means the use by natural or legal entities of documents held by public sector bodies, for commercial or noncommercial purposes other than the initial purpose within the

public task for which the documents were produced. Exchange of documents between public sector bodies purely in pursuit of their public tasks does not constitute re-use.

“the Government” means the National Government of Papua New Guinea

“the right of access to information” or ***“the right to information”*** or ***“freedom of information”*** means the right of the applicants to request and acquire information, and the obligation of public and some private bodies to provide access to requested information in accordance with this Policy, and any other relevant policy, law or regulations and includes, but is not limited to the right to:

- any information originating from the field of work of the bodies and occurring in the form of a document, a case, a dossier, a register, a record or other documentary material ") drawn up by the body, by the body in cooperation with other body, or acquired from other persons;
- take notes, extracts or certified copies of records or information;
- inspect work, documents, or records; or
- take certified samples of material; or
- obtain information in any form such as compact discs, diskettes, floppy discs, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device or form

“third party” means any other person associated with information other than that person applying for information or any public body or private body providing such information

“Fundamental Rights” According to the Constitution of PNG under section 33 (*subdivision b*) fundamental right refers to basic human rights and freedoms that are guaranteed to every individual and are legally protected by the Constitution.

“Qualified Rights” According to the Constitution of PNG under section 38 (*subdivision c*), qualified right means a fundamental right that can be ***lawfully limited or restricted***, provided certain constitutional conditions are met.

I. INTRODUCTION AND BACKGROUND

The “Right to Information” (RTI) or “Freedom of Information” means that persons and organisations have a legally recognised right to request and obtain information, from public bodies, and in some instances, from private bodies performing public functions, subject to limited exceptions. Right to Information is a human right and is recognized by article 19 of the International Covenant on Civil and Political Rights (ICCPR) and article 19 the Universal Declaration of Human Rightsⁱ as an integral part of the fundamental right to freedom of expression. These articles state that the fundamental right of freedom of expression encompasses the freedom to ‘seek, receive, and impart information and ideas through any media and regardless of frontiers’. Article 10 of the United Nations Convention against Corruption (UNCAC) requires State parties to take measures to enhance transparency in public administration, including information on its organization, functioning and decision-making processes.ⁱⁱ Sustainable Development Goal (SDG) 16 includes requiring member States to ensure public access to information as a key aspect to achieving the overall goal of peace, justice and strong institutions.ⁱⁱⁱ Under the Pacific Plan 2005,^{iv} the UN Pacific Strategy^v and the 2018 Boe Declaration,^{vi} Pacific Island countries (PICs) are urged to put strategies in place to implement and/or monitor RTI legislation. As of 2025, at least 139 countries had adopted RTI laws.^{vii}

Benefits of RTI Regime

The RTI mechanism enables members of the public the opportunity to scrutinize the work of government and its administration. It increases accountability of the public sector, reduces corruption, and increases trust in public institutions. The business environment in countries also benefits as companies can access important information about business opportunities, processes, and regulations. Open and transparent governance also encourages foreign investment, enabling overseas businesses to access more information online, rather than through cultivating personal contacts.

Increasing access to information is a critical mechanism for strengthening public trust in times of crises, such as natural disasters and the recent COVID-19 pandemic. Providing real-time information to the public on a government’s crisis response is critical to helping people know how to protect themselves and each other. Experience has also shown that proactive disclosure of procurements and contracts issued in response to crises can also promote public accountability and ensure that emergencies are not exploited as an opportunity to misuse public funds.

An effectively implemented RTI or information disclosure regime is therefore of paramount importance to enhancing accountability and transparency in the public sector and ultimately the fight against corruption.

Constitutional Protection of RTI

Section 51(1) of the Constitution of the Independent State of Papua New Guinea (PNG) gives every citizen the right of reasonable access to official documents, subject only to the need for such secrecy as is reasonably justifiable in a democratic society subject to exceptions. Section 51(2) gives Parliament the discretion to enact a s. 38-compliant law to regulate or restrict the right to information while s. 51(3) mandates the establishment of procedural law by which citizens may obtain access to official information.

Accountability, Transparency, and Anti-Corruption Efforts

The Government of Papua New Guinea has progressively taken steps to address corruption over the last three decades. Successive administrations over the years have become party to several international and regional instruments related to the anti-corruption and the right to information. Papua New Guinea was the first nation in the Pacific region to ratify the United Nations Convention against Corruption (UNCAC) in 2007. Under articles 5, 7, 9 10 and 13 of UNCAC, State parties are obligated to observe and give effect to RTI in broad areas of governance including ensuring the proactive disclosure of information, developing anti-corruption policies and practices, and taking measures to enhance transparency in the organization, functioning and decision-making processes of public administration.

The Government's commitments under UNCAC have been followed by several other seminal developments, among them:

- a. **Anti-Corruption Strategy** - Development of the National Anti-Corruption Strategy (2010-2030) and its associated rolling National Anti-Corruption Plan of Action 2020 – 2025 (NACPA);
- b. **UNCAC** - Active participation in the mechanism for the review of the implementation of UNCAC (UNCAC Implementation Review Mechanism), as a State under review and a reviewing State;
- c. **EITI** - Joining the Extractive Industries Transparency Initiative (EITI) in 2014. The EITI is a global standard for the good governance of oil, gas, and mineral resources, and seeks to address the key governance issues in the extractive sectors. Member States are required to publish annual reports on related contracts and licenses, production, revenue collection, revenue allocation, and social and economic spending.
- d. **SDGs** - Support for the Sustainable Development Goals (SDGs) in 2017, in partnership with the United Nations under the United Nations Development Assistance Framework (UNDAF) 2018-2022. Under Goal 16 of the SDGs, States commit to ensuring public access to information and the protection of fundamental freedoms. Under the UNDAF partnership, PNG supports four Outcome areas which includes Outcome 4 - *"Peace: Promoting Inclusive, Governance, Justice & Peace"*- where, by 2022, Government and

non-governmental institutions must demonstrate improved transparency, accountability, delivery of justice and promotion of peace and security.

- e. **UN Pacific Strategy** - Endorsement of the UN Pacific Strategy, a multi-country framework which aims, in Outcome 5, to enhance governance and community engagement so that people and communities in the Pacific will contribute to and benefit from inclusive, informed, and transparent decision-making processes; accountable and responsive institutions; and improved access to justice by 2022.
- f. **Boe Declaration** - Endorsement of the 2018 Boe Declaration (an update to the Biketawa Declaration on regional security), under which Pacific Islands Forum (PIF) Leaders have undertaken to “*support regional initiatives and strengthen national efforts to combat corruption by public officials*” and to strengthen good governance, rule of law and anti-corruption and electoral processes under the Biketawa Declaration. One of the measures of success is: “*Number of Member Countries that adopt and implement constitutional, statutory and/or Policy guarantees for public access to information*”.
- g. **Teieniwa Vision**. In February 2020, seven Pacific Island Countries gathered in Kiribati to announce the Teieniwa Vision,^{viii} an acknowledgement and commitment to Pacific Unity Against Corruption. The Teieniwa vision, inter alia, recognizes and supports the right to information, the need to protect genuine whistle-blowers and for an independent civil society and responsible media to be involved in national and regional anti-corruption efforts. The Teieniwa Vision was officially endorsed regionally by the Pacific Islands Forum at a virtual Leaders’ Meeting on February 3, 2021.^{ix}
- h. **Enactment of ICAC**. In 2020, Papua New Guinea enacted the Independent Commission Against Corruption Act; operationalized in 2022. The ICAC will work together with the Ombudsman Commission to promote accountability, transparency and good governance in Papua New Guinea.

Early RTI Efforts in Papua New Guinea

Several notable developments in Papua New Guinea have occurred since independence and leading up to this Policy. A working group formed by the country’s First Legislative Counsel and comprising journalists, lawyers, the Registrar of the National and Supreme Courts, and directors of Transparency International PNG (TIPNG) prepared the groundwork for RTI legislation which, however, did not go far.

In 1993, the Government adopted a National Policy on Information and Communication, which although largely about the technology of communication, contained references to access to information.^x In 1999, TIPNG developed a draft RTI Bill based on section 51 of the Constitution, which, however, was not advanced.^{xi} Subsequently, on November 1, 2000, a draft paper on RTI legislation was prepared and presented by TIPNG for comment at a workshop in Port Moresby.

Current Information Disclosure Landscape

- a. **Whistleblower Act:** In 2020, the Government adopted the Organic Law on ICAC that established an Independent Commission Against Corruption with a section dedicated to protecting whistle-blowers. The Bill received the unanimous vote of the national Parliament. In 2020, a Whistleblower Act was enacted.
- b. **NGO Advocacy:** There are several NGOs that are involved in all sectors of national development, including human rights, and which play key roles in PNG's development strategy.^{xii} In 2019, Transparency International PNG (TI PNG) launched the document "*Our Right to Know, Their Duty to Tell*" recommending "*the urgent review of the draft RTI Act and its precursory National Right to Information (NRTI) Policy*" and proposing an Information Commission as an enforcement model. In May 2021, TI PNG provided the Department of ICT with a document "*PNG Open Government Partnership – An update on progress of Freedom of Information Law*".

In 2019, TI PNG also conducted a survey of twenty-four (24) Government agencies to assess their ability to provide public information both online and over the counter. It was found that while over 90% of the State agencies surveyed were unable to give public documents when requested over the counter, those same documents were already available online for 54% of the agencies. TIPNG concluded that there was a disconnect between officers and agencies and called for the creation of an RTI Policy and law outlining the process by which a citizen can obtain information and to establish a dedicated body to assist citizens' requests for information from Government agencies.^{xiii}

In 2018, the right to official documents under s. 51 of the Constitution was invoked and tested by the community group, the Alliance of Solwara Warriors in their bid to secure the public release of an environmental impact assessment on a proposed deep-sea mine.

- c. **Open Government Partnership Participation:** PNG has indicated an intention to introduce an Access to Information Bill within the framework of the Open Government Partnership (OGP).^{xiv} On May 7, 2014, at the Asia-Pacific Regional Conference in Bali, Indonesia, Hon. Rimbink Pato, the then PNG Minister for Foreign Affairs and Trade announced Papua New Guinea's intention to become an Open Government Partnership (OGP) member country. This intention was formally endorsed by the Government on September 3, 2015, through NEC Decision No. 285/2015 and was officially accepted and announced at the OGP Global Summit in Mexico on October 28, 2015.

