

A Vote Against Transparency:

A Report on Allocations for Freedom of Information Implementation in 2024 Federal Budget

**Media Rights Agenda
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Introduction

The Freedom of Information (FOI) Act became Law in Nigeria on May 28, 2011, when then President Goodluck Jonathan signed into Law the Freedom of Information Bill passed into Law a few weeks early by both chambers of Nigeria's bi-cameral legislature, the National Assembly. The Law came into effect on the same day.

The stated objective of the Act is, among other things, to make public records and information more freely available. However, since then, the Act has been bedeviled by poor implementation and lack of compliance by most of the public institutions to which the Act applies.

This state of affairs was clearly acknowledged by the now former Attorney-General of the Federation and Minister of Justice, Mr. Abubakar Malami (SAN), in the last report he issued on March 27, 2023, a few weeks before he left office.

For instance, Mr. Malami said it was “a matter of concern that in spite of reminders on submission of Annual Implementation Report to Attorney General of the Federation as stipulated in the FOI Act, the compliance index shows that a sizeable number of Public Institutions has not adhered to their reporting obligations since the Act was enacted.”

The then Attorney-General of the Federation identified some of the challenges to effective implementation to include:

- Lack of effective record keeping and systematic means of record management in a manner that facilitates public access.
- Inadequate or non-financial provisions to fund FOI Act activities, noting that there is a general lack of funding for FOI activities in some public institutions.
- General apathy amongst those that should operate the Act, which he said was worsened by a high level of ignorance about the provisions of the Act and the nature of obligations expected of public institutions as a result of which he stressed the “need for intense and continuous sensitization of Government officials.”
- Public Institutions invariably responding to requests well beyond the seven days required by the Act primarily because they lack necessary structures to respond due to ignorance of timelines stipulated in the Act.
- The challenge of bureaucracy and bottlenecks in most public institutions that hinders the effective compliance of the Act.
- The absence of sanctions for failure to submit Annual Implementation Report by public institutions to the Attorney General of the Federation, saying that the “naming and shaming” method is still being deployed pending when appropriate punitive administrative measures would be put in place to punish defaulting Institutions.
- The refusal by a high percentage of public institutions to set up FOI Units and to designate Desk Officers in line with Chapter 6.16.1 of the Guidelines on the Implementation of the FOI Act 2011.
- The reluctance by public institutions to develop FOI online portals to proactively publish their activities, operations and businesses as required by the Act to enable easy public access.
- The inadequate training of public institutions officials on the Act.
- Gross under-utilization of the Act by the public.

It is ironic, however, that having identified these issues as the challenges impeding the effective implementation of the FOI Act, no measures were taken by the Attorney-General of the Federation or the Federal Government to address them. There were also no concrete proposals or recommendations made by the Attorney-General of the Federation to either the National Assembly or any other organ of Government on how these challenges could be addressed or mitigated.

The Importance and Benefits of the Freedom of Information Act

A Freedom of Information (FOI) law is designed to promote transparency and accountability in government and public institutions, with many different benefits for the society and citizens.

The law plays a crucial role in promoting an open and democratic society by empowering citizens, fostering accountability, and contributing to good governance.

Fundamentally, an FOI law ensures that records, documents and other information held by public institutions are accessible to the public, which helps to create transparency in governance as it enables citizens and other members of the public to understand how government decisions are made, how public resources are allocated and utilized, and how policies are implemented.

By enabling the public to access information, the FOI Act serves as a mechanism for holding public officials and institutions accountable for their actions. Citizens are able to scrutinize the activities of government and government officials, identify instances of corruption or abuse of power, and demand accountability from public officials.

Such access to information is crucial in enabling citizens and other members of the public to make informed decisions in every democratic society and the FOI Act empowers citizens to participate more actively in the democratic process by providing them with the information they need to make informed choices and engage in meaningful public discourse.

Transparency and openness are also powerful tools in preventing corruption as an effectively functioning FOI law makes it more difficult for public officials to engage in corrupt practices without fear of being exposed, with citizens, the media and civil society organizations, amongst others, being able to request and obtain information that would likely reveal such activities.

Access to information can also improve the efficiency and effectiveness of government operations as it enables policymakers, researchers, and the public to assess the impact of government programmes, evaluate the allocation of resources, and suggest improvements.

When citizens have access to information and can see how their government operates, it fosters trust between the government and the public. The transparency in the governance process contributes to building confidence in public institutions and can lead to a more engaged, more cooperative, and even more understanding citizenry.

The FOI Act can also be instrumental in protecting human rights by exposing human rights abuses, discrimination, or other violations. The ability of people to access information is fundamental to addressing and rectifying such issues and the FOI Act gives members of the public that ability.

