

2015

Liberia Freedom of Information Act

# Training of Trainers Manual



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# INTRODUCTION

## Purpose

Advancing the right of access to information is a joint responsibility between the government and its citizens. While the government must assure full and effective implementation and enforcement of the Freedom of Information legislation, it is up to the citizens to monitor government efforts and to use the law. Ultimately the value of the Liberia Freedom of

Information (FOI) law rests in its use, as it is only by seeking and making requests for information that the benefits of access to information can be fully enjoyed.



The purpose of this Freedom of Information Training of Trainers manual is to adequately prepare trainers to help citizens understand and utilize Liberia's FOI law; to provide civil society and media organizations with the tools to utilize the FOI law; and to inform citizens of their rights under the law. This manual serves as a capacity building guide for the training of citizens, civil society organizations, and media agents on all aspects of the law.

The aim of this manual is to provide the tools for staff members to develop introductory freedom of information training programs for ministries and agencies. The content consists of information on basic training practices, the freedom of information law, and various exercises and handouts.

## Objectives

The training manual has two clear objectives.

1. The **first objective** is to provide background information on training methodology and practice. As part of this section an introduction to training and course planning are presented. This section also includes a draft workshop outline.
2. The **second objective** is to provide information on the Freedom of Information law and advance the right of access to information in Liberia. This manual is intended to serve as a helpful handbook for trainers who are educating citizens, other civil society organizations, and community based organizations on how to understand and exercise their rights in accordance with Liberia's FOI law.

## How to Use Manual

This training manual can be used as a freedom of information teaching guide for trainers running workshops for other civil society groups, community based organizations, media professionals, students, etc. who want an education on the right of access to information and Liberia's Freedom of Information Act.

Those organizing trainings are encouraged to review this material, and depending on the aim and type of course, select those portions that are applicable. The appendices include some useful background documents to inform the trainer, including the full text of Liberia's Freedom of Information law and a glossary of common terms. There are also handouts through this manual that can be copied and distributed to participants during the training.

Each section includes content that is to be taught to training participants in the manner deemed most appropriate, often followed by activities that can help you teach or review the content, or help participants to absorb the content. Such content can be merely told to participants, written on a board or large note pad for visual review, or disseminated to participants in more creative means. Some content is best taught through the activities, but the text can be referred to for substantive support.

There are several activities that can be done to cover the FOI-related content of this manual, with some sections containing more activities than others. The suggested activities are to serve as a menu of options for teaching this material, recognizing that the number of activities carried out will vary depending on how much time you have to conduct the workshop. When there is less time, one may consider covering the most critical content and activities. Look for "stars" throughout the manual denoting which sections are deemed most critical for a FOI training.

The end of Sections 2-5 include a "Review" that highlights the takeaways of the section so participants are reminded of the information that they were just exposed to during the lesson. Please be sure to quickly summarize the main content of each section before moving on to the next.

This manual should not be read in isolation. Information and programming in Liberia in relation to the right of access to information is extensive and ever evolving, particularly as the issue of freedom of information becomes more pervasive in society. Freedom of information trainers should strive to update the training workshop and manual as new information and developments become available.



## Introduction to Training and Course Outline

As explained in the introduction, this manual can be used as a teaching guide for trainers running workshops for the public. There is a wealth of literature on training best practices and how to deliver an effective and impactful course. This section includes some of the basics that are important when trainers come to plan and deliver freedom of information training for the public.

### PLANNING A COURSE

#### Aims, objectives, and desired learning outcomes

When preparing a training course, it is beneficial to outline the aims, objectives, and learning outcomes of the material to provide a clear indication of the goals and purpose of the training. Trainers should use these elements to focus the training and to assess performance and success of the training in raising participants' awareness and capacity. Participants can use them to evaluate the training from their own perspective. The aims, objectives, and learning outcomes for each unit are available at the beginning of each section.