In keeping with its commitment, PNG established a National OGP implementation mechanism with the creation of a Focal Point Secretariat within the Department of National Planning and Monitoring and a National OGP Steering Committee comprised of twelve (12) Government departments and ten (10) civil society organisations (CSOs). The Steering Committee delivered PNG's first OGP National Action Plan for 2018 – 2020 featuring four of

seven global OGP Cluster Commitments: *Freedom of Information; Public Participation; Fiscal Transparency; and Extractive Sector Governance.*

- **Action Plan I (2018 – 2020)**

DICT is responsible for cluster one commitment (Freedom of Information). The Freedom of Information commitment focuses on the development of three areas: *Access to Information legislation; Integrated Government Information System (IGIS); and Open Data Portal:*

- a. **Access to Information legislation:** The Department of Information and Communications Technology, and Transparency International PNG (TIPNG) are the lead government agency and CSO respectively for this commitment. The Department of ICT had revived interest on drafting RTI legislation through the PNG Digital Transformation Policy (approved by NEC Decision No. 252/2020). The Department has continued its work following the National Integrity Summit held in Port Moresby in May 2021 during which the Secretary of the Department of Information and Communications Technology made an undertaking to complete work on the legislation.
- b. **Integrated Government Information System (IGIS):** The Department of Prime Minister and National Executive Council and TIPNG are the lead government agency and CSO for the IGIS commitment, with the Department of ICT retaining project management responsibilities. IGIS has been subsumed into the Central eGovernment Platform prescribed within the *Digital Government Bill 2020* (NEC Decision No. 252/2020). The Bill contains the governance framework for strengthening PNG's cyber security capabilities and establishing ICT governance across all public bodies. ***The IGIS project was then shut down.***
- c. **Open Data Portal:** The Department of National Planning and Monitoring (DNPM) and TIPNG are the lead government agency and CSO for the Open Data Portal commitment. The DNPM has developed the *Papua New Guinea Strategy for the Development of Statistics 2018-2027*, which provides a framework for centralizing datasets and access. While the DNPM will centralize datasets, the Department of ICT is now mandated by NEC Decision No. 40/2021 to develop the open data portal. That decision also approved the Department of ICT to be the lead coordinating agency to develop a secure digital services platform and establish a governing authority to operate and maintain this platform. All government agencies were directed to coordinate with Department of ICT for all public sector digital services implementation including alteration, and the procurement of new ICT and digital infrastructure and services.

- **ACTION PLAN II (2022 – 2024)**

The Freedom of Information Cluster commitment has been not been fully implemented in National Action Plan 1 and was adopted into the Second OGP National Action Plan for 2020 – 2024. Priorities shifted with the introduction of emerging technologies. DICT was responsible for Freedom of Information Cluster (RTI Policy, Digital Government Legislation, Digital Transformation Policy, Data Repository Center, e-Government portal)

- a) **Right to Information Policy:** The Department of Information and Communication Technology and Transparency International PNG are the lead government agencies and CSO respectively for this commitment. With the support of international partner United Nations Development Programme (UNDP) through their Anti-Corruption Unit, the RTI policy was drafted. However, no further initiatives were taken after the First draft was written.
- b) **Digital Government Legislation:** In 2022 the National Parliament passed the Digital Government Act. The Act came into effect on the 8th of August, 2022.
- c) **E-Government Portal:** Under the e-Government portal initiative, DICT has developed certain policies to bolster the digital transformation initiatives in whole of government. The e-Government portal hosts Sevis-Pass, Sevis-Portal and Sevis-Wallet. The e-government portal was created for citizens to have seamless access to government services online. It will act as a “one-stop-shop” for digital services. The e-Government portal enables interoperability between Government to Government (G2G), Government to Business (G2B) and Government to Citizens (G2C). The e-Government portal was officially launched by DICT at the Digital Transformation Summit on the 23rd October, 2024. Some of the policies undertaken
- d) **Data Repository Center:** To ensure all government data is stored and accessed in one portal/gateway.

- **ACTION PLAN III (2024 – 2028)**

- a) **Right to Information Legislation:** The Department of Information and Communication Technology is the lead government agency in this commitment. Transparency International PNG (TIPNG) assist DICT representing the CSOs. Other key agencies involved in the legislation process are Department of Justice and Attorney General, State Solicitor's Office and Constitutional Law Reform Commission. DICT will establish Technical Working Group to commence the legislation process. However, this RTI policy will have to be endorsed and approved by the NEC before initiating the legislation process.
- b) **E-government portal:** The Department of Information and Communication Technology has upgraded the e-Government portal from version one to Version Two. All government agencies are urged to onboard their services online through the e-Government portal.

Currently the e-Police clearance service is online through the e-Government portal. The SevisPass application is online and effective for citizens to use to enable effective use of services online. Most government agencies have onboarded on the MS365 to ensure interoperability in whole of government. Following are few achievements under the e-Government Portal Commitment;

- Data Governance Policy
- Digital ID Policy
- e-Police Clearance
- SevisPass
- MS365 roll out
- GPN roll out

Action Plan

The next step in establishing a robust RTI regime is the development of the *National Right to Information Policy 2026*. This Policy subsumes all efforts undertaken since 1975 and forms part of a whole of Government strategy to increase government accountability and transparency, facilitate greater citizen participation in matters of governance, and provide the impetus for drafting and enacting a Right to Information law. The Policy is designed to be realistic and implementable, taking into account limited financial and human resources and maximizing scarce resources. The Government also recognizes that disclosure of information presents both opportunities and risks for individuals and government. Hence, the constitutional right to privacy must be as equally protected as the right to information and this Policy treats both as policy and legislative issues. A Data Protection (or privacy law) will be among the raft of legislative framework reforms that will be pursued in this context.

A sample of a broad timetable of the preliminary activities which must be undertaken initially as a matter of priority to lay the groundwork for implementation is included as **Appendix III**. Within the first year of the adoption of this Policy, a comprehensive RTI National Implementation Plan for its administration will follow and will include, among other important components, comprehensive training and public awareness initiatives, a monitoring and evaluation framework and the drafting of an RTI law.

II. NATIONAL RIGHT TO INFORMATION POLICY

VISION

To create enforcement mechanisms for Right to Information as a human right and to create an enabling environment for open, accountable, and participatory government for the people of Papua New Guinea.

MISSION

To ensure a clear framework for accessing and disseminating information from public bodies through a citizen centered approach; and to develop a structured, comprehensive approach to an improved, sustainable records and information management system across the public sector.

OBJECTIVES

The key objective is to establish a clear framework for requesting, releasing, and disseminating information for citizens of Papua New Guinea that will lead to greater transparency and accountability of public sector.

The Policy is also intended to encourage the development of a strong and sustainable information and records management system across the public service and inform the development of a comprehensive RTI law.

CORE PRINCIPLES

The Policy is designed around eight (8) key strategic principles^{xv} which are common to robust RTI regimes and are grounded in article 19 of the Universal Declaration of Human Rights, article 19 of the International Covenant on Civil and Political Rights (ICCPR) and article 10 of UNCAC (noted earlier) with respect to the obligation to respect the right of people to “seek, receive and impart information”. The principles are reflected in relevant publications such as the Commonwealth’s “*Model Freedom of Information Bill*”^{xvi} and the Commonwealth Human Rights Initiative’s “*Information Disclosure Policy – A Toolkit for Pacific Governments*”:^{xvii}

- a. **Principle of Maximum Disclosure:** A key underlying principle of the right to information, this principle requires all information held by public bodies to be subject to disclosure subject to exemptions. Correspondingly, every member of the public has a right to receive information and should not be required to provide a reason for requiring the information. A

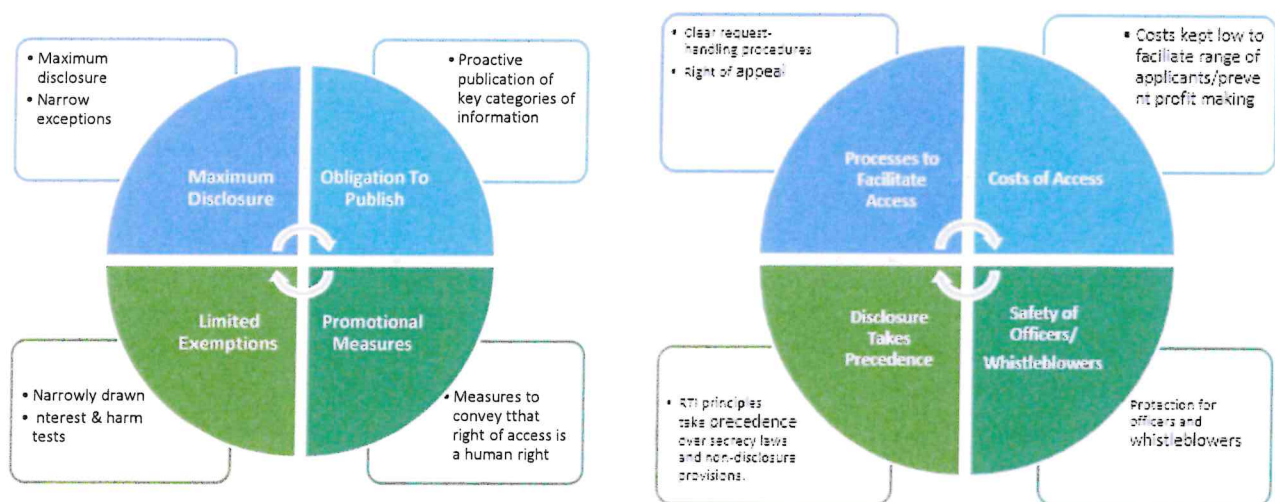
public body must show that information withheld is within the scope of a limited regime of exemptions and that there is no overriding public interest in favour of disclosure.

- b. **Right to Access Own Personal Information:** Every individual should have the right to ascertain whether their personal information is held by a public body and for what purpose it is being held. If personal data is incorrect or was collected or processed contrary to the provisions of the law under which the data was collected, then persons should have the right to have their records rectified.
- c. **Obligation to Publish Information:** Governments can improve their accountability and transparency by actively disseminating information to the public. This approach potentially reduces the volume of requests for information and the amount of information released should increase over time, particularly with new technologies making it easier to publish and disseminate information. To prevent replication of requests, public access to all information disclosed in response to RTI requests should be provided, in forms and languages that are accessible by all members of the public.
- d. **Promotion of Open Government:** To counter traditions of non-disclosure and secrecy when introducing an RTI regime, promotional measures should be implemented to encourage public officials to view RTI as a fundamental human right and not just a mere obligation. Such measures include training; public education and awareness campaigns; guidance materials; appointment of a central body to facilitate the measures; and the allocation of adequate resources. Strong penalties should also be available to address cases of wrongdoing and to encourage public sector compliance with open government principles.
- e. **Limited Scope of Exemptions:** Overly broad exemptions can undermine the right to information and should not be based on the desire to protect government from embarrassment or the exposure of wrongdoing. Exemptions should be narrowly drawn (but only to the extent that they capture legitimate concerns regarding the protection of the public interest) and subject to 'harm' and 'public interest' tests.
- f. **Requests for Information:** Clear, simple procedures should be established to process requests for information rapidly and fairly and a right of appeal must be available for those who wish to have the decisions made by agencies reviewed. Ideally, an independent and impartial review body will be established with the power to compel disclosure. Contrarily, providing for courts to be an alternative to a review body can be slow and expensive and may discourage people from seeking review.
- g. **Costs:** The potentially deterring effect of fees must be balanced by the need to recoup some of the costs associated with providing access to information. Governments should ensure that fees charged do not constitute an unreasonable impediment to access to information; that fees are not used to make a profit; that charges are limited to the actual costs for processing and providing information; that waivers are allowed if the information requested

is in the public interest or where the imposition of fees or charges would cause financial hardship; and that no fee is charged for making appeals.

- h. **Protection for RTI Administrators and Whistleblowers:** Governments must ensure protection for public agencies and staff against civil and criminal liability, where information is released in good faith as permitted by an RTI law or policy. This protection is important in situations where releasing information may be disallowed for example, by a secrecy law, or could be considered a breach of contract. The protection typically extends to whistleblowers (PNG enacted a Whistleblower law in 2020). Governments should also consider the implications where an RTI law or Policy is inconsistent with provisions already in place, such as secrecy laws or codes.

