

**IN THE THIRD MEETING OF THE SECOND SESSION OF THE EIGHTH
PARLIAMENT OF THE FOURTH REPUBLIC OF GHANA**

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS ON THE 2023 ANNUAL BUDGET
ESTIMATES OF THE RIGHT TO INFORMATION COMMISSION**

1.0 INTRODUCTION

1.1 The Budget Statement and Economic Policy of the Government of Ghana for the year ending 31st December, 2023 was presented to Parliament, by the Hon Minister for Finance, Mr Ken Ofori-Atta, on 24th November, 2022 in accordance with Article 179 of the 1992 Constitution.

1.2 Pursuant to Orders 140(4) and 179 of the Standing Orders of Parliament, the Rt Hon Speaker referred the Budget Estimates of the Right to Information Commission to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report to the House.

2.0 DELIBERATIONS

2.1 The Committee met on 12th December, 2022 and considered the 2023 Annual Budget Estimates of the Right to Information Commission.

2.2 Present at the meeting were the Deputy Chairperson of the Commission, Mrs Elizabeth Asare; the Executive Secretary of the Commission, Mr Yaw Sarpong Boateng; a member of the governing Board, Nana Kwame Duah and other technical staff, as well as Schedule Officers from the Ministry of Finance.

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2.3 The Committee is grateful to the officials of the Commission and the Ministry of Finance for their assistance during the deliberations.

3.0 REFERENCE DOCUMENTS

In considering the Estimates, the Committee made reference to the under listed documents:

- i. The 1992 Constitution;
- ii. The Standing Orders of Parliament;
- iii. Right to Information Commission Act, 2019 (Act 989);
- iv. The Budget Statement and Economic Policy of the Government of the Republic of Ghana for the 2022 Financial Year;
- v. The Right to Information Commission Medium Term Expenditure Framework for 2022 -2025; and
- vi. The Report of the Committee on Constitutional, Legal and Parliamentary Affairs on the 2022 Budget Estimates of the Right to Information Commission.

4.0 VISION

To set out the practical regime of right to information for all to secure access to information under the control of public authorities, in order to promote transparency and accountability in the work of every public institution.

5.0 MISSION

To build an informed citizenry, to promote transparency in public discourse and to hold government and institutions accountable to all.

6.0 CORE FUNCTIONS

The core functions of the Commission are to:

- i. Issue written orders requesting for the production of information;
- ii. Examine, reproduce, take extracts from or hold information for unlimited periods, including information found in any premises entered pursuant to an inspection conducted by the Commission in the performance of the monitoring function of the Commission;
- iii. Promote, sustain awareness and educate the public on the right to information within the country;
- iv. Conduct any research it considers necessary or appropriate for the attainment of the Object of this Act;
- v. Monitor, ensure compliance and implementation of its directives by the public institution and relevant private body with this Act;
- vi. Publish findings, recommendations, orders, decisions and directives quarterly; and
- vii. Undertake any other action that the Commission considers necessary for the effective performance of its functions.

7.0 POLICY OBJECTIVES/STRATEGY

The Right to Information Commission work towards the contribution to the following Policy Objectives which are enshrined in the National Medium-Term Development Policy Framework (MTDPF):

- i. Deepen Transparency and public accountability;
- ii. Enhance capacity for policy formulation and coordination;
- iii. Promote the fight against corruption and economic crimes;
- iv. Improve participation of civil society (media, traditional authorities, religious bodies) in national development; and
- v. Ensure responsive governance and citizen participation in the developmental dialogue.

8.0 PERFORMANCE OVERVIEW

8.1 Operational Performance

The Commission achieved the following milestones during the year under-review:

- i. Recruited one hundred and twenty (120) staff;
- ii. Forged partnership with major stakeholders such as United Nations Educational, Scientific and Cultural Organisation (UNESCO), United Nations Development Programme (UNDP) Ghana, Open Government Partnership, Coalition on Right to Information, Media Foundation for West Africa and others for the implementation of Act 989;
- iii. Collaborated with the Ministry of Information to prepare a draft Regulation for effective implementation of Act 989;
- iv. Celebrated Information Week, which coincided with the International Day of Universal Access to Information. The event created a platform and afforded opportunity for stakeholders such as media, policymakers, and civil society organisations to acquire easy access to information and encouraged greater participation of the public in the governance system;
- v. Participated in media sensitisation programmes across various media platforms;
- vi. Organised education on the role of the media in promoting RTI and procedure for accessing information under the Act;
- vii. Published guidelines for the preparation of Information Manuals for public institutions, as required under Sections 3 and 4 of the Right to Information Act (RTI) Act;
- viii. Distributed over 590 copies of the manual to public institutions; and

- ix. Reviewed and made various determinations on the 44 applications received from the public.