As government strives to foster innovation among citizens and other members of the public, access to information is one tool that can be leveraged to achieve that objective as the FOI Act can provide researchers, businesses, and individuals, including young people, with the data and knowledge that they need to develop new ideas, technologies, and solutions to societal challenges.

The Government is well aware of the importance and benefits of the FOI Act to the country, as clearly demonstrated in the various annual reports issued by the Attorney-General of the Federation to the National Assembly over the last 12 years, pursuant to Section 29 of the Act.

In his last report as Attorney-General of the Federation, Mr. Malami said: “The basic objectives of the Freedom of Information Act is to promote Accountability, Transparency, and Openness in government and to ensure that there is public participation in government, make public records and information more freely available for public access. The value and importance of the right of access to public records and information cannot be overemphasized. The FOI Act, 2011 provides the legal framework that allows citizens, Non-Governmental Organizations (NGOs) and other persons access to information, deliberations and actions taken by government which affects them. Our experience in the last eleven years of implementing the FOI Act has shown that access to public information is important for economic development of the country and important for democratic functioning of the society, as it facilitates democratic participation, accountability and good governance.”

The effective functioning of the FOI Act can also enable the government and the country to fulfill their regional and international obligations in different sectors as many international organizations, agreements and instruments promote the adoption and implementation of FOI laws by State parties or their members.

Some of such documents and instruments adopted on the African continent include the African Union Convention on Preventing and Combating Corruption, adopted by the AU on July 11, 2003; the African Youth Charter, adopted by the AU on July 2, 2006; the African Charter on Democracy, Elections and Governance, adopted by the AU on January 30, 2007; and the African Charter on Statistics, adopted by the AU February 4, 2009. Some others are the Model Law on Access to Information for Africa, adopted by the African Commission on Human and Peoples' Rights (ACHPR) in 2013; and the Declaration of Principles on Freedom of Expression and Access to Information in Africa, also adopted by the ACHPR in November 2019.

Compliance with the standards contained in these documents and instruments enhances a country's standing in the international community and can foster cooperation and trust between nations.

An FOI law also supports the role of the media as a watchdog by providing journalists with the information they need to investigate and report on governance, public accountability and other issues of public interest.

This is particularly relevant in the Nigerian context in the light of Section 22 of the 1999 Constitution, as amended, which stipulates that “The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Chapter (Chapter 2) and uphold the responsibility and accountability of the Government to the people.”

An effectively functioning FOI Act, which enables the media to perform this constitutionally imposed responsibility, contributes to a free and independent press, as a cornerstone of democracy.

Budgeting for the Implementation of the FOI Act

There are many different considerations involved in ensuring the effective implementation of an FOI law. One crucial consideration is budgeting as this helps to ensure that the resources required to successfully implement the Law are made available.

There are a number of key obligations that public institutions have under the FOI Act and compliance with these obligations requires adequate resources. Therefore, in preparing their annual budget proposals, all public institutions to which the FOI Act applies, ought to ensure that they are making provisions in their budgets for these aspects of their functions.

It is curious that although the last report of the Attorney-General of the Federation, issued on March 27, 2023, covering the fiscal year 2022, identified “Inadequate or non-financial provisions to fund FOI Act activities” and a “general lack of funding for FOI activities in some public institutions” as some of the challenges impeding the effective implementation of the FOI Act, there have been no concrete measures taken by the Federal Government to address the problem while the then Attorney-General himself made no clear, specific or concrete recommendations to anyone towards resolving the issue.

Some of the key areas for which budgetary provisions ought to be provided in order to ensure the effective implementation of the Act include:

Training and Capacity-Building

Section 13 of the FOI Act requires every government or public institution to ensure the provision of appropriate training for its officials on the public's right to access to information or records held by the government or public institutions and for the effective implementation of the Act.

Every public institution should, therefore, plan to conduct training programmes to educate or enlighten its officials and staff about the law as well as build their capacity to effectively implement it.

This requires including in their budgets funds for the development of training materials, for organizing such training workshops or seminars, among other things.

Proactive Publication of Information

A critical aspect of the FOI Act is that all public institutions are required to proactively publish certain categories of information as outlined in Section 2(3) of the Act on an ongoing basis.

In addition, they are to ensure that these categories of information are widely disseminated and made readily available to members of the public through various means, including print, electronic and online sources, and at the offices of such public institutions.

Public institutions are also required to periodically update and review these categories of information and immediately whenever changes occur.

Proactive publication of information is obviously very important in a freedom of information regime as it helps to ensure that a range of information that are of public importance or of great public interest is routinely published to the public.

This helps to reduce the burden on public institutions in having to respond to individual requests for such information when those interested in the information can otherwise simply access it without bothering the institution involved. It also ensures that members of the public who may not be making any request for information for different reasons also have a minimum level of information available to them nonetheless.