*Aims* are overall statements of what you hope the training event will achieve. For example: *"The aim of this training is to give an introduction to freedom of information."*

*Objectives* are more specific statements of what you will present to the participants, for example: *"To present current methods to request information from a public agency or authority."*

*Desired learning outcomes* are a set of statements setting out what the participants should be able to do or understand by the end of the training event. For example: *"By the end of this course, you will know how long an agency has to respond once a request for information has been received."*

#### Methods of Delivery

There are many different delivery methods for training, and the one that is selected will affect the entire style of your training. This manual assumes that some type of face-to-face training has been selected. Once the decision has been made to provide face-to-face training there are several questions to ask, such as:

- Will the training be entirely classroom based, with plenary lectures by the trainer?
- Will there be smaller working groups? Exercises?
- Is the trainer going to be very active in providing material and direction?
- Will the trainer set specific tasks for individuals and groups?

Within any training, there will be many different options for delivery of specific content sessions. It is most effective to vary delivery of content in any given course. This helps to keep the participants interested, particularly if interactive delivery styles are chosen. Some delivery methods will assist you as trainer in assessing whether the course learning goals are being met. The variety will also keep you fresh and allow you to pace yourself throughout the course.

### **Presentation and Lectures**

There has been a lot of research carried out on learning experiences, which sheds light on the appropriateness, and value of presentations and lectures as a delivery technique. When preparing your presentation it is good to bear in mind the following:

- The brain has an average attention span of 10 minutes unless the trainer does something to stimulate attention, e.g. ask a question, show a slide, change the pace
- When a message is given once, the brain remembers only 10 per cent a year later — when the message is repeated six times, recall rises to 90 per cent
- The brain is more likely to remember the beginning and end of events
- Recall is high when analogy is used
- Recall falls rapidly after 24 hours without review
- The brain prefers rounded diagrams and figures to square
- The brain prefers color to black and white
- The brain remembers unusual things very well

### ***How to deliver an effective presentation***

1. **Provide a powerful introduction** that clarifies if participants can ask questions, whether and when they should take notes, will they receive handouts, and how the course is outlined.
2. **Find out the participants' existing knowledge** and expectations to better form training material and scope.
3. **Organize the training information.** Your workshop should have a beginning middle and end or follow some logical structure. Make sure you are well informed on the subject so you are able to respond to searching questions that are not part of your presentation.
4. **Relate to learners.** Place the subject in context and identify information that will be useful to them. Use illustrations, diagrams, and examples for clarity. Explain abbreviations, complex terms, and avoid jargon.
5. **Be conscious of your body language.** Make eye contact with the class, remember to smile, and avoid excessive gesturing.
6. **Speak clearly and with confidence.** Pace yourself enough to be clear, and pause to allow time for words to be digested.
7. **Dress professionally.** Wear clothes that make you feel comfortable and confident, but also not clothes to alienate your audience.
8. **Plan out the conclusion of your presentation.** Make sure to summarize your content, review main points, and allow time for questions.

## Visual Aids

The most common technique for making lectures and presentations more interesting and effective is the use of visual aids. Lecturing can be a boring and therefore ineffectual way of delivering learning. Visual aids are used in presentations and lectures to illustrate the subject; they can help to break up the monotony, providing a visual stimulant to reinforce what the learners are listening to. The most common forms of visual aids are:

- Microsoft PowerPoint presentations (or other similar software e.g. Apple Keynote)
- Objects, pictures or documentation which is handed around the class but which do not constitute a handout

## *How does the audience assess presenters and lecturers?*

Making presentations and delivering lectures can be a very daunting experience, particularly as most of us have been on the receiving end of speeches in the past. It can be helpful to remember how we might be judged or received by our audience.

There are three main areas on which a speaker's competence may be judged:

1. Knowledge: technical competence and practical experience
2. Design and delivery: the "performance", including: voice control; eye contact; body language; audio-visual use and support; facilitating discussion; making learning fun
3. Enthusiasm: interest in the subject; listening skills; ability to answer questions

## Handouts

A handout is a hard copy text, which supports, expands on, organizes or otherwise provides follow up to the training. It is usually very important to the participants to receive handouts. The handout is a very powerful training tool because, when it is well conceived and designed, it provides reinforcement of the information transmitted during the training session and it remains with the participant for a long time.

