



A Promise Unkept:

Report on the Implementation of the Freedom of Information Act, 2011 under the Buhari Administration

Introduction

The Freedom of Information (FOI) Act, 2011 became law 10 years ago when the then President, Dr. Goodluck Jonathan, signed the FOI Bill into law. The preamble to the Act states the objectives of the law as “to make public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officers from adverse consequences of disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes and; for related matters.”

In the 10 years since the FOI Act has been in existence, Goodluck Jonathan was president for four years while President Muhammadu Buhari has held the mantle for over six years so far.

During his electioneering campaigns in 2014, before he won the elections and assumed office as President for his first term, then Candidate Buhari promised to fully enforce the Freedom of Information Act so that government-held data sets can be requested and used by the public. He pledged that such data sets would be published on regular basis.

The political party under whose banner he ran for office, the All-Progressives Congress (APC) also promised during the campaigns that in states where they have control, the administrations in those states would pass state versions of the FOI law if voted into office.

This report examines the measures, policies, and actions that the President Muhammadu Buhari government did to strengthen the FOI Act during the period that he has been in charge of the affairs of Nigeria and about 18 months to the end of his second term in office, to determine whether his government and, more specifically, President Buhari, fulfilled the promises he made to Nigerians regarding the enforcement of the FOI Act in particular, and ensuring transparency in government more generally.

Responsiveness of Public Institutions to their FOI Act Obligations

The FOI Act applies to all public institutions in Nigeria. While there is some controversy as to whether it applies to public institutions at the State and Local Government levels, there is absolutely no reason for any doubt about its applicability to all departments or agencies of government at the Federal level.

Indeed, various provisions of the Act define quite clearly what the Law means to “public institutions” to which it is applicable. For instance, Section 2(7) of the Act provides as follows:

“Public institutions are all authorities whether executive, legislative or judicial agencies, ministries, and extra-ministerial departments of the government, together with all corporations established by law and all companies in which government has a controlling interest and private companies utilizing public funds, providing public services or performing public functions.”

Similarly, in Section 31, the Act says that:

Public Institution “means any legislative, executive, judicial, administrative or advisory body of the Government, including boards, bureau, committees or commissions of the State, and any subsidiary body of those bodies including but not limited to committees and sub-committees which are supported in whole or in part by public fund or which expends public fund and private bodies providing public services, performing public functions or utilizing public funds.”

The Act defines “government” in Section 29(9) to include:

“any executive department, military department, government corporation, government-controlled corporation, or other establishment in the executive branch of the government (including the Executive Office of the President), or any other arm of government, independent or regulatory government agency or public institution”.

Yet, in an effort to avoid complying with the provisions of the Act, some agencies of government, which are obviously public institutions both by a commonsense understanding as well as under the clear definition of the term contained in the Act, have repeatedly declared that the Act does not apply to them.

Most notable among such institutions is the Nigerian National Petroleum Corporation (NNPC). The NNPC, which is responsible for a substantial portion of Nigeria’s annual revenues, is under the direct supervision of the Ministry of Petroleum Resources and, therefore, under the direct supervision of President Buhari, who appointed himself and has served as Minister of Petroleum Resources since he took off as President in 2015. But he has apparently chosen to allow the NNPC to disregard the FOI Act with impunity, without so much as a reprimand.

In addition to Section 1(1) of the FOI Act, which establishes in very strong terms, and notwithstanding anything contained in any other Act, law or regulation, the right of any person to access or request information in the custody or possession of any public official, agency or institution howsoever described, the Act goes further to impose certain obligations on all public institutions in order to ensure its effective implementation.

The Act, therefore, requires public institutions to disclose information to any person on request, although certain categories of information are exempted. The exempted categories of information are clearly outlined in the Law and no public institution, regardless of its functions or the type of information that it holds, is exempted from the application of the Act. In addition, The Act also provides that some categories of information should be proactively published by all public institutions.

In order to help public institutions understand their obligations under the Act and promote good practice in its effective implementation, the Attorney-General of the Federation, who is given oversight responsibility under the Act, has issued a number of guidelines and advisories for public institutions.

The first of such advisories was issued on January 29, 2012 as a memorandum under section 29 of the Act with reference number HAGF/MDAS/FOIA/2012/I, to “all ministries, departments and agencies and all public institutions for the purpose of the Freedom of Information Act, 2011” with the subject: “Implementation of the Freedom of Information Act 2011 and the Reporting Requirements under Section 29 Thereof”.