RTI PRINCIPLES^{xviii}



1. COVERAGE AND APPLICATION

a. Application of Policy

This Policy applies to:

- i. records held by all public bodies at all levels of government including the office of the Head of State, Ministers, ministerial advisors, Members of Parliament, the National Parliament and parliamentary committees.
- ii. records held by private bodies which relate to funding provided to them by the Government, or to public services or functions which they carry out whether fully or partially funded by the Government or by another organization.
- iii. records held by an official of a public body or a private body to which this Policy applies.
- iv. records held by an independent contractor engaged by a public body, or by a private body in its capacity as a contractor for the Government.

b. Non-Application of Policy

This Policy does not apply to:

- i. records created earlier than 1980, which as historic records are available to be accessed without exemptions, in keeping with the policy of the National Archives and Services under the Archives Act.
- ii. records which are among the private holdings of the National Archives;
- iii. any record, or part of a record, that is held by a media body and which discloses the confidential source of any information obtained by any of them in the course of their work.

c. Duration of Policy

The Policy will be valid until and or is subject to the introduction of an overriding policy or law and will be reviewed every three (3) years by the *[Department of ICT or FOI Commission when established in consultation with and with advice from the Department of Justice and Attorney General]*

2. RIGHT TO INFORMATION BILL

This policy calls for;

- i. Enactment of Access to Information Law,
- ii. Establishment of a Technical Working Group

3. ROLES AND RESPONSIBILITIES

a. Institutional Arrangement

This policy calls for;

i. **Establishment of Freedom of Information Commission**

Freedom of Information Commission shall be established to take carriage of Access Information Law once it is enacted.

The FOI Commission shall;

- a. be responsible for training and sensitizing public officers and senior officials on the right to information and the policy;
- b. develop an RTI training strategy, training modules and guidance material to support and guide public officers on how to administer the policy;
- c. develop and execute public awareness campaigns;
- d. collect and analyze statistics for reporting purposes;
- e. foster the development and maintenance of reporting relationships;
- f. monitor the websites of public bodies for compliance obligations;

ii. **Establishment of Administrative and Governance Framework**

The PNG OGP Secretariat shall administer the implementation of this policy until the Freedom of Information Commission is established.

iii. **Establishment of Rights to Information Steering Committee (RTISC)**

- a. is a multi-agency committee which will be convened by the PNG OGP Secretariate or by the Freedom of Information Commission once established to co-ordinate strategies and policy activities.
- b. will develop, implement, monitor and report on RTI activities.

c. Membership of the RTISC.

The following key agencies and organizations will be key members of RTSIC and expedite implementation of this policy:

- Ombudsmen Commission;
- National Archives and Public Records Services;
- Department of Personnel Management;
- Department of Information and Communications Technology;
- Department of Finance;
- Constitution and Law Reform Commission;
- Department of Justice and Attorney General
- Transparency International PNG
- Department of National Planning and Monitoring
- National Fiscal Commission

a. Ombudsman Commission

- i. The Ombudsman Commission^{xix} will be performing the role of the oversight and enforcement mechanism in collaboration with other agencies under this Policy.
- ii. The Ombudsman Commission is particularly suited for this role given its oversight of government processes and procedures, and the role it plays in the investigation of complaints about the administrative actions and decisions of government departments and agencies.

b. Public Bodies

The heads of public bodies will make every effort to ensure that this Policy is properly implemented within their organizations and will be required to:

- i. publish an initial statement of their organization and functions for the information and benefit of the public;
- ii. maintain their records in a manner that facilitates access to information;
- iii. ensure that officers receive RTI training;
- iv. create Disclosure Logs to catalogue the RTI decisions made by them to avoid repeat requests;
- v. conduct internal reviews of their RTI decisions, where requested by applicants; and
- vi. report to the RTI Unit on their administration of the Act.

c. Departmental Information Officers (DIOs)

- i. Public bodies must appoint or designate Departmental Information Officers to manage the internal implementation of the Policy on an ongoing basis.
- ii. DIOs will be the central point of contact for information requests from the public and must be at a senior level.
- iii. Duties will include carrying out proactive disclosure obligations for their respective public bodies; assisting the public with their RTI requests; promoting best practices as set out in guidance materials developed by the RTI Unit; and receiving and addressing complaints from the public.
- iv. DIOs may delegate functions or such aspects of them as is necessary, expedient, or appropriate particularly where the DIO is unable to discharge his/her functions (for example on account of illness) and may request the assistance of any person employed at a public body for the proper discharge of their functions under the Policy.
- v. A person whose assistance has been sought must provide all reasonable assistance to the DIO who will, however, remain accountable for the discharge of those functions.
- vi. DIOs may be called upon to attend RTI hearings convened by the Ombudsman Commission to address complaints or appeals by members of the public.
- vii. Public bodies will determine the number of DIOs required based on the size and subject matter portfolio(s) of their respective organizations.

d. National Archives and Public Records Services

- i. The National Libraries and Archives Act mandate the National Archives and Public Records Services (*Archives*) of PNG to be responsible for the preservation and accessibility of records of national and historical significance and the improvement of records keeping systems in government bodies.
- ii. The National Archives will therefore play a significant role in setting standards on Records and Information Management (RIM) and more specifically, to prepare public bodies, in coordination with the RTI Unit, to undertake RIM responsibilities under the Policy.

4. PROACTIVE PUBLICATION OF INFORMATION

1. The Government is keen to empower citizen re-engagement with governance and development initiatives through information disclosure.

2. This Policy commits the Government to publish or release of information which is of public interest or most requested by the public into the public domain.
3. Public bodies will be required to develop publication schemes containing this information, making them available *in readable formats* without the need for a written request.
4. Public bodies will continue to provide access to information where they are required by applicable laws, policy, practice, and or by order of a Court.

a. Disclosure by State

All public bodies must within the first 12 months of adoption of this policy, publish all relevant public information on the government websites and in the official languages:

- i. a description of their department's structure, mandate, and key areas of work, including the services provided by them;
 - ii. a list of the agencies falling under them, their location, opening hours, and subjects handled;
 - iii. the title, business address and official contact details of Department Secretaries;
 - iv. a directory of all officers including the total number of staff in the Department broken down by levels, and the pay scales applicable to each level;
 - v. a description of the powers and duties of senior officers and the procedures followed in making decisions;
 - vi. a list of the types, categories of information and records the organization holds and publishes;
 - vii. speeches made by the department's minister, press releases, policy documents (including drafts for public comment where appropriate) and quarterly and annual reports, where produced;
 - viii. the key programs, projects, activities and or initiatives undertaken including
- tender notices, tender bids, tender evaluation reports, contract awards, implementation reports, contractor performance reports, financial disbursement records
 - copies of all contracts held in electronic form, in particular:
 - i. the name of contractors;

- ii. the scope of services;
 - iii. the value of the contracts including payment schedules and criteria for payment;
 - iv. the period within which the contracts must be completed and penalties due from both the public body and the contractor if the contract is not adhered to.
- All future contracts must provide for an electronic copy to be created;
 - copies of all policies, guidelines, rules, and forms (and all future documents of this type must provide for electronic copies to be created);
 - ix. their annual budgets, including:
 - a breakdown by program/project as appropriate to the Department;
 - regularly updated reports (quarterly where possible) about the disbursement of the budget;
 - the results of any audits and corresponding Departmental explanations;
 - x. all decisions or policies they have adopted which affect the public, the reasons for them, and any important background material;
 - xi. any arrangements for consultation with the public in relation to the formulation or implementation of their policies;
 - xii. mechanisms for citizen participation (where they exist), including complaints mechanisms applicable to acts or a failure to act by the public body;
 - xiii. the procedure to be followed for making an application for information, and the particulars of facilities for obtaining information, including the working hours of a library, or reading room, if maintained for public use; and
 - xiv. the names, contact details and other particulars of information officers.
 - xv. The Department of Treasury must;
 - publish on the government website and in a newspaper(s) with wide readership, within the first 4 months of the Policy being adopted:
 - a citizen's budget^{xx} on national and local budgets and quarterly updates on expenditures and revenues; and
 - information about overseas development assistance receipts, including the amount of funding being provided by donors, their identity, and the related projects/programmes;
 - xvi. The PNG Electoral Commission and Attorney General's Department must;

- publish, within the first 6 months of the Policy being adopted, electoral information, including:
- all laws, rules and guidelines related to elections, including information on nominating for elections and conducting elections on the government website;
- details of all donations to parliamentarians, political parties, and government officials, including the name of donors, the amounts, and the date of the donations; and
- all electoral rolls which must be open for inspection and provided to members of the public upon request.
- The information to be published is to be updated at intervals of not more than 6 months, or more frequently at the direction of the responsible Minister if it is to be useful to the public.

a. Disclosure by Parliament

- i. The Clerk of Parliament will work with the Department of Justice and Attorney General to ensure that at least one copy of all Bills, draft Rules, final legislation, and final regulations is kept either in his/her office or the parliamentary library for inspection by parliamentarians and members of the public; and
- ii. OGP Secretariate or the Commission will work with the Clerk of Parliament to ensure that all Bills, draft Rules, final legislation, and final regulations are published on the government website and otherwise disseminated broadly to ensure maximum accessibility by the public.

5. REQUEST PROCESS

a. General Right of Access:

Subject to this Policy, every person has the right to request access to a record, other than an exempt record and records or data concerning national security, from a public or a private body to which this policy applies.

- A person with special needs (dis-ability) has the equal right to request access to a record, other than an exempt record and records or data concerning national security, from a public or a private body to which this policy applies.

b. Requests for Information:

- A person may make a request for a record free of charge in writing (letter, email, and official verified social media pages), by telephone, mobile phone or in person, and in any of the official languages.
- The application must be made to the public or private body which holds the information.
- The applicant does not need to give a reason to justify the request and must not be required to do so. The application must provide:
 - i. the applicant's contact details such as mailing address, telephone, mobile phone number (WhatsApp) or email address.
 - ii. The applicant may choose to use a pseudonym but if the request is being made as the guardian of a third party or as the personal representative of a deceased person or as next of kin, the applicant's real name must be provided along with proof of status.
 - iii. The Department of Justice and Attorney General is to direct what constitutes sufficient proof of status in each instance;
 - iv. a description of the record or information requested (providing, if possible, a reference to any relevant dates, places, topics, etc.); and
 - v. the date of the request; and
 - vi. the form in which the information is to be provided.

Where an RTI request is:

sent by post - it should be addressed to the head of the public body it is being sent to. If the person who receives the request is other than the DIO of the public body, the

- i. request must be forwarded immediately to the DIO but in any event, no later than two (2) working days from the date of receipt.
- ii. Upon receiving a written request, if no date is evident, the DIO will date stamp it to indicate when it was received but the applicant will be given the benefit of the doubt if there is a disagreement about the date the request was submitted;
- iii. received orally (in-person or by telephone) - the DIO will commit the request to writing and provide a copy to the applicant for their records;

- iv. for records which are already open to access by the public as part of a public register or otherwise or are available for purchase under administrative procedures, the DIO must so advise the applicant and facilitate the applicant in locating the record as far as reasonably practicable.

c. Acknowledging Requests:

- i. Receipt of an RTI request must be acknowledged in writing within five (5) days of its receipt and state the date it was received and the name of the DIO who will be handling the matter.
- ii. The request must be registered into an electronic or paper-based system, and a case file created to allow for the tracking of how the request was handled and disposed of.

d. Transferring Requests:

- i. If the records requested are held by, or the subject matter is more closely aligned with the portfolio responsibilities of another public body, the DIO must promptly transfer the request but in any event, no later than five (5) days after its receipt, and inform the applicant of the transfer, the name of the public body to which it is transferred and the DIO at that public body who will be handling the request.
- ii. The public body to which the request is transferred must process the request within 30 days from the date of the transfer.
- iii. An application for access to a record must not be transferred from one public body to another more than three times unless the DIOs in question are satisfied that such additional transfers are necessary in the circumstances, and this is communicated and agreed to by the applicant.

e. Response Timeline:

- i. Public bodies must provide applicants with the information requested within thirty (30) days unless any exemptions apply and after considering the public interest (**see 5. Exemptions and 6. Public Interest Test**).
- ii. This period begins to run on the date the request is first received.
- iii. A single extension of 30 days may be applied but only if the request involves a large number of records, the required review will take longer than 30 days and the applicant agrees to the extension.
- iv. Prior to seeking an extension of time, the DIO must consult with the applicant to narrow or reformulate the request to determine if fewer records than requested would satisfy the request.

