



Updated Whitepaper

Review and Reform of the Access to Information Act, 2018

In November of 2024, the Information Commission of Seychelles released an initial whitepaper for public consultation which proposed a review and reform of the Access to Information Act, 2018. After a series of public consultations, all material feedback was considered and incorporated into this final November 2025 whitepaper.

The purpose of this updated whitepaper is to present findings and recommendations to key policy makers; Minister for Information, Cabinet of Ministers, National Assembly, and the Attorney General's Office for advancing reforms. This updated whitepaper provides context, outlines priority and general findings, and proposes legislative and administrative recommendations, both for urgent resolution and phased advancement.

The initial content of November 2024 is presented as black text and the updated parts are presented as dark blue text.

Executive Summary

The Access to Information Act (ATIA) was enacted on the 20th of July 2018. **The Information Commission (InfoCom)** is the body responsible for administering the ATIA with a mandate *“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.”* The InfoCom has been promoting the right of access to public information since 2019. Based on the practical experiences and learning since, ongoing monitoring, and stakeholder feedback, there are some critical gaps in need of addressing. This paper outlines some of the current weaknesses of the ATIA and proposed recommendations for changes. It intends to facilitate in-depth discussion with stakeholders at large including civil society, the Information Officers (IOs) and Head of Information Holders (HOIHs) of Ministries, Department and Agencies (MDAs), the Minister for Information, Cabinet of Ministers, Independent State Institutions, National Assembly and the Attorney General’s Office before legislative amendments are drafted and finalized.

Introduction

Over the past five years, the InfoCom has undertaken the following types of work:

- 1) Advisory consultations;
- 2) Investigations and due process for complaints;
- 3) Investigations and due process for appeals;
- 4) Mediation and negotiations;
- 5) Awareness and education programs;
- 6) Advocating proactive disclosure;
- 7) Monitoring and auditing MDAs statutory compliance;
- 8) Developing policies;
- 9) Compiling and publishing access to information reports.

The first three points relating to consultations, complaints and appeals are critical pathway areas for citizens to exercise their rights to access public information. In administering its duties, the InfoCom has faced challenges in terms of delay or time-consuming proceedings inherent within the structural design of the ATIA, inadequately defined terminology, lack of provisions to enforce directives, decisions or orders, and deficiencies for addressing contempt. To deliver on its mandate responsibly and with integrity, the ATIA as the definitive legal accountability mechanism requires improvement to permit practical application and ensure intended justice is served. Some of the recommended changes pertaining to enforcement of directives and matters of contempt or obstruction of due justice merits expedient legislative amendment.

Preliminary Consultation

The InfoCom started planning a reform process in 2022. From the onset, the goal was to promote transparent, evidence based, and participatory approaches that would form the basis of national institutional good governance improvements and effective regulatory reform of the ATIA. The consultation process comprised of surveys, desktop reviews, and dialogues such as:

- A review of the initial November 2024 whitepaper and ATIA in March to June 2025 by Toby Mendel, Executive Director of the Centre for Law and Democracy (CLD) and eminent UNESCO consultant;
- An initial whitepaper for public consultation from November 2024 to May 2025;
- A systematic research survey in April and May of 2024;
- Direct in-person and written feedback of the InfoCom IO Convention on the 1st of March 2023, comprising of approximately 125 IOs;
- Feedback from a joint Transparency Initiative Seychelles (TIS) and national media platforms workshop on 10th July 2022;
- 1 to 1 meetings with peer organizations and stakeholders during the course of work including outreach with members of the National Assembly from 2022 to present;
- Monthly leadership meetings 2022 to present;
- Desktop review of the ATIA;
- Desktop review of the body of work related to appeal cases;
- Desktop review of InfoCom strategic documents.

The stakeholders included members of the public who had consultations, complaints or appeals with the InfoCom for an informed perspective, key members of the Seychelles police at various interactions in 2022 to 2023, representative State Counsel discussions from the Attorney General’s Office in 2023 and 2024, and global experts in the field of Access to Information such as the Centre for Law and Democracy.

The first-hand implementation experiences of the InfoCom and information collected from this consultative process has formed the basis for this paper.

Reasons for Change

Overall, it has been observed that both, the ATIA and InfoCom, have legislative and administrative weaknesses surrounding the following areas:

A) Legislative

- Enforceability;
- Obsolete parts;
- Ill-defined parts;
- Lengthy timeframe and related cumbersome proceedings;

- Replicated proceedings.

