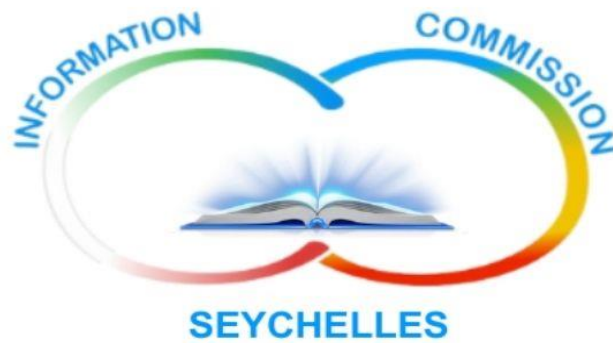


ANNUAL REPORT 2023



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The Information Commission of Seychelles created, compiled, and published this report to highlight its key activities and progress for the year 2022.

This annual report summarizes the activities carried out under the Access to Information Act of 2018.

This report contains data in the form of written text, numerical statistics, and photographs of individuals or groups of individuals for the sole purpose of this report as described above.

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Our Mandate, Vision, and Strategic Goals

Mandate of the Access to Information Act, 2018

To foster good governance through enhancing transparency, accountability, integrity in public service and administration, participation of persons in public affairs, including exposing corruption, to recognise the right of access to information envisaged in Article 28 of the Constitution and for matters connected therewith and incidental thereto.

Mandate of the Data Protection Act, 2023

An act for the protection of individuals with regard to the processing of personal data, to recognise the right to privacy envisaged in article 20 of the constitution, to promote and facilitate responsible and transparent flow of information by private and public entities and to provide for other related matters.

Our Vision

“Actively and responsibly, support the people of Seychelles realize their constitutional rights to information and collectively advance a culture of good governance”.

Our Strategic Goals - 2023 to 2025

- 1 To progress establishing, administering and enforcing the ATIA and Data Protection Legislation.
- 2 To increase individual and public institutional awareness of good governance linked to ATIA and Data Protection Legislation, role of the Information Commission and lawful rights.
- 3 To increase quality professional management tools and practices, including monitoring, evaluation and learning systems to measure performance effectiveness, deliver purposeful and knowledgeable evidence based results and guide sound actions.
- 4 To increase collaborations, partnerships and networks to cultivate and support a wider enabling environment for good citizenship change, maximize and improve access to diverse resources, build capacities, transfer knowledge and good practices.

OVERVIEW

Powers

The Information Commission has the power to determine the nature, process and undertakings necessary to discharge its mandate in terms of this Act, including all work necessary for the promotion, monitoring and protection of the right of access to information.

The Information Commission has, at its own discretion, the power to —



Legislations We Regulate

The Information Commission officially came into existence in 2018 in conjunction with and guided by the Seychelles Access to Information Act, 2018 (ATIA hereafter). It began to function in 2019 with the initial phase focused on establishing its operations and instituting the ATIA. Together, the Information Commission and ATIA function to promote good governance and are the primary tools to aid the access of information held by public authorities performing a governmental function in Seychelles. In December 2023 the Information Commission obtained, another mandate under their portfolio to regulate the Data Protection Act, 2023.

Access to Information Act, 2018 (ATIA)

The **Access to Information Act, 2018** gives people a general right of access to information held by most public authorities. Aimed at promoting a culture of openness and accountability across the public sector, it enables a better understanding of how public authorities carry out their duties, why they make the decisions they do and how they spend public money.

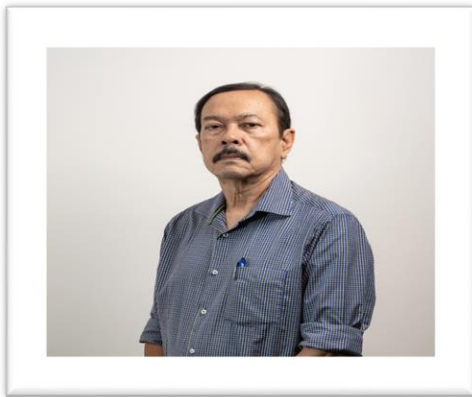
Data Protection Act 2023 (DPA)

The **Data Protection Act 2023** give people rights over how their personal data is collected and used ensure organisations are accountable for using personal data safely, and facilitate the social and economic benefits that come from responsible data sharing.

The Commissioners



MUMTAZ HASAN
CHIEF INFORMATION COMMISSIONER



ANTONIO LUCAS
INFORMATION COMMISSIONER



DESIRE PAYET
INFORMATION COMMISSIONER

Message by the Chief Information Commissioner (CIC)

Results and actions speak for themselves. I am pleased at the positive strides the Information Commission has accomplished this year as a small team at different levels. We have worked strategically and steadfastly to expend a combination of approaches from legal frameworks, awareness raising, collaboration, compliance monitoring, special investigations and quasi-judicial proceedings, and capacity building to advance a conducive external and internal environment for public access to information.

This annual report encapsulates the results, work ethics and spirit of the organization. 2023 was a productive year full of new challenges, learnings and accomplishments. Notable during the start of the year was **the first large-scale Convention of Information Officers** organized by the Commission in collaboration with partners such as the Anti-Corruption Commission Seychelles and British High Commission to support capacity building, knowledge and awareness, foster connectivity and collaboration, and dialogue best practices. We saw **the expansion of a new legal framework and guidelines on proactive disclosure** as a foundational area boosting greater transparency, efficiency, and ease of doing business by means of Information Technology (IT). Towards the end of the year, we saw the completion of key centralized documentation management and compliance systems. **A new database of complaints and appeals cases** was officially launched on our website and all Seychellois or global citizens alike wanting to know more about the cases we administer in our daily work are now able to research these easily at their fingertips. **The 2023 audit report** summarizing compliance monitoring procedures and findings was also completed and launched on our website. We contributed to efforts within the wider civil landscape on **the Open Government Partnership, with Transparency Initiative Seychelles** and others. We were given the privilege and additional responsibility of a new law to our portfolio, namely the **2023 Data Protection Act** which came into force on the 19th of December 2023. Lastly and equally importantly, we defined our vision and values for the upcoming year with **team building and action planning exercises**. We had authentic conversations and took conscious steps throughout the year to create a team culture that is actively respectful, open, accountable and recognizes each team members' unique strengths.

On a broader macro level, the Information Commission embraced its vital role on upholding the rule of law, respect for the equality and dignity of human beings based on fundamental human rights and freedoms enshrined in the Constitution. Our firsthand experiences with implementing the 2018 Access to Information Act has shown it to be a critical administrative governance element to both citizens and various government ministries, departments and agencies. During the course of implementation, we have faced certain repetitive systemic challenges and identified crucial gaps which we intend to pursue and advocate for reform and improvements in the coming future. Furthermore, with the introduction of the 2023 Data Protection Act in an ever changing digital landscape, we appreciate the gravity of our role and necessity of integrated engagement within civil, private and public communities in support of a strong, educated and empowered democratic society.

We look forward to serving our mandates to a high level of excellence. On behalf of the Information Commission, I would like to express my sincere gratitude to all who have and continue to support us on this journey.

Yours truly,

Mumtaz Hasan
Chief Information Commissioner

The Secretariat Team



Thereza Dogley
Chief Executive Officer



Jean-Marc Lablache
Attorney At Law



Dina Antoine
Administrative & Information Officer



Rashikah Didon
Office Assistant



Mina Accouche
Information Analyst/Auditor



Mina Labiche
Records Officer



Aldrick Freminot
Driver/ Messenger

Message by the Chief Executive Officer

I am delighted to present the Information Commission's third Annual Report in compliance with the Access to Information Act 2018 (ATIA) and the Data Protection Act 2023 (DPA).

Throughout 2023, the Information Commission has demonstrated consistent progress in handling appeals, bolstered by their interventions and the effective implementation of the agreed action plan. This positive trajectory is also echoed in the Compliance audit report.

Notably, there has been a notable decrease in information requests received by public bodies from 2018 to 2022, starting at 2,627 requests in 2018-2019 and steadily declining to 968 ATI requests in 2022. Through compliance audits conducted at various MDAs, it was revealed that multiple factors influenced the decrease in information requests received. The primary driver behind this decline was the proactive dissemination of information across a variety of platforms, including social media and the organization's website. By embracing reactive disclosure, members of the public have been able to locate their information to their inquiries independently, showcasing a shift towards greater transparency and accessibility within the organization.

Over the years, the Information Commission (InfoCom) has remained committed to ensuring the highest level of transparency, accountability, and integrity, consistently strives to adhere to the Access to Information Act 2018 mandate. Alongside ATI implementation, the Commission's efforts in advancing effective and efficient implementation across various initiatives in 2023 are commendable.

With dedicated employees of the Commission ensuring the activities and plans are executed promptly, the Commission remains unwavering in its mission to address public requests and appeals diligently. Considering that, we have a new mandate under the Data Protection Act 2023 to deliver, I believe strongly that we will achieve our objectives and continue delivering exemplary service to the public. It is through the dedication and commitment of our team that we are able to maintain our high standards and serve the community effectively.