When developing handouts for training it is best to think about how they might be used after the training is over. Your handouts will be very successful if your participants can use them:

- To remember what they have learned
- To extend their knowledge further by reading material not covered in the course
- As a basis for their work
- In cascading learning to their colleagues



### ***Reasons for giving handouts:***

1. To support the presentation or workshop
2. To supplement the presentation or workshop
3. To give learners something to go away with and read later
4. To underpin the structure of the course
5. To give general information on the course
6. To organize a workshop or exercise
7. To reinforce learning
8. As preparation for the next lecture or workshop

### ***When to pass around handouts:***

It is important to distribute the handout at an appropriate time. If the handout is just bullet point headings and intended for the participants to add their own notes, it needs to be handed out at the beginning. If it is detailed notes it may depend on the type of class whether it should go out at the beginning or the end. If it is to be distributed at the end, you will want to tell the class that the detailed handout is to come and they can sit back and enjoy the presentation without needing to take copious notes.

## **Potential Workshop Activities**

Class activities break up the program and help to retain class concentration and interest. They also can reinforce learning and serve as a means (other than lecture) of delivering content.

### **Types of activities:**

There are many different kinds of activity that work well in training. The list below is not intended to be exhaustive and as your training skills develop you will begin to find inspiration in your own professional development experience, reading material and even general leisure activity, which can be turned into an interesting or useful classroom activity.

- **Introductions and icebreakers:** used at the beginning of the course, before the specific subject matter begins, to get the class involved in the training. It is particularly valuable where the trainer has had little information about the participants beforehand or the participants themselves have come from different organizations and do not know each other. Introductions can be short and simple or involve participants giving detailed information about their background and learning goals or even introducing their neighbor (after a short "interview"). An icebreaker does not have to be a complex exercise and can be as simple as a group brainstorm to establish knowledge of basic principles or terminology that will be explored/used in the course.
- **Individual work:** this is where each participant is given something to work on their own, perhaps a presentation based on their own experience/research/project that will feed into the work of the whole class.

- Group exercises: these are exercises designed to get participants to work as a team. The subject matter may be more challenging than that for individual work, as the group can pool its knowledge, experience and problem-solving skills.
- Brainstorming sessions: brainstorming can be used to problem-solve or to capitalize on existing knowledge to replace a lecture that just tells most participants what they already know. It can include random/spontaneous thoughts.
- Facilitated discussion: this is where the trainer leads a discussion on a given topic, keeping in mind a checklist of issues that should be covered.
- Role-playing: role-playing is where members of the class are given a part or character to play in a fictional situation. The objective is for the class to think about the subject in a real life situation and is particularly effective if focused on areas of conflict within and between teams for example relationships between archivists /records managers and FOI staff. This can be completely free form where everyone can invent their own viewpoint, or the trainer devises a detailed script.
- Workshops: workshops are usually a more substantial piece of group work taking an appropriate amount of time, for example each group may be asked to map out part of a disaster plan. The group is given an issue to consider and discuss or a problem to solve and expected to develop the content or information required to complete the task.

## SAMPLE WORKSHOP OUTLINE

The following page includes a course outline based on a full-day workshop lasting for approximately 6 hours, including breaks. This draft is not fixed but has been developed to give an indication as to what has been successfully done in different settings to educate the public about its right of access to information. The topics listed in the course outlines are discussed in this manual's Sections 2-6. These sections also include examples of activities, several of which can be used during a full-day workshop. Suggested handouts also have been included at the end of each section and in the appendices. Please note that time for questions and answers should be provided after each section of the training.

