

**Guidelines issued by the Right to Information Commission in terms of  
Section 8(1) of the Right to Information Act No. 12 of 2016**

1. *The Right to Information Commission established under the Right to Information Act No. 12 of 2016 (“the Act”), acting in terms of Section 8 thereof determines and provides the following Guidelines to enable every Minister, to publish reports as required under Section 8 of the Act, biannually before the thirtieth of June and thirty first of December each year.*
2. *The reports must be published in Sinhala, Tamil and where possible in English on the respective Ministry websites. In terms of Section 8(4)(a) copies of the reports must be made available and easily accessible to members of the public at a designated point at the Ministry, details of which shall be duly publicized. Copies shall be issued to a citizen upon the payment of a fee of Rs..... per copy. Additionally, the reports may be published and disseminated through as many public mediums as possible as the Minister deems fit, particularly to the residents of areas where internet access is not readily available, through Grama Seva Niladharis, Divisional Secretariat and local authorities as far as practicable.*
3. *The following information must be presented in a form that is easily understood in simple language as far as feasible and if technical words are used they should be explained.*
4. *The information must be regularly updated.*
5. *Where any of the following listed information is not available, please state that such information is not available and provide reasons as to why such information is unavailable.*
6. *Providing information shall be the general policy.*

**Report published under Section 8 of the Right to Information Act No. 12 of 2016**

Name of Ministry: .....

Address / Telephone No. / Email Address / Website: .....

**Section 8(2) (a)/8(2)(b)(i)**

- Guidelines for Section 8(2)(a) and 8(2)(b)(i) of the Act - “particulars relating to the organisation, functions, activities and duties” and “the powers, duties and functions of officers and employees and the respective procedure followed by them in their decision making process”.**

The elements of information required to be disclosed under sub-clauses 8(2)(a) and 8(2)(b)(i) must be disclosed in a manner to provide a citizen an understanding of the organisational structure (organograph) of the Ministry and the Public Authorities (as defined under the Act), which falls under the purview of the Ministry, key management persons, their principle functions, activities, duties and powers, including the reporting and supervision lines. The objective is to inform citizens the respective powers, duties and functions of the relevant officials and the internal supervisory and reporting lines. . Accordingly, the Ministers must endeavour to provide the following information accurately and update them forthwith upon any changes being made thereto. The following format is merely provided to facilitate disclosure process, and is not mandatory to adhere to, provided all information listed below is duly disclosed.

<b>The Minister/Deputy Minister/Secretary</b>	<b>Official Contact details (Address / Telephone No. / Email)</b>	<b>Duties, Activities&amp; Functions</b> [Job description and how functions are distributed - identify key areas and major outputs/tangible results/entitlements of citizens/ goods/services that the Minister, Deputy Minister and Secretary are responsible for providing to the public]	<b>Powers&amp;*Decision Making Procedures</b> [Identify the specific powers of the Minister, Deputy Minister &Secretary of the Ministry, with reference where possible to the applicable Acts, Regulations and Circulars and other legal instruments, from which they derive such powers and the decision making procedures. An explanation of the legal foundation of the Ministry’s powers is required *include information relating to delegation of financial authority]
Name of Minister :			
Name of Deputy Minister:			
Name of Secretary :			
<b>Name &amp; Functional Designation of Additional</b>	<b>Official Contact details (Address / Telephone No. / Email)</b>	<b>Duties, Activities &amp; Functions</b> [Job description and how functions are distributed - identify key areas and	<b>Powers &amp;*Decision making procedures</b> [Identify the specific powers of the senior officials of the Ministry with reference where possible to the applicable Acts, Regulations and Circulars and other legal instruments, from which they

Draft of the RTI Commission – June 5<sup>th</sup>, 2017  
**Guidance on Proactive Disclosure under Section 8 of the RTI Act**