Proactive publication is also important in facilitating the exercise of the right of access to information for the public because it enables members of the public seeking information to know what information each public institution holds and, perhaps, how to access the information. People then know which institution they should approach for any specific information they are seeking.

Public institutions should therefore ensure that they make provisions in their budgets to comply with these obligations, including to enable them to invest in the appropriate information technology infrastructure, systems and facilities that will support the implementation of this aspect of Law.

Record Keeping and Management

All public institutions are required to ensure that they record and keep information about all their activities, operations and businesses as well as ensure the proper organization and maintenance of all the information in their custody in a manner that facilitates public access to such information.

This means that they should make provisions in their budgets for the enhancement of their record and information management systems or to develop such systems from scratch, where they do not exist, in order to ensure compliance with these requirements of the Law but also to enable them to effectively implement the Act and respond in a timely fashion to requests for information from members of the public.

Public institutions can significantly enhance their implementation of and compliance with the FOI Act by digitizing their records management systems. They need to take advantage of the advancements in technology and the Internet in receiving, processing and responding to requests for information as well as in fulfilling their proactive disclosure obligations, including using infographics to present and explain complex data to the public.

It is therefore of crucial importance that in this digital age, public institutions should be allocating funding for the digitization of their records and documents to enhance efficiency, facilitate easier access to such information to improve their responsiveness to requests for information as well as in order to ensure the security of the records and documents.

Responding to Requests for Information

The FOI Act gives any person the right to access or request information in the custody or possession of any public official, agency or institution, whether or not the information is in written form, regardless of anything to the contrary contained in any other Act, law or regulation.

The Act also requires any public institution to which a request for information is made to provide a substantive response to the applicant promptly and in any event within seven days of the receipt of the request.

While there are circumstances under which this timeframe may be extended, the circumstances under which this can happen are very limited and the extension can only be for a period of a maximum of seven additional days.

An extension of the timeframe is only allowed where the request is for a large number of records or documents, or where consultations are necessary to comply with the application and the consultation cannot be reasonably completed within the initial seven-day period.

In the event that an extension is warranted, public institutions are obliged to give a written notice of the extension to the applicant. Public institutions are also required to give a variety of other notices as part of the process of handling and responding to requests for information.

Public institutions therefore need to institute internal mechanisms and procedures to enable them to comply with these requirements of the Law whenever any information is requested from them.

Submission of Annual Reports

Section 29 of the FOI Act stipulates that on or before February 1 of each year, every public institution should submit to the Attorney-General of the Federation a report covering the preceding fiscal year, which should contain details of its implementation of the Act during that year.

Details required in the annual reports of the public institutions include the number of times that the institution decided not to grant an application for information made to it and the reasons for such decisions; a description of whether a court has upheld the decision of the public institution to withhold information and a concise description of the scope of any information withheld; the number of applications for information pending before the institution as of October 31 of the preceding year and the average number of days that such application had been pending before the institution as of that date.

Other details to be provided in the reports are the number of applications for information received by the institution and the number of applications which the institution processed; the average number of days taken by the institution to process different types of application for information; the total amount of fees collected by the institution to process such applications; and the number of full-time staff of the institution devoted to processing applications for information, as well as the total amount expended by the institution for processing such applications.

Budgetary provisions should also be made for the preparation of submission of these statutory reports by public institutions, especially because the level of compliance with this requirement of the Law by Federal public institutions to which the FOI Act applies has historically been less than 10 per cent annually since 2012.

Legal Support and Litigation

Public institutions will from time to time require legal advice, support and litigation assistance arising from many provisions of the FOI Act as well as citizens and other members of the public seeking to enforce their rights of access to information.

For instance, Section 1(3) of the FOI Act gives every person entitled to the right to information under the Act the right to institute proceedings in court to compel any public institution to comply with the provisions of the Act. Similarly, Section 2(6) of the Act also gives every person entitled to the right to information under the Act, the right to institute proceedings in court to compel any public institution to comply with its proactive publications obligations under Section 2 of the Act.

Under section 20 of the Act, any applicant for information who has been denied access to information may apply to the Court for a review of the matter while Section 24 stipulates that in any proceedings before the Court arising from an application under section 20 of the Act, the burden of establishing that the public institution is authorized to deny an application for information shall be on the public institution concerned.

This means that a significant amount of litigation is likely to arise regarding the implementation of the Act and public institutions should have the resources to respond to such legal disputes in addition to many provisions of the Act upon which they may require legal advice or guidance on how to comply.

Public institutions should therefore include in their budgets provisions for legal support to handle potential legal disputes or appeals, where that is foreseen or envisaged as well as any other litigation related to FOI requests or implementation.