The Memorandum is now incorporated as Chapter 13 of the 2013 Revised Edition of the “Guidelines on the Implementation of the Freedom of Information Act 2011”, which was subsequently published by the Attorney-General of the Federation.

The Attorney-General has emphasized that the Act “is not solely concerned with responding to requests for information” as it “also requires that all public institutions shall keep, organize and maintain their records in a manner that makes them accessible to the public and also requires public institutions to proactively disclose certain categories of information through making such information available to the public using multimedia formats (i.e. print, electronic and online.”^[1] One of the obligations of public institutions under the Act is the requirement that they submit an annual implementation report to the Attorney-General, even where the public institutions did not receive any FOI request.

Section 29(1) of the Act provides that "On or before February 1 of each year, each public institution shall submit to the Attorney General of the Federation a report which shall cover the preceding fiscal year".

The Section lists the information that should be included in the annual reports to the Attorney-General.

Many public institutions do not comply with this provision of the law, while most of those that have submitted annual reports have not done so consistently. Indeed, most of the public institutions that have bothered to submit their annual reports have submitted reports for between one and three years only over the last 10 years.

The annual report submitted by the Attorney-General to National Assembly in 2021, which covers the year 2020, shows that less than 20 per cent of the federal public

institutions in Nigeria complied with the submission of implementation reports as required by the Act. The report indicates that only 73 public institutions submitted their 2020 annual reports out of over 500 federal public institutions in Nigeria. This shows the level to which public institutions are disregarding and, possibly, undermining the Act and its provisions.

In addition to the requirement that public institutions submit their annual implementation reports to the Attorney-General, Section 29 (2) provides that:

"Each public institution shall make such report available to the public, among other means, by computer and telecommunications, or if computer and telecommunication means have not been established by the Government or public institution, by other electronic means."

Only a handful of public institutions complied with this provision of the Act. Although some of the public institutions used public funds to develop websites, they, however, failed to upload relevant information on these websites. These proactive disclosure obligations are largely ignored even by those that created the FOI sections/portals on their websites, suggesting that the only attraction for such public officials in creating the FOI portals is the opportunity it affords them to award contracts for the construction of the platforms. The sheer act of awards of contracts by public institutions has been an intractable source of corruption in the country for decades.

The Database of FOI Desk Officers available at the Office of the Attorney-General shows that many public institutions have not designated officials to whom requests for information should be made, as required by the Act.

The Act requires every government or public institution to ensure appropriate training for its officials on the public's right to access information and records held by the institution for the effective implementation of the Act; there are no indications of compliance with this provision by the public institutions.

It is common knowledge that public institutions prefer to use public funds to pay lawyers to defend their refusal to make information to members of the public in courts when they are challenged rather than make the information available, which would ordinarily be a cheaper and easier course of action.

The non-responsiveness of public institutions to their obligations under the Act is quite alarming, although in some cases, the disorderly and untidy state of the record-keeping by public institutions is also a serious impediment to the effective implementation of the Act.

Efforts by the Attorney-General of the Federation to Ensure the Effective Implementation

The FOI Act was enacted on May 28, 2011 to among other things, make public records and information more freely available, provide for public access to public records and information, enable transparency and accountability, and ultimately, good governance.

The Attorney-General of the Federation (AGF) is charged with oversight responsibility, which includes ensuring the implementation of the Act and seeing to it that public institutions comply with its provisions. Section 29(6) of the Act specifically provides that:

“The Attorney General shall in his oversight responsibility under this Act ensure that all institutions to which this Act applies comply with the provisions of the Act.”

The FOI Act requires every public institution to submit an annual FOI implementation report to the Attorney-General to ensure effective implementation of the Act. The Attorney-General is then mandated to collate the annual FOI implementation reports from all public institutions and submit yearly consolidated reports to the relevant committees of the National Assembly on how the law is being implemented and complied with. This report is also required to include a detailed description of the efforts made by the Ministry of Justice to encourage all government or public institutions to comply with the Act.

The current Attorney-General of the Federation and Minister of Justice, Mr. Abubakar Malami (SAN), has indeed submitted all the consolidated reports on the implementation of the FOI that have been due since he took office, as did his predecessor in office, Mr. Mohammed Bello Adoke (SAN).

In effect, Mr. Adoke submitted the necessary reports to the relevant committees of the National Assembly between 2012 and 2015, covering the years 2011 to 2014 while Mr. Malami has submitted reports since 2016 to date, covering the years 2015 to 2020.