- v. If a DIO fails to respond to a request within the 30 day period or an extension of it, the request will be deemed to have been denied, unless the delay is due to factors beyond their control.

f. Grants of Access:

- i. If no exemption is applicable to a requested record, access must be granted.
- ii. The applicant must be informed verbally or in writing of the decision, by registered letter, phone number or email, and any fees payable.
- iii. Once payment is made, the records must be released within seven (7) days of receipt in the form requested by the applicant.

g. Partial Grants of Access:

- i. If an application is made for access to a record which contains exempt material, access is be granted to a copy of the record with the exempt material redacted from it.
- ii. The applicant must be so informed in writing, and the public body must indicate the exemption that was applied, and the right to internal review or to make an appeal to the *relevant authorities* (see and the applicable timelines to do so in either case).

h. Deferral of Access:

- A Departmental Information Officer may defer a grant of access to a record if it is:
 - i. a report that has been prepared for tabling in Parliament in which case a grant of access may be deferred no more than 21 days after which it has been presented to and approved by Parliament; or
 - ii. a report that has been prepared for an official or a public body in which case the deferral will operate until the report has been so presented or made available to that person or body or after the expiration of 45 days from the date of the application, whichever is the earlier; or
 - iii. a record which is required under any law to be published within a particular period in which case, access must be deferred until after the expiration of that period; or
 - iv. a record the release of which would best be in the public interest after the occurrence of an event or after a period of time has passed. The deferral will operate until the occurrence of the event or the expiration of the period beyond which its release would not be contrary to the public interest.

i. Denial of Access:

- i. Where an exemption applies to requested records, the application for information will be denied, and the applicant must be so informed in writing as soon as possible, by registered letter or email providing a clear explanation of why the request was rejected, the exemption that was invoked, and the applicant's right to an internal review followed by a complaint to relevant authorities.
- ii. Besides the application of an exemption against disclosure, a request for information may be denied if the request is determined to be vexatious or unreasonable.

j. Requirement to Consult:

- i. A DIO must consult with a supervisor or the principal administrative officer of a public or private body prior to deciding to defer, deny or grant partial access to a record.

k. Forms of Access:

- Where an applicant requests access in a particular form, access must be given in the form requested. Access to a record may be granted in several forms:
 - i. the applicant may be afforded a reasonable opportunity to inspect the document or provided with a copy;
 - ii. in the case of a record from which sounds, or visual images can be reproduced, arrangements may be made for the applicant to hear the sounds or view the visual images;
 - iii. in the case of a record by which words may be reproduced in the form of sound and images or are in shorthand writing or in codified form, the applicant may be furnished with a transcript of the data, or the words, sounds and images recorded or contained in the record;
 - iv. If the applicant has a special need (dis-ability), he or she must be granted access to the type of form requested.
 - v. inspect and obtain samples from public works.
- A public body may, however, grant access in another form if the form requested would be harmful to the preservation of the record or constitute an infringement of copyright pertaining to any matter contained in the record.
- Copies of records to which access is granted are to be authenticated in a manner as determined by the Department of Justice and Attorney General.

I. **Information which cannot be found or does not exist:**

- If all reasonable steps are taken by a DIO to find requested records and there are reasonable grounds for believing that the information is in the possession of the public or private body but cannot be found or does not exist, the DIO must notify the applicant in writing as soon as possible but no later than thirty (30) days of receipt of the application,

6. EXEMPTIONS

- a. When records that are responsive to an RTI application are located, they must be reviewed to determine if one or more exemptions against disclosure apply. The following exemptions are aligned with those set out under s. 51 of the Constitution:

i. **Records affecting security, defense, or international relations –**

Records are exempt if their disclosure would prejudice the security, defense, or international relations of PNG or if they contain information communicated in confidence to the Government by or on behalf of a foreign government or an international organization.

ii. **Records affecting law enforcement –**

Records are exempt from disclosure if their release would:

- endanger a person's life or safety;
- prejudice the conduct of an investigation of a breach or possible breach of the law; the fair trial of any person; or the impartial adjudication of a particular case;
- disclose, or enable a person to ascertain, the existence or identity of a confidential source of information in relation to law enforcement;
- reveal lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of breaches or evasions of the law, where such revelation would, or could be reasonably likely to prejudice the effectiveness of those method or procedures;
- facilitate the escape of a person from lawful detention or jeopardize the security of any correctional facilities.

iii. **Cabinet documents**

- A record is exempt from disclosure if it is a Cabinet submission, a Cabinet Note or other documents created for submission to the Cabinet and it has been or is intended to be submitted; or if it is a Cabinet Decision, or other official record evidencing any deliberation of the Cabinet.

- This exemption does not apply to any document that is appended to a Cabinet document which contains factual material or reports, studies, tests, or surveys of a scientific or technical nature; or a document by which a decision of the Cabinet has been officially published.

iv. **Records affecting national economy**

- A record is exempt from disclosure if its release, or its premature release would, or could reasonably be expected to have a substantial adverse effect on the economy, or the Government's ability to manage the economy.
- These records include those relating to taxes, duties or rates, interest rates, monetary and exchange rate policies, or currency or exchange rates.

v. **Records subject to legal privilege**

- A record is exempt from disclosure if it would be privileged from production in legal proceedings (unless the person entitled to the privilege has waived it); or
- if its disclosure would be a breach of confidence; in contempt of court; or infringe the privileges of Parliament.

vi. **Records affecting policy making and conduct of public affairs**

- A record is exempt from disclosure if its disclosure would prejudice the effective formulation or development of Government policy; or
- adversely affect the implementation of a policy by its premature disclosure; or would inhibit the free and frank exchange of views for the purposes of deliberation; or
- it contains opinions, advice or recommendations prepared for Cabinet or a record of consultations or deliberations arising from the proceedings of the Cabinet or a Cabinet committee.
- This exemption does not apply to records which contain reports, studies, tests, or surveys of a scientific or technical nature

vii. **Records relating to business affairs**

- A record is exempt from disclosure if it relates to business affairs and its disclosure would reveal trade secrets; any other information of a commercial value which would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or
- if it contains information concerning the commercial interests of any person or organization (including a public body) and the disclosure of that information would prejudice those interests.
- This exemption does not apply where the applicant is the person or organization who owns the information or a person acting on behalf of that person or organization.

viii. **Records affecting personal information and privacy**

- A public body may not grant access to a record if it would involve disclosure of the personal affairs of any person, whether living or deceased.
- This exemption does not apply if the person to whose affairs the record relates consents to the disclosure; or if the applicant is the guardian of a third party to whom the information relates and provides proof of guardianship; if the person has been deceased for more than 20 years; or
- if the third party is or was an officer of the public body and the record or information relates to that third party's functions.
- In accordance with applicable laws, the personal data of persons in their capacity as whistleblowers is exempt from disclosure to prevent their identity, as persons who report corruption and other forms of wrongdoing, from being revealed.

ix. **Records likely to endanger health and safety**

A record is exempt from disclosure if it would or would be likely to endanger the life, physical or mental health, or safety of a person.

x. **Records relating to protected sites and the environment**

- A record is exempt if its disclosure would result in destruction, damage to, or interference with, the conservation of any historical, archaeological or anthropological resources; anything declared to be a national monument, designated as protected national heritage or otherwise protected under PNG's laws; or

- any species of plant or animal life so designated or which is endangered, threatened or otherwise vulnerable; or any other rare or endangered living resource.
- xi. **Records relating to geological or geophysical information and data concerning wells and ore bodies.**

Other exemptions:

b. Duration and Review of Exemptions:

- The exemption of a record or parts of a record from disclosure will cease to apply after the record has been in existence for 10 years, or such shorter or longer period as the responsible Minister, after consultation with the Department of Justice and Attorney General, may decide.
- Except for the exemption of records disclosing personal information, the responsible Minister may review an exempt record within two (2) years of it being so categorized and remove the exempt status if it is no longer applicable.

c. Classified Records:

- Records may not be exempted from access under this Policy merely on the basis of it being classified as confidential or given any other similar restricted status.
- Such records must still be reviewed for disclosure in accordance with this Policy.

7. PUBLIC INTEREST TEST

- The application of exemptions is qualified by what is termed '*the public interest test*'.
- This is an override that is applied to an exempt record if the public interest in disclosing the exempt information outweighs the purpose of the exemption itself.
- In other words, there is compelling reason for the exempt information to be disclosed. Factors which are typically taken into account in applying the public interest test include:
 - i. promoting accountability of public bodies and any official subject to the Organic law on the Duties and Responsibilities of Leadership 1998;
 - ii. public oversight of the expenditure of public funds;
 - iii. increasing public understanding of the processes or decisions of public bodies;

- iv. informing public debate and public participation in Government decision making;
 - v. improving the responsiveness and the quality of services provided by Government;
 - vi. deterring or revealing wrongdoing or maladministration (e.g., unauthorized use of public funds;
 - vii. deterring or revealing abuse of authority, or neglect in the performance of an official duty;
 - viii. informing the public about any danger to public health, safety or to the environment;
 - ix. revealing untrue, incomplete, or misleading information or acts of a public body; and
 - x. protecting human rights and the prosecution of violations.
- Factors which should not be considered when applying the public interest test include:
 - i. embarrassment to, or loss of confidence in the PNG Government;
 - ii. misinterpretation or misunderstanding by the public of the information;
 - iii. that the author of the exempt record was, or is of high seniority in Government;
 - iv. that access to the record could result in confusion or unnecessary debate.

8. VEXATIOUS AND UNREASONABLE REQUESTS

- a) Public bodies may sometimes encounter RTI requests that are intended to annoy, disrupt, or have a disproportionate impact on their organizations.
- b) These types of requests cause undue pressure on already scarce resources, squandering the costs and time associated with searching and retrieving the requested information and negatively affect the ability of public bodies to respond to legitimate requests.
- c) These requests may be refused on the ground that they are vexatious, or repetitive, or may unreasonably divert the resources of a public body.
- d) Some factors which may be taken into account to determine if a request is vexatious include:

- i. where a DIO is satisfied that there are no reasonable grounds for making the application in cases where it is made by or on behalf of someone who previously applied for the same information; and
 - ii. where the application was refused and the Ombudsman Commission or the Court has confirmed the decision.
- e) Factors which aid in determining if a request would cause an unreasonable diversion of resources include:
- i. the nature and size of the public body (a small agency);
 - ii. the number, type and volume of records required to respond to the request;
 - iii. the time involved to fully process the request.

9. DECISIONS AND REASONS TO BE MADE PUBLIC

- i. Public bodies must ensure that decisions and the reasons for making them are made public unless the information that would be disclosed is exempt under this Policy.
- ii. This information must be published in the form of a running disclosure log, the format for which will be developed by the RTI unit.

10. RE-USE OF INFORMATION

- i. The grant of access to a record in accordance with this Policy is not to be construed as authorization or approval to publish the record in contravention of laws related to defamation or breach of confidence or to do any act in contravention of any intellectual property rights in any work contained in the record.
- ii. There are no limitations on or charges for the reuse of information received from public bodies, except where a third party holds a legally-protected copyright over the information.