Allocations for FOI Implementation by Federal Public Institutions

In an analysis of the 2024 Federal Government budget proposal, out of at least 1,316 Federal public institutions, only 10 entities made specific allocations for freedom of information implementation or other FOI-related activities in their proposals, indicating that the FOI Act is likely to experience another year of extremely poor performance in its implementation or compliance with its provisions by government bodies and authorities.

The situation in the 2024 budget is only a very slight improvement on what was recorded in the 2023 budget in which only nine Federal ministries, departments and agencies made specific allocations for FOI-related activities and implementation in their budget proposals.

The 10 public institutions that made allocations for FOI-related expenditure in their 2024 budget proposals are: the National Directorate of Employment (NDE), the Federal Ministry of Works, the Federal Ministry of Budget and Economic Planning, the Federal Ministry of Housing and Urban Development, the Federal Ministry of Environment, the Office of the Head of the Civil Service of the Federation, the Federal Ministry of Labour and Employment, the Nigerian Law Reform Commission, the National Library of Nigeria, and the National Commission for Colleges of Education Secretariat.

The amounts allocated for FOI-related activities by the 10 public institutions are shown below in Figure 1.

Figure 1: Budgetary Allocations by Public Institutions for FOI Act Activities in the 2024 Budget

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Budget Code	Name of Public Institution	Proposed FOI-Related Activities	Allocation for FOI-Related Activities (N)	Total Budget of Public Institution (N)	Percentage of Budget for FOI Act Activities of Total Public Institution's Budget
ERGP16132313	Office of the Head of the Civil Service of the Federation	Implementation of Freedom of Information Act	10,000,000	13,208,523,997	0.0757
ERGP17157579	Federal Ministry of Labour and Employment	Labour Ministry Freedom of Information Act Activities and Engagements.	14,050,000	29,973,311,566	0.0469
ERGP12189200	Federal Ministry of Works	Finance And Account Compliance with the Freedom of Information Act and Other Relevant Matters with Constitutional Authorities	9,280,000	657,228,251,596	0.0059818
ERGP12168427		FOI ACT Implementation Activities (WORKS)	30,000,000		
ERGP30210298	Federal Ministry of Budget and Economic Planning	Coordination And Implementation of Freedom of Information (FOI) In FMBEP	3,000,000	4,448,691,780,541	0.0000675
ERGP27206064	Federal Ministry of Housing and Urban Development	Finance And Account Compliance with Freedom of Information Act	15,000,000	99,982,577,351	0.015
ERGP23178476	National Library of Nigeria	Sensitization/Implementation of Freedom of Freedom of Information Act	2,000,000	2,789,393,981	0.0717

ERGP16176590	National Commission for College Education Secretariat	Implementation Of Freedom of Information Policy in NCCE	2,000,000	1,828,430,961	0.0001094
ERGP27204651	Federal Ministry of Housing and Urban Development	FOI ACT. Implementation/ Activities in the Ministry	5,000,000	99,982,577,351	0.005
ERGP8140876	National Directorate of Employment	Freedom Of Information Unit (FOI), Equipping the Legal Unit, Efficient Service Delivery (Servicom) And Action Plan for Anti-Corruption and Transparency Unit (ACTU)	6,679,531	11,758,567,466	0.0568
ERGP19202991	Federal Ministry of Environment	Domestication Of the Freedom of Information Act (FOI) for All Levels of Staff in the Environment Sector.	4,665,705	98,535,509,514	0.0047
ERGP17205285	Nigerian Law Reform Commission	Freedom of Information ACT 2011	15,634,545	687,505,610	2.28
	Total		117,309,781	24,079,117,206,675	0.0004667