This report presents the Information Commission's work on the implementation of its Access to Information (ATI) Act, and the Data Protection Act 2023, covering the period 1 January 2023 – 31 December 2023.

Thereza Dogley
Chief Executive Officer

Firsthand Account of Information Officers

An Information Officer is an independent public official responsible for promoting and enforcing the Access to Information Act, 2018. The head of every public body shall, in consultation with the Minister responsible for that public body, designate a suitable officer of that body as a vital role within organizations; an information officer is an independent officer responsible for managing and safeguarding information in accordance with the Access to Information Act of 2018. By utilizing their expertise these professionals play a crucial role in promoting transparency and ensuring that the public has the necessary access to relevant information. Below is firsthand account of two information officers:

Julianna Augustin- Seychelles Home Care Agency

“Information officer at the Seychelles Home Care Agency since December 2023. Prior to this, I served as an Information Officer at the Agency for Social Protection from 2019 until November 2023. My primary responsibility is to uphold the access to information act of 2011, ensuring that individuals have access to information held by public authorities. As an information officer, I play a crucial role in promoting transparency and accountability within the organization. By ensuring compliance with the access to information act, I help build trust with stakeholders and foster a culture of openness, ultimately enhancing the organization's reputation and credibility. Throughout my tenure, I have maintained a close relationship with the information commission, which oversees the implementation of the access to information act. This relationship has allowed me to address any concerns or issues related to information disclosure, stay updated on changes or developments in the law, and clarify any doubts regarding certain provisions of the law. The access to information act imposes specific obligations on information officers, including responding to requests for information promptly and ensuring that the information provided is accurate and up-to-date. While fulfilling these obligations can be challenging at times, especially given the strict requirements of the law, I remain committed to upholding the principles of transparency and accountability in my role. As the role of an information officer continues to evolve, I recognize the increasing seriousness and responsibilities associated with it, and I am dedicated to fulfilling my duties to the best of my abilities.”

Maria Payet – Public Utilities Corporation

“As the Information Officer at the Public Utilities Corporation (PUC) since the inception of the Information Officer role in October 2018, I hold an enthusiastic belief in the vital role that access to information plays in encouraging democracy and is a good tool for social advancement. Within this dual responsibility, I navigate the balance between my role as a Customer Advocate for PUC where maintaining organizational integrity is vital, and my roles and responsibilities as an Information Officer, where objectivity and impartiality are initial. This involves recognizing the importance of remaining well informed about the day-to-day operations of my organization and ensuring that all ATIA requests are attended to in a timely manner, as stated by the ATIA. Through careful attention to detail and a commitment to contributing to the provide accurate information for PUC, I uphold high standards of professionalism and diligence in executing my responsibilities.”



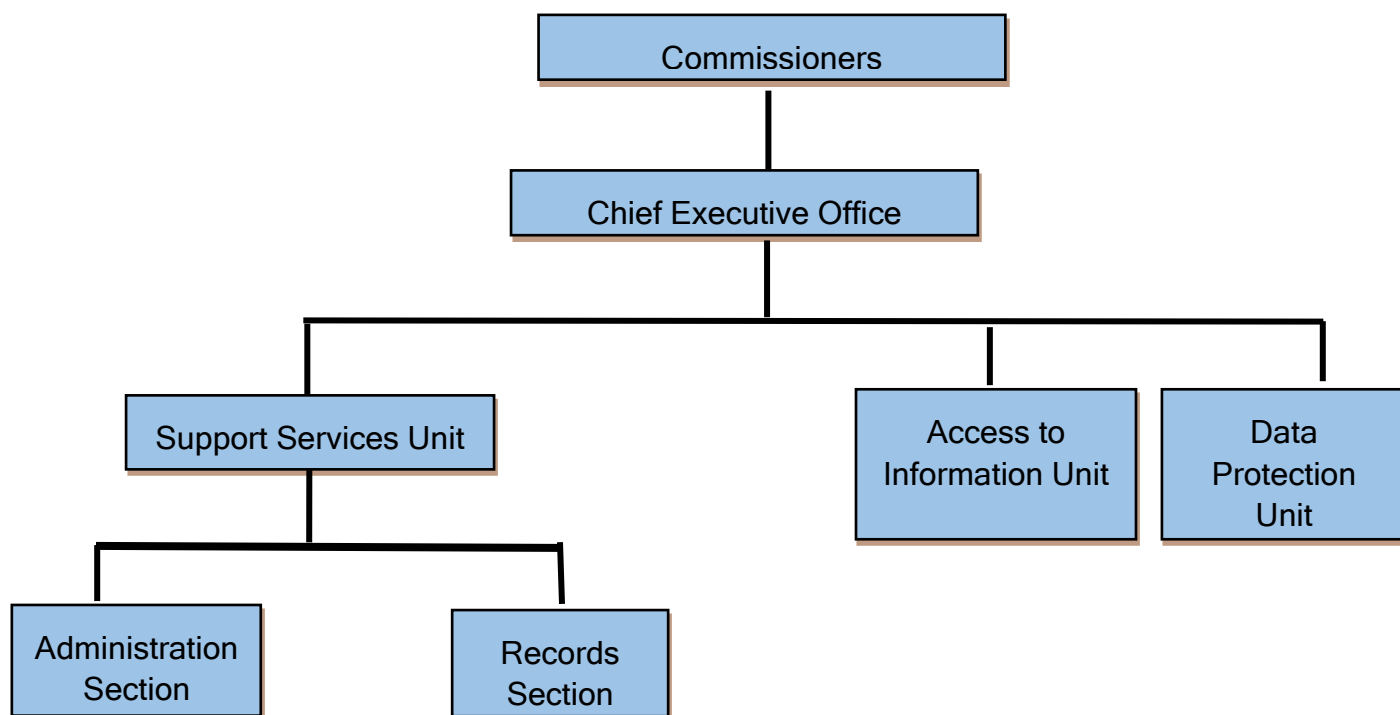
Human Resources & Administration

Human Resources is critical to the Commission's growth and overall development, whereas Administration focuses on general financial aspects and office management.

VALUING AND MAINTAINING OUR EMPLOYEES

The Commission's workforce capacity was six employees at the end of 2023. Employees are fundamental to the success of organizations as they offer valuable knowledge, skills and expertise. InfoCom being an organization that committed to recruiting the right people and dedicated to supporting its workforce in becoming high performers. It is our pride to say that since the opening of our office and recruitment process, we have not have staff turnover.

FIGURE 1: INFORMATION COMMISSION STRUCTURE



LEARNING AND GROWTH

Trainings are still required to keep up with new developments. It also contributes to the expansion of employees' knowledge and the adoption of best practices by the Commission. However, there were difficulties in following virtual meetings due to time differences and poor internet connectivity.

Local Trainings and Exposure

The Commission develops its training plan on a yearly basis with the goal of improving employees' knowledge, skills, understanding, values, attitude, motivation, and capability to perform at their best. The Performance Management System [PMS] is a systematic approach to measuring employee performance. It could be either short-term training to improve skills or long-term training to advance one's career. During the year 2023, the Commission provided staff with local training opportunities at the 'The Guy Morel Institute [TGMI] and other formal exposure.

The courses were as follows:

Course 1: Diploma in Office and Records Management Level 1

This course, which leads to the Diploma in Office and Records Management, focuses on the psychological and practical aspects of office management and record keeping. It aims to develop the conceptual, research, analytical, and social skills required by the program's office workers. It will provide them with professional skills, strategies, tools, attitudes, and techniques for dealing with problems in organizations, particularly those undergoing change.

Course 1: Diploma in Human Resources Level 1

The course aims to increase learners' authority and personal skills so that staff can participate in organizational operations and contribute to the organization's development strategy. Thus will gain basic professional knowledge and skills that will serve as a foundation for their future roles in their profession.

Staff attended other training during the year:

- Four weeks Legal Awareness training – **Organize by the Public Bureau Service;**
- The validation workshop as part of the cybersecurity capacity maturity model for nations assessment for Seychelles – **organize by Department of Information, Communications and Technology.**
- Capacity building for the data protection – **Organize by the information Commission for all staff.**
- Annual Planning Exercises - joint team review of 2023 and calendar target setting for 2024.

Recognition Awards And Team Certificates

During our annual planning exercises, the joint team diligently reviewed the successes and challenges of 2023, and target-setting calendar for 2024. The planning ensured alignment and clear direction for the upcoming year, fostering a sense of teamwork and purpose among the team members. Following the strategic discussions, recognition awards and team certificates were presented, bringing a moment of celebration and acknowledgment for the hard work and dedication exhibited throughout the year.



Chapter 1

THE YEAR IN REVIEW



Chapter 1: The Year in Review

JANUARY TO MARCH

Publication of SI Access to Information (Proactive Disclosures and Mandatory Publication) Regulations, 2023 and InfoCom Directives.

In accordance with the Access to Information Act, it is required that each public organization publish, within 30 days of its production or receipt, the specified information pertaining to that organization. On February 9, 2023, Vice President Mr. Affif, responsible Minister of Information, officially announced a situational instrument through the gazette (**refer to Annex 1**). Subsequently, the Commission issued directives to all public bodies, specifying the timeframe within which they should adhere to said publication.