11. COMPLAINTS

a. Internal Review

- i. If an applicant is dissatisfied with the decision of a DIO to deny or defer access, or to grant access to only some of the records requested, an application may be made within thirty (30) days of receipt of the public body's decision for its review.

- ii. This internal review process potentially reduces the volume of appeals and complaints to the Ombudsman Commission.
- iii. The head of agency, or a delegate other than the DIO who originally made the decision must, however, conduct the review and respond to the applicant within thirty (30) days of the date of the request for a review.

b. The Ombudsman Commission

- i. If an applicant is dissatisfied with the decision arising from an internal review, a complaint may be made to the Ombudsman Commission.
- ii. The process for making a complaint will be the same as that which currently obtains in that office except that the Commission must make every reasonable attempt to dispose of RTI appeals and complaints within thirty (30) days of their receipt.
- iii. One single extension of thirty (30) days may be allowed.
- iv. The Ombudsman Commission may also receive complaints from applicants about any aspect of the administration of the Policy by public bodies.
- v. If while investigating a complaint, the Ombudsman Commission uncovers an act which may constitute criminal wrongdoing, a report of its findings must be sent to the Minister of the public body in question for appropriate action.
- vi. Where appropriate, the Ombudsman Commission must also refer the case to an anti-corruption agency or to the public prosecutor.
- vii. Where there are allegations that a public official is involved, the Ombudsman Commission will also refer the case to the Public Service Commission for action.
- viii. In support of this Policy, the Ombudsman's office will be required to develop more detailed guidance on how the RTI appeal and complaints process will work, including setting up its own dedicated internal unit to handle appeals, manage complaints and develop the specific forms to be used for the purpose.
- ix. No fee must be payable for requesting or conducting an internal review and for making a complaint to the Ombudsman.

c. National Courts

In accordance with the right to information under Article 51 of the Constitution, an applicant may make an appeal to the National Courts system if dissatisfied with the decision of a public body on an RTI application, or with the outcome of an internal review or appeal to the Ombudsman Commission.

12. PROTECTIONS AND SANCTIONS

- a. A public official who misapplies this Policy while exercising their duties in good faith may not be subjected to administrative or employment sanctions or detriment.
- b. A public official who:
 - i. refuses to accept an RTI request;
 - ii. denies requests in bad faith;
 - iii. knowingly gives incomplete information;
 - iv. unlawfully destroys records related to an RTI request;
 - v. obstructs access to any information;
 - vi. obstructs an agency's ability to carry out its obligations under this Policy;
 - vii. obstructs the work of DIOs or those assisting them; or
 - viii. otherwise seeks to obstruct the objectives of this Policy will be subject to public service disciplinary procedures *[under Parts VI and PART XIV of the Public Services (Management) Act 2014]* and
 - ix. if the matter is referred to the Ombudsman Commission, to any of the sanctions available to that body under the Organic Law on the Ombudsman Commission other relevant authorities.

13. FEES

- a) No fee is to be charged for making an RTI request; for reviewing a request; for locating requested/responsive records and reviewing them; for time taken to remove any exempt information; for inspection by an applicant of a record to which access has been granted; or where a DIO has failed to respond within the time (the original 30 days or an extension of it) for responding to a request.

- b) Applicants must not be charged to request an internal review nor for appealing or making a complaint to the Ombudsman Commission.
- c) The charging of fees is to be limited to the actual material costs of copying records (e.g., paper for photocopying) and mailing records to an applicant, with no additional margin for profit. If copies can be provided by email, then this must be done free of charge.
- d) Where the information is to be provided on a video, tape, CD or computer disk, the applicant may be charged the cost price of providing them.
- e) However, if the applicant provides their own, no fee must be charged. Fees may be charged for the costs involved to physically redact exempt information (e.g., materials such as tape or black ink or the use of specialist equipment).
- f) Applicants must be notified of the amounts that will be charged, and the available methods of payment and must make payment within seven (7) days of notification.
- g) The non-payment of fees within the prescribed time will be deemed to be an abandonment of the request. Where payment is made by the applicant, the records must be provided within seven (7) days of receipt of payment.
- h) Public bodies may waive, reduce, refund, or absorb the fees to be charged by an applicant:
- i) if disclosure of the records requested would be in the public interest;
- ii. to avoid financial hardship where the applicant is determined to be of inadequate means (e.g., is low-income or on some form of government support) or for any other good reason;
- iii. where the number of requested records is very small (as is done in some countries);
- iv. where there has been a failure to comply with any of the related timelines under the Policy;
- v. where the administration costs of collecting a fee would be more than the fee itself
- vi. where the actual cost of responding to a request is higher than the chargeable fee communicated earlier to the applicant (absorption of the excess amount is recommended here)
- vii. where the cost of responding to a request is lower than those specified in the fees notice (a refund is recommended here)
- j) The RTI Unit may identify any other circumstances under which a waiver, reduction, refund, or absorption of fees may be applicable.

- k) To avoid a patchwork of rates, the Department of ICT, in consultation with the Archives, will develop a schedule of fees with upper limits for the approval of the responsible Minister.

III. MEASURES TO PROMOTE OPENESS

1. TRAINING AND CAPACITY DEVELOPMENT

- a) Training and sensitization of public bodies are critical components to RTI implementation and support RTI administrators by fostering a clear understanding of the Policy and their obligations under it and providing RTI procedural and administrative best practices.
- b) RTI training will be a core feature of Policy implementation and will be conducted at three levels:
- i. by the RTI Unit, through comprehensive 3–4-day RTI training modules;
 - ii. by DIOs within their own entities upon receiving training from the RTI Unit;
 - iii. by the Pacific Institute of Leadership and Governance (PILAG) for existing and new public officers through the introduction of RTI in its training modules for the general civil service.
- c) Content of the training to be conducted by the RTI Unit will target and be tailored to DIOs and records officers; Secretaries, CEOs, principal officers of statutory authorities; customer-facing staff; and the general civil service.
- d) This training will become more targeted and specialized over time with follow up sessions aimed at entrenching understanding of core areas of the RTI law and on key subject matter areas such as data protection, copyright, and intellectual property rights.
- e) The National Archives will lead the RIM training component of the general RTI training activity and will separately schedule comprehensive specialized multi-day RIM trainings up to and beyond the completion of phased implementation.
- f) Formal RTI training will be supplemented by training on customer service, change management and other related subject areas to optimize the transition to open government.
- g) The RTI Unit will also offer strategic sensitization briefings for heads of agencies and parliamentarians. An RTI training manual will be developed over time to ensure consistency and on-message training across government bodies.

- h) The completion of RTI training will be a performance indicator for DIOs and their duties must be reflected in their job descriptions and employment contracts.

2. RECORDS AND INFORMATION MANAGEMENT

- a) Access to information as a legally recognized right is of little or no value if the information that is desired by the public has either not been created, cannot be found when requested or, when found, cannot be relied upon as authoritative.
- b) An RTI regime is therefore only as good as the ready availability, accessibility, and quality of government records supported by efficient management of paper and electronic records.
- c) Implementing the RTI Policy in this regard also provides a unique opportunity to improve records management policies and practices more broadly.
- d) The Government is committed to ensuring that records management systems are strengthened, and all public bodies must therefore make every effort to implement sound paper and electronic RIM systems and practices.
- e) This will take substantial time and effort. Where resources are available, specific records management programmes will be implemented, however, even where this is not possible, all organizations covered by the Policy are expected to review and streamline their systems and to develop basic guidance for staff on how to create, save, file, store, archive and dispose of records and information.
- f) The Archives will be instrumental to guiding these activities.
- g) In its comprehensive records management training course, the Archives will give priority to RIM records officers falling under each successive phase and RIM training must be ongoing as more public bodies commence phased implementation.

3. ICTs AND RTI INFRASTRUCTURE

- a) The deployment of information and communication technologies (ICTs) and e-governance will lend convenience and ease to several RTI activities under the Policy.
- b) For public bodies, online platforms and e-based solutions support the tracking and monitoring of RTI requests;
 - i. the proactive publication of information;

- ii. document retrieval and organization of records databases;
 - iii. training (particularly remote and on-line);
 - iv. public education and awareness initiatives; and
 - v. swift intra-agency communication which is vital to the transfer of request process.
- c) For the general public,
- i. increased internet access,
 - ii. mobile phone use and
 - iii. an evolving online presence demands the integration of ICTs into the RTI implementation process.
- d) As of January 2026, there were over 6.04 billion internet users, 5.66 billion social media users and 8.79 billion cellular mobile connections (the equivalent of 106.5% of the total population) with many people having more than one mobile connection.^{xxi}
- e) This means that a large proportion of Papua New Guineans have access to the internet, are accessing information of all types on their phones and have a strong presence on social media platforms.
- f) Under PNG's Digital Transformation Policy, the Department of ICT will lead the development, testing and implementation of systems and technologies that will be supportive of the efficient roll out and administration of the RTI Policy.

3.1 Key Targeted Areas of Implementation:

- a. **RTI Tracking System:**
 - i. An RTI tracking system is a single, centralized system that tracks the processing of requests (from request intake through to complaints/appeals) and produces statistical data to support the reporting and monitoring functions of RTI administrators and the RTISC.
 - ii. This approach avoids fragmented individual systems and laborious collection and disaggregation of data.
- b. **E-mail RTI Requests and Website Upgrades:**
 - i. Requests for information must be made in writing, and this includes electronically.

- ii. A centralized approach will be considered which, with the required technical upgrades, will allow for all email requests from the public to be transmitted through the Government website, conveniently removing the need for applicants to search for the websites and e-mail addresses for each public body.
- iii. Centralizing receipt and transmission of email requests is also practical for RTI Policy administrators as it simplifies the reporting process by creating a single database of requests and facilitates public bodies which may not have an internet presence or dedicated website.
- c. **E-Governance:**
 - i. E-Governance is the public sector's use of ICTs to improve service delivery, and to encourage citizens to more actively interface with the Government.
 - ii. Since internet technology is being widely adopted in PNG, the expansion of e-governance in will significantly boost information accessibility under the Policy in a format that facilitates RTI, as well as business and other activities.
- d. **Internet Access and Connectivity:**
 - i. Given PNG's archipelagic geography, special attention will be paid under the Digital Transformation Policy to internet access, increased access points and connectivity to facilitate online RTI requests and public education initiatives aimed at outlying provinces.
 - ii. The Department of ICT will ensure that implementation of the Digital Transformation Policy prioritizes these specific and other related ICT needs to include marginalized groups and that that policy is reviewed periodically to ensure the achievement of these goals.

4. INFORMATION ACCESSIBILITY

- a) With a population of approximately 10.95 million people, PNG is linguistically and culturally one of the most diverse countries in the world, with over 1,000 tribes and 800 languages.
- b) While the Government continues to address literacy rates, challenges still remain, particularly with the majority of people living in rural areas.
- c) As far as possible, therefore, a range of publication and communication strategies will be deployed to facilitate proactive disclosure, training, and public awareness initiatives.
- d) The Government is committed to ensuring that communication strategies use a range of modalities such as notice boards, newspapers, television, radio networks, village announcements, posters, inspection at local government offices, the internet, and social media.
- e) The Government will also leverage its external stakeholder partnerships (**see 6. Stakeholder Partnerships**) to further strengthen information accessibility throughout the country by channelling information through existing networks.