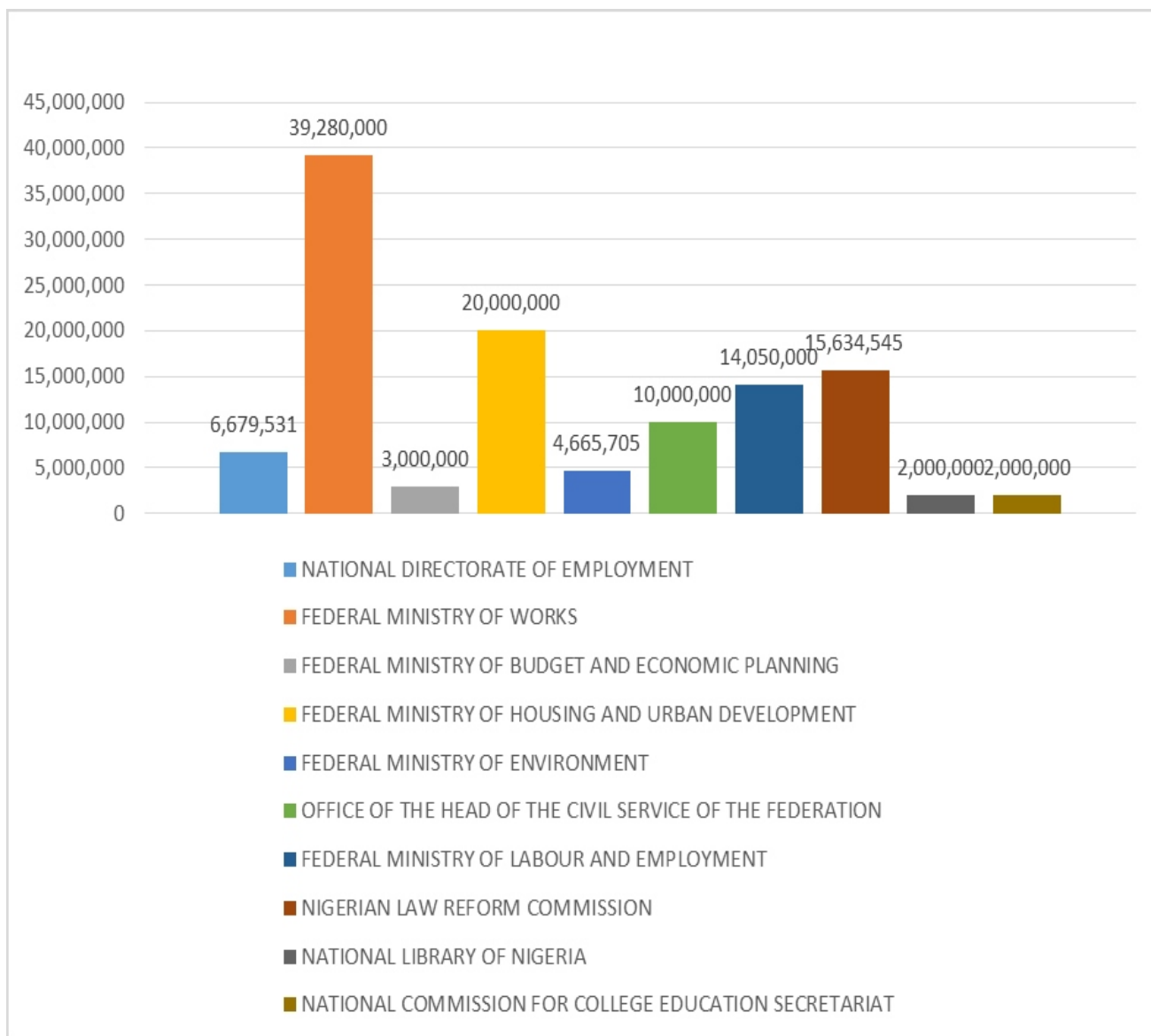
Of the 10 public institutions that made allocations for FOI-related activities, the Federal Ministry of Works has the highest budgetary allocation with a total of N39,280,000.00, made up of a provision for “Finance and Account Compliance with the Freedom of Information Act and Other Relevant Matters with Constitutional Authorities” in the sum of N9,280,000.00 as well as a separate amount of N30,000,000.00 for “FOI Act Implementation Activities”.

The Nigerian Law Reform Commission had the second highest allocation with a proposal to spend N15,634,545 on the Freedom of Information Act, 2011.

The National Library and the National Commission for Colleges of Education Secretariat had the least allocation of N2,000,000 each.

Below is a graphical representation of the allocations made by the respective public institutions for FOI-related activities

Figure 2: Allocation for Freedom of Information activities by public institutions in chart