[\[1\]](#) See *Guidelines on the Implementation of the Freedom of Information Act 2011*, Revised Edition 2013, published by the Attorney-General of the Federation, page iii.

In addition, Mr. Malami has also compiled a compendium of Public Institutions’ FOI Annual Compliance Reports from 2011 -2018 and submitted same to the National Assembly as one report.

The Attorney-General has also sent out letters to public institutions requesting them to send him the contact details of the FOI Desk Officers that they have designated in their respective institutions.

The contact details serve many purposes and are vital to ensuring collaboration between the Federal Ministry of Justice and FOI Desk Officers across the public institutions. They also enhance the possibility for engagement on FOI administration as well as for the citizens to have access to Desk Officers of public institutions to whom they can direct their inquiries about FOI-related issues.

The Attorney-General's letter requested the public institutions to forward the contact details of FOI Desk officers with the following information: Name of public institution, Address of public institution, Name of FOI Desk Officer, Designation, Mobile Phone Numbers, both official and private, the public institution's FOI email address and public institution's web address/ FOI Portal.

Where an FOI Desk Officer had not been designated, the public institutions were expected to designate an Officer and establish an FOI Unit that will be responsible for ensuring compliance by the public institution with the provisions of the Act in line with Chapter 1.16.1 of the 2013 revised edition of the Guidelines on Implementation of the FOI Act, 2011.

Following the request, the Attorney-General said he received about 150 responses with the contact details of the FOI Desk Officers of some public institutions. The Attorney-General said the contact details have subsequently been published by his office and would be updated periodically as more public institutions respond to the request.

The Attorney General has also reported that since the passage of the FOI Act in 2011, there have been collaborative efforts between his office and other public institutions aimed at enhancing the effective implementation of the Act, including:

1. FOI training, sensitization and implementation programmes with public institutions, notably with National Orientation Agency (NOA), the Federal Ministry of Agriculture and Rural Development, the National Youth Service Corps (NYSC), the Office of the Accountant General of the Federation, the Federal Ministry of Works and Housing, the Independent National Electoral Commission (INEC), and the Bureau of Public Service Reforms (BPSR)
2. Yearly roundtable meetings for FOI desk officers in public institutions on their proactive publication obligations as well as their reporting obligations to the Attorney General of the Federation under section 29 of the Act.
3. The Federal Ministry of Justice, as an oversight ministry, encourages public institutions to comply with their proactive disclosure obligations under Section 2 of the Act and, accordingly, that an increasing number of public institutions are becoming sensitive to their proactive disclosure duties under the Act.

4. The Ministry's FOI Unit has maintained its quarterly interface and conversation with FOI Desk Officers across public institutions and offers advice, opinions, and counselling to public institutions in complex FOI issues.
5. The FOI Unit of the Ministry is co-chairing the Access to Information Working Group of the Open Government Partnership (OGP) in Nigeria and has made contributions to Nigeria's OGP National Action Plan on the Access to Information thematic area.
6. The Federal Ministry of Justice has written letters to encourage mandatory compliance by public institutions with their statutory obligations on reporting and proactive disclosure under the FOI Act. In addition, the Ministry has constantly reminded public institutions of the imperatives of effective record keeping and documentation of their activities, operations and businesses to ensure that information is easily accessible to the public.
7. In line with Section 13 of the FOI Act, the Ministry has always reminded public institutions to ensure the provision of appropriate training for their officials on the public right to access information or records held by them

The annual reports highlight measures or efforts by the Attorney-General to encourage compliance with the Act, which also show that most Ministries, Departments and Agencies (MDAs) are violating the law. The Attorney-General's FOI report released in 2021, covering the year 2020, shows that only 70 public institutions submitted their annual reports to the Attorney-General out of over 500 MDAs in Nigeria.

In 2019, a total of 89 public institutions submitted annual compliance reports making it the highest so far in the over five years of the tenure of the current Attorney-General. For the previous years, the records show that 54 public institutions submitted their annual implementation reports in 2016; 73 in 2017 and 70 in 2018. This trend means that over 80 per cent of government agencies are undermining the effectiveness of the Act, at least as far as compliance with their reporting obligations is concerned.

From the foregoing, it can be inferred that there is overwhelming evidence of a high level of non-compliance by MDAs with the provisions of the Act. Indeed, the 2019 compendium of the compliance reports compiled by the Office of Attorney-General of the Federation has reinforced the view that government agencies and institutions are for the most part violating the Act with impunity and are unconcerned about their failure to effectively implement the Law.