5. PUBLIC EDUCATION AND AWARENESS

- a) Building the demand side of an information disclosure regime is vital to its success.
- b) The public and civil society must therefore be made aware of the RTI Policy, how it benefits them and its value to their daily lives.
- c) The RTI Unit, with the oversight and facilitation of the RTISC, will undertake public education and awareness initiatives to explain the RTI Policy to the public, CSOs, NGOs, and the media in recognition of their role as key stakeholder partners.
- d) Public education and awareness building activities will be inclusive and center around activities such as public forums; sensitization sessions; newsletters; annual RTI essay competitions; observation of seminal RTI calendar events such as International Right to Know Day and Sunshine Week; and strategic media events to highlight them.
- e) The RTI Unit will be further supported in its public education and awareness campaigns by the inclusion of RTI in the Ombudsman Commission's public education awareness initiatives.

6. STAKEHOLDER PARTNERSHIPS

i. Internal Partnerships:

- a) The PNG Open Government Partnership Secretariat or Access to Information Commission once established will spearhead the formation of an RTI Association of Administrators as an internal forum for DIOs, records officers and other key departmental officials.
- b) This allows for peer-to-peer exchanges and discussions around initial and ongoing implementation progress, concerns and challenges, and the sharing of experiences, ideas, and best practices.
- c) This group will meet fortnightly throughout the phased implementation stages and quarterly thereafter.

ii. External Partnerships:

- a) External partnerships between the Government and civil society in the early implementation stages and beyond create opportunities for the management of public expectations from the outset, collaborations on important implementation initiatives, and fostering a heightened sense of public participation and ownership of the new regime.
- b) CSOs and NGOs in this context can also provide valuable unbiased and independent testing of the RTI request process and evaluation of the efficacy of RTI implementation.
- c) The RTI Unit will invite key members of civil society to form an RTI stakeholder advisory group made up of representatives from a broad range of CSOs and NGOs such as human rights groups, the media, the private sector, and youth and women groups.
- d) The group will also liaise at intervals with the RTI Association of Administrators.

7. GOVERNMENT MEDIA RELATIONS

The Government recognizes that the media plays an essential role in any democracy, providing an important channel for disseminating accurate information to the public about government activities and decisions, and for people to voice their views about them.

- a) A robust and responsive RTI framework is critical to the media's role in this respect as it allows journalists to access source materials with less reliance on potentially unreliable sources.

- b) The Government encourages the media to use this Policy to access information from public bodies to ensure that stories and reports are factual, balanced, and fair.
- c) The *[Government Communications Unit]* is primarily responsible for ensuring that information is regularly shared with the media, via press releases, briefings and conferences and the full release of key documents (e.g., the Budget) as appropriate.
- d) The agency will be responsible for developing positive relations with the media and to ensure that the media can access relevant, reliable, and timely information.
- e) In accordance with this Policy, all Heads and Deputy Heads of Department will have the authority to issue public statements to the media.
- f) This authority may be delegated, as appropriate, considering the size and functions of some public bodies.
- g) Reporters are encouraged to seek comments from the Government Communications Department and/or the relevant departmental officials.

8. IMPLEMENTATION

a) National Implementation Plan:

- i. The RTI Unit will develop a costed, time-bound National Implementation Plan within the first year of the adoption of the Policy to facilitate coordination, timeliness, and a whole-of-government approach to RTI implementation.
- ii. The Plan will build on the several obligations and functions set out under the Policy by detailing key strategies and activities, the government agencies responsible for them and the budgetary implications.
- iii. **Guidance Materials and Publications:**

- i. The RTI Unit will partner with relevant government bodies (e.g., the National Archives) to develop guidance materials and publications to distil and provide further details on the obligations and duties under the Policy.
- ii. The materials will include:
 - A User Guide to help RTI administrators better understand the procedures for processing RTI requests, along with best practices and helpful tips;
 - A code of practice on proactive publication to establish minimum standards across the public service;
 - A code of practice on records management in consultation with the National Archives and interested parties;
 - Guidelines on what constitutes public interest, how to apply the proportionality and public interest test and criteria for identifying vexatious, repetitive, and unreasonable requests;
 - Schedule of Fees, in collaboration with the Department of ICT and the Archives, for the approval of the Minister; and
 - An RTI training manual to facilitate consistency and on-message training across government and internal training by DIOs within their organizations.

9. PHASED IMPLEMENTATION

a. Benefits of Phased Implementation of Policy:

- i. Phasing the implementation of an RTI policy or law means that groups of public bodies begin implementation sequentially according to their assessed states of readiness to do so.
- ii. This allows governments to better manage the allocation of limited resources and manpower by focusing on a few entities at a time thereby reducing the financial burden of wholesale commencement.
- iii. This approach is particularly useful where there are many public bodies, allowing RTI administrators to pinpoint and address matters such as records management deficits; train public officers; develop guidelines and guidance materials; and identify and address issues that could overwhelm the program.
- iv. PNG currently has thirty-three (33) Government Departments (including approximately twenty-seven (27) agencies falling under them

- v. It is therefore projected that approximately five (5) phases over a period of six (6) years will be necessary. A sample of the six-year phasing programme is set out at **Appendix II**.
- vi. The RTI Unit will, however, after appropriate assessments of the status of Departments and key agencies are conducted, and with oversight by the RTISC, make the final determination of the number of Phases and the departments and agencies falling under each.
- vii. Private bodies to whom this Policy applies will be brought under the operation of the Policy at a later date to be determined and recommended by the Department of ICT in collaboration with the RTI Unit.
- viii. At the end of each year, a review of the progress of RTI implementation will be conducted by a Parliamentary Committee specially convened for the purpose.

b. **Phased Implementation Schedule:**

i. **Prioritized Activities:**

- Within the first year of the adoption of this Policy, preparatory activities will be undertaken to prepare public bodies for proper administration of the Policy.
- These activities will include readiness assessments, commencement of organization of their records, and the appointment of DIOs and records officers (as necessary).
- A basic outline of these activities and the responsible agencies which must undertake them is set out at **Appendix III**.
- A more comprehensive, costed National RTI Implementation Plan setting out these and additional activities, responsible entities, and deadlines will be developed by the RTI Unit in collaboration with the RTISC.

ii. **Commencement of Policy Administration:**

- The RTI Unit, in collaboration with the RTISC, will develop a schedule of phased implementation based on the first year of preparatory activities for the approval of the responsible Minister and the Cabinet.
- Within the second year of the adoption of this Policy, the responsible Minister will specify the public bodies who are to first commence the administration of this Policy under Phase I and within the next forty-eight (48) months, all other public which are so scheduled under succeeding Phases.

iii. **Private Bodies Performing Public Services or Functions:**

The RTI Unit, in collaboration with the ICT Department, will identify these private bodies and incorporate them into the phased implementation schedule as appropriate.

IV. REPORTING, MONITORING AND EVALUATION

Public Bodies:

- a. DIOs in the public bodies under each successive phased group are to submit monthly reports to the RTI Unit up until the completion of the phased implementation of the RTI Policy and quarterly thereafter (supplemented by ad hoc updates as may be required by the Unit).
- b. The reports must include information such as:
 - i. the number of applications for access received, granted (in full or in part), deferred, or denied;
 - ii. the number of transfers made; the amount of fees charged;
 - iii. the categories of exemptions invoked; the number of applications for internal review and decisions taken;
 - iv. the number and nature of complaints;
 - v. particulars of any disciplinary action taken against any officer related to administration of the Policy;
 - vi. the training of officers; activities related to the duty to publish information; and
 - vii. any recommendations for reform.
- c. All bodies covered by the Policy must establish monitoring systems, whether paper or computer based, to collect information about the processing of applications and the administration of the Policy.

Freedom Of Information Commission:

- a. The Freedom of Information Commission will review, analyze, and compile the reports from public bodies into monthly reports to the Right To Information Steering Committee (RTISC) and quarterly reports to the Ombudsman Commission.
- b. Monthly reports to the FOISC will continue for the duration of the phased implementation of the RTI Policy after which only the quarterly reports to the Ombudsman Commission will be required.

- c. These reports must be supplemented by ad hoc updates as may be required by the Commission. The FOI Commission will also provide reports to the RTISC on its own activities.
- d. The FOI Commission will develop paper and e-based reporting templates for use by all FOI administrators.

Right to Information Steering Committee:

- a. The RTISC will report quarterly to the responsible Minister and more frequently as necessary, particularly with respect to matters requiring immediate attention and intervention.
- b. Reports are to include its findings and recommendations and such other matters as the Committee may determine.
- c. The RTISC is to also produce a biannual report on the progress of implementation for the benefit of the public.

Ombudsman Commission:

- a. The Ombudsman Commission will produce and publish on its website quarterly reports for the duration of the phased implementation of this Policy.
- b. The reports will include
 - i. the number and nature of the complaints referred to it and its decisions;
 - ii. the exemption categories invoked on average by public bodies;
 - iii. an analysis of public bodies' implementation of the Policy, statistical information on the types of information being requested, the responses being provided by officials and average response timelines, the costs associated with information disclosure, and specific recommendations for reform and improvement.
- c. The Commission will also prepare annual reports which will be referred to a relevant Parliamentary Committee for consideration.
- d. The Parliamentary Committee will report back to Parliament at the session immediately following submission of the Commission's Annual Reports with comments and recommendations.
- e. The responsible Minister will table a response to the Committee's report no later than the following session of Parliament.

V. RTI POLICY SUPPORT FRAMEWORK

- i. The Government recognizes that existing regulatory frameworks may impose non-disclosure and secrecy obligations that are misaligned with the principle of maximum disclosure.
- ii. Pre-existing obligations in employment contracts, civil service rules and procedures, and secrecy provisions in legislation may create confusion for public officers when faced with new RTI responsibilities and potentially result in non-compliance.
- iii. The Government will ensure that the surrounding regulatory framework supports and promotes the right to information and is aligned as far as possible with the Policy.
- iv. The Department of Justice and Attorney-General will be mandated to review administrative policies for inconsistencies and make recommendations for a supportive legislative framework.
- v. The review and recommendations will encompass:
 - a. **Secrecy laws:**
 - While there is no stand-alone Official Secrets law in PNG as there are in several Commonwealth countries, the Criminal Code Act 1974 does address the disclosure of official secrets under Part III, Division 1.
 - These provisions will require updating to ensure that it is invoked only in the most extreme cases of breaches which would cause substantial harm to national security.

- b. **Information Disclosure Policies:**

These policies govern information disclosure practices in individual Departments.

- c. **Freedom Of Information law:**

Drafting instructions will be prepared for an FOI law in keeping with the Government's commitment under the OGP partnership.

- d. **Privacy Act:**

A Data Protection law will be considered for enactment to expand on the protection of personal information under this Policy.

VI. RESOURCES

- i. Implementation of this Policy will require substantial budgetary support.
- ii. Government and extra-budgetary sources of funding will be identified to best accommodate these costs and resource requirements.

a. *Costs Supported by Central Funding*

Several implementation activities require government support and will be centrally funded.

They include:

- RTI training;
- public education and awareness campaigns and related materials;
- upgrades to the government website;
- tracking and monitoring system;
- technical support for e-based publication schemes;
- computer systems; and
- international/regional expertise to support specialist RTI training and records management upgrades.

b. *Costs Supported by Public Bodies –*

- i. Public bodies must also determine RTI related costs specific to their organizations and include them in annual budgets.
- ii. The size of each public body's RTI budget will vary according to the number and nature of the requests they anticipate, the number of RTI staff required, and the improvements to be made to their records management systems.
- iii. Projected costs will include:
 - hiring of DIOs and records officers;
 - preparing proactive publication schemes;
 - internal training programmes;
 - conducting records surveys and upgrading RIM systems;
 - purchasing equipment such as computers, printers, photocopiers, scanners;
 - providing adequate infrastructure such as physical/digital storage facilities, paper, and office supplies;
 - maintaining and updating computer systems and websites;
 - litigation costs associated with preparing for and defending RTI complaints and appeals before the Ombudsman Commission and the courts respectively.

