



Access to Information Act, 2018 (ATIA)

Appeal Case to the Information Commission, Seychelles

Statement of Recommendations, Findings, Orders, Decisions and Directives as per Part VII, Section 64

Public Body: Ministry of Finance, Economic Planning, Trade and Investment

Address: Liberty House, Victoria, Mahé, Seychelles

Scope of the Case

1. The requestor, Mr Errol Renaud, appealed to the Commission on 26 August 2024 against the Ministry of Finance, Economic Planning, Trade and Investment concerning his request for information relating to a procurement process, including the handling of his procurement complaint, the Procurement Committee for Consultancy, procurement records and supporting documents.
2. The Commission has considered whether the Ministry of Finance, Economic Planning, Trade and Investment complied with its obligations in relation to the Right of Access at Section 8 and the response to a request at Section 11(1) of the ATIA.

Request and Response

3. On 13 June 2024, the requestor, under Section 9(1) of the ATIA, submitted a request to the Information Officer of the Ministry of Finance, Economic Planning, Trade and Investment seeking information relating to his procurement complaint, including the progress of the investigation, the internal audit report, procurement procedures, and records relating to contracts approved under the procurement process.
4. On 7 July 2024, the requestor submitted a supplementary request seeking additional procurement records, including the composition of the Procurement Committee for Consultancy, its Terms of Reference, meeting minutes, deliberations, approvals and other procurement documents.

5. On 2 August 2024, the Information Officer, advised the requestor that the Ministry of Finance, Economic Planning, Trade and Investment was experiencing difficulties obtaining information from the Ministry of Agriculture, Climate Change and Environment and that some of the requested information remained unavailable. However, the response did not fully address all the questions raised by the appellant.
6. Being dissatisfied with the response received, the requestor applied for a review to the Head of the Information Holder on 6 August 2024, requesting that the incomplete response be reconsidered.
7. The Head of the Information Holder did not determine the review application within the timeframe prescribed under the ATIA.
8. The requestor subsequently lodged an appeal with the Commission on 26 August 2024.

Orders

9. Following unsuccessful attempts to mediate matters through correspondence with all the parties, the Commission commenced an investigation into the appeal pursuant to Section 60 of the ATIA to determine whether the Ministry of Finance, Economic Planning, Trade and Investment had complied with its obligations under the ATIA.

Directives

10. On 28 August 2024, the Head of the Information Holder was notified of the Commission's intention to investigate the appeal and was directed to provide the Commission with the relevant records relating to the request, together with an explanation of the handling of the request and of the review application.

Decision and Conclusion (including any steps ordered)

11. During the Commission's investigation, the Ministry of Finance, Economic Planning, Trade and Investment took further steps to facilitate disclosure of the requested information.
12. The Information Officer transferred the parts of the requests relating to records held by the Ministry of Agriculture, Climate Change and Environment, as those records were not held by the Ministry of Finance, Economic Planning, Trade and Investment.
13. Having considered the information provided during the investigation and the steps taken by the Ministry to facilitate disclosure, the Commission was satisfied that the matter had been sufficiently addressed.

14. The Commission determined that no further action was required and formally closed the appeal on 21 February 2025.

Reasons for Decision

15. Section 8 of the ATIA states that: "Subject of this Act, every person has a right to access to information from a public body is the case".
16. Section 11(1) of ATIA states that: "Subject of subsection (2), the Information Officer to whom a request is made under section 9 shall, as soon as reasonably possible, but in any event within 21 days after the request is submitted -
- (a) Determine whether to grant the request;
 - (b) Notify the requestor of the decision in writing.
17. Section 35(1) and in conjunction with Section 48 (4) (a to e) of the ATIA, "the Head of the Information Holder to whom a review application is submitted in accordance with Section 34 shall as soon as reasonably possible, but in any event within 15 days after the review application is received by the Information Officer -
- (a) make a decision; and
 - (b) notify the requestor or the third party, as the case may be, of that decision in writing."