B) Administrative

- Inadequate staffing to enforce regulations and restrictive public service orders conditions;
- Lack of financial autonomy;
- Lack of customized quasi-judicial guidelines and procedures;
- External, part-time, dual-mandated, and competing priorities of IOs;
- Regular turnover of IOs, HOIHs, and staffing;
- Lack of training and systems clearly defining key implementation, enforcement, and prosecution bodies.

Findings and Recommendations

PART VII – APPEAL TO THE INFORMATION COMMISSION

Finding 1 (URGENT HIGH PRIORITY)

There is an absence of clear legal provisions in the Act as to the enforcement of ‘orders, decisions, and directives’ of the InfoCom as it relates to Part VII “Appeal to the Information Commission’ Section 63 (1). It has been evidenced since 2019 that information holders have ignored directives, decisions, or orders of the InfoCom in Section 63 (1) without any clearly prescribed recourse. There are no clear provisions to address contempt within the Act. Penalties outlined in Section 67 are criminal offences with the police as the primary enforcement agency. Previous complaints filed by the InfoCom to enforce directives, decisions or orders of Section 63 (1) by way of Section 67 of the Act with the police as the primary enforcement agency have not advanced effectively. So far, the Attorney General’s Office official stated position is that non-compliance by any person to a ‘directive, decision, or order’ of the InfoCom in Part VII “Appeal to the Information Commission’ Section 63 (1) is not a prosecutable offence under Part VII “Appeal to the Information Commission’ Section 67.

Moreover, enforcement by the InfoCom entails complex, lengthy, and expensive legal proceedings. The InfoCom lacks adequate specialized set-up, legal personnel, and the financial means to conduct these operations. For the past five (5) years since the enactment of the ATIA, the InfoCom as a quasi-judicial body which in effect operates as a civil court for matters of appeals has had to rely on a part-time legal consultant in an advisory capacity and this is insufficient to enforce the mandate of the law.

As a result of lack of enforceability and surrounding mitigating factors, overall the ATIA has proven to be ineffective in this aspect and the InfoCom has had insurmountable challenges and limited effectiveness in the administration of this law.

Recommendation 1 (Regulatory 1.1 and Administrative 1.2)

1.1 It is recommended that clear provisions and sanctions is provided for a person’s intentional non-compliance of a ‘directive, decision or order’ of the InfoCom issued as per Section 63 (1) of the Act be explicitly stated in Part VII “Appeal to the Information Commission’.

1.2 Secondly, it is recommended that in addition to a part-time senior legal consultant, a full-time mid-level legal position be added to the InfoCom to support day-to-day necessities for appeals and investigations.

Finding 2

Section 63 does not distinguish between nor defines 'directive, decision or order'. The multiplicity of terms is unnecessary.

Recommendation 2

It is recommended for this to be reviewed and for a singular defined 'order' be inserted.

Finding 3

There is an inconsistency in the fines of Section 63 (3) which omit the Head of Information Holder (HOIH) and target only the Information Officer (IO). Both the IO in PART II and HOIH are addressed in relation in PART IV. Moreover, there is specific reference to the role of HOIH in PART VII Section 58 on a requestor's appeal to the InfoCom. The global best practice for fines consists any person in the public entity.

Recommendation 3

It is recommended that Section 63 (3) adhere to best global practice and include any person in the public entity. Furthermore, it is recommended that fine amounts consider progressive mechanism for inflation and that clear provisions are outlined for how to enforce these administrative fines.

Finding 4

There is no explicitly stated redress mechanism beyond the InfoCom. It is currently interpreted that anyone affected by the decision of the InfoCom can apply to Court for a judicial review of that decision.

Recommendation 4

It is recommended for this to be reviewed and explicitly provided for in the Act for an appeal from an order of the InfoCom to the courts, and set conditions on it, such that it can be pursued only following a decision by the InfoCom (or perhaps a failure by the InfoCom to issue a timely decision within a set period, for example 90 – 180 days), by a party to the matter before the InfoCom. It is recommended to indicate the type of court review is a judicial review instead of a de novo review in line with the reasoning that the InfoCom is a specialized body and the court should respect its decisions unless they are unreasonable.

Finding 5

There is no provision to address conflict of interest of the police investigating itself or related agencies under Section 67 to maintain independence.