<b>Secretaries/Senior Assistant Secretaries/ Assistant Secretaries</b>		major outputs/tangible results/entitlements of citizens/goods/services that the senior officials are responsible for providing to the public]	derive such powers and their decision making procedures*include information relating to delegation of financial authority]
<b>Name &amp; Functional Designation of Directors / Deputy Directors/Additional Directors/Assistant Directors (if any)</b>	<b>Official Contact details (Address /Telephone No./ Email)</b>	<b>Duties, Activities &amp; Functions</b> [Job description and how functions are distributed - identify key areas and major outputs/tangible results/entitlements of citizens/goods/services that the senior officials are responsible for providing to the public]	<b>Powers &amp;*Decision making procedures</b> [Identify the specific powers of the senior officials, with reference where possible to the applicable Acts, Regulations and Circulars and other legal instruments, from which they derive such powers and their decision making procedures*include information relating to delegation of financial authority]
<b>Name &amp; Functional Designation of Department / Sectional Heads/Executive Grade Officers</b>	<b>Official Contact details (Address / Telephone No. / Email)</b>	<b>Duties, Activities &amp; Functions</b> [Job description and how functions are distributed - identify key areas and major outputs/tangible results/entitlements of citizens/goods/services that the senior officials are responsible for providing to the public]	<b>Powers &amp;*Decision Making Procedures</b> [Identify the specific powers of the senior officials with reference where possible to the applicable Acts, Regulations and Circulars and other legal instruments, from which they derive such powers and their decision making procedures*include information relating to delegation of financial authority]

**\*\*PUBLIC AUTHORITIES**

Name of Public Authority .....

Address / Telephone No. / Email Address / Website: .....

<b>Name &amp; Functional Designation of Head of Public Authority/ Executive Grade Officers/Officers &amp; employees with decision making powers [In descending order starting from head of the organization]</b>	<b>Official Contact details (Address / Telephone No. / Email)</b>	<b>Duties, Activities &amp; Functions</b> [Job description and how functions are distributed - identify key areas and major outputs/ tangible results/ entitlements of citizens/ goods/services that officers and employees are responsible for providing to the public]	<b>Powers &amp; *Decision Making Procedures</b> [Identify the specific powers of the officers and employees with reference where possible to the applicable Acts, Regulations and Circulars and other legal instruments, from which they derive such powers and their decision making procedures *include information relating to delegation of financial authority]

**\*Decision Making Procedures** –The procedure followed in the decision-making processes, including the data and documents used as the basis for such decisions, delegation of financial authority, channels of supervision and accountability must be clearly disclosed based on the following guidelines;

- a) Decision-making procedure can be identified in the form of a flow chart explaining the rank/grade of the public functionaries involved in the decision-making process and the specific stages in the decision-making hierarchy. The decision-making procedure must be presented in a simplified version for the benefit of the common citizen.
- b) The Supervision and Reporting lines of the officials can be identified in an easily understandable format, which may be in a tabular format, flow chart or organogram.
- c) The powers of each officer including powers of supervision over subordinates involved in the decision-making process must also be spelt out next to the flow chart or in a simple bullet-pointed format. The exceptional circumstances when such standard decision-making processes may be overridden and by whom, should also be explained clearly. Where decentralization of decision-making has occurred in order to grant greater autonomy to Public Authorities, such procedures must also be clearly explained.

**Guidance on Proactive Disclosure under Section 8 of the RTI Act**

- d) In the event an existing decision-making process is changed or an entirely new process is adopted, such changes must be explained in simple language in order to enable people to easily understand the changes made.

**Please add other officers of the Ministry/Public Authorities who are of executive grade or have decision making powers and provide the aforesaid information in respect of each such officer**

**Provide information relating to the approved cadre and existing cadre and Scheme of Recruitment (SOR)**

**\*\*List all Public Authorities within the purview of the Ministry** - Disclose a list of all Public Authorities (as defined under Section 43 of the Act), within the purview of the Ministry. Provide the information required to be disclosed under Section 8 of the Act in respect of each such Public Authority in accordance with the guidelines provided herein. Attach a separate annexure or provide the information in a separate page for each Public Authority, and cross refer to the annexure/separate page in respect of each Public Authority in the list as demonstrated below.