In 2011, the then Attorney-General of the Federation, Mr. Mohammed Bello Adoke (SAN), developed the first implementation guidelines, which was shortly afterward followed up with a reporting template for public institutions issued early in 2012 and circulated to MDAs.

In 2013, he published a comprehensive document titled Guidelines on The Implementation of the Freedom of Information Act, 2011, Revised Edition 2013. The 2013 revised guidelines is the latest and current document, incorporating and elaborating on the 2011 guidelines and the 2012 reporting template, developed, published and circulated among public institutions.

For over eight years since the current guidelines were published, there has been no effort to review and possibly update the 2013 document to take account of developments since then, especially in the light of the evolving technological environment and how new technologies can be deployed in the effective implementation of the FOI Act as well as the decisions of various courts which have interpreted some of the provisions of the Act and expanded its application in a number of areas. The Attorney-General's oversight responsibilities appear to have been limited during this period to simply issuing consolidated FOI annual implementation reports and submitting them to the National Assembly.

The FOI Act continues to experience significant challenges of implementation which are inhibiting the realization of its important objectives.

The effective implementation of the Act has consistently formed part of the commitments made by Nigeria in its two National Action Plans (NAP) submitted to the Open Government Partnership (OGP) since the country joined the partnership in 2016. The commitments in the two National Action Plans outlined numerous activities aimed at ensuring the effective implementation of the Act.

Despite the fact that Mr. Malami, as the Attorney-General, has oversight responsibility for the implementation of the Act and served as the OGP Nigeria Co-Chair from the inception of Nigeria's membership of the OGP until the end of 2019, no substantial effort was made to implement the activities outlined in the access to information commitments of the OGP Nigeria's National Action Plan during his tenure as co-chair.

In the first NAP, Access to Information was covered by Commitments 10 and 11. Commitment 10 pledged "improved compliance of public institutions with the FOI Act in respect to the annual reporting obligations by public institutions and level of response to requests," while commitment 11 promised, "improved compliance of public institutions with the FOI Act with respect to the proactive disclosure provisions, stipulating mandatory publication requirements".

In 2018, Media Rights Agenda, with support from the OGP Support Unit, which is the international secretariat of the OGP, constituted a team of experts headed by the Co-Chairs of the Access to Information Working Group to work with the OGP Nigeria secretariat to develop Freedom of Information Enforcement Procedure Rules designed to speed up the adjudication of lawsuits under the Act by giving effect to the provision of the Act requiring cases arising under it to be heard and determined summarily.

The expert team was also mandated to develop a set of administrative sanctions which could be applied against public institutions and public officials that fail to perform their duties and obligations under the Act as part of the responsibilities of the Attorney General under Section 29(6) of the Act stipulating that “The Attorney General shall in his oversight responsibility under this Act ensure that all institutions to which this Act applies comply with the provisions of the Act.”

After a series of meetings, the two frameworks were drafted but have not been adopted to date and the process now appears to be in limbo.

At the end of the implementation period for Nigeria’s first National Action Plan, the assessment of the Independent Reporting Mechanism (IRM) of the OGP for the two commitments aimed at ensuring improved compliance with the FOI Act is that the level of implementation of the commitments were limited and only resulted in marginal changes in government practice.

Efforts Made by Civil Society Organisations to Ensure Implementation of The Act

Since the enactment of the FOI Act in 2011, civil society organizations (CSOs) have made various efforts aimed at ensuring that the FOI Act is effectively implemented and that citizens are able to exercise and enjoy their right to information

Organisations like Media Rights Agenda (MRA), Socio-Economic Rights and Accountability Projects (SERAP), the Right To Know (R2K)ko, Enough is Enough (EIE), BudgIT, Centre for Social Justice (CSJ), Paradigm Initiative, Public and Private Development Centre (PPDC), Legal Defence And Assistance Project (LEDAP), the International Centre for Investigative Reporting (ICIR), the International Press Centre (IPC), among others, have implemented a range of activities to make the Law work, including instituting court actions against public institutions or public officials for their failure to comply with the provisions of the Act.

Over the years, CSOs such as MRA, PPDC and R2K have conducted training and continue to carry out such training for journalists, lawyers, public officials and representatives of civil society organizations, among others, to improve their knowledge of the Act and capacity to use the Law in playing various roles.

In addition, they have undertaken various initiatives to encourage public officials and institutions to comply with their duties and obligations under the Act, including ensuring the proactive disclosure of information and responding to requests for information, as essential steps for promoting a culture of transparency and accountability.