The Directive came with high hopes of increased transparency and accountability within the government. Public organizations across the country scrambled to gather and publish the required information to ensure compliance. It was an undertaking that required attention to detail and meticulous organization.

Directives 1 of 2023



INFORMATION COMMISSION

Access to Information, 2018

Directive 01 of 2023

Issued in pursuant to Access to Information (Proactive Disclosure and Mandatory Publication Regulations, 2023)

TIMEFRAME FOR PUBLICATION OF PROACTIVE DISCLOSURE AND PUBLICATION MANUAL

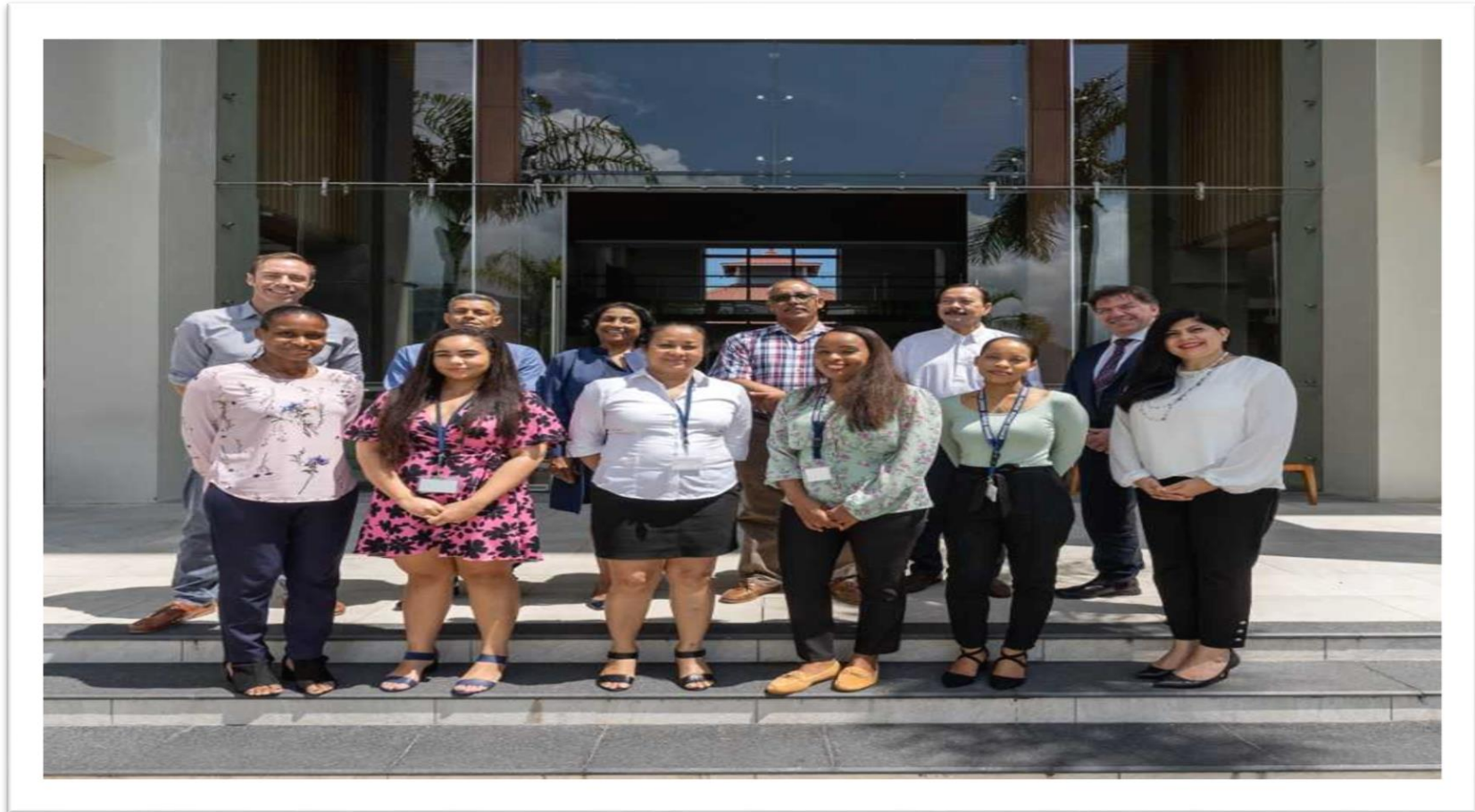
1. The purpose of this directive is to advise all Public Bodies of the timeframe to publish in accordance to Section 5(1) and 5(2), Section 6(1) and Section 53(1) hereby:
2. The first publication required to be made under Section 5(1) and (2) of the Access to Information Act 2018 shall not be later than the 31 January 2024.
3. The first publication required under S6(1)(a) read with Section 53 (2) of the Access to Information Act 2018 shall not be later than 31 March 2024.
4. This Directive takes effect immediately.

Convention for Information Officers



The stage was set at the Eden Bleu Hotel on 1 March 2023, as the Information Commission hosted a ground-breaking Convention for Information Officers. As the first of its kind, this gathering aimed to support knowledge and awareness of the Access to Information Act and update attendees on the progress of the Information Commission. Furthermore, it sought to foster connectivity and collaboration among information professionals, while also providing a platform to discuss best practices, lessons learned, and future growth.

Souvenir Group photos of the Organizers for Convention for Information Officers

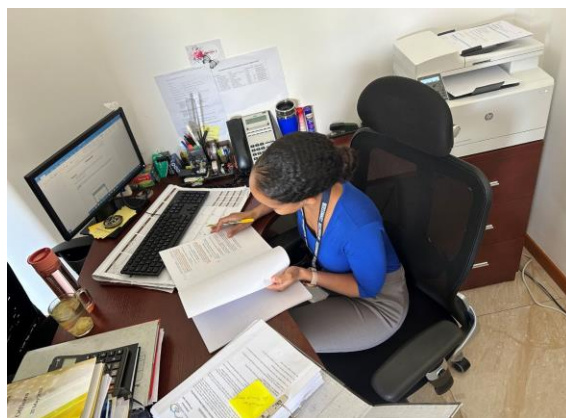


It is vital to acknowledge and give proper recognition to the team at the Anti-Corruption Commission Seychelles (ACCS), Mr. Mark Carroll and the High British Commission Seychelles, Mr. Mathew Harper, for their invaluable support and collaboration towards the success of the Convention for Information Officers. Their unwavering dedication and commitment to combating corruption and fostering relationships have significantly contributed to the achievements of our initiatives. By acknowledging the efforts of all parties involved, we not only express gratitude for their hard work but also emphasize the significance of teamwork and mutual respect in accomplishing shared objectives.

APRIL to JUNE

ATIA Compliance Audits

Following the successful completion of the inaugural round of compliance audits in 2022, the Information Commission had embarked on its second round of audits. From April 2023 to September 2023. The compliance audits set out to ascertain the level of adherence to guidelines, procedural standards, and the overall spirit of the ATIA. The audits not only highlighted areas of non-compliance but also served as a platform for knowledge exchange and capacity building.



Ms. Accouche - Information Analyst / Auditor performing Audit

The report celebrated the success stories, recognized the entities that had exemplified transparency and accountability, and proposed concrete steps for improvement to those where weaknesses had been identified. The Department of Police and the Department of Immigration & Civil Status were among 21 organizations initially selected for auditing, but their unresponsiveness hindered the completion of the audit. The omission of these two departments raises concerns about their accountability and transparency and the need for future audits to address this issue.

Table 1: MDA's Audited 2023

1) National Sports Council	11) Agriculture Department
2) Seychelles Licensing Authority	12) Seychelles Commercial Bank
3) Seychelles National Youth Council	13) Seychelles Revenue Commission
4) Agency for Social Protection	14) National Tender Board
5) Central Bank of Seychelles	15) Housing Finance Company
6) Development Bank of Seychelles	16) Seychelles Fishing Authority
7) Fair Trading Commission	17) Judiciary of Seychelles
8) National Assembly	18) Industrial Estate Authority
9) Canoe Association	19) Department of Environment & Climate Change
10) Property Management Corporation	