<b>9 a.m.</b> (15 minutes)	<b>Introduction and Icebreaker</b>
<b>9:15 – 10:15 a.m.</b> (60 minutes)	<b>Section 2: Content - What is Freedom of Information?</b>
<b>10:15 – 10:30 a.m.</b> (15 minutes)	<b>Break</b>
<b>10:30 – 11:30 a.m.</b> (60 minutes)	<b>Section 3: Content - How to File an Information Request</b>
<b>11:30 a.m. – 12:30 p.m.</b> (60 minutes)	<b>Lunch</b>
<b>12:30 – 1:30 p.m.</b> (60 minutes)	<b>Section 4: Content - Agency Response</b>
<b>1:30 – 1:45 p.m.</b> (15 minutes)	<b>Break</b>
<b>1:45 – 2:45 p.m.</b> (60 minutes)	<b>Section 5: Content - Appeal Procedures and Going to Court</b>
<b>2:45 -3:05 p.m.</b> (20 minutes)	<b>Section 6: Review and Evaluation</b>
<b>3:05 –3:15 p.m.</b> (10 minutes)	<b>Closing Remarks</b>

# NOTES FOR TRAINER

## Getting Started

As indicated earlier in “How to Use this Manual,” trainer notes are included at the end of each section. These notes provide more in-depth elaboration of the session objective, aim and activities that appear on the agenda.

### PREPARATION

#### ***Suggestions to complete prior to training:***

1. Choose a place for the workshop that is free of distractions and conducive to learning
2. Prepare an agenda/schedule for each session, broken into an overview of activities, to be distributed to participants at the beginning of the session
3. Prepare all handouts and other materials in advance for distribution to participants
4. Know your audience: Civil society organization representatives may have a more nuanced understanding of the concepts and laws related to FOI/ATI than the general public. Make sure to cater the training session to the base level of understanding your trainees already have. Plan to do a quick pre-workshop assessment of the knowledge base of participants. This might include a brief question and answer session to assess the group’s overall understanding of FOI.
5. Arrange the room in a way that maximizes participation and facilitates learning and discussion by workshop attendees

#### **Checklist for Recommended Materials**

- Name badges
- Stickers or placards for all participants
- Markers or pens
- Scrap paper
- Flipcharts
- Individual copies for each participants of:
  - Liberia FOI ACT 2010
  - Case studies
  - Flowchart worksheet
  - Sample information request letters
- Certificates of participation to be distributed at the end of the workshop
- Evaluation forms

### Pre-training Assessment

It may be worthwhile to conduct a pre-workshop assessment as a general guide for determining the level of understanding participants have regarding the FOI law and its use. Consider the audience when determining the necessity of the pre-workshop assessment. The pre-workshop assessment should be brief, and should be done to give the trainer a general idea of how to begin the training session. A sheet with the following questions can be placed on the tables or in chairs for participants to fill out when they arrive. The assessment should be collected and quickly reviewed before the workshop begins. These can be anonymous or you can ask participants to provide their name and contact information. Anonymous forms may precipitate more honest answers.

- Have you ever heard of the FOI Act?
- Have you ever used the FOI Act?
- What do you hope to learn from this training?

# HANDOUT: PRE-TRAINING ASSESSMENT

Name: \_\_\_\_\_

Organization (if any): \_\_\_\_\_

Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

- Have you ever heard of the FOI Act?
- Have you ever used the FOI Act?
- What do you hope to learn from this training?

**Have you ever heard of the FOI Act? (Answer “yes” or “no” and if “yes” explain how/where you learned):**

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**Have you ever used the FOI Act (Answer “yes” or “no” and if “yes” indicate what information you requested and whether or not the information was received):**

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**Do you feel empowered to use the FOI Act?**

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**What do you hope to learn from this training?**

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## Steps to Workshop Introduction

**Step 1:** The trainer(s) should introduce themselves and provide a brief overview of the FOI workshop including the overall aim, objectives, and outcomes.

**Step 2:** There should be time designated for participants to introduce themselves as well, perhaps through an icebreaker activity. The icebreaker could also assess the various levels of experience and knowledge of the participants. This will set the tone for the workshop and allow the trainer (s) to gauge where to focus the workshop. Possible ice breakers include:

- Go around and say your name, home county, age, and an interesting fact about yourself
- Introduce yourself (name, county, age), how you learned about this workshop, and what you expect to learn from this workshop

**Step 3:** The trainer should describe how the workshop is organized and review the workshop agenda.

**Step 4:** Set some ground rules to be followed during the session such as:

- Raise your hand if you would like to speak or ask a question
- No cell phone use except during the breaks
- Do not speak when others are talking
- Please wait for the breaks to leave the room



### Content - What is Freedom of Information?

**Aim:** The aim to this training is to provide an introduction to the right of access to information and the Freedom of Information Act in Liberia.

