

## OGP Nigeria:

### PROGRESS REPORT ON IMPLEMENTATION STATUS OF COMMITMENTS

2018

#### Access to Information

##### **Commitment 10:**

*Improved compliance of public institutions with the Freedom of Information Act (FOIA) in respect to the annual reporting obligations by public institutions and level of responses to requests.*

MDAs have been slow in implementing the e-FOI portal and the FOI Unit is encouraging MDAs to take up the opportunity from R2K to implement a tech-based platform for FOI. FOI Unit continued to train the civil servants on the FOI.

Efforts to represent the memo to FEC on punitive and administrative procedure on the FOI are being addressed.

The details of implementation of specific activities are as follows:

<b>Milestones for Commitment:</b>	<b>Report of Progress made Implementing Commitment</b>
Awareness and sensitization campaigns for all staff of public institutions and continuous sensitization of citizens on the provisions of the FOIA.	Underway <ul style="list-style-type: none"><li>• The FOI Unit participated in the NBA Unity Bar’s discussion series on Access to Information and OI Act as a vital tool against corruption.</li><li>• FOI Unit organised a customised FOI Act Training for members of the FOI Act Committee of the Office of the Accountant General of the Federation with the theme “Towards achieving sustainable implementation of the FOI Act, 2011”</li><li>• FOI Unit organised training for NYSC, INEC, Federal Government Staff Housing Loans Board, Ministry of Niger Delta and Nigerian Institute of</li></ul>

	<p>Advanced Legal Studies.</p> <ul style="list-style-type: none"> <li>• There was also an Anti-corruption and Open Government certification programme organized by the Open GovernmentPartners(OGP) Nigeria Secretariatand Ethics and Corporate Compliance Institute for civil servants.</li> </ul>
<p>Training of the key staff involved in the implementation of FOI on the requirements of the law and how to create and implement a system for handling requests.</p>	<p>Underway</p> <ul style="list-style-type: none"> <li>• A train-the-trainer workshop was held for select FOI Desk Officers as part of implementation of this commitment.</li> </ul>
<p>Designation of a Freedom of Information (FOI) officer/unit in each MDA and publication of their contact details.</p>	<p>Underway</p> <ul style="list-style-type: none"> <li>• The FOI Unit in the Ministry of Justice have written to over 500 MDAs to provide contact information of designated FOI Desk Officers.</li> <li>• FOI Unit received contact information from 106 respondents so far. The list of contact information for the 106 FOI Desk Officers is available on the website of the FMOJ.</li> <li>• The FOI Unit continues to send reminders to outstanding MDAs to comply.</li> </ul>
<p>Integrate the FOI role into the individual or group performance review of the FOI responsible individual and/or unit.</p>	<p>Underway</p> <ul style="list-style-type: none"> <li>• The database of FOI Desk Officers has been collected, FOI Unit working on the implementation and integration of role in their performance review.</li> </ul>

<p>Punitive administrative measures to be adopted and applied against public institutions and officials adjudged to be undermining the effectiveness of the Act or breaching its provisions.</p>	<p>Underway</p> <ul style="list-style-type: none"> <li>A memo was prepared and sent to the Federal Executive Council that will result into a Head of Service circular. The memo was stepped down at FEC when presented for consideration, memo being reviewed for representation to council for approval.</li> </ul> <p>(SGF and FMOJ)</p>
<p>Each MDA should deploy an E-FOI portal, similar to the BPSR Portal or any other digital platform where citizens can make FOI requests and receive responses</p>	<p>Underway</p> <ul style="list-style-type: none"> <li>NEITI and FMOJ with support from R2K successfully deployed e-portal for FOI. The FOI Unit is encouraging others to take up the partnership with R2K to deploy similar platforms.</li> </ul>
<p>Develop and issue a practice direction to the Judiciary through the Chief Justice of Nigeria to guide the court on FOI cases.</p>	<p>Underway</p> <ul style="list-style-type: none"> <li>The Access to Information Working Group is working closely with the Ministry of Justice FOI Unit to develop a draft practice direction on FOI.</li> <li>The FOI Unit and the Access to Information Working Group are seeking audience with the Chief Justice of Nigeria.</li> </ul>
<p>Adoption of technology based information systems and standards that will ensure that information is collected, collated and stored in a form that enables public officials to efficiently and effectively retrieve the required information within the 7-day time-limit for response to FOI requests as prescribed by the FOIA.</p>	<p>Pending</p>

**Commitment 11:**

*Improved compliance of public institutions with the Freedom of Information Act (FOIA) with respect to the Proactive disclosure provisions, stipulating mandatory publication requirements.*

The FOI Unit continues to encourage MDAs to comply with the proactive disclosure clause of the FOI Act; the unit successfully negotiated an out of court settlement for 16 cases of non-proactive disclosure by MDAs and are in the process of complying with the terms of the settlement agreement. There has been slow response to the request for designation of FOI Desk Officers by MDAs with only 106 complying out of the over 500 notified of this requirement.

The FOI Unit will published list of FOI Desk Officers and is currently compiling a compendium of FOI Requests and responses for publication. The punitive and administrative guideline will be contained in a circular to be issued by the Head of Service with the approval of the Federal Executive Council.

The details of implementation of specific activities are as follows:

<b>Milestones for Commitment:</b>	<b>Report of Progress made Implementing Commitment</b>
Design and implement the publication of fully compliant information as provided in the FOI Act, regardless of platform/form by at least 200 public institutions and make it easily accessible to the public	Underway <ul style="list-style-type: none"><li>• Currently being complied with by BPSR, NEITI and FMOJ. The FOI Unit brokered 16 out of court settlement for MDAs sued for non-compliance with the proactive disclosure clause in the FOI Act, the condition for the out of court settlement requires the MDAs to now comply with the provision of the law on proactive disclosure.</li><li>• FOI Unit has written to over 250 MDAs to comply with proactive disclosure.</li><li>• FOI Unit is developing a uniform mandatory reporting scheme for all MDAs.</li></ul>
Punitive administrative measures to be applied against public institutions	Underway

<p>adjudged to be in breach of the mandatory publication requirements of the FOI Act.</p>	<ul style="list-style-type: none"><li>• A memo was prepared and sent to the Federal Executive Council that will result into a Head of Service circular.</li><li>• The memo was stepped down at FEC when presented for consideration, memo being reviewed for representation to council for approval.</li></ul>
<p>Publish responses to recurrent FOI requests on the public platform/in the publication.</p>	<p>Underway</p> <ul style="list-style-type: none"><li>• A compendium of all requests and responses for the last 5 years is being compiled and will be published by the FOI Unit of FMOJ once completed.</li></ul>