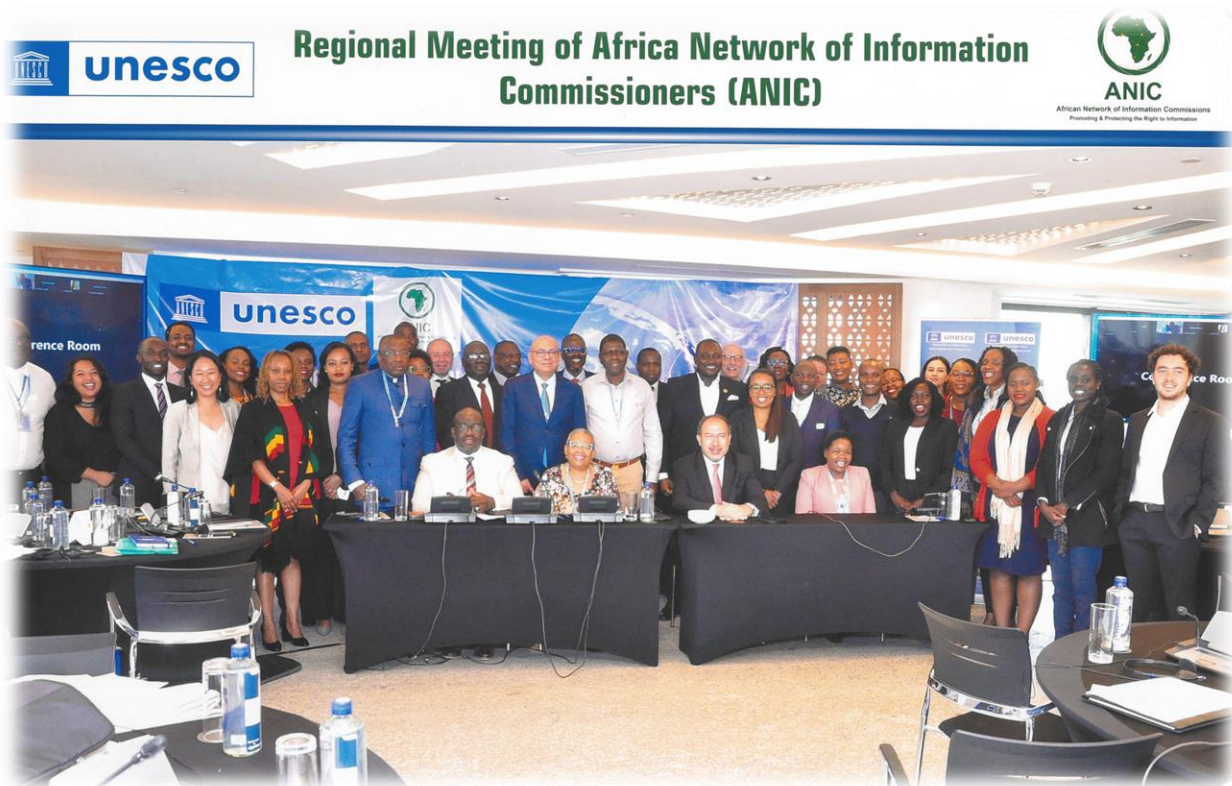
As September 2023, the Information Commission released its report this can be seen on our website: www.infocom.sc, encapsulating the findings and recommendations of the compliance audits.

Regional Meeting of Africa Network of Information Commissioners (ANIC)



The Chief Executive officer Ms. Dogley received a prestigious invitation to attend the African regional meeting in Nairobi, Kenya, which was held on the 6th to 7th June 2023. The event, organized and facilitated by UNESCO, aimed to strengthen the strategic positioning and visibility of the Africa Network of Information Commissions (ANIC). It also provided a platform for the exchange of good practices and common challenges in implementing access to information in

Africa. Throughout the two-day event, Ms Dogley actively participated in panel discussions, sharing the experiences and successes of her own commission in promoting access to information. She highlighted the challenges faced and the strategies employed to overcome them. The conference provided a platform for commission to highlight innovative practices adopted in their respective countries.



Access to Information sensitization- Seychelles Ports Authority

On 13 June 2023, a sensitization outreach were organized with the management of the Seychelles Port Authority, specifically centred on the crucial topic of Access to Information. The primary aim of this event was to familiarize them with the significance of this law, ensuring that they acquired a comprehensive understanding of its provisions. By advocating for the importance of the law, the



intention was to empower the management team with knowledge, enabling them to navigate the intricacies of Access to Information with confidence and expertise. This outreach served as a platform to engage, educate, and inform, ultimately fostering a more informed and compliant working environment within the Seychelles Port Authority.

The Validation Workshop as Part of the Cybersecurity Capacity Maturity Model for Nations Assessment for Seychelles



On 21 June, the Department of Information Communications and Technology (DICT) took charge as they hosted a significant validation workshop, playing a vital role in the Seychelles' Cybersecurity Capacity Maturity Model for Nations (CMM) Assessment. In attendance were the esteemed Chief Information Commissioner, Ms. Hasan, along with the CEO, Ms. Dogley. The validation workshop encompassed

a comprehensive set of objectives. The objectives of the validation workshop was as follows:

- For the consultants to present the key findings and recommendations based on the desktop study and stakeholder consultations;
- For the consultants to facilitate collaborative discussions to validate and refine the recommendations of the report; and
- For the consultants to Identify potential challenges or barriers to implement the recommendations of the report.

JULY TO SEPTEMBER

Access to Information Sensitization- Seychelles Licensing Authority



On 12 July 2023, an important sensitization outreach took place, involving the management of the Seychelles Licensing Authority. The focus of this session was to shed light on Access to Information and address any lingering uncertainties within the organization. The

opportunity enabled participants to seek further explanations regarding the mechanics of the Act, the responsibilities of information officers, and the proper procedures for making information requests. The atmosphere was one of professionalism and open dialogue, as the attendees actively engaged in an effort to enhance their understanding of this critical aspect of their work.

Training with New Information Officer's



On the 8 August 2023, a group comprising more than 15 dedicated Information Officers came together for a meticulously organized training session. These Information Officers nominated by the head of information holder from their respective public bodies, with the flexibility to be changed or replaced at any time, in compliance with the prevailing law. The Information Commission ensures that each new Information Officer receives comprehensive training, enabling them to possess an in-depth understanding of the law. This

training also empowers them to assist any requestor with utmost confidence, ensuring efficiency and credibility in their crucial information-related duties.

Youth for Integrity Workshop



The Information Commission played a significant role in the recent Youth Integrity Workshop organized by the Transparency Initiative Seychelles (TIS). On the 21st of August 2023, the Commission held a session centered around the theme "Know Your Rights" for S4 students. With a professional tone, the Commission imparted valuable knowledge about the law, empowering the young participants with a deeper understanding of their rights and responsibilities. The workshop provided an interactive platform for the ambassadors to actively engage in discussions

and ask pertinent questions. By participating in this event, the students gained invaluable insights into the legal framework that governs their day-to-day lives, equipping them with the tools necessary to make informed decisions and contribute positively to society.



International Day of Universal Access to Information 2023

To commemorate the week of International Day of Universal Access to Information, the Information Commission conducted a series of activities in alignment with the UNESCO theme "The Importance of Online Space for Access to Information". Maintaining a professional tone, Seychelles, as one of the countries with access to information laws, has successfully enforced the "Access to Information Act, 2018". This legislation mandates that public bodies disclose vital information to the public. Emphasizing our commitment to promoting and safeguarding individuals' rights to access information, our mission is to instill an understanding of these rights within the community. Throughout the week, we actively engaged in various initiatives to accomplish these objectives. These activities included:

- **Banners**
- **Radio Quiz Competition**
- **Distribution of Leaflet to Public Bodies**
- **Seychelles Human Rights Commission meeting**





**28
SEP
2023**

**INTERNATIONAL DAY FOR
UNIVERSAL
ACCESS TO
INFORMATION**

ACCESS TO INFORMATION IS OUR FUNDAMENTAL RIGHT
#RightToKnow

#AccessToInfoDay

October to December

Publication of Appeals Database on InfoCom Website

S/N	NAME OF APPELLANT	NAME OF THE PUBLIC BODY/APPEAL MADE AGAINST	INFORMATION OFFICER	HEAD OF INFORMATION W/LOSER	APPEAL OR COMPLAINT	DATE OF APPEAL & COMPLAINT	APPEAL CLOSED	EXECUTIVE NOTICE
1	Mr. Abdul	Department of Environment	Ms. Susan Mervin	Mr. Jatin Suman	APPEAL	19/06/2019	06/07/2020	View
2	Mr. Abdul	Department of Environment	Ms. Tracy Mervin	Mr. Jatin Suman	APPEAL	19/06/2019	06/07/2020	View
3	Mr. Abdul	Department of Environment	Ms. Tracy Mervin	Mr. Jatin Suman	APPEAL	19/06/2019	06/07/2020	View
4	Mr. Abdul	Department of Environment	Ms. Tracy Mervin	Mr. Jatin Suman	APPEAL	19/06/2019	06/07/2020	View
5	Mr. Abdul	Department of Environment	Ms. Tracy Mervin	Mr. Jatin Suman	APPEAL	19/06/2019	06/07/2020	View

According to Section 64 of the ATIA, the Information Commission shall produce a statement of facts, finding and reasoning for decisions on matters before it. Therefore, the Commission published its Appeals database with the Decision notice on its website. Read more on www.infocom.sc.

Seychelles National Multi-stakeholder Committee in line with the Open Government Partnership initiative



On 4 October, the Seychelles National Multi-Stakeholder Committee for the Open Government Partnership (OGP) held its inaugural meeting under the guidance of Vice President Ahmed Afif at State House. This Committee holds a crucial role in overseeing the development of the nation's second National Action Plan, aligning with Seychelles' commitment to join the esteemed OGP. Apart from drafting the action plan, the Committee holds the responsibility of actively monitoring its implementation, advocating for reforms that transcend the OGP process, and promoting novel

approaches to transparency. Furthermore, the Committee will lend support to initiatives that run concurrently with the action plan, engage in peer learning opportunities both domestically and internationally, and mobilize resources to ensure successful outcomes. As mandated by the Open Government Partnership, the National Multi-Stakeholder Committee comprises representatives from civil society and the Seychellois government, notably including the Citizens Engagement Platform Seychelles. Notably, the Information Commission is a valued member of this multi-stakeholder entity, adding to its expertise and diversity of perspectives.