Recommendation 5

It is recommended for this to be reviewed and inserted in the Act. It may be the case that the police may have an internal policy or required to publish a policy.

Finding 6

Section 58 lacks an enforceable finite timeframe for appeals to be received to the InfoCom.

Recommendation 6

It is recommended for this to be reviewed and inserted in the Act. A reasonable suggested timeframe is 30 working days.

Finding 7

A lack of provisions for the InfoCom to refuse or cease to pursue trivial, frivolous, vexatious cases or those made in bad faith.

Recommendation 7

It is recommended for this to be reviewed and inserted in the Act.

PART II – ACCESS TO INFORMATION OF PUBLIC BODIES

Finding 8

Part II relating to IO request formalities and Part IV relating to HOIH review formalities are often repeated. It has been the experience that in practice, the IO initially consults with the HOIH. The HOIH essentially determines the initial request and the response is communicated by the IO. Subsequently the HOIH reviews the request a second time with the same outcome. This impedes the efficiency of the request timeframe and effectiveness of the Act.

Furthermore, the request timeframe to information provision or decision determination is too lengthy. It takes a total of fifty (50) days (interpreted as calendar days) counting a twenty-one (21) day provision to supply information in normal course with a fourteen (14) day extension, and a fifteen (15) day review period. Often times, further time lapses in following up in between these stages before culminating in an appeal case to the InfoCom. This takes additional time to investigate and find recourse.

Recommendation 8

It is recommended for this to be reviewed and merging of Part IV Section 34 review with Part II Access to Information of Public Bodies. Global best practice recommendations from the Centre of Law and Democracy for SIDs suggest 10 working days for the initial provision of information and 20 working days extension for a total of 30 working days, streamlining the heads internal review within this process, and a next stage appeal to the InfoCom within 30 days.

Finding 9

Section 7(1 to 2) pertaining to the designation of the IOs lacks consideration for times when the IOs post is temporarily absent or vacant for long periods and what qualifies a long period. There is no Acting IO mechanism nor legal protection for Acting IOs.

Often times for practical reasons, the HOIH assumes the role of the Acting IO. This currently creates legal conflicts of provisions in PART II for the IO and PART IV for the HOIH overlapping.

Recommendation 9

It is recommended for this to be reviewed and addressed in the Act. If the above Recommendation 8 of merging Part IV Section 34 HOIH review with Part II requests for access to information is considered,

then the HOIH may act temporarily as IO in the absence or resignation of IO with an acting period of not more than 30 days.

Finding 10

There is a provision for one (1) IO per entity. Some public bodies are operationally complex or larger and one (1) IO sometimes may bear a heavier load while in other bodies, the IOs duties are lighter.

Recommendation 10

It is recommended that policy provisions are reviewed along with connected remunerative policies that caters for inflationary index.

PART III – EXEMPTIONS

Finding 11

Section 32 (1) does not provide for a definition to apply to ‘manifestly vexatious’ requests.

Recommendation 11

It is recommended for this to be reviewed and inserted in the Act. Best international practice is for the IO to apply to the InfoCom for permission to refuse to process a request on this basis. Also Section 32(1) refers to the idea of refusing a request but it is more appropriate to refer to the idea of refusing to process the request (since an actual refusal could only be provided if the request had been considered properly).

Finding 12

There is inconsistency in the treatment of third party rights, specifically Section 33 (4) permits automatic release of information for cases of third party unavailability. Once this information is released in the public domain by the IO and if subsequently reviewed by the HOIH or appealed to the InfoCom and overturned, the information would already be in the public domain. These parts contradict each other.

Recommendation 12

It is recommended for this to be reviewed and furthermore, considered alongside the newly enacted 2023 Data Protection Act. The section 33(4) presumption of non-objection by the third party should be removed and, in instead aligned with best practice whereby the IO should be authorized to proceed to a decision on the matter in this case after the 10 days.

PART V – INFORMATION COMMISSION

Finding 13

Section 44 (a to d) contradicts Section 37(1).

Recommendation 13

It is recommended that Section 44 (a to d) add “Office” and read “.....of the Office of the Information Commission”.

Finding 14 (Administrative for the Minister of Information)

14.1 The Chief Executive Officer (CEO), Chief Information Commissioner (CIC), and Information Commissioners (ICs) remuneration prescribed in S.I. 27 of 2019 is outdated, requires evaluation, and modernization. Moreover, the process for any minor or major revisions from changes to the salary table, contracts, or other added work responsibilities are administratively burdensome, require the vetting and assistance of the Public Service Bureau/Ministry of Finance/Attorney General's Office, and is often delayed at length.