**Objectives:** The training objective is to teach the participants the importance of their right of access to information, basics of the FOI law in Liberia and the processes involved in accessing information. The participants will reinforce their existing knowledge of the subject and share personal experiences.

**Desired Learning Outcomes:**

At the end of this section, the participants should know:

- What access to information is and why it is important
- Who can request and receive information
- What public bodies and private entities must provide information
- What are the exemptions to requesting information
- Whether it costs to access information
- How to find out where to get information
- What is a publication scheme



#### What do we mean by freedom of information and the right of access to information?

The right of access to information, also known as freedom of information, includes the right to request and receive information, especially information related to public interest. Every person, irrespective of nationality or residence, has the right to information held by public bodies and private entities that receive public funds or perform public functions.

Public bodies hold information not for themselves but in the name of citizens and for the public good. All public information should be made available upon request or proactively disclosed unless it falls under one of the clearly defined exemptions.

Access to information is necessary for genuine democracy and good governance. Freedom of information laws are intended to promote and protect the effective, equitable, and affordable exercise of the right of access to information.



## ACTIVITY – SMALL GROUP DISCUSSION

Help participants break into small groups to spend no more than 10 minutes discussing the following questions. Then bring them back together to share with the whole group. Record summaries of their responses in list form.

1. What role does information play in your life?
2. What kind of government-held information is important to you?
3. What obstacles might you face if you did not have access to information?



### Why does freedom of information matter in Liberia?

The right of access to information is a fundamental human right guaranteed by the Universal Declaration of Human Rights and the African Charter on Human and People's Rights, as well as the Constitution of Liberia.

The benefits of a robust and flourishing access to information regime are many and can be enjoyed by both citizens and governments. Currently, this right is now enjoyed by over 5 billion people in over 100 countries around the world, including Liberia.

In order to advance the right of access to information in Liberia, the Government of Liberia and its citizens must work together. While the Government of Liberia must be committed to implementing and enforcing the FOI law, citizens must use the law.

Freedom of Information:

- Ensures equity and fairness in government processes
- Is a key component of a modernized public administration
- Enhances citizen trust and confidence in government
- Is a fundamental human right
- Is critical to the exercise of other rights such as the right to education, health care, and clean water
- Is a tool in the fight against corruption
- Is necessary for good governance

### ACTIVITY: BRAINSTORM - 5 min.

Have participants list the various ways they think that the right to access of information can improve lives. If participants do not respond, you can prompt them by providing a couple examples and then ask for more.

#### Possible responses:

- Access to information can reduce government corruption
- It reinforces other basic human rights, such as the right to education, health care, and clean water.
- It can increase governmental accountability and transparency.
- It can provide citizens a clearer understanding of government policies and promote citizen participation.
- It can lead to better service provision.
- It can improve the use of scarce resources.
- It can ensure equity and fairness in government processes.
- It can enhance your trust and confidence in government.



*“...access to information is indispensable to genuine democracy and good governance and... no limitation shall be placed on the public right to be informed about the government and its functionaries.”*

**Preamble, Liberian Freedom of Information Act**

## Liberia's Freedom of Information Act – what is the law?

- Liberia's Freedom of Information (FOI) Act was signed into law on September 16, 2010, provides all persons the right of access to public information.
- Under Liberia's FOI law, everyone has the right to request and receive information from all public agencies of the Government of Liberia and any private entity that performs duties normally carried out by the government, provides public services, or receives public funds or benefits.
- Liberia was the first country in West Africa to establish a comprehensive right to information law and the sixth in Africa.

\* The full text of the Liberia Freedom of Information Act is located in the Appendix for reference.

**Liberia Freedom of Information Act**  
**TELL IT, SHOW IT,  
LET'S KNOW IT!**

**You have the  
Right to Know:**

- health
- public finance
- land records
- public policies
- education
- roads & infrastructure
- and more...