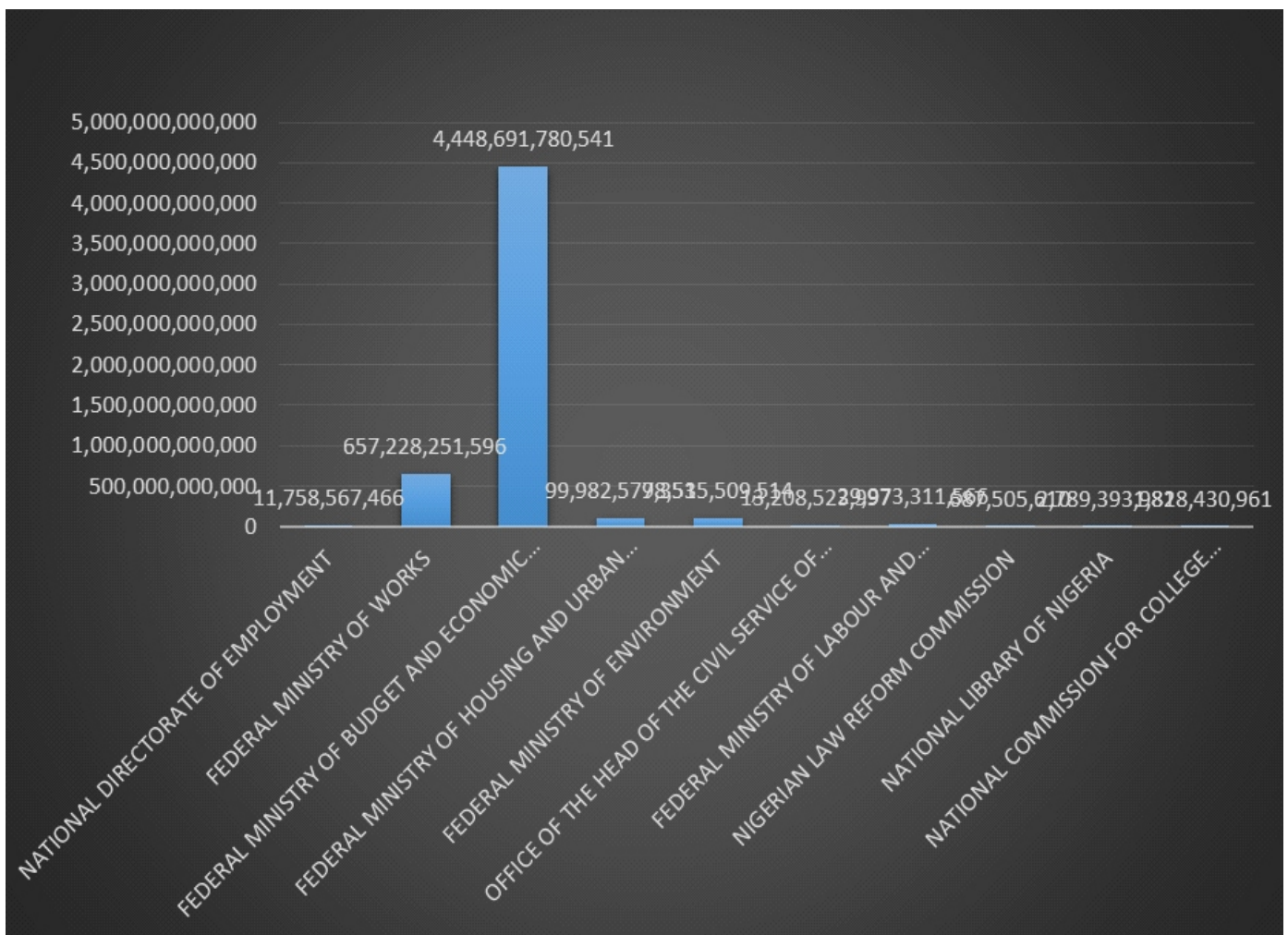
However, out of the public institutions that made budgetary allocations for FOI implementation or other FOI-related activities, the Federal Ministry of Budget and Economic Planning had the highest overall budget as it plans to spend a total of N4,448,691,780,541.00 for all its activities and operations in 2024.

The budget for the Federal Ministry of Budget and Economic Planning is followed by that of the Federal Ministry of Works, which plans to spend a total of N657,228,251,596.00 in 2024.

The Nigerian Law Reform Commission had the lowest overall budget of N687,505,610.00.

Below is the graphical representation of the total budget of each public institution that made allocations for FOI implementation or other FOI-related activities in 2024. This is presented in a simple bar chart in Figure 3 below.

Figure 3: Total budgets of Public Institutions with allocations for FOI Implementation