CSOs have been able to ensure the application of the Act through advocacy, which has created a lot of public awareness and contributed to the popularisation of the right of access to information in Nigeria.

The International Centre on Investigative Reporting, Basic Rights Watch (BRW), R2k MRA, PPDC and BudgIT began conducting a national FOI compliance ranking a few years ago as a way of encouraging public institutions to comply with the Act. The findings from the compliance rankings are published and distributed across the country.

In an effort to discourage public institutions from the wanton violation of the provisions of the Act, MRA introduced a Freedom of Information Hall of Shame into which it periodically inducts public institutions that are guilty of the most egregious breaches of the provisions of the Act.

These CSOs have pushed the frontiers of implementation of the Act through different initiatives, including using technology to promote the Law and enhance its implementation, providing legal and litigation services to citizens of different descriptions, carrying out programmes on radio, television and other types of media to create awareness; creating awards to honour prolific users and public institutions diligently implementing the Act, establishing a national essay competition on the Act, among other strategies.

CSOs have instituted legal action against dozens of public institutions across the country that have failed to provide requested information or breached other provisions of the Act and have obtained judgments in scores of such cases. In fact, there are still dozens of cases pending before Federal and State High Courts across the country, several appeals pending before various divisions of the Appeal Court and a few appeals already pending before the Supreme Court. These were made possible by the legal and litigation services that these CSOs have rendered to members of the public and other CSOs who were denied requests for information

Gaps to be addressed in the Implementation of the Act

The FOI Act has the potential to ultimately deepen Nigeria's democracy and promote open governance by engendering transparency and fostering accountability in government through the availability of government-held information, whether on request or proactively published. However, despite the many apparent potential benefits of the Act, many factors have stalled its effective implementation.

Factors Impeding the Effective Implementation of the FOI Act

The challenges of implementation bedeviling the effectiveness of the Act include:

1. **Entrenched Culture of Secrecy:** A major challenge confronting and frustrating the implementation of the Act is the culture of secrecy that still shrouds the information around government activities. This culture of secrecy not only alienates citizens from their government, it also undermines democratic values such as transparency, accountability and public participation.
2. **Poor record-keeping by the public institutions:** Poor record-keeping is a major clog in the implementation of the Act, as it is a constant feature of many Nigerian government ministries, departments and agencies. Many of the MDAs still keep only paper records tied up in bundles of files, thereby making it impossible for both the public and the institutions themselves to access their information. Significant portions of the records and documents held by such institutions have been torn or eaten by insects and rodents. Only a few MDAs have computerized or digitized their records. Thus, some of the information sought by the public are difficult for the public institutions to access and make available to the requester within the seven days stipulated by the Act, or even after an extended period.
3. **Low level of public awareness of the FOI Act:** The populace that the Act is meant for are largely unaware of the existence of the legislation or how to use it. Despite the efforts of some stakeholders, particularly CSOs and the media, to publicise the Act and create awareness about it, most members of the public find it hard to see the nexus between FOI and the different aspects of their lives. Therefore, most members of the public are not taking full advantage of the legislation, with the result that it is not achieving one of the main goals of creating a well-informed society.
4. **Failure of most public institutions to set up FOI Units and to designate Desk Officers:** Despite the provision of the Act and Chapter 6.16.1 of the Guidelines on the implementation of the FOI Act that obligate the public institutions to set up FOI Units and to designate Desk Officers in their respective institutions, many of them have not done so. This constitutes a major challenge to the implementation of the Act as the letters of request for information that are submitted by members of the public are not often given adequate attention because the institutions lack the relevant structures to handle such requests speedily and efficiently.
5. **Lack of administrative redress mechanism:** Judicial review is the only means of enforcing compliance with the provisions of the Act, including in case of wrongful denial by public institutions of requests for information. By section 20 of the Act, the only remedy available to any person whose request for information has been denied by a public institution is to approach the court to compel the institution to release the requested information. This is a major implementational gap, in the light of the high cost of litigation in Nigeria and how long it takes for a lawsuit to

be determined. FOI cases have been known to take up to four years to be resolved in the court at first instance alone and even where the court orders the institution to release the requested information, the institution can still appeal the decision in an effort to get the appellate court to reverse the decision of the lower court, thereby further delaying the release of the information which might not be of use by that time.