**File a request for  
information at any  
government office.**

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### ACTIVITY – WORKING IN PLENARY

Write the following two questions on the board and leave space below to write the answers. Ask participants to provide what they think are the answers to each question. After discussion, write the correct answers below each question. Use the following information as a guide.



- Who can request and receive information?
  - Answer: **Anyone**
  - Elaboration: Under the FOI law, everyone has the right to request and receive information without having to give any reason or justification or have a “legal interest” in the information.



- Who has the obligation to provide information?
  - Answer: **Public agencies and some private entities**
  - Elaboration: All public agencies of the Government of Liberia are required to provide information under the FOI law, as well as all private bodies that perform or provide public services or receive public funds.

## FOI: Public Agencies

*Definition of a public agency: According to Liberia’s FOI Act, “Public Bodies’ refer to all agencies, entities, corporations, bodies and other institutions owned, wholly or substantially by the Government of Liberia.”*

### ACTIVITY - BRAINSTORM

Ask the group to list the various types of public bodies by raising their hands. Make a list of known agency types on the board. Then ask the participants to name any institutions that might fall under the various categories

The following list includes public bodies that fall under the public sector:

- All branches and levels of government
- Ministries
- Bureaus
- Departments
- Autonomous agencies
- Public corporations
- Commissions
- Committees & sub-committees
- Boards
- Military and paramilitary institutions
- All other government bodies supported by public resources form

## FOI: Private Entities

*Definition of a private entity: According to Liberia’s FOI Act, “Private Bodies’ include any entity, business or otherwise, owned by private persons.”* Private entities that perform duties normally carried out by the government, provide public services, or receive public funds or benefits are subject to information requests through the FOI Act.

### ACTIVITY - BRAINSTORM

Ask the group to list the various types of private entities that might be covered by the FOI law by raising their hands. Make a list of the covered private entities on the board using the following examples.

The following list includes possible private entity answers:

- Academic institutions, such as schools and universities
- Health service providers and hospitals
- Telecommunications operators
- Banks

## FOI: Information Officers

While personnel in all public agencies and private entities covered by the FOI Act are responsible for complying with the law, at least one staff member in each agency/entity should be chosen to serve as the designated **Information Officer**.

The Information Officer is responsible for the following:

1. Receiving requests for information held by the agency or entity and coordinating the response(s)
2. Serving as the public's primary contact for the agency or entity relative to re-quests for and provision of information
3. Helping the public to file requests for information.



## FOI: What type of information can be requested

Any information — written, printed, audio, visual, or electronic form – can be requested. This includes any document that has been produced, received, used, controlled and/or possessed by any government agency or private entity that provides public services or receives public funds.

### ACTIVITY - QUICK PLENARY DISCUSSION

Have participants think back to a time when they needed information. Have them answer and discuss the following three questions.

1. What did you try to access and how did you try to access it?
2. Were you successful? Why or why not?
3. What could have made the process easier?

## Examples of types of information that can be requested:

All public information held by public bodies and those held by private entities in respect of public funding received or public services provided shall be accessible, and may be inspected, requested, provided, reproduced and retained as provided in the FOI Act.

Examples of the types of information that can be requested include:



## ACTIVITY - BRAINSTORM

Ask participants to share what other information they think can also be requested that was not mentioned earlier?



### Exemptions to Information

Not all information can be accessed. Some information cannot be released if it falls under one of the exemptions listed in the law.

**WHY:** The FOI law states that a request for information can be denied **ONLY** if the information you want falls under one of the exemptions outlined within the FOI Act and the harm of disclosing the requested information is more than the public's interest in seeing the document.

Records are exempt from public access ONLY if the release of the information would cause injury or substantial harm to:

- National security, defense, or international relations
- Criminal Investigation
- Trade Secrets
- Privileged communications

A document is also exempt from the general right of access to information when it would be an unreasonable disclosure of *personal information*.

All denials of information based on an exemption must:

1. Be in writing;
2. Provide the reason for being denied;
3. Be delivered to you within thirty (30) calendar days of the date the request was filed, except for cases of transfers – but we will provide more detailed information about this in section four of this manual.

