Right to Information (RTI) Vanuatu

PARBICA CONFERENCE
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RTI Unit | DSPPAC | Prime Ministers Office
PARBICA’s Aim!

To promote the effective management and use of records and archives across the Pacific and preserving the region’s archival heritage.
RTI’s Aim

Right to information gives a person right to access information/records that is held by the state. Records that we as records management officers, information officers and archivists manage.
A brief about RTI in Vanuatu

- The National RTI Policy was officially launched in 2014.
- The RTI Act No. 2016 was passed in parliament in November 2016 and gazette in February 2017 showing the Government of Vanuatu’s continuing commitment to the recognition of access to information as a human right, and as a cornerstone of fundamental democratic principles of good governance.
- Nationally, the Policy represents the National Priority Action Agenda and the Leadership Code and the National SDG 2016–2030.
- Internationally, it honors, to a large extent, a number of conventions to which Vanuatu is a signatory, including the United Nations Convention Against Corruption (UNCAC), which Vanuatu ratified in mid–2011. Regionally, the Policy is in line with Vanuatu’s commitments under the 2005 Regional Pacific Plan.
- The development of RTI is also timely in other respects, coming at a time when there is considerable interest in right to information on the part of civil society and the media, and with global development partners increasingly requiring greater transparency and accountability from aid recipients.
Right to Information Unit

The RTI Unit provides leadership and support functions such as:

- Co-ordination of implementation
- Training of RTI officers
- Responding to agencies questions
- Monitoring and Reporting
- Sustainability of implementation
- Public education

RTI Unit
Records Management Officer
June Bela Naviti
What is ‘Right to Information’?

- Basic Right – United Nations Declarations on Human Rights and Civil & Political Rights
- Freedom Expression
- Freedom of opinion
- Article 5 of the Constitution
Why RTI?

- Promote transparency – Fight corruption
- Accountable government
- National development
- Public participation in policy and decision making
Who benefits from RTI?

1. Citizens or the general public at large
   - It gives greater understanding of how government functions
   - And consistent access to government records reduces impropriety and corruption
   - It increases knowledge of the activities and structure of the government
   - Encourages participation in decision-making
   - It empowers citizens

2. Government
   - It helps to improve and better manage government records
   - Consistently and proactively releasing information builds trust, demonstrates commitment to transparency and shows that both government and politicians understand that they are accountable to the public that they serve.
Any persons has the right to exercise their right to access information under the RTI Act No. 13 of 2016.

Two ladies holding a RTI poster on Malekula island, Vanuatu
“Knowledge is power, information is liberating”

- Kofi Anan
- Former secretary general of the United Nations
Who & what does the RTI law cover?

- **WHAT** – Records. “Information held in any form.”

- **WHO** – Vanuatu Government public authorities
  - Ministries, portfolios, departments, statutory authorities, government companies, boards and committees
  - Extended to private companies and organizations that receive government appropriations and that provide a service important to welfare of Vanuatu society
Record/Information

Records means information’ held in any form or medium by a Government agency, relevant private entity or private entity includes:

- A record in writing
- Documents
- Manuscripts
- Memos
- E-mails
- Advices
- Press releases
- Circulars
- Orders
- Logbooks
- Contracts
- Reports

- Samples
- Photographs
- Film
- Sound recording
- Map, plan, graph or drawing
- Models
- Data material held in any electronic form and
- Information relating to any private body which can be accessed by a public authority under any other law for the time being in force.
Making a RTI request

- The Right to Information Act No. of 2016 (RTI Act) gives you the right to request access to records held by government authorities.
- Any persons can make a RTI request by providing some details of about themselves and the information they request to the RTI Officer.
- RTI Officer must acknowledge receipt of RTI request within 5 days.
- RTI Officer must provide information requested within 30 days.
- Don’t have to state reasons why the information is requested.
RTI Act – Exemptions

- Personal information
- Legal privilege
- Commercial confidentiality, Public economic interests
- National security and Law enforcement
- Health and safety, Heritage sites and the environment
- Policy making and operations of agencies
RTI Act – Offences

A person who:

- Refuses to receive an application for information; or
- In bad faith, denies an application for information; or
- Knowingly gives incomplete, misleading or wrong information; or
- Destroys information, without lawful authority; or
- Obstructs access in any way to any information; or
- Interferes with or obstructs the work of the Information Commissioner, RTI Officer.
RTI Act – Penalties

- A person who: directs, proposes, counsels or causes any person in any manner to do any thing under the law, commits an offence punishable on conviction to a fine not exceeding VT500,000 or by a term of imprisonment not exceeding 1 year, or both.
What is the Government of Vanuatu doing to help the public service?

- Proactive Publication
- Records Management
National Records and Information Management Development Committee

- Develop a **National RIM Policy** and present it for adoption by the Council of Ministers;
- Upon adoption of the National RIM Policy by the Council of Ministers:
  - Develop implementation plans for the National RIM Policy; and
  - Coordinate implementation of these plans
- Pending adoption of the National RIM Policy, discuss and coordinate Record and Information Management policy–related matters.
72 Code of practice on information and records management

(1) A Government agency, relevant private entity or private entity must maintain its records in a manner which facilitates the right to information under this Act, and in accordance with the Code of Practice.

(2) The Unit must, after consulting all relevant and interested parties, and on the recommendation of the Archivist appointed under section 5 of the Archives Act [CAP 216], issue within 12 months of the commencement of this Act, a Code of Practice relating to:

(a) the creation, keeping, management and disposal of records; and

(b) the transfer of records to the National Archives.
National RIM Policy Consultation Meeting

23rd August 2017
Vanuatu Cultural Centre
Conference Room
Chaired by Acting Archivist, Augustine Tevimule
Latest news on RTI Vanuatu

The Hon. Acting Prime Minister of Vanuatu has issued an order for the RTI law to cover 7 government departments.
Thank you = Tankiu tumas = Faafetai = Meitaki = Vinaka Vaka levu

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