6. Absence of sanctions for failure of the Public Institutions to submit Annual Implementation Report to the Attorney General of the Federation: By Section 29 of the FOI Act, every public institution is obligated to submit an annual implementation report to the Attorney-General on or before February 1 of each year for its implementation of the Law over the previous year. Research carried out by MRA, however, revealed that many public institutions do not submit any report. Some public institutions have not submitted a single report over the last 10 years, since the enactment of the Act.

Recommendations

Various stakeholders have different roles to play in the effective implementation of the FOI Act. Generally, there is a need for a concerted and strategic sensitization of public institutions on the provisions of the Act, especially the FOI Desk Officers and members of the FOI Units and Committees. There is also a need for public institutions to designate officials who are not likely to be transferred from a public institution within a short time as the FOI Desk Officer.

Other recommendations are:

The National Assembly

Nigeria's Parliament, the National Assembly, should amend or repeal laws and policies that are at variance with or hamper the effective implementation of the FOI Act, particularly the Official Secrets Act, which public officials still cite to deny access to information.

The FOI Committees of the National Assembly, the Committee on Government Reform Oversight of the House of Representatives and the Committee on Government Affairs and the Judiciary of the Senate, need to live up to their responsibilities of making the FOI Act implementation effective. The two committees should give directions for the effective implementation of the Act by actively working with the Office of the Attorney General of the Federation.

The National Assembly or relevant committees of the National Assembly should ensure that necessary budgetary allocations are made for the effective implementation of the Act.

Federal Executive Council

In the current structure of government, the Attorney General has no real authority over the heads of other public institutions and so cannot sanction them when they do not comply with the provision of the Act.

The Federal Executive Council (FEC) can strengthen the implementation of the Act by instructing all public institutions, possibly through a memo issued by the Head of Civil Service of the Federation, to ensure the effective implementation of the Act and making it clear that the provisions of the FOI Act take precedence where there is a conflict between it and the provisions of other instruments such as the Official Secrets Act, the Penal Code, the Criminal Code, and any other law that is not part of the constitution or does not have constitutional flavour.

It is such a circular that can break the entrenched culture of secrecy in the civil service. Such a directive should also make it clear that public institutions which breach the provisions of the Act will be sanctioned by the Government.

Attorney General of the Federation

Beyond compiling, submitting and publishing the consolidated annual report of how the various public institutions are implementing the FOI Act, the Attorney-General should also include challenges that hinder the effective implementation of the Act and make recommendations for addressing those challenges, which will give the relevant committees of the National Assembly a sense of direction on what steps they can take to make the Act work.

The Attorney-General should take deliberate steps to sensitize public institutions and officials at all levels of government about the rights of the public to access information held by public institutions. The sensitization should include all staff so that they are able to direct members of the public on how to locate the FOI Desks within their institutions and in order not to create a vacuum when an FOI Desk Officer is transferred or retired.

The Attorney-General, having been given oversight responsibility, should ensure proper compliance systems in all public institutions. One way of achieving this is by pushing for the approval by the Federal Executive Council or the National Assembly for an instrument with provisions for sanctioning public institutions which fail to comply with their FOI obligations.

Public Institutions

Public institutions should make budgetary provisions for FOI implementation to enable them to comply with their obligations under the Act. They should, as a matter of priority, allocate resources in their annual budgets to fund their FOI units or committees, as the case may be.

Public institutions should digitize their records management systems to enhance the implementation of the Act. They should take advantage of the advancement 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.

Civil Society Organisations

Civil Society Organisations should continue to explore different means of engaging public institutions to implement the Act, including training and sensitization, monitoring the implementation of the Act, making FOI requests and challenging refusals in court as well as assisting persons who cannot fund FOI litigation to do so.

The Nigerian Bar Association can also assist by providing pro bono legal and litigation services to FOI requesters whose applications for information are wrongfully denied by supporting public interest litigation to enable information requesters' access information and justice.

Civil society organizations, the media and citizens should systematically monitor compliance by public institutions with their various obligations under the Act and make efforts to apply remedies available in the law as well as lodging complaints to the National Assembly or relevant committees of the National Assembly. They should also monitor the Attorney-General and the relevant committees of the National Assembly to assess their level of independence and effective functioning in the implementation of the Act.

Monitoring the implementation of the Act should be regular and systematic with the aim of generating reliable data on all aspects of the implementation of the law on a regular basis.

The General Public

With the willingness of some CSOs and professional bodies such as the Nigerian Bar Association, to seek legal redress on their behalf free of charge, the general public should engage government by requesting information about what the government is doing on their behalf and what the government is expending their resources on.



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