Example:

- Name of Public Authority –Refer to Annexure 1/page 1;
- Name of Public Authority – Refer to Annexure 2/page 2;

**Section 8(2)(b)(ii)**

2. **Guidelines for Section 8(2)(b)(ii) of the Act** –“the norms set for the discharge of their functions, performance of duties and exercise of powers”.

Primarily, the intention of this sub-section is that every public authority must proactively disclose the standards by which its performance should be judged. Standards may be;

- a) Qualitative or quantitative in nature,
- b) Time-wise - for example the stipulated time within which a specific task is to be discharged/completed.

In order to ensure compliance with this sub-section, Ministers must disclose norms for major functions that are being performed by the Ministry/Public Authority. All Ministers should proactively disclose the following, as relevant:

- i) Policies/Vision/Mission/Objectives;

**Guidance on Proactive Disclosure under Section 8 of the RTI Act**

- ii) Strategies;
- iii) Development Outcomes and Key performance indicators;
- iv) Defining the key services and/or goods that the Ministry/Public Authority provides directly (or indirectly through any other agency/contractor);
- v) Identify and describe the processes by which the public can access and/or receive the goods and/or services that they are entitled to. Provide detailed information on public procurement processes, criteria and outcomes on decision making on tender applications; copies of contracts, and reports on completion of contracts; ; and, information on any fair and transparent complaints handling mechanism within the Authority.
- vi) In the event the Ministry/Public Authority has adopted practices in the discharge of functions, which are not formally provided for, please describe such current practices.
- vii) Describing the conditions, criteria and priorities under which a person becomes eligible for the goods and/or services, and consequently the categories of people who are entitled to receive the goods and/or services;
- viii) Proposed outputs, Deliverables;
- ix) Defining the quantitative and tangible parameters (weight, size, frequency etc.) and timelines that are applicable to the goods and/or services that are accessible to the public, in particular, the reports should specify the time within which officers should work and deliver goods and/or services to citizens;
- x) Defining the qualitative and quantitative outcomes the Minister plans to achieve through the delivery of goods and/or services (Output indicator);
- xi) Identify the norms/standards that inform the decision making processes.
- xii) Wherever norms/standards have been specified for the discharge of functions by any Statutes, Rules, Instructions, Circulars, Manuals or Government Orders, they should be proactively disclosed, linking them with the decision making processes as detailed above, where applicable. For example instruments such as the “Citizen’s Charter”, Code of Conduct, Code of Ethics, Service Manuals etc.;

**Section 8 (2)(b)(iii)**

3. **Guidelines for Section 8(2) (b)(iii) of the Act** – “rules, regulations, instructions, manuals and any other categories of records”.

**Guidance on Proactive Disclosure under Section 8 of the RTI Act**

List all Acts, Regulations, Financial Regulations, Rules, Manuals, Guidelines, Instructions, Circulars, Standard Operating Procedures (SOPs), Codes of Conduct, if any, and any other form of external or internal rules and provisions, which provide for, *inter alia*, public procurement processes, how public works must be carried out, how they must be sanctioned and executed, how representations, petitions and applications from citizens must be dealt with, how duties and functions must be discharged, how specific powers and authority are to be exercised, fees and charges payable in respect of particular services, deadlines for applications etc., linking them with the subject matter such instruments address. Links to such instruments (online), wherever available, should be given. All information under this section should be made available online and updated regularly.

When such instruments are amended or updated, the amended/updated versions must be uploaded as soon as practicable, but no later than 3 weeks from the date of amendment/update.

Forms/Templates that are used for applying for and delivering services/goods by the Ministry/Public Authority must be uploaded to the Ministry websites. Links to such forms (online), wherever available, should be given.

Other categories of records maintained by the Ministry/Public Authorities, which contain information relating to the services and/or goods provided or which contain information relating to procurement of goods and/or services or works contracts entered, including annual reports, all publications, lists, registers, files, data bases maintained by the Ministry/Public Authority, minutes of meetings etc. must be duly identified to enable a citizen to request for such records when necessary.