14.2 The current S.I. 27 of 2019 prescribes the above-mentioned posts terms and conditions to the Public Service Order (PSO). However, this contradicts the principal pillar of independence on which the ATIA stands for.

14.3 The ATIA and corresponding S.I. 27 of 2019 does not fully or explicitly define the nature of the CIC and IC roles whether to function as a Board or another structure or whether executive or non-executive or whether full-time or part-time. This has created ambiguity on the roles and remuneration of CIC and IC's not only at the InfoCom but also at the Public Service Bureau (PSB), Ministry of Finance (MOF), Attorney General's (AGs) Office, Constitutional Appointments Authority (CAA) and overall.

14.4 The remuneration policy classification by the MoF is as an allowance for 'Board of Directors Payroll D' whereas the ATIA refers to the posts as Commissioners not Board Directors. Upon completion of every twelve months, the Commissioners salary progresses to the next level of the 2013 salary table. This next level increment averages to about SR 162 per month which is significantly lower than the incremental salary structure received by the CEO, staff, and other civil servants in 2023, 2024, and 2025, and does not consider the inflationary factor or cost of living indices.

14.5 For practical reasons, since November 2021 the engagement of the CIC role as appellate head has been extensive and often requires day to day engagement to deliver the workload, functioning as backup for executive level (hands-on day to day activity management) and non-executive level (broad oversight and advisory). This level of engagement does not match the set remuneration below entry level staff. The CIC or IC's do not receive any recognized leave, end of contract gratuity or performance bonus or pension contributions but pay taxes on their salaries. They also receive no office tools or allowances for conducting everyday InfoCom business, paying privately out of pocket for necessary office tools such as laptop, internet, phone, transport etc.

14.6 The InfoCom was given the additional responsibility of the Data Protection Act at the end of December 2023. The Commissioners have negotiated with the PSB, MoF, and Minister for Information for the CEO to receive additional salary increment starting October 2024 for the added responsibility while the Commissioners have not received any consideration for added responsibility.

14.7 The InfoCom lacks senior level executive posts apart the CEO to ensure back-up of the CEO, business continuity, and a talent pipeline. The Commissioners posts are limited in scope and for a fixed term of five years. There is a risk of institutional knowledge loss and need for a strategic approach to succession planning.

Recommendation 14

It is recommended that the Minister for Information convenes a committee comprising of himself, the InfoCom leadership, MOF, PSB, and AGs Office and any other pertinent impartial body with specialized

knowledge on these types of administrative matters to review the findings and for decisions to be comprehensively addressed in an updated S.I.

PART VI – POWERS AND DUTIES OF THE INFORMATION COMMISSION

Finding 15

Section 52 on ‘Implementation Plan’ has not been applied. Section 53 ‘Information Manual’, Section 54 ‘Annual Report’, and section 55 ‘Proactive Disclosure Reports’ have been applied. The numbers of reports, plans and/or manuals are administratively burdensome for MDA’s.

Recommendation 15

It is recommended for this to be reviewed and streamlined. Furthermore, clear provisions outlined for how to enforce the administrative fines outlined in Section 54 (2).

Furthermore, in Toby Mendel’s opinion, “this should be extended to cover the separate annual report on proactive publication in s. 55 and the s. 6 publication plans. I see no need for either of these in the Seychelles or the s. 53 information manual. I think a simple implementation plan (s. 52 but revised to be simpler) and one integrated annual report (s. 54 but including proactive publication, albeit more simply than current s. 55) are enough.”

THE REMAINDER FINDINGS AND RECOMMENDATIONS FROM 26 TO 42 ARE BY THE CENTRE FOR LAW AND DEMOCRACY (CLD)

Finding 16

A ‘person’ has a right to make a request pursuant to section 8 but this term is not defined in the Act.

Recommendation 16

It is recommended that a definition of “person” be inserted into this Act. Global best practice favors a broad definition of ‘person’ to include legal and natural persons, as well as citizens and foreigners (whether resident or not).

Finding 17

The Act does not clearly mention how to make a request and what you need to provide. This is stated in the ‘How to Manual’ which is a policy not a law. This specific aspect has pulled down Seychelles ranking of a strong ATI law.