## ACTIVITY – PLENARY DISCUSSION

Create a list with two sections: information that can be requested and information that cannot be requested. Ask the group to provide various examples of each. As a group, discuss why some information is denied while some is uncontested. How would you feel if your personal information was made public?

Below are examples to get you started:

Available Information	Exempt Information
Salaries and expense reports of government employees	President Ellen Johnson Sirleaf's health records
Organizational chart of any public agency/authority	A police report that includes the name of a confidential source that is assisting with a criminal investigation
Ministry of Internal Affairs' Administrative Staff Manual	A document that would expose trade secrets of the National Oil Company of Liberia
The financial accounts of any public agency/authority, such as the Ministry of Foreign Affairs	Communication that is shown to be privileged from production in any legal proceedings based on any of the privileges recognized under the rules of evidence extant in Liberia
Material contracts	Any information that would expose confidential national security operations

## Cost of Information

### ACTIVITY – BRIEF DISCUSSION

Ask the group how much they think that filing a request for information costs. Then share with them the following information.



**ANSWER:** The application for information and search are free. The requested documents also may be viewed for free. However, if you want a copy of the document, the agency may charge you for the actual cost of reproducing the requested information, such as photocopying, transcribing, scanning, or other forms of reproduction.



If you think you are being charged too much for the reproduction of the requested information or the agency tried to charge you for other things, you may ask for an **internal review** of the decision, which will be discussed later in the training.

## What is a Publication Scheme?

Every public authority is required by the FOI law to create and maintain a user-friendly and widely accessible “**publication scheme.**”

*Definition of Publication Scheme:* A publication scheme, according to Liberia’s FOI Act, means publication by public authority providing detailed information to the public on the nature and activities of that authority and information if published. This includes information regarding its core functions, the nature of its operations, and the types of documents/information it holds.

### Publication schemes should provide the following:

- Contact details for the authority’s Information Officer
- Clear description of the organization, function and powers of the agency and an explanation of how it makes decisions and discloses information
- Location and types of categories of documents and information the agency holds
- Procedures for accessing documents or information

If you are not sure which authority holds the information they wish to obtain, they can ask to review the publication scheme, ask the Information Officer in the agency that they think holds the information, or simply file a request with the agency.

The agency is obligated to transfer requests in the event that the request was filed at the wrong place. The Information Officer has the duty to assist them with filing requests and obtaining information.

## Automatic Publication

*Question:* **Can some information be obtained without a FOI request?**

*Answer:* **Yes.**



Liberia’s FOI law requires some information to be made available to the public without the need to file a request for information. Information that is made available without the need for a request is considered to be “**automatically published**” or “**proactively disclosed**” information, and public agencies are required to provide this information through a website or physical publication.

### Types of documents subject to automatic publication include:

- Legislation
- Existing policies, procedures, and rules
- Budgets
- Financial accounts
- Material contracts
- Organizational charts
- Procedures for appealing decisions of the authority or its



- officers
- Other information that supports the public’s ability to deal with and monitor the authority’s performance

Automatic publication is a useful tool for government and citizens alike. When documents are automatically published, there is no need for public servants to conduct a time consuming and costly search for documents to satisfy your request. Moreover, you can receive the information you need more immediately, without having to make a specific request.

### ACTIVITY – CASE STUDY 1

Give participants 5 minutes to read Case Study 1 (located on next page for your use in making copies for the training). Write the following questions on the board for participants to consider that will be discussed with the whole group.

1. What information did George request?
2. From what agency did he request the information?
3. What did George do with the information he received?
4. What information might you be interested in requesting and what would you do with the information once you receive it?

# HANDOUT - CASE STUDY 1

## Meet George Toddy

When Liberian high school student George Toddy failed the math and science sections of his college entrance exam, he was disappointed but not surprised — he had heard that his region had a very high failure rate compared to other parts of the country.