8.2 Financial Performance

In 2022, the Right to Information Commission was initially allocated an amount of **Eighteen Million, Five Thousand Ghana Cedis (GH¢18,005,000.00)**. The allocation was later revised to **Sixteen Million, Nine Hundred and Sixteen Ghana Cedis (GH¢16,916,000.00)** during the Mid-Year Budget Review. As at the end of September, 2022 an amount of **Twelve Million Two Hundred and Thirty-Six Thousand Nine Hundred and Twenty Four Ghana Cedis Seventy-Four Pesewas (GH¢12,236,924.74)**. The breakdown of the expenditure returns of the Office is provided in Table 1 below.

Table 1: Financial Performance for 2022

Item	Revised Budget GH¢ (A)	Amount Released GH¢ (B)	Actual Expenditure GH¢ (C)	Variance GH¢ (A-B)	% Released
Compensation	14,705,000.00	11,809,980.46	11,809,980.46	2,895,019.54	19.7
Goods and Services	2,028,000.00	426,944.28	1,319,753.95	1,601,055.72	78.9
Capex	183,000.00	-	-	183,000.00	100.0
Total	16,916,000.00	12,236,924.74	13,129,734.41	4,679,075.26	

Source: Presentation by Right to Information Commission, 2023

The Committee applauds the Commission for the detail presentation on the expenditure returns during the consideration process.

9.0 OUTLOOK FOR 2023

9.1 Operational outlooks

The Right to Information Commission has outlined the following programme of activities for the year 2023:

- i. Continue the dissemination of information and education to the public on the Right to Information Commission and its mandate to ensure that all persons are made aware of their fundamental right to access to information;
- ii. In consultation with the Minister of Information and Parliament, take the necessary steps to pass Legislative Instrument (L.I) pursuant to Section 83 of the Right to Information Act 2019, (Act 989) to among other things provide for further procedures for access to information under the Act;
- iii. Ensure the implementation of the guidelines for the preparation of information manual by all public institutions;
- iv. Put in place measures to monitor and enforce the implementation of RTI across all public institutions; and
- v. Train staff to be equipped with necessary skills to help the Commission fulfil its mandate.

9.2 Budgetary Allocation for the 2023 Fiscal Year

The Commission has been allocated an amount of **Eighteen Million, Eighty-Five Thousand, One Hundred and Thirty-Two Ghana Cedis (GH¢ 18,085,132.00)** for its operations in 2023. The breakdown of the allocation in terms of economic classifications, programmes as well as sources of funding are provided in Tables 2 and 3 overleaf.

Table 2: Budgetary Allocation by Economic Classifications for 2023

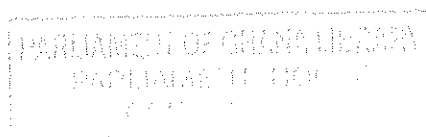
Expenditure Item	Sources of Funding			Total(GH¢)	Percent Alloc. (%)
	GOG(GH¢)	IGF(GH¢)	Donors (GH¢)		
Compensation	13,049,132.00	-	-	13,049,132.00	72.2
Goods and Services	1,000,000.00	-	-	1,000,000.00	5.5
Capital Expenditure	4,036,000.00	-	-	4,036,000.00	22.3
Grand Total	18,085,132.00	-	-	18,085,132.00	100

Source: Budget Statement and Economic Policy of the Government for the year 2023

Table 3: Budgetary Allocation by Programmes for 2023 Table 3:

Programmes	Sources of Funding					Total (GH¢)	Percent Alloc. (%)
	GOG (GH¢)	IGF (GH¢)	Donors (GH¢)	ABFA (GH¢)			
General Administration	5,036,000.00	-	-	-		5,036,000.00	27.85
Human Resource	13,049,132.00					13,049,132.00	72.15
Grand Total	18,085,132.00	-	-	-		18,085,132.00	100