Document Retrieval Systems:

- i. Timely location and retrieval of records poses a significant challenge for public bodies when processing RTI requests.
- ii. An Enterprise Content Management (ECM) system can significantly improve the accuracy and speed of this RTI Policy function by managing the life cycle of documents from creation to destruction.
- iii. Where possible, public bodies are urged to consider acquiring ECMs where appropriate and to budget accordingly.

c. Parliamentary Support

- To ensure that members of Parliament and Parliamentary staff have access to proper communications equipment and the internet, the *[Parliamentary Service budget]* will be utilized to provide:
 - i. at least one dedicated computer with internet and email facilities and a printer for the use of Parliamentarians. The Government encourages all members of Parliament to use these resources both to inform themselves and disseminate key information to their constituents.
 - ii. a computer with internet and email facilities and a printer to enable the Clerk of Parliament and the Law Office to fulfil their respective duties to print, circulate and publish Bills, draft Rules, final legislation, and final regulations.

d. Donor Partnerships and Extra Budgetary Support

- The Government will also invite the active cooperation and assistance of local and international development partners to assist with extra-budgetary support where needed, and
- to incorporate the introduction of PNG's RTI regime as a priority in existing and future development assistance programmes, projects, and activities.

e. Mitigating Costs

- To mitigate some of the costs associated with RTI implementation, public bodies are encouraged to:
 - i. emphasize proactive disclosure to minimize requests and by extension, labour, and resources;
 - ii. identify opportunities for sharing or reallocating staff and equipment;
 - iii. strengthen the RTI request process to reduce delays and non-compliance thereby avoiding costs to appear before the Ombudsman Commission (and by extension operating costs for the Commission) and the Courts;

- iv. increase use of newer and more affordable communication platforms (e.g., social media) to disseminate information and expand public awareness initiatives;
- v. capitalize on civil society partnerships for implementation assistance where appropriate (e.g., pro bono or reduced-cost on RTI advertisements, media events training venues);
- vi. utilize existing resources such as PILAG and PARBICA to support RTI training and RIM initiative

VII. APPENDICES

APPENDIX I: RTISC TERMS OF REFERENCE AND MEMBERSHIP

RTISC TERMS OF REFERENCE

1. Objectives

- To co-ordinate a successful strategy for the effective implementation of the Right to Information Policy
- To promote transparency and openness across the and a change in the culture of information disclosure public sector by encouraging proactive disclosure of information, a responsive RTI request process

2. Functions

The RTISC (*"the Committee"*) shall:

- a) facilitate the timely establishment of the RTI Unit;
- b) provide overall oversight of the implementation of the RTI Policy;
- c) facilitate the review of laws inconsistent with the RTI Policy and recommend necessary reforms;
- d) provide oversight of the development of a National RTI Implementation Plan for the RTI Policy by the RTI Unit and review its provisions;
- e) track and monitor progress under the National Implementation Plan and ensure achievement of milestones;
- f) identify implementation challenges of specific agencies and recommend solutions to address them to the responsible minister;
- g) monitor and make proposals for sound record management practices in public bodies in collaboration with the National Archives;
- h) identify and evaluate an appropriate IT system for RTI Policy obligations including access to suitable software for tracking and monitoring requests;
- i) audit and make proposals for upgrades to government websites to enable the provision of information in electronic formats to the public;
- j) develop a strategy for comprehensive training and awareness of RTI across the public sector in collaboration with the RTI Unit;
- k) develop a communication strategy to sensitise public officers to the value of the RTI Policy and to increase public awareness and understanding of the Policy and the public's rights under it;
- l) seek input from non-governmental associations, members of the media, the private sector and the general public on concerns, viewpoints and needs related to freedom of information and assistance with RTI public awareness campaigns; and
- m) facilitate the development of Access to Information law and regulations.

3. Reporting

- a) The Committee is to report quarterly on the above matters to the Minister for Information and Communications Technology and the Ombudsman Commission but more frequently as it may deem necessary, particularly with respect to matters requiring immediate attention and intervention.
- b) Reports are to include its findings and recommendations and such other matters as the Committee may determine.

- c) The Committee is to also produce a biannual report on the progress of implementation for the benefit of the public.

4. Composition

- a) Chairmanship of the Committee will be a designated representative of DICT.
- b) Membership is to consist of representatives from ministries, departments, and agencies with expertise and/or responsibility for the subject areas related to its functions and should include senior officers from the following key agencies and organizations:
- RTI Unit (FOI Commission)
 - Department of ICT
 - Ombudsman Commission
 - ICAC
 - Department of Public Service
 - Department of Personal Management
 - Department of National Planning & Monitoring
 - Department of Justice & Attorney General
 - Constitution and Law Reform Commission
 - National Archives & Public Records Services
 - Transparency International PNG
 - National Fiscal Commission

5. Sub-Committees

The Committee may create sub-committees to address particular subject matter areas according to the expertise of its membership.

6. Meetings

- a) Meetings of the Committee are to be held at least once per month with sub-committees meeting more frequently as necessary. The Committee may, however, meet as frequently as it determines to ensure its ability to carry out its functions.
- b) A quorum of the Committee shall be formed by one third of its members.
- c) The RTI Unit will act as the secretariat for the Committee.
- d) The Committee shall continue meeting to undertake its functions until the RTI Policy comes into full operation.

MEMBERSHIP *

- | | |
|--|---|
| 1. RTI Unit (FOI Commission) | 5. Department of ICT |
| | 6. Ombudsman Commission |
| | 7. Department of National Planning & Monitoring |
| 2. Department of Personnel Management | 8. National Fiscal Commission |
| | 9. Transparency International PNG |
| 3. Department of Justice & Attorney General | 10. Constitution and Law Reform Commission |
| 4. National Archives & Public Records Services | |
| | 11. PNG Information Services |

**Suggested – New members can be added as well.*

APPENDIX II. PHASED IMPLEMENTATION SAMPLE*

Year 1 2026	Year 2* Phase 1	Year 3* Phase 2	Year 4* Phase 3	Year 5* Phase 4	Year 6* Phase 5
Upon Approval of Policy	Public Bodies	Public Bodies	Public Bodies	Public Bodies	Public Bodies
Please see prioritized activities for Year 1 at Appendix III - (Preliminary Implementation Activities)	1. Dept. of Prime Minister & NEC	1. Dept. of Agriculture	1. Dept. of Higher Education & Sports	1. Dept. of Civil Aviation	1. Dept. of Information & Communication Technology
	2. Parliament	2. Dept. of Mining	2. Dept. of Immigration & Border Security	2. Dept. of Environment & Conservation	2. Dept. of Works
	3. Dept. of Public Service	3. Dept. of Forestry	3. Dept. for National Planning & Monitoring	3. Dept. of Correctional Service	3. Dept. of Inter- Government Relations
	4. Dept. of Health	4. Dept. of Fisheries	4. Dept. of Labour & Employment	4. Dept. of State Enterprises	4. Dept. of Housing
	5. Dept. of Finance & Rural Development	5. Dept. of Petroleum	5. Dept. of Justice & Attorney General	5. Dept. of Community Development	5. Dept. of Lands & Physical Planning
	6. Dept. of Education	6. Dept. of Treasury	6. Dept. of Tourism	6. Dept. of Defense	6. Dept. of Energy & Rural Development
	7. Dept. of Police	7. Dept. of Foreign Affairs & Trade			7. Dept. of Commerce & Industry
	8. Procurement Board				
Year 2 - 6*	<i>This schedule is for illustration purposes only and will be subject to final determination by the RTI Unit/RTISC of the actual number and identities of entities per phase after appropriate readiness assessments of public bodies</i>				

APPENDIX III. PRELIMINARY IMPLEMENTATION ACTIVITIES 2026 – 2027

- This plan is subject to the approval of the RTI Policy by the 2nd quarter of 2026. In the event of a later approval, the activities remain applicable subject to the necessary adjustments to the timeline to so reflect
- It presents the prioritized activities which ideally should be undertaken within the first twelve months of the approval of this Policy beginning in 2026.
- The indicated timelines are subject to country context and contingencies that may arise
- A more detailed National Implementation Plan is to be designed by the RTI Unit thereafter to capture the activities to be undertaken for other key subject areas of the RTI Policy

ACTIVITY TIMELINE	RESPONSIBLE BODY	REMARKS
Q2 - 2026		
1. Finalise RTI Policy	DICT	
2. NEC submission of RTI Policy	DICT	
3. Approval of RTI Policy	NEC	
Q3 - 2026		
1. Establishment of Technical Working Group for Access to Information Law	DICT/DJAG/UNDP/TIPNG/ OGP Secretariat/State Sol	Identify key agencies to draft the Access to Information Law.
2. Planning of Access to Information Law – Nationwide Consultations	TWG	Establish time and date for Consultations; Nation-wide Consultation.
3. Drafting Instruction	DJAG (Lead), OSS TWG	
Q4 - 2026		
1. Commence Nation-wide consultation (Regional Workshops)	Dept. of ICT/UNDP/DJAG/State Sol/CLRC/ TI PNG/	Regional Consultations commence for Access to Information Law
2. Legal Clearance from the Office of State Solicitor (OSS)	DJAG (lead), OSS TWG	Certificate of Necessity
3. NEC Endorsement for Drafting Instruction. for FLC to draft Bill	DICT, TWG	1X NEC Submission 1x NEC Decision
Q1- 2027		

1. Drafting by First Legislative Council	FLC (Lead), TWG	1x Bill 1x Certificate of Compliance
2. Second NEC Endorsement for Tabling	DICT, TWG	NEC Decision
Q2 - 2027		
1. Tabling of Bill in Parliament	DICT	ICT Minister tabling the Bill in Parliament.
2. Bill passed in Parliament	DICT	Parliament pass the Bill
3. Establishment of RTI Commission		
Q3 - 2027		
1. Circular sent to all Heads of Government bodies with the copy of the Passed Bill and implementation plan of the Bill.	RTI Commission/DICT	Circular sent to all government bodies
2. Appoint/Designate Information Officers	Heads of Gov Bodies	Heads of Gov. Bodies to appoint Information Officers who will be in charge of sharing official information to the general public as and when requested.
3. Develop RTI Readiness Assessment survey tools	RTI Commission (Lead) RTISC	Readiness Assessment surveys are to be used to assess existing conditions in entities and varying states of readiness to implement the Policy These surveys, in turn, inform the development of individual RTI Action Plans which detail the steps the entities will take to prepare for administering the Policy, the prioritized activities, lead persons and timelines
4. Brief Departments and Agencies on RTI Readiness Assessment Survey and disseminate	RTI Commission (Lead) DIOs	RTI Unit explains the purpose of assessment to DIOs and RTI project team within entities
5. Complete RTI Readiness Assessment survey	DIOs (Lead)	Completion of the survey by DIOs should ideally be done within 1 month of briefing at 5. However, deadline for completion will be set by RTI Unit DIOs should be assisted by an in-house RTI project team to complete survey Early completion of the survey facilitates development of the Phased Implementation Schedule at 7. below
6. Finalise Phased Implementation Schedule	RTI Commission (Lead) RTISC	RTI Unit assesses state of readiness of DAs from completed Readiness Surveys and determines and recommends to the RTISC: - The number of Phases

		the number and identity of the public bodies falling under each phase.
7. Review of state of Records and Information Management in Phase 1 public bodies	Archives (Lead) RTI Commission DIOs	The Archives will begin an assessment of the records and information management deficiencies in Phase 1 entities
8. Report on Records Management readiness, deficiencies, and recommendations	National Archives	Report submitted to the RTI Unit and the RTISC which will act on the recommended solutions and facilitate provision of identified resources
Q4 - 2027		
1. Draft National Implementation Plan	RTI Commission (Lead) RTISC	RTI Unit submits draft to the RTISC
2. Draft Guidance Materials	RTI Commission (Lead) RTISC	RTI Unit to focus at this point on: - the RTI User Guide Proactive Publication Guidelines
3. Obtain stakeholder feedback on National Implementation Plan	RTI Commission	
4. Approval of National Implementation Plan	RTI Commission/DICT	Proposed to be within <i>[two months]</i> of approval of RTI Policy
5. Publish National Implementation Plan	RTI Commission RTISC DICT	DICT facilitates publication of Implementation Plan on the Government website; in newspapers etc. RTISC arranges for dissemination of circular on approval of Plan and media announcement

APPENDIX IV. SAMPLE DEPARTMENTAL INFORMATION OFFICER (DIO) JOB DESCRIPTION

Job Title:	Departmental Information Officer
Grade:	<i>[For Evaluation]</i>
Salary Range:	
Reports To:	<i>[Insert Position Title of Supervising Officer]</i>
Job Purpose	

To facilitate the right of the public to access information held within the *[insert name of the Department/Agency]* in accordance with the Right to Information Policy and to provide efficient records management services in line with the directives and guidance of the National Archives of Papua New Guinea.