Workshop on Open Government Partnership (OGP)



The OGP delegation successfully organized a workshop on OGP from the 24th to 26th of October 2023. The workshop drew an esteemed array of participants, including the Seychelles OGP National Multi-Stakeholder Committee, Government Stakeholders, as well as representatives from Civil Society. With a professional demeanor, the delegation provided a comprehensive overview of the OGP principles, fostering a conducive environment for open dialogue.



A primary focus of the discussions was Seychelles' inaugural OGP National action plan, which was met with enthusiasm and constructive feedback. Additionally, the delegation shed light on the proposed thematic areas to be covered in Seychelles' second OGP National action plan, which is expected to be submitted by December 2023. The workshop served as a platform for knowledge sharing and collaboration, ensuring that Seychelles remains at the forefront of OGP implementation and participation.



Capacity Building on Data Protection

On 30 November, the Information Commission demonstrated its commitment to the importance of data protection by organizing an in-house training session for the infocom staff. The training was expertly delivered by Ms. Annalise Bonnelame, ensuring that the staff and management could enhance their knowledge and be fully prepared to embark on this crucial journey. The upcoming implementation of the data protection Act 2023, mandated under the Access to Information Commission, demanded a robust understanding from all personnel involved. This initial training session was the first step of many in equipping the staff and management with the necessary expertise. By taking this proactive approach, the Information Commission demonstrates its professionalism and commitment to ensuring data security and compliance.



Data Protection Bill, 2023

On 4 December, a delegation comprised of the Vice-president Mr. Affif, Principal Secretary Mr. Choppy for the Department of Information & Communications Technology, Legal Counsel for the Attorney General's office, and Information Commission Chief Executive Officer Ms. Thereza Dogley attended the assembly for the second reading. An extensive discussion took place, resulting in amendments made to the bill, which was ultimately approved. This marked a significant milestone in the journey towards



safeguarding data privacy and security in our country. On 22 December, the Data Protection Act, 2023 was assented by the President. For further information on the provisions and implications of this crucial legislation, we invite you to visit our website at www.infocom.sc. Here, you can access in-depth details and stay informed about the Data Protection Act, 2023.

Chapter 2

ATI STATISTICS



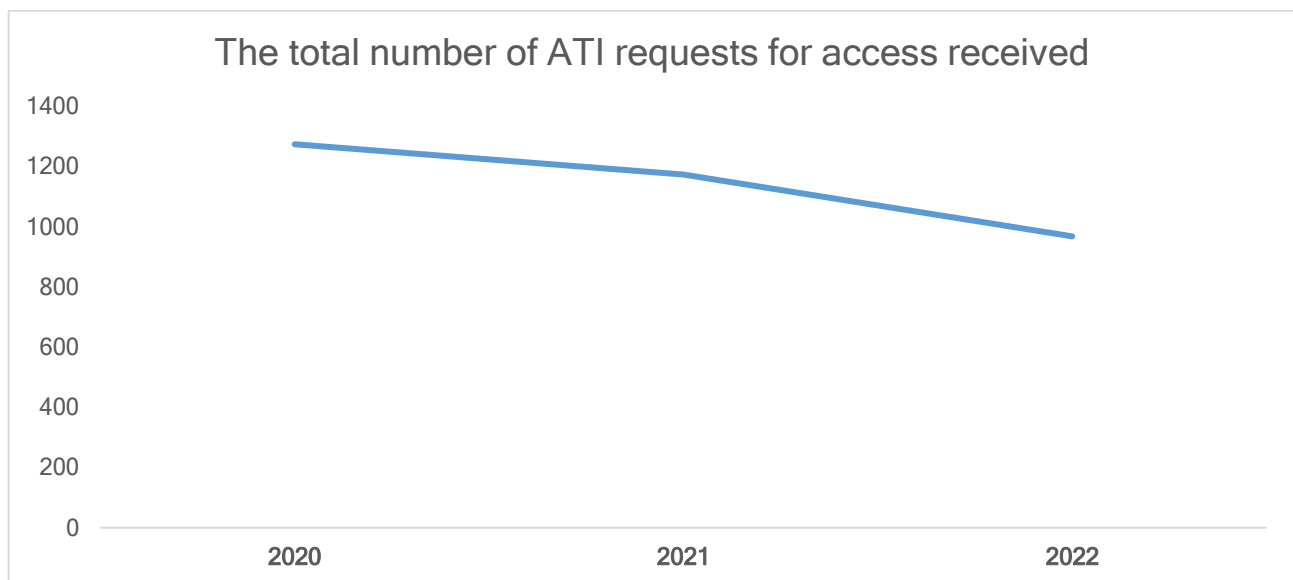
Chapter 2: ATI Statistics

Key ATI statistics for the year

The ATI Act 2018 represents a significant step towards transparency and accountability in the realm of public governance. Under this legislation, the public is granted the crucial right to access records held by public bodies, reinforcing the principles of openness and accountability. The act further mandates that these records be released unless they fall under specific exemptions. It also ensures that individuals have the right to request corrections or updates to personal information held by public bodies, fostering a culture of accuracy and fairness. Additionally, the ATI Act bestows upon people the right to be provided with reasons for decisions that public bodies take, particularly those that directly impact them.

This part of Chapter 2 provides more detail on ATI practice during 2022.

Number of FOI requests to public bodies 2018- 2022



The Commission observed a consistent trend of a decrease of information requests received over the span of 2018 to 2022. Starting with a significant 2,627 requests in 2018-2019, there has been a noticeable decline to 1,274 in 2020. The year 2021 saw a further decrease to 1,173 information requests and an even further reduction to 968 ATI requests being recorded.

Compliance audits conducted at various MDA's shows that several factors played a role to the drop in information requests received. The top contributor was as a result of proactively disseminating information of various platforms such as social media and the organisation's website. This has resulted in members of the public finding answers to questions independently through reactive disclosure.

Top ten bodies who received most requests during 2022

The substantial number of information requests received by these top 10 public bodies portrays Seychellois citizens' active engagement in matters of governance, transparency, and accountability. As Seychelles continues its journey towards open governance, the insights gained from these requests serve as a foundation for informed decision-making in the years to come, facilitate effective business practices and a reduction of abuse of assets/funds in the workplace. The below explores into the top 10 public bodies that stood at the forefront, receiving the highest number of information requests during January to December of 2022.

No	Public Body	2022	2021	2020
1	Seychelles Defence Forces (SDF)	153	188	190
2	Seychelles Public Transport Corporation (SPTC)	137	0	0
3	Agriculture Department	84	-	-
4	Department of Police	77	0	108
5	Seychelles Infrastructure Agency	51	0	0
6	Property Management Corporation (PMC)	59	21	7
7	Judiciary	56	47	0
8	Seychelles Licensing Authority (SLA)	48	201	223
9	Department of Environment and Climate Change	47	62	63
10	Ministry of Health	29	1	0

1. Seychelles Defence Forces (SDF)

Despite the sensitive nature of their operations, the Seychelles Defence Forces received a remarkable 153 information requests, showing the public's interest in the nation's security. SDF displayed a trend of decreasing information requests over the past three years. This could be attributed to proactive disclosure of information; however, an audit of the organisation's records is required to fully understand the decrease in information requests.

2. Seychelles Public Transport Corporation (SPTC)

The SPTC also found itself at the center of public curiosity, receiving an increased number of requests that delved into areas such as transportation services, fare structures, and operational logistics. The increased public interest from 2020 to 2022 was remarkable, with zero requests being recorded in both 2020 and 2021. The surge in information requests shows increased public engagement in transportation services.

3. Agriculture Department

As Seychelles remains committed to sustainable agriculture, the Agriculture Department documented 84 access to information requests, demonstrating the public's eagerness to understand and contribute to the country's food production strategies.

4. Department of Police

The Department of Police dealt with 77 information requests for the year 2022, reflecting a keen interest from the public in matters of crime prevention, investigations, and community safety.

5. Seychelles Infrastructure Agency

The Seychelles Infrastructure Agency handled a surge of 51 information requests in 2022, shedding light on the nation's ongoing and planned projects in public works. This is a significant contrast to prior years, when zero requests were recorded for 2020 and 2021.

6. Property Management Corporation (PMC)

The Public Management Corporation has received an influx of information requests for the past three years, receiving 59 requests in 2022, 21 in 2021, and 7 in 2020. The surge in requests in 2022 has been attributed to an increased number of requestors searching for documentation related to their personal documentation with regards to housing.

7. Judiciary

In 2021, the Judiciary found itself under the scrutiny of the public with 47 information requests, and this number rose to 56 in 2022, showing a 19% rise. This could be attributed to the citizens eagerness to understand legal proceedings, judicial decisions, and the overall functioning of the justice system. There could be many factors resulting in the Judiciary recording zero requests in the year 2020, and these could be as a result of an increased awareness of the judicial services and more people being aware of their rights and options available.