Provide information as to if such documents are available on line, available free of charge, and fees payable, if any. Provide an index of all such material held by a Ministry/Public Authority.

**Section 8(2)(b)(iv)**

**4. Guidelines for Section 8(2)(b)(iv) of the Act – “details of facilities available to citizens for obtaining information”.**

Identify facilities and sources within the Ministry and Public Authorities available for citizens to obtain information from, including website, booklets and pamphlets available to the public, availability of information desks and their operating

**Guidance on Proactive Disclosure under Section 8 of the RTI Act**

times, names and official contact details of the officers in charge of providing information, the nature of the information accessible by a citizen, the procedure for obtaining such information, the timelines for getting the information, fees payable, if any, etc.

Similarly, the report must disclose particulars of any arrangements in existence for public participation, consultation with or representations by members of the public, including meetings open to the public and how to attend such meetings.

**Section 8(2) (b)(v)**

5. **Guidelines for Section 8(2)(b)(v) of the Act** – “the budget allocated, indicating the particulars of all plans, proposed expenditures and reports on disbursements made”.

The intention of this clause is to foster a culture of fiscal transparency amongst public functionaries. Keeping in view of the technical nature of the government budgets, it is essential that Ministries/Public Authorities prepare simplified versions of their budgets, financial allocations, including proposed expenditure, and reports of disbursements, which can be understood easily by general public and place them in public domain. Budgets may also be presented in a more user-friendly manner through graphs and tables etc. The following must be disclosed in terms of this sub-section 8(2)(b)(v) of the Act;

- Annual Budget Allocation and Budget Allocation for the preceding six months;
- Strategic Plan/ Corporate Plan;
- Annual Action Plan of the Ministry, inclusive of financial targets and physical targets;
- Projected Expenditure/Disbursements for the preceding six months;
- Actual Disbursements for the preceding six months, including;
  - Capital Expenditure;
  - Recurrent and other Expenditure/Disbursements for the preceding six months– Provide a breakdown of all costs and expenditure, including but not limited to, rentals, utility costs, salaries, emoluments and allowances, travel costs (both foreign and local, including cost of air travel and accommodation), stationary, fuel, cost of other facilities, such as repair of vehicles, repairs, renovations, improvements and refurbishments to buildings and structures;
  - procurement plan;
  - Summary of the Vote Ledgers;
- Performance Evaluation Report;
- Financial Audits;



**Guidance on Proactive Disclosure under Section 8 of the RTI Act**

Financial information about projected and actual income and expenditure, procurements and contracts must be disclosed. Information should be made available on major plans for capital expenditure, including procurement plans, private finance initiative and public-private partnership contracts;

Sector specific budget allocations of every Ministry/Public Authorities must be highlighted (where feasible). Budget allocations for cross cutting themes such as gender, child welfare, social safeguards, should be specially highlighted in simplified form to enable those segments of society to better understand the budgets of public authorities.

Provide information on subsidy programmes: Information on the beneficiaries of subsidies, the objective, amounts and implementation, including the manner of execution of subsidy programmes.

**Section 8(2)(b)(vi)**

6. **Guidelines for Section 8(2)(b)(vi) of the Act** - “the name, designation and other particulars of the information officer or officers appointed”.

Name and official contact details of the Information Officer and Designated Officer appointed under the Act and their respective dates of appointment must be disclosed.

The prescribed manner to request for information from the above sources must be set out.

**In addition to the information listed above, Ministers shall endeavour to include in their Section 8 reports such information as may be of interest to the public, among other things so as to limit the need for members of the public to resort to the use of the Act to obtain that information.**

**The above information shall include all relevant facts taken into consideration while formulating important policies or announcing decisions which affect the public.**

**As a general rule, all information made available under these rules shall be relevant, meaningful, presented in an understandable manner that best provides a true and accurate view of the subject matter to which that information related to.**