Background Information

The Right to Information Policy *[insert year of adoption]* is a result of a commitment by the Government of Papua New Guinea to the public's right to information (RTI) and to ensure increased accountability and transparency and improved governance in Papua New Guinea. With the adoption of this Policy, the provision of access to information and records management responsibilities of each public body have expanded significantly. The Departmental Information Officer (DIO) role has been created to ensure a coordinated response in information disclosure and records management within the *[insert name of Department/Agency]*.

Dimensions

- Deliver training on RTI to current and future employees within the organization.
- *[Manage an annual budget of [.xxxK] [insert amount]*
- Respond to requests by the public for access to information.
- Develop and implement procedures and systems that enable the organization to respond efficiently to applications for access to information in line with the RTI Policy and procedural obligations established by the Right to Information Unit (*the RTI Unit*).
- Develop and implement records and information management systems that enable the organization to manage records in line with the policies developed by the National Archives on the creation, maintenance, classification, retention, and destruction of records.
- Facilitate the right to information by assisting members of the public to understand their request requirements and by receiving, processing, researching, coordinating, and responding to applications.
- Compile statistics and reports to assist the RTI Unit and the Ombudsman Commission to monitor the adherence of the organisation to the RTI Policy.

Principal Accountabilities

- i. Provide reports, information and testify before the Ombudsman Commission and/or a National Court regarding decisions on applications for information that have been appealed;
- ii. Liaise with staff of the RTI Unit and the National Archives regarding RTI related matters and records management requirements applicable to the organization;
- iii. Attend RTI training and sensitization sessions provided and/or arranged by the RTI Unit;
- iv. Develop an internal RTI Organizational Action Plan and manage its implementation;
- v. Spearhead the establishment of an RTI project team to assist with implementation of the Organizational Action Plan;
- vi. Promote awareness and understanding of the right to information and best practices in Records Management to all staff within the organization;
- vii. Promote awareness and understanding of the right to information externally by assisting members of the public to understand their rights and through the maintenance of up-to-date content on the organization's website where available;
- viii. Prepare the organization's publication scheme and observe the proactive disclosure obligations in accordance with the National Implementation Plan, and any RTI Guidelines that are developed;

- ix. To undertake any additional duties appropriate to the role.

Reporting Responsibilities *[Specific to the Department/Agency]*

Knowledge, Experience, and Skills

Preferred Knowledge:

- i. A good understanding of the right to information and privacy issues;
- ii. A good understanding of principles, concepts, and international best practice of records management, through a relevant B.A. or tertiary level course in, or relevant to, records and information management or the willingness to acquire relevant education and training);
- iii. An understanding of relevant legislation, regulations and procedures governing the organisation;
- iv. An understanding of the work of the organisation and the public sector at large;
- v. An understanding of information technology related to records and information management;
- vi. *[Previous participation in the National Archive's records management courses is desirable].*

Preferred Experience:

- i. Experience in developing policy and procedures for implementation across different parts of an organization, preferably three years relevant experience relating to RTI and/or records management or information disclosure;
- ii. Experience in providing training for internal staff.

Skills:

- i. Time management and prioritisation skills which enable the adherence to strict reporting deadlines;
- ii. Ability to apply complex professional standards and ethical practices relating to the right to information and records management, pertaining to the fair and balanced provision of access to information, intellectual control over, integrity of, and physical safety of public records;
- iii. Ability to develop, implement and monitor record keeping procedures and systems effectively within the organization;
- iv. Excellent oral and written communication skills and the ability to communicate effectively in person and in writing with the general public, Heads/CEOs of Departments, Senior Management, RTI Unit, National Archives, departmental records management staff, ICT staff, and other stakeholders;
- v. Computer literacy.

Assignment and Planning of Work

- i. The post-holder receives general but not continuous direction from the organisations's senior management team.
- ii. The work will be demand driven by requests from the public which have to be responded to within timelines specified under the RTI Policy. The post holder must be able to prioritise and manage requests without supervision.

Supervision of Others – *[Training officers, Public Education officer, Publications Manager]*

Other Working Relationships

The post holder will liaise predominantly with:

- Members of the public;
- The RTI Unit, Ombudsman Commissioner, the National Archives to access specialist training, policy guidance and technical support;
- The Attorney General's Office, the Ombudsman Commission in the investigation of complaints.

Decision Making Authority and Controls

The post holder is responsible for:

- Administering the RTI Policy in relation to the appropriateness of disclosure of information as it relates to RTI applications, including assessing whether information meets exemption criteria;
- Adhering to professional and ethical standards and best practices recommended by international records management and right to information organisations and professional bodies abroad, or those drawn up by the post holder's supervisors, as appropriate.

Problems/Key Features

The implementation of the RTI Policy requires a change in the culture within Government to one of openness, transparency, and customer rights and locating records that are responsive to an RTI application may be time consuming.

Working Conditions

The post holder may occasionally work in unventilated storage rooms and basements where records may have been placed. Most of the work will involve long periods of computer-based activity.

APPENDIX V: References

References

ⁱ *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, 3rd sess, 183rd plen mtg, UN Doc A/810 (10 December 1948) Art. 19; *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) Art. 19

ⁱⁱ *United Nations Convention Against Corruption*, GA Res 58/4, UN GAOR, UN Doc A/58/422 (14 December 2005) Art. 10.

ⁱⁱⁱ United Nations. 2019. The Sustainable Development Goals Report 2019. [online]. Available from: <https://unstats.un.org/sdgs/report/2019/>

^{iv} The Pacific Plan was endorsed by Leaders at the Pacific Islands Forum meeting in October 2005 and includes initiative 12.3 to enhance governance mechanisms such as FOI. See: PIFS 2005. The Pacific Plan. [online]. Available from: <https://www.adb.org/sites/default/files/linked-documents/robp-pacific-2013-2015-pacific-plan.pdf>

^v Outcome 5 of the UN Pacific Strategy is that people and communities in the Pacific will contribute to and benefit from inclusive, informed, and transparent decision-making processes. See: United Nations in the Pacific. 2017. United Nations Pacific Strategy

2018 – 2022. [online]. Available from: https://reliefweb.int/sites/reliefweb.int/files/resources/UNDP_WS_FINAL_UNPS_2018-2022.pdf

^{vi} The Boe Declaration Action Plan includes the adoption and implementation of constitutional, statutory and/or policy guarantees for public access to information as a measure for success in ensuring peace and security across the region. See PIFS. 2018. Boe Declaration on Regional Security [online]. Available from: <https://www.forumsec.org/boe-declaration-on-regional-security/>

^{vii} Access to Information laws, UNITED NATIONS. Available from: <https://www.un.org/en/un-chronicle/access-information-cornerstone-sustainable-development-human-rights-and-environmental>

^{viii} Teieniwa Vision Available at: <https://www.unodc.org/documents/southeastasiaandpacific/pacific/2021/.pdf>

^{ix} Anti-Corruption Commitment by Pacific Leaders Welcomed, UN-PRAC, UNDP in the Pacific. Available at <https://www.undp.org/pacific/press-releases/anti-corruption-commitment-pacific-leaders-welcomed>

^x Right to Information in Asia Pacific: How 11 Countries Perform on SDG 16:10, 2018 Transparency International, p.42

^{xi} Status of the Right to Information in the Pacific Islands of the Commonwealth – A Report, Commonwealth Human Rights Initiative 2009, p. 39 http://rti.img.kerala.gov.in/RTI/status_of_rti_in_pacific_island.pdf

^{xii} Human Rights in the Pacific – A Situational Analysis, 2016 <https://www.spc.int/sites/default/files/resources/2018-05/Human-right-Pacific.pdf>

^{xiii} *Our Right to Know. Their Duty to Tell* Transparency International, 2019 <http://www.transparencypng.org.pg/2019/09/TIPNG-RTI-Report-FINAL-1.pdf>

^{xiv} The OGP is a multilateral initiative that aims to secure concrete commitments from national and subnational governments to promote open government, empower citizens, fight corruption, and harness new technologies to strengthen governance. In the spirit of multi-stakeholder collaboration, OGP is overseen by a steering committee including representatives of governments and civil society organizations. <https://www.opengovpartnership.org/>

^{xv} The Principles were first articulated by the international human rights NGO, ARTICLE 19, in their publication “*The Public’s Right To Know: Principles on Freedom of Information Legislation* (the ARTICLE 19 Principles) <https://www.article19.org/data/files/pdfs/standards/righttoknow.pdf>

The Principles were endorsed by Mr. Santiago Canton, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression in his 1999 Report, Volume III of the Report of the Inter-American Commission on Human Rights to the OAS, by Mr. Abid Hussain, the then UN Special Rapporteur on Freedom of Opinion and Expression, in his report to the 2000 session of the United Nations Commission on Human Rights (E/CN.4/2000/63), and referred to by the Commission in its 2000 resolution on freedom of expression. The Principles were also referred to by his successor Mr. Frank LaRue in his report to the UN General Assembly in 2013 (A/68/362, 4 September 2013) <https://www.article19.org/data/files/pdfs/standards/righttoknow.pdf>

^{xvi} The Commonwealth. 2017. Model Freedom of Information Bill [online]. Available at:

https://thecommonwealth.org/sites/default/files/key_reform_pdfs/P15370_12_ROL_Model_Freedom_Information.pdf,

^{xvii} Rodrigues, C. 2007. Information Disclosure Policy: A Toolkit for Pacific Governments, Commonwealth Human Rights Initiative. [online]. Available at:

https://www.humanrightsinitiative.org/programs/ai/rti/international/cw_standards/pacific_info_disclosure_toolkit.pdf.

^{xviii} Status of the Right to Information in Pacific Island Countries, UNODC/UNDP, 2019

^{xix} Ombudsman Commission <https://www.ombudsman.gov.pg/about-us/members-of-the-commission/>

^{xx} A citizens budget is a report to the people summarizing and explaining basic budget information in clear and simple language they can understand and presented in an accessible format.

^{xxi} DIGITAL 2021: PAPUA NEW GUINEA, DataReportal, available at <https://datareportal.com/reports/>