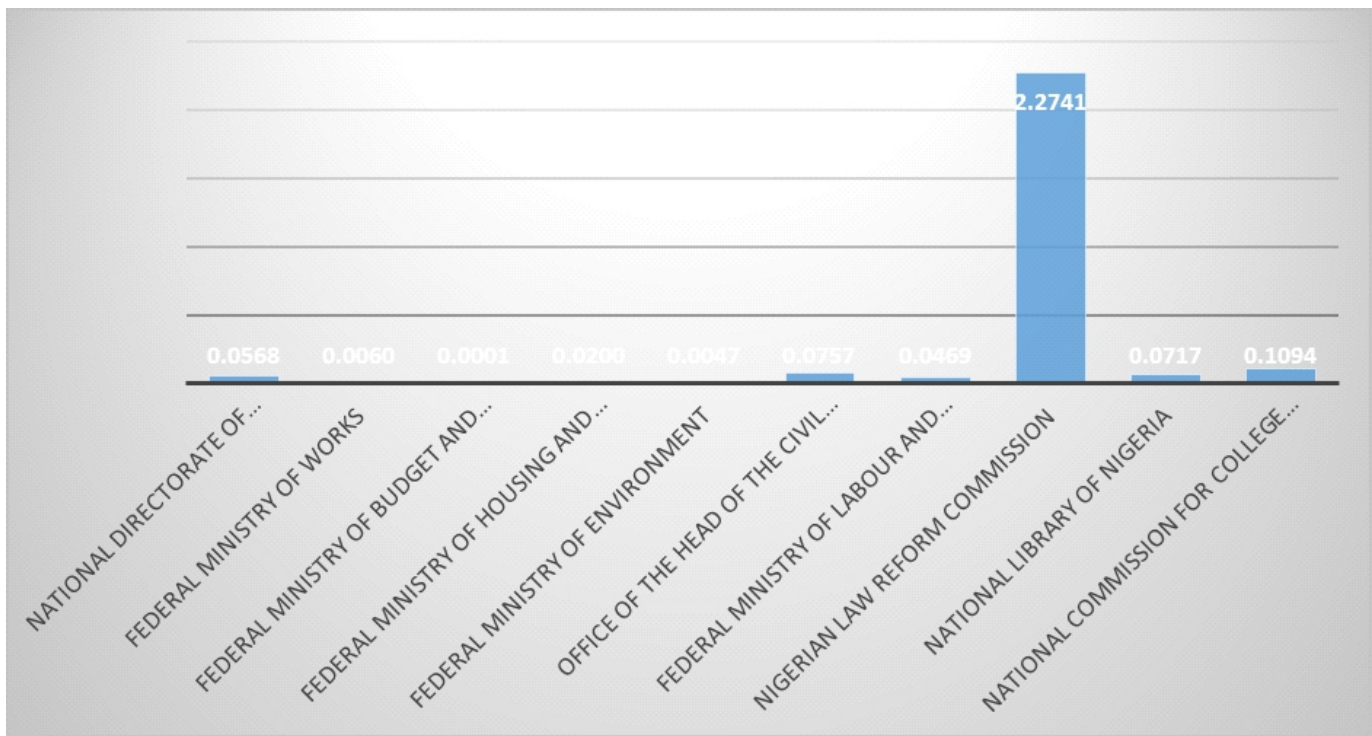
In percentage terms, the Nigerian Law Reform Commission, with N15,634,545.00, has the most significant allocation for FOI implementation or other FOI-related activities as the amount it allocated for freedom of information is approximately 2.27 percent of its total budget for 2024.

The allocation by the Nigerian Law Reform Commission is followed by that of the National Commission for Colleges of Education Secretariat, which at N2,000,000.00, represents approximately 0.11 percent of its total budget for 2024.

Compared with their total budgets, the allocations made by the other eight public institutions for freedom of information implementation or other FOI-related work is clearly insignificant with the Federal Ministry of Budget and Economic Planning having the lowest allocation in percentage terms, with an allocation of N3,000,000.00, representing 0.0001 percent of its total budget for 2024, which is N4,448,691,780,541.00.

Below, in Figure 4, is a graphical representation in percentage terms of the allocations made by the various public institutions for freedom of information implementation or other FOI-related activities, compared with the total budgets of the respective public institutions.

Figure 4: Allocation for FOI Implementation by Public Institutions in Percentage Terms



The Federal Ministry of Justice and the Office of the Attorney-General Of the Federation

Perhaps, the most significant observation in the 2024 budget regarding funding for implementation of the Freedom of Information Act is the absence of any specific allocation for FOI-related activities in the budget of the Federal Ministry of Justice and the Office of the Attorney-General of the Federation.

This is even more concerning given the observation in the last report of the Attorney-General of the Federation, issued on March 27, 2023, for the fiscal year 2022, in which he stated that “Inadequate or non-financial provisions to fund FOI Act activities” and a “general lack of funding for FOI activities in some public institutions” were among the challenges impeding the effective implementation of the FOI Act. .

Section 29 of the FOI Act gives the Attorney-General of the Federation oversight responsibility in the implementation of the Act and requires him to ensure that all institutions to which the Act applies comply with its provisions. It also requires the Attorney-General to submit to the National Assembly every year a report including a detailed description of the efforts made by the Federal Ministry of Justice to encourage all government or public institutions to comply with the Act.

Some of the specific functions of the Attorney-General of the Federation under the Act include receiving from all public institutions on or before February 1 every year their implementation reports for the Act covering the preceding fiscal year; making each of the reports submitted to him available to the public in hard copies, online and also at a single electronic access point; notifying the relevant committees of the National Assembly not later than April of each year in which the report is issued, of the existence of the reports and making them available to the committees in hard copies as well as by electronic means.

The Attorney-General is also required to develop reporting and performance guidelines for the reports required to be submitted to him and possibly establish additional requirements for such reports as he deems useful.

In addition, the Attorney-General is required to submit to the National Assembly an annual report on or before April 1 of each calendar year detailing for the previous calendar year certain information relating to the implementation and enforcement of the Act.

The obligation imposed by the Act on the Attorney-General to ensure that all institutions to which the Act applies comply with its provisions would conceivably include requiring him to develop a set of administrative sanctions, possibly with the approval of the Federal Executive Council (FEC) or the National Assembly, which can be applied to all public institutions which fail to comply with their duties and obligations under the Act.