Recommendation 17

It is recommended for this to be reviewed and inserted. According to best practice, it should be possible to make a request electronically, in person and via fax, and only an address for delivery of the information and a clear description of the information sought should need to be provided.

Finding 18

The Act makes provision only for the disabled not the illiterate.

Recommendation 18

It is recommended that a reference to assisting the illiterate be inserted into section 10(2).

Finding 19

The Act states a complex list for proactive disclosure.

Recommendation 19

It is recommended that this be simplified and less onerous for public entities.

Finding 20

The operational independence of the InfoCom needs to be strengthened: budget (level and use) and staff (appointment and contract). Section 41 and 42 Chief Executive Officer appointment and termination is officially by the political head of country, the President, not the InfoCom.

Recommendation 20

It is recommended that the approach here be reviewed and global best practices followed for independence. This should include a budget process which involves the InfoCom preparing and submitting its own budget for approval, preferably to parliament, the Commissioners appointing the CEO and the CEO, in consultation with the Commissioners and in accordance with the budget, deciding on the organigram and staffing structure of the InfoCom.

Finding 21

There is no obligation in the Act for public bodies to train staff (only the InfoCom).

Recommendation 21

It is recommended that the Act makes a similar provision for all public bodies to provide training on Access to Information for all their staff and included as part of all public bodies annual reports to measure progress and compliance.

Finding 22

Section 7(1) of the Act requires the consultation of the Minister to designate a suitable Information Officer. There is no minimum service rank in the Act for an Information Officer level.

Recommendation 22

It is recommended that the Information Officer be independently selected by the operational head of the public body. It is further recommended that the Information Office be required by the Act to be at least of a minimum level of seniority (set out in the Act) and with the capacity and integrity to undertake the role functions.

Finding 23

The Act lacks key public disclosure requirements. Only commercially sensitive information is mentioned and the Act lacks absolute overrides for matters related to human rights abuses, humanitarian law breaches and exposing corruption.

Recommendation 23

It is recommended for this to be reviewed and inserted.

Finding 24

The Act does not provide for clear override of other laws in case of conflict. According to section 3(1) the ATIA overrides the Official Secrets Act but not other legislation.

Recommendation 24

It is recommended that a half-way approach similar to Canada be adopted whereby the Act overrides all secrecy provisions except those on a list in a schedule to the Act (i.e. where the secrecy provisions which are to be preserved are listed).

Finding 25

The current system of administering the Act follows a decentralized Information Officer model with one (1) Information Officer per MDA for a total of one hundred twenty-five (125) to one hundred twenty-eight (128) Information Officers. This can be administratively burdensome to manage.

Recommendation 25

It is recommended that the Seychelles as a SID consider integrating into the Act the idea of a centralized Access to Information Unit for executive bodies, whereby the the number of staff working on this issue could be cut down to something between six (6) and ten (10) persons working full-time in a central processing unit covering the whole executive. Further phased feasibility studies and comparative costings are required to make sound determinations.

It is recommended by the CIC, that further phased feasibility studies and comparative costings are required to make sound determinations.

Finding 26

Section 48(2)(a) refers to the InfoCom resolving a “matter” via “negotiation, conciliation or mediation” as appropriate, while section 63(1)(e) refers to “mandating negotiation, conciliation, and arbitration, pursuant to section 48(2)(a)”, but only after the conclusion of the “appeal proceedings”. This creates confusion about the different ways to resolve a matter, while logically these other ways should precede the appeal proceeding (and be a way of avoiding the need for it).

Recommendation 26

These references should refer only to mediation, which should precede the adjudicative part of the appeal procedure. Consideration should be given to adding into the Act basic standards for mediation, as well as procedures, including a time limit, say of 90 days, for the adjudication of a matter by the InfoCom. The latter should also include standards regarding whether hearings need to be held on appeal (ideally, the InfoCom should have discretion as to this as some matters are too simple to require hearings).

Finding 27

The Act does not indicate who bears the burden of proof on appeals.

Recommendation 27

Better practice in this area is to place the burden of proof on the public body given that this is a human right protected in the constitution and that only the public body knows what is in the information (i.e. whether it needs to be kept secret or not).

Finding 28

The definition of third-party information and the exception in section 21 both revolve around personal information, but this extends to information which is not secret (and instead covers all information from which a natural person can be identified).

Recommendation 28

The Act should be aligned with better practice in this area, which is to limit this to the unreasonable disclosure of private information.

