

RTI MOTI WEBPAGE

INTRODUCTION

The 1992 Constitution, Article 21 (f) grants every Ghanaian the right to information regarding public sector affairs and governance in general. In line with this constitutional provision, Parliament passed the Right to Information ACT, 2019 (Act 989) which His Excellency, the President of the Republic of Ghana, Nana Addo Dankwa Akufo-Addo assented to on 21st May, 2019.

The spirit behind the passage of the RTI ACT 989 is to encourage transparency and accountability by enabling the populace to access information held by the central and local governments as well as those in the custody of public funded NGOs. In implementing this law, the Ministry of Trade and Industry has established a Right to Information Desk, located within the Client Services Unit of the Communications & Advocacy Directorate, to assist the public with RTI applications. The Desk is manned by Mr. Theodore Carl Ntem, the first point of call for anyone seeking information under the RTI Act.

The Ministry would like to urge members of the public who wish to access information under RTI ACT 989 to complete this form ([insert link to download form](#)) and forward same to rti@moti.gov.gh. (**Sample email to be set up**). Also, applications may be submitted in person to the RTI Desk at the Client Services Unit.

For further enquiries, contact us on rti@mofep.gov.gh or via telephone on 030 394 2337

APPLICATION

In Keeping with the COVID-19 protocols, the Ministry of Trade and Industry encourages prospective RTI applicants to complete this form ([insert link to download form](#)) and forward same to rti@moti.gov.gh.

Alternatively, applications may be submitted in person to the RTI Desk of the Ministry within the Client Services Unit.

PROCEDURE

PROCESSING REQUESTS FOR ACCESS TO INFORMATION

INTRODUCTION

In Ministries, Chief Directors have been sensitized on the steps to be undertaken to implement the provisions of the RTI ACT. Chief Directors have further been oriented on processes required to ensure that departments and units are fully onboard with the implementation efforts.

The Procedure is as follows;

- An applicant shall fill a standard Request for Information form (which has been developed to conform to the procedures set out in s. 18 of Act 989). The Applicant may attach further particulars in a letter if need be.

- The form shall be submitted to the RTI officer of the institution.
- The RTI Officer shall upon receipt of the application make a determination as to whether or not the application is one that safeguards the life or liberty of a person within the ambit of section 23 (7).
- Where the application falls within the ambit the section 23(7), the RTI Officer shall within 48 hours make a determination on whether or not to grant access to the applicant under s.23(7) of Act 989 and notify the applicant of the decision in writing.
- However, where the application does not fall within the ambit of section 23(7) of Act 989, the RTIO shall within forty -eight (48) hours, serve notice to the applicant of the non- compliance with s. 23(7) and a date for providing notice on whether or not access will be granted.
- The RTI Officer shall within 7 days of receiving a request, engage the relevant persons within the Institution and the information generating directorate of the Institution to confirm the availability of the information requested.
- Where the information requested is available, the designated RTI Officer shall notify the applicant within 14 days of receiving the request, confirming the availability of the information, the manner in which access will be granted and whether or not access to the information shall be given in part and the reasons for giving only part (s. 23(1)(2)(3)).
- Where the information requested shall be refused the RTIO shall notify the applicant within 14 days of receiving the application communicating the refusal of the application and the reason for refusal (where it falls within the exempt category (s.5-17), the RTIO shall state same as the reason).
- In an event where the RTI officer is unable to make a determination regarding an application within the stipulated 14day period, the Officer may seek for an extension of the 14day period by 7 extra days (s.25) by notifying the applicant of such development and must make a determination and communicate same to the applicant.
- An RTI Officer's failure to communicate the status of application to an applicant by the 14th day following receipt could rightfully be interpreted as noncompliance on the part of the Ministry and thus, the applicant may seek Internal Review with the Head of the Ministry, i.e. The Chief Director.

EXEMPTIONS

The right to Information is not absolute. This implies that, certain information may be exempt from disclosure to applicants and as a result, application for access to such information may be legally refused under section 5-17 of the RTI ACT.

FEES & CHARGES

Fees may be charged specifically for the **reproduction** of information.

For example:

- A request for information to be provided in a different format of medium from what is in the custody of the institution
- A request for information to be provided in a different language from what is in the custody of the institution

- A request for a written transcript of the information held by the public institution.

However in some cases, fees may be waived.

Situations where fees may be waived include:

- Where an applicant has been proven to be indigent (poor)
- Where a request has been made for personal information for self or on another's behalf with authorization.
- Where an application is made by a person with disability.
- Reproduction of information which has been sufficiently proven to be strictly for Public interest.