The Attorney-General would obviously also need to develop and implement a robust programme of enlightenment and sensitization for public institutions and officials at all levels of government about the rights of the public to access information held by public institutions; as well as about their duties and obligations under the Act in order to ensure proper compliance by all public institutions.

Since 2011, a Freedom of Information Unit has been established within the Federal Ministry of Justice to provide technical and legal guidance to public institutions implementing the Act, carry out awareness-raising and capacity-building activities for public institutions, as well as to monitor, track and report on the implementation of the Act.

These are weighty responsibilities imposed on the Ministry and the Office of the Attorney-General of the Federation to ensure that the Act is effective and complied with by the public institutions to which it applies.

It is therefore extremely concerning that there is no specific provision made in the budget of the Federal Ministry of Justice and the Office of the Attorney-General of the Federation for their FOI-related work, firstly as a public institution to which the Act applies, but more importantly as the body which bears responsibility for overseeing the implementation of the Act and ensuring compliance across all institutions of government.

This obviously needs to be remedied urgently.

Conclusion and Recommendations

The current poor level of funding in the Federal Government's 2024 budget for freedom of information implementation and FOI-related activities of public institutions signals a lack of commitment on the part of the Government to ensure that the Law is effective and achieves its objectives.

It is of critical importance that the Federal Government and its various ministries, departments and agencies approach the implementation of the FOI Act with a commitment to transparency and accountability and demonstrate an absolute commitment to the full and effective implementation of the FOI Act by allocating the appropriate resources required for this purpose.

Without adequate investment in the implementation of the Law in order to ensure that the government is transparent and accountable, all other allocations and expenditures for infrastructure, facilities or other development projects would be at risk and could easily be misappropriated.

The long-term benefits which the effective implementation of the FOI Act can bring to the country and its democratic process, include enhancing government transparency, efficiency and responsiveness; engendering greater public participation in governance, improving public trust and confidence in government, ensuring that members of the public have accurate and reliable information about how they are governed, among other issues, and contributing to the emergence of a knowledge society, provide adequate justification for the investments required to make the Act effective.

The Federal Government and public institutions should, therefore, ensure that adequate resources are allocated to achieve the intended goals of open and accessible information as the availability of funding for the implementation of the FOI Act and for FOI-related initiatives is crucial for the effectiveness of the Law and the success of those initiatives.

Given that this is a relatively unfamiliar terrain for many public institutions, the Federal Government ought to provide proper guidance for them on some of the considerations and steps that they need to take into account in allocating resources for FOI implementation and in ensuring that the resources are adequate.

It is crucial that public institutions allocate resources for the establishment and maintenance of information management systems, databases, relevant technology and other infrastructure that will support their procedures and mechanisms for handling FOI requests and responding to such requests.

In the case of the Federal Ministry of Justice, including the Office of the Attorney-General of the Federation, which plays an oversight role, it also needs to establish and manage the relevant technology infrastructure to enable it track responses to requests, and ensure compliance with the FOI obligations of public institutions.

It needs to allocate funds for the establishment of monitoring and evaluation mechanisms to assess the effectiveness of FOI implementation as well as to conduct regular audits to ensure compliance with the Law and identify areas where improvements are needed.

Public institutions also need to allocate resources to enable them to provide training for their staff and officials, particularly their FOI Desk Officers who need to be familiar with the FOI Act, FOI principles, procedures, and legal requirements.

They should provide funding for legal matters to enable them seek and obtain legal advice, respond to legal challenges related to FOI requests and other litigation arising from the implementation of the FOI Act. While they should strive to ensure compliance and avoid being sanctioned, they should also allocate resources for the enforcement of penalties and sanctions against them when they are adjudged to have violated the FOI Act.

The Federal Government should direct Federal Ministries, Departments and Agencies to ensure that in preparing their budget proposals for subsequent fiscal years, they make provisions in the budgets to enable them carry out the full range of duties and obligations that they have under the FOI Act, including training and sensitization of their personnel and officials, proactive publications, creating, storing and managing their information and records, responding to requests for information from members of the public as well as for the preparation and submission of their annual implementation reports.

Furthermore, the Federal Government should prescribe a minimum level of resources which every public institution should allocate to the implementation of the FOI Act in order to meet their duties and obligations under the Act and ensure that they are fully implementing the Law and complying with its provisions.

Given the dual role of the Federal Ministry of Justice, including the Office of the Attorney-General of the Federation, as a public institution to which the FOI Act applies and as the body with oversight responsibility for the implementation of the Law, its funding and budgets should clearly reflect this dual status and should be adequate to enable it to meet its duties and obligations with respect to each of these roles.

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