8. Seychelles Licensing Authority (SLA)

In 2020, the SLA recorded 223 information requests. In 2021, requests received were reduced to 201, reflecting a 10% decrease. Again in 2022, a further decrease of 76% was experienced compared to the prior year, resulting in 48 ATI requests. From the compliance audits conducted, it was observed that the authority is proactively disseminating information to members of the public through its website and social media outlets.

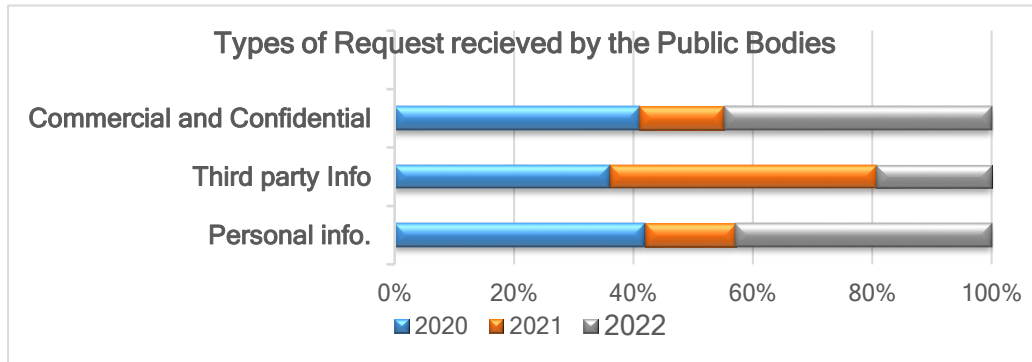
9. Department of Environment and Climate Change

Amid global environmental concerns, the Department of Environment and Climate Change addressed 47 information requests for the year 2022, showing awareness and interest in the Seychelles' environmental policies and conservation efforts. A slight decrease from the previous year's 62 information requests was observed. Statistics recorded for the year 2020 also showed that 63 requests were recorded, and the gradual decrease over the years could have been as a result of enhanced transparency measures in place.

10. Ministry of Health

With the pandemic at the forefront of global consciousness, the Ministry of Health received 29 information requests in the year 2022, indicating a desire for immediate information on healthcare services, pandemic response, and public health initiatives.

Types of Request to Public Bodies

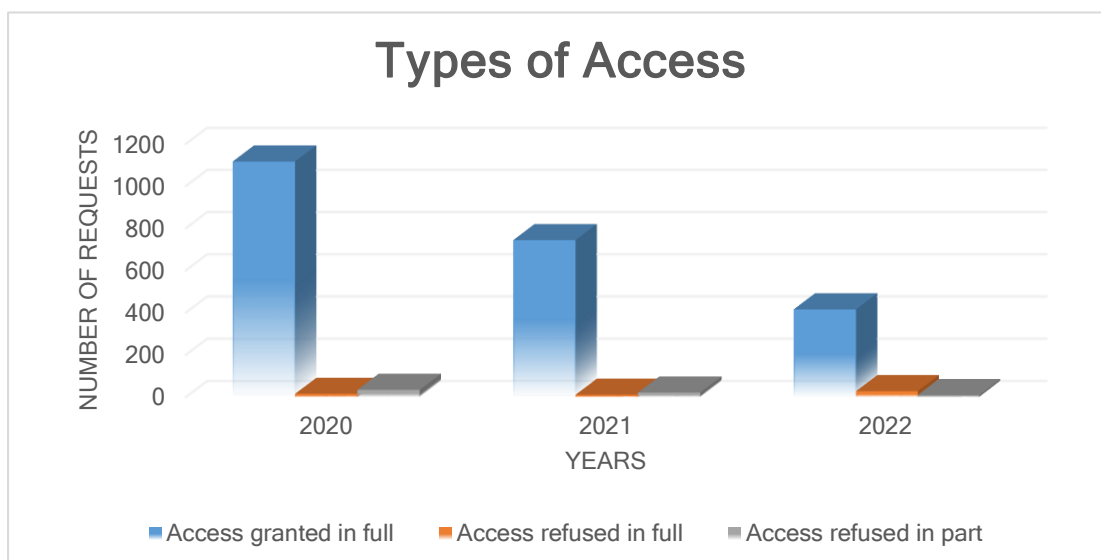


The various public bodies encountered fluctuations in different categories from 2020 to 2022. Personal information requests, showed a steady trend, with 323 in 2020, slightly declining to 117 in 2021 and increasing to 331 in 2022. Third party requests were more varied throughout the three years, from 146 consent being sought to 181 in 2021 and then dropping to 78 in 2022, showcasing a 57% drop in third party consent. Reviews made to HOIH and transfers made to other public bodies remained more or less stable over the years.

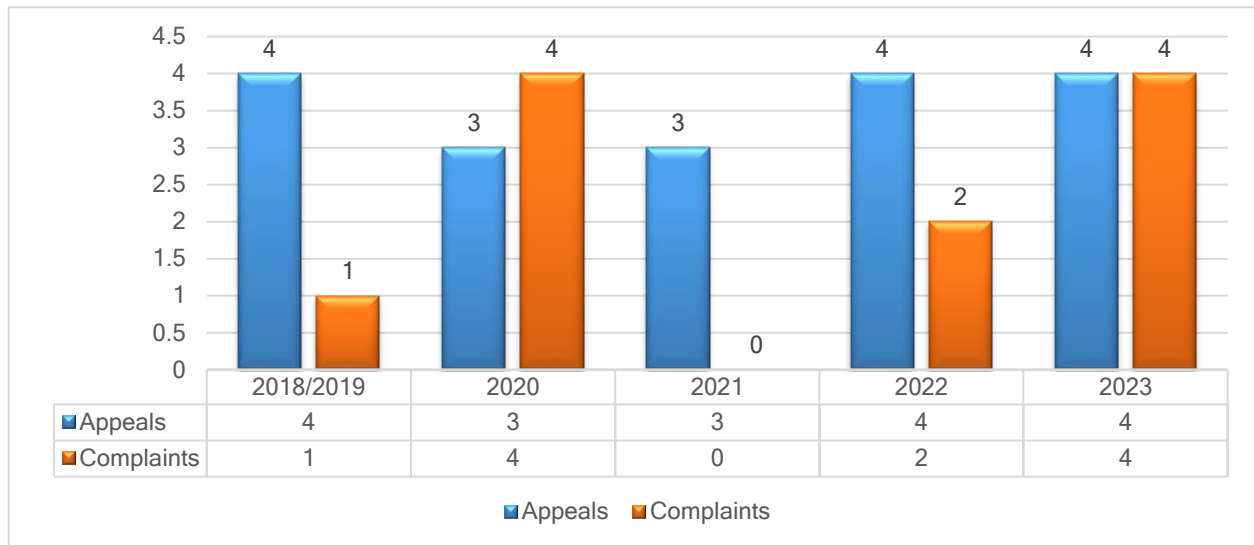
Release Rates by Public Bodies

Public bodies recorded 1,116 access granted in full, dropping to 743 in 2021 and further decreasing to 415 in 2022. On the other hand, access refused in full stood at 15 for 2020 and reduced to 11 in 2021, showing a 27% decrease, 2022 registered 28 full refusals. Where only portions of documents were released to the public, and some parts were redacted, the trend suggests a decreasing development with a 38% decrease from 2020 to 2021 and a 57% decrease from 2021 to 2022.

The graph below provides a visual representation of the preceding year 2020 to 2022.



Appeals and Complaints to the Commission



Appeals and complaints play a significant role in upholding transparency and accountability within organizations and government bodies. The process of handling appeals and complaints ensures that individuals have avenues to address grievances and seek redress in cases of perceived injustice or non-compliance with established regulations. In the context of the Access to Information Act (ATIA), appeals and complaints are vital mechanisms for ensuring the adherence to information disclosure requirements by public entities.

Appeals

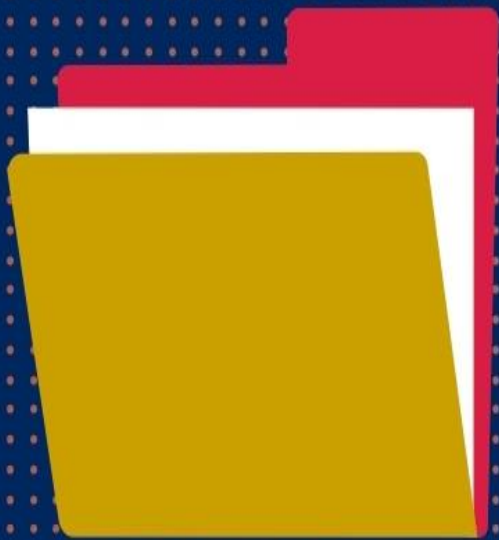
In 2023, the Commission recorded four (4) appeals, a number identical to the appeals recorded in the previous year, 2022. Out of these four (4) appeals, two (2) were promptly resolved and granted approval for release within the same year. However, the remaining two (2) appeals are still under investigation and have been escalated to the Commissioners for further review. These escalated cases occurred after attempts to amicably resolve the issues between the concerned parties proved unsuccessful. The cases brought before the Commission typically stem from clear breaches of the Access to Information Act. This indicates a critical need for organizations to ensure compliance with information disclosure regulations to mitigate the risk of appeals and potential legal consequences.