Finding 29

Sections 21 and 22 of the ATIA, addressing, respectively, personal information and third party commercial information, state that the information officer “may” refuse to disclose. While it is appropriate to leave the decision as to whether or not to disclose information to the discretion of the information officer when the interest involved is one relating to the public body, this is not the case where third parties are involved.

Recommendation 29

The section 21 and 22 exceptions should require the information officer not to release the information (“shall” refuse to disclose) when they are engaged.

Finding 30

There is a good statement of the benefits of access to information in the preamble to the Act but no requirement to interpret the Act in the manner which best gives effect to those benefits.

Recommendation 30

It is recommended for this to be reviewed and inserted in the Act.

Finding 31

Section 9(1) provides that you cannot make a request under the Act if another law provides for disclosure of that information, and section 32(2) provides for the refusal of a request in that case. Better practice is for the right to information act to prevail where more than one law applies.

Recommendation 31

It is recommended for this to be reviewed and inserted in the Act.

Finding 32

The definition of a public body in the Schedule to the Act is broad but does not cover private bodies which undertake public functions.

Recommendation 32

It is recommended for this to be reviewed and inserted in the Act.

Finding 33

Section 13(1)(b) allows for transfers when the subject matter of the information is more closely connected to another public body, but better practice in this case is for the first body to process the request, following consultation with the other body if necessary.

Recommendation 33

It is recommended for this to be reviewed and inserted in the Act.

Finding 34

According to section 9(2), applicants may be required to pay to make a request, but better practice in this area is for it to be free to lodge requests while minimal fees may apply only for physical copies or data retrieval beyond a set volume.

Recommendation 34

It is recommended for this to be reviewed and inserted in the Act.

Finding 35

There are no fee waivers for the poor.

Recommendation 35

It is recommended for this to be reviewed and inserted in the Act.

Finding 36

There is no system in the Act for open reuse of information, such as a provision calling for the government to adopt open reuse licenses for different types of information.

Recommendation 36

It is recommended for this to be reviewed and inserted in the Act.

Finding 37

The Act fails to provide for sunset clauses, say of 15 or 20 years, for exceptions which protect public interests. Better practice is to have such sunset clauses but to provide for an exceptional procedure for them to be overridden where the information really does remain sensitive after the sunset period.

Recommendation 37

It is recommended for this to be reviewed and inserted in the Act.

Finding 38

The InfoCom does not have the power to inspect public bodies (just the powers to compel the production of documents and hear witnesses).

Recommendation 38

It is recommended for this to be reviewed and inserted in the Act.

Finding 39

Section 54(2) provides for fines for public bodies for failing to respect annual reporting rules, but there are no fines for public bodies for other egregious breaches of the Act.

Recommendation 39

It is recommended for this to be reviewed and inserted in the Act.

Finding 40

There is no protection under the law of the Seychelles for the protection of whistleblowers.

Recommendation 40

Work on a dedicated law on this issue should continue.

Finding 41

Section 4 imposes a very general requirement on public bodies to maintain their information in a manner which facilitates access, which is positive, but a more developed approach here involves a central actor, like the InfoCom, setting binding minimum standards in this area, providing training on those standards, monitoring implementation and having the power to impose penalties or at least measures for not respecting the rules.

Recommendation 41

It is recommended for this to be reviewed and inserted in the Act.

Finding 42

Section 70 requires the InfoCom to prepare an annual report, but this is only inward looking (i.e. about its own activities) and does not serve as an overall report on what is happening under the Act, even though section 54 requires public bodies to report to the InfoCom on what they have been doing to implement the Act (so InfoCom has the information it needs to prepare a wider report).

Recommendation 42

It is recommended for this to be reviewed and inserted in the Act.

It was clarified that while this requirement is not explicitly stated in the Act, the InfoCom has been proactively collating Section 54 reports received from all public bodies and publishing the comprehensive report on its website since 2019.

Official Consultation and Drafting Period

The next stage of consultation and advancement is proposed with policy makers such as the Minister for Information, Cabinet of Ministers, Attorney General's Office, and the National Assembly. The drafting of revisions has been scheduled by the Attorney General's Office sometime towards the end of the 2025 legislative session. The Information Commission and Attorney General's Office may want to explore further advisory technical assistance of UNESCO and the Centre for Law and Democracy if required during the drafting stages. The InfoCom advocates that the draft bill is published for public discussion and participation for a period of at least 60 days before it is introduced to National Assembly.