Source: Presentation by Right to Information Commission, 2023



10.0 OBSERVATIONS

10.1 Inadequate budgetary allocation for goods and Services

The Right to Information Commission expressed grave concerns about inadequacy in the budgetary allocation for goods and services in the 2023 financial year. In 2023, the Commission plans to among others, review the performance of implementation of access to information by

public institutions; carry out 150 public education and sensitisation programmes on the RTI; complete the consultation process for the draft Regulation to pave way for laying in Parliament and possible passage, and operationalise new offices at Kumasi and Techiman. For all these activities, a total of One Million Ghana Cedis (GH¢1,000,000) has been allocated for its Goods & Service expenditure in the 2023 financial year.

Considering the critical importance of the mandate of the Commission and the fact that the Commission is barely three (3) years old, adequate resources are required to effectively enforce the policy intent of the Right to Information Commission Act, 2019 (Act 989). The Committee therefore recommends to the Ministry of Finance to allocate additional resources to the Commission during the Mid-Year Budget Review.

10.2 Passage of Legislative Instrument

The Committee also noticed that the Commission was not able to submit its Legislative Instrument to Parliament for consideration and passage as intended in 2022 financial year. In response to the delay, the Commission indicated that the allocation for goods and services during the year under review, was not adequate to carry out stakeholder consultations on the draft Regulations. According to the Commission, the goods and services allocation of one Million Ghana Cedis (GH¢1,000,000.00) for 2023 will still not be adequate to complete the consultation process and lay the Instrument in Parliament.

The Committee recommends to the Ministry of Finance to allocate some funds under the contingency votes to facilitate the passage of the Legislative Instrument pursuant to the Right to Information Commission Act, 2019 (Act 989). The promulgation of the said Legislative Instrument will not only give full effect to the Act, but also serve as revenue generating sources for the Commission through fees and charges.

10.3 Expiring Rent Agreement

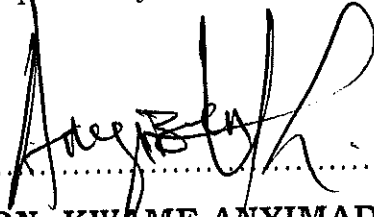
The Commission informed the Committee that the rent agreement for its current office accommodation expires on the 17th of August, 2023, and an amount of One Million Five Hundred and Twelve Thousand Ghana Cedis (GH¢1,512,000) is required to renew the rent. The Committee noted that the said amount is even more than the entire One Million Ghana Cedis (GH¢1,000,000.00) allocation for goods and services for 2023 financial year. In search of sustainable solution to this eminent problem, the Commission indicated to the Committee that there is ongoing discussions with the Ministry of Information to cede part of its office building to accommodate the Commission. The Committee recommends to the Attorney-General and Minister of Justice to take personal interest and facilitate the discussion to ensure that the Commission secures a more permanent office accommodation and also save to the State annual rent payments.

11.0 CONCLUSION AND RECOMMENDATION


The Committee having carefully scrutinised the estimates of the Right to Information Commission, is satisfied that the programmes outlined for the year, would go a long way to promote right to information which is cardinal to participatory, inclusive, transparent, accountable and open governance.

The Committee accordingly recommends to the House to adopt its report and approve the Sum of **Eighteen Million, Eighty-Five Thousand, One Hundred and Thirty-Two Ghana Cedis ((GH¢18,085,132.00))** for services of the Right to Information Commission for the year ending 31st December 2023.

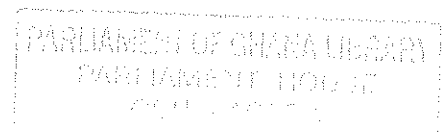
Respectfully submitted.



HON. KWAME ANYIMADU ANTWI
(CHAIRMAN, COMMITTEE ON CONSTITUTIONAL,
LEGAL AND PARLIAMENTARY AFFAIRS)



AKUA DUROWAA OWUSU AGYEKUM (MRS.)
(CLUSTER HEAD, LEGAL COMMITTEES)



14th December, 2022