Complaints

In contrast to the appeals, the Commission received four complaints in 2023, marking a 100% increase from the previous year. It is essential to note that while the Commission receives various complaints via phone calls, only those submitted in writing are officially recorded in line with the ATIA requirements. The increase in both appeals and complaints can be attributed to heightened awareness of the legislation concerning access to information. Efforts such as sensitization campaigns have contributed to a better understanding of rights and obligations regarding information disclosure. Additionally, the surge in complaints can be linked to the challenges faced by the public in obtaining access to information, indicating potential systemic issues that need to be addressed to enhance transparency and accountability.

Chapter 3

BUDGET



InfoCom Budget 2023

Summary of Preliminary Outturn

SR'000s	2023						Variance	
	Budget	Revised Budget	Preliminary Outturn	Compensation of Employees	Use of Goods and Services	Capital	Revised Budget to Outturn (SR 000)	Revised Budget to Outturn (%)
P1: Information, Management and Administration	2,987	2,987	2,863	1,333	1,531	-	124	4.1%
Total	2,987	2,987	2,863	1,333	1,531	-	124	4.1%

Budget Overview

Consolidated Expenditure Outturn

Table 1: Consolidated expenditure outturn

SR'000s	2022	2023			Variance	
	Audited Outturn	Budget	Revised Budget	Preliminary Outturn	Revised Budget to Outturn (SR 000)	Revised Budget to Outturn (%)

Programmes

P1: Information, Management and Administration	2,725	2,987	2,987	2,863	124	4.2%
Total	2,725	2,987	2,987	2,863	124	4.2%

Economic Classification

CURRENT EXPENDITURE	2,725	2,987	2,987	2,863	124	4.1%
Compensation of Employees	1,111	1,348	1,348	1,333	15	1.1%
Wages and Salaries in Cash	1,111	1,348	1,348	1,333	15	1.1%
Wages and Salaries in Kind	-	-	-	-	-	0.0%
Use of Goods and Services	1,614	1,640	1,640	1,531	109	6.6%
Office Expenses	291	270	270	220	49	18.3%
Transportation and Travel cost	35	49	49	30	20	39.9%
Maintenance and Repairs	39	35	35	27	8	23.2%
Materials and Supplies	5	5	5	-	5	100.0%
Other Uses of Goods and Services	1,205	1,210	1,210	1,202	8	0.7%
Minor Capital Outlays	39	71	71	52	19	26.6%
CAPITAL EXPENDITURE	-	-	-	-	-	0.0%
Non-financial Assets	-	-	-	-	-	0.0%
<i>Building and Infrastructure</i>	-	-	-	-	-	0.0%
<i>Machinery and Equipment</i>	-	-	-	-	-	0.0%
<i>Other Fixed Assets</i>	-	-	-	-	-	0.0%
<i>Non-produced Assets</i>	-	-	-	-	-	0.0%
Total	2,725	2,987	2,987	2,863	124	4.1%

The Information Commission, with unwavering support from its stakeholders, has successfully executed timely activities, although further collaboration and coordination are essential for long-term sustainability and broader outreach. Through initiatives like the Information Officer Convention and consistent training for newly appointed officers, the Commission has significantly enhanced awareness and understanding of Access to Information. Noteworthy accomplishments include the production of comprehensive statements for decisions, as mandated by section 64, and the public dissemination of the Appeals database and Decision notices on its proactive website. A strong emphasis on data protection was demonstrated through an internal training session for Infocom staff, highlighting the Commission's dedication to safeguarding privacy. Despite these achievements, resource constraints present challenges, limiting the inclusion of all stakeholders in outreach programs.

Chapter 4

MAJOR ACHIEVEMENT AND
CHALLENGES 2023 AND
PLAN FOR THE NEXT YEARS

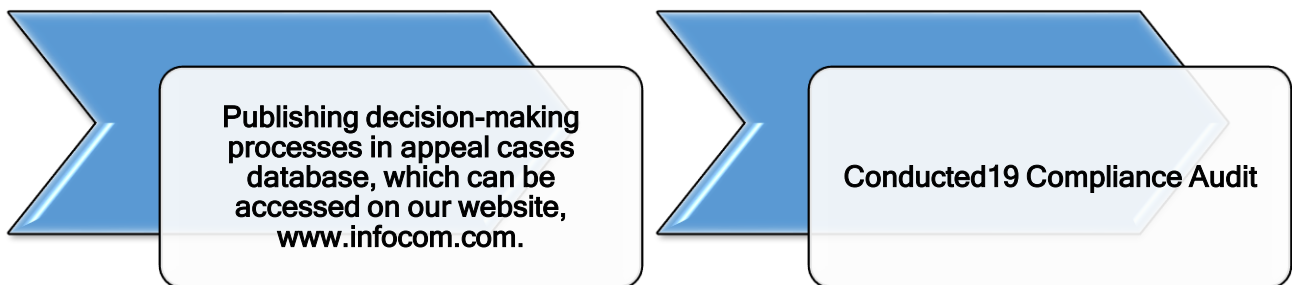


Chapter 4: Major Achievement, Challenges 2023 and Plan for the next years

Major Achievement 2023

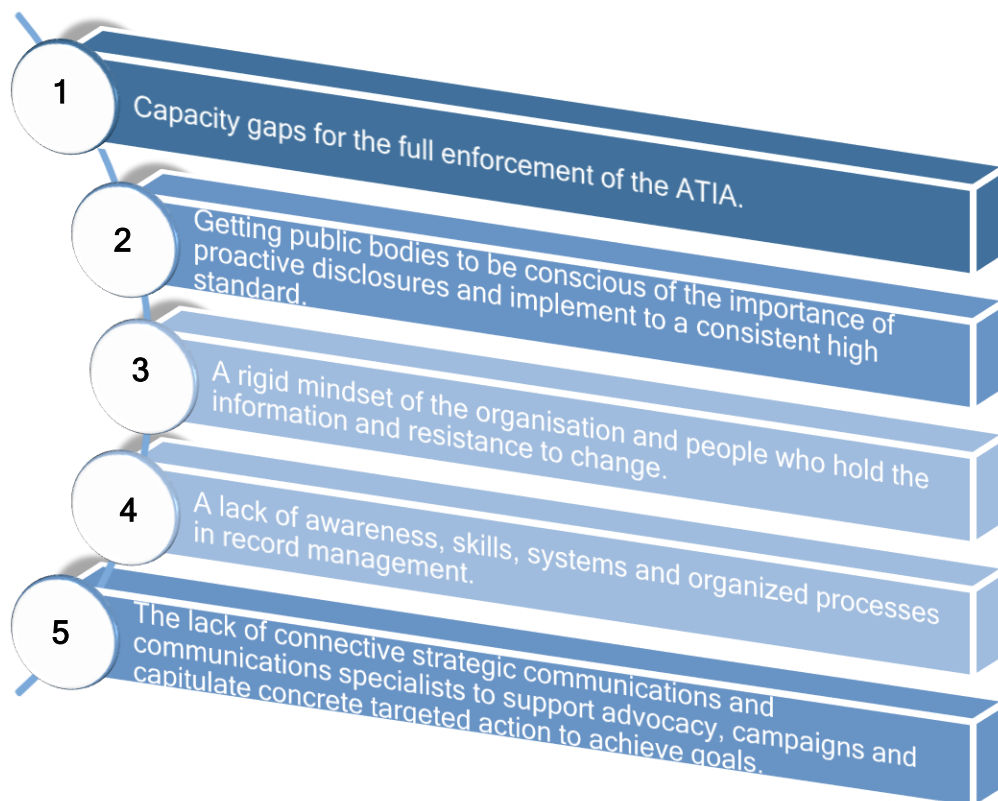
The year 2023 has been a highly productive one for the Information Commission, marked by numerous commendable achievements that serve as a testament to their dedication and expertise. Among the wide array of activities undertaken, the commission proudly identifies their major accomplishment as a standout success. This milestone showcases their professionalism and proficiency, making it a cornerstone of their achievements during the year.

The Major Achievement:



Challenges 2023

In 2023, the Information Commission faces a set of challenges that require a proactive and solution-oriented approach, these where:



PLANS FOR THE NEXT YEAR

Our activities for 2024 will continue to be aligned with the strategic goals outlined in the Strategic Plan for 2023 to 2025 incorporating the following areas.

1

•Ensure the effective implementation of the Access to Information Act, 2018, and the Data Protection Act, 2023 and by doing so, enhance transparency and safeguard individuals' rights.

2

•Increase awareness among both individuals and public institutions regarding good governance and the role of the Information Commission. This will promote a culture of accountability and ensure that lawful rights are respected.

3

•Prioritize quality professional management tools and practices, as well as the development of robust monitoring, evaluation, and learning systems. These measures will enable us to measure performance effectiveness, yield knowledgeable evidence-based results, and guide informed decision-making.

4

•Foster collaborations, partnerships, and networks is essential to create a wider enabling environment for positive citizenship change. By maximizing access to diverse resources, building capacities, and sharing knowledge and best practices, we can collectively work towards a more inclusive society.

LIST OF ABBREVIATIONS

InfoCom – Information Commission

ATIA – Access to Information Act

DPA – Data Protection Act

ATI – Access to Information

IO – Information Officer

HOIH – Head of Information Holder

MDA's – Ministries, Departments, and Agencies

SOP's – Standard Operating Procedures

APPENDICES



Annex 1: S.I Access to Information (Proactive Disclosures and Mandatory Publication) Regulations, 2023

[20th February 2023]
REPUBLIC OF SEYCHELLES

Access to Information
SUPPLEMENT TO OFFICIAL GAZETTE

108
SI

S.I. 18 of 2023

ACCESS TO INFORMATION

(Act 4 of 2018)

Access to Information (Proactive Disclosure and Mandatory Publication) Regulations, 2023

In exercise of the powers conferred by section 74(2)(d) as read with section 5 of the Access to Information, 2018, the Minister responsible for information makes the following regulations —

Citation

1. These Regulations may be cited as the Access to Information (Proactive Disclosure and Mandatory Publication) Regulations, 2023.

Mode of submission

2. The information required to be published under section 5(1), 5(2), 6(2), 49(1)(d) and 53(1) of the Act shall be done by the public bodies electronically through their publicly accessible websites.

MADE this 9th day of February, 2023.

AHMED AFIF
MINISTER FOR INFORMATION

Annex 2: Annual Report Requirement for Information Officer Information Commission



INFORMATION COMMISSION

ACCESS TO INFORMATION ACT 2018

ANNUAL REPORT FOR THE YEAR 2023

PUBLISHED AND SUBMITTED 11TH JANUARY 2024

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INFORMATION COMMISSION

INTRODUCTION

The Information Commission is a self-governing, neutral and independent body and is not subject to the direction or control of any person or authority. It is a corporate body and perpetual succession and a common seal capable of suing and being sued in its name.

The Information Commission have the power to determine the nature, process and undertakings necessary to discharge its mandate in terms, as per Act and including all work necessary for the promotion, monitoring and protection of the right of access to information.

Mrs. Dina Antoine is the Information Officer for the Information Commission since September 2019 todate.

MISSION AND VISION OR MANDATE OF THE ORGANISATION

The Information Commission strives to promote awareness, educate and popularize the right to access to information and fosters good governance by enhancing transparency, accountability and integrity in the Public Service and Administration. The Commission aims to enforce the promotion, monitoring and protection of the right of access to information.

The Information Commission has, at its own discretion, the power to

- *Resolve a matter through negotiation, conciliation or mediation where it deems such recourse appropriate*
- *Issue written orders obliging the production of information*
- *Do anything that deems necessary or appropriate for the execution of its mandate under this Act*
- *Determine the need for, form of and type of investigation required for the determination or any matter*
- *Examine, reproduce, take extracts from or bold information for as long as is necessary*
- *Require the production of information to which access has been refused on the basis of an exemption under Part III (3) for the purpose, of deciding whether it is an exempt document*

ANNUAL REPORT REQUIREMENTS

SR No	ATI ACT REQUIREMENTS	No
1)	The total number of ATI requests for access received;	0
2)	<u>TYPE OF INFORMATION</u>	
	The number of requests for personal information	0
	The number of request for public domain information	0
	The number of request for third party information	0
	The number of request for commercial and confidential Information	0
	The number of request for law enforcement information	0
	The number of request for privileged documents	0
	The number of request for protection of life and safety of an individual information	0
	The number of request for National Security and defence	0
	The number of request for International relations	0
	The number of request for Economic interest of the state	0
	The number of request for Academic or professional examination and recruitment process information	0
	The number of request for proposal submitted to Cabinet	0
3)	The number of requests for access granted in full;	0
4)	The number of requests for access refuse in full;	0
	The number of requests for access refuse in part;	0
5)	The number of times each provision of Part III (<i>EXEMPTIONS</i>) was relied on to refuse access in full;	0
	The number of times each provision of Part III (<i>EXEMPTIONS</i>) was relied on to refuse access in part;	0
6)	The number of request abandoned after request	0

7)	The number of request but no records exist	0
8)	The number of cases in which the periods stipulated in section 11 were extended in terms of section 12;	0
9)	The number of review applications lodged with the head of the information holder;	0
10)	The number of reviews lodged on the ground that a request for access was regarded as having been refused in terms of section 14;	0
11)	The number of cases in which, as a result of a review, access was given to information;	0
12)	The number of request transferred to another Public Body	0

**Where is not applicable insert "0" or "N/A"*

	<p>I. A description of the steps or efforts taken by the head of the body to encourage all officers of that body to comply with the provisions of this Act;</p> <p><i>In view that right of Access to Information is the mandate of the Information Commission, the CEO gives small training to staff to ensure that the right process to access information are done correctly and that our own records are in order.</i></p>
	<p>II. Any facts which indicate an effort by the body to administer and implement the spirit and intention of the Act according to its submitted plan;</p> <p><i>Staff members are able to assist the public with most information that they require, especially the procedures to follow to access information.</i></p>

	<p>III. Particulars of any penalties imposed against any person under this Act;</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/> (If yes, list down)</p>
	<p>IV. Particulars of any disciplinary action taken against any person under this Act;</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/> (If yes, list down)</p>

THE CATEGORIES OF INFORMATION (AS PER SECTION 55 OF THE ACCESS TO INFORMATION ACT)

LIST OF CATEGORIES	LOCATION OF THE INFORMATION
1. manuals, policies, procedures or rules or similar instruments which have been prepared for, or are used by, officers of the body in discharging that body's functions, exercising powers and handling complaints, making decisions or recommendations or providing advice to persons outside the body with respect to rights, privileges or benefits, or to obligations, penalties or other consequences, to or for which persons may be entitled or liable;	Website: www.infocom.sc
2. the name, designations and other particulars of the Information Officer of the public body, including his or her contact details and electronic addresses where persons may submit requests for information;	Website: www.infocom.sc
3. any prescribed forms, procedures, processes and rules for engagement by members of the public with the public body	Website: www.infocom.sc
4. the particulars of any arrangement, statutory or otherwise, that exists for consultation with, or representation by, members of the public in relation to the formulation or implementation of its policies, or similar documents;	Website: www.infocom.sc
5. where meetings of the public body, including its boards, councils, committees or similar other bodies are open to members of the public, the process for direct or indirect engagement and where a meeting is not open to the public, the contents of submissions received, the process for decision making and decisions reached	Office
6. detailed information on the design and execution of any subsidy programmes implemented with public funds, including the amounts allocated and expended, the criteria for accessing the subsidy, and the beneficiaries	Office
7. all contracts, licences, permits, authorisations and public-private partnerships granted by the public body;	Office
8. reports containing the results of surveys, studies or tests, including scientific or technical reports and	Office

environmental impact assessment reports, prepared by the public body;	
9. The particulars of its organisations, functions and duties;	Website: www.infocom.sc
10. Information containing interpretations or particulars of acts or policies administered by the body;	Website: www.infocom.sc
11. Details of its processes and procedures for creating, keeping, organizing and maintaining information;	Office
12. A list of all the categories of information held by it or under its control;	Website: www.infocom.sc
13. A directory of its employees including their powers, duties and titles, indicating the permanent staff, the temporary staff and the outsourced staff, recruitment procedures and vacancies;	Website: www.infocom.sc
14. The salary band for each public employee and officer, including the system of compensation as provided in its laws, and the procedures followed in its decision-making process, including channels of supervision and accountability;	Website: www.infocom.sc
15. A description of the composition, functions, and appointment procedures of the boards, councils, committees, and other bodies consisting of two or more persons, constituted for the purpose of advice to or managing the public body;	Website: www.infocom.sc
16. Detailed travel and hospitality expenses for each employee and officer, and gifts, hospitality, sponsorships or any other benefits received by each employee and officer;	Office
17. The detailed actual budget, revenue, expenditure and indebtedness for the current financial year, including all related estimates, plans, projections and reports, including audit reports;	Office
18. The annual report submitted to the information commission under section 54 of this act;	Website: www.infocom.sc
19. Any other relevant information	Office

CHALLENGES

- *Particulars of any difficulties encountered in the implementation of this Act in terms of the operation of the body, including issues of staffing and cost. This also should include the challenges you encounter as an Information Officer.*

No difficulties encountered so far.

INFORMATION COMMISSION

RECOMMENDATIONS

I have no significant recommendation for this year.

INFORMATION COMMISSION

1) DECLARATION

I declare that in accordance to Section 54 of the Access to Information, Act 2018, the Annual Report are to the best of my knowledge, true, accurate and complete as per the requirements.

Dina Antoine (Mrs.)

Name of Information Officer



Signature

11/01/2024

Date

I confirm that this Annual Report is verified and true, accurate and complete to my knowledge as the Head of Information Holder of **Information Commission** on the date stated below.

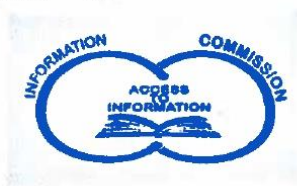
Thereza Dogley (Miss)

Name of Head of Information Holder



Signature

Dated this Thursday 11th of January, 2024.



OFFICIAL STAMP