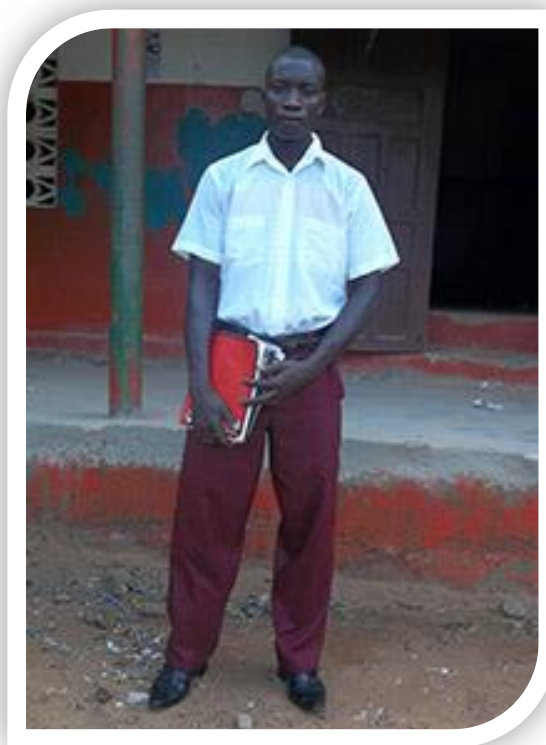
After attending an awareness raising activity held by The Carter Center to discuss Liberia's Freedom of Information law, he began to wonder: Why did students in the southwest do so much worse in the exam than those elsewhere, and why were the low scores always in the math and science sections?

"I needed to figure out why this was happening. I wanted a fair chance to go to college like anyone else in my country," said Toddy.

With his newfound awareness of the law, he made a freedom of information request to his school and to the local department of education to obtain a copy of the math and science curriculum. He compared the national curriculum to the classes he had received and found that his teachers had been skipping a number of the requisite classes. That was why he and many of his friends were not able to pass the national exams. Toddy contacted his school and the district education office to let them know of this discrepancy.

Since then, new procedures have been put in place to monitor the actual classes taught to ensure consistency with the national curriculum. George also helped launch a freedom of information club at his school so more students could learn about and use this great resource.

Because of George and his freedom of information request, future students in the southwest region now have a greater chance to pass college entrance exams and enter university the same as anyone else in Liberia.



# REVIEW

**At the end of this section, summarize the main points with participants:**

- What is the right of access to information / freedom of information
- Why access to information is important
- Who can request and receive information
- What public bodies and private entities must provide information
- What are the exemptions to requesting information
- Does it cost to access information
- How do I know where to get information
- What is a publication scheme

## Section Three



### Content - How to file an information request

**Aim:** The aim of this training is providing steps to filing an information request in Liberia.

**Objective:** To train citizens on the process of filing an information request and to provide information on where, when, and how requests may be submitted.

**Learning Outcomes:** At the end of this section, the participants should know:

- What are the main steps for filing a request for information
- How to write a request for information, including what information should be included in the request letter
- What the FOI Hotline and STAM-FOI are and how they can support requesters

#### ACTIVITY - GETTING STARTED

Open the room up for questions and answers. Discuss the value of being able to request information. Ask participants of a time they may have requested information and have them share their experiences.

Potential questions to ask to connect experiences to the value of requesting information:

1. What are some barriers you experienced while requesting information?
2. What benefits came from filing the request?
3. Was writing a letter an appropriate and effective way to acquire information?

#### Filing a FOI Request

You can make a request for information in writing, by electronic mail, orally or by any alternative means. You can file a request for information with the public agency or private entity that you think holds the information you want. If that agency or entity does not hold the information you requested, it is up to them to transfer the request and inform you where they have transferred it.

Requesting information should be as easy as possible without specific forms or formalities. If you need help, the agency Information Officer is there to assist. Some information may already

be available without having to file a request, such as automatic publication, which was discussed near the end of section 2.



## Steps to Making a FOI Request

1. Decide the information you would like to receive and come up with as detailed a description as you can for the records or documents.
2. Identify which authority/entity holds the information you want.
3. Check to see or ask if the information has been automatically published. If it is already available, you can ask the agency where to find it without the need for a request.
4. Prepare the request for information.
5. Mail, email, phone, or deliver your request in person.
6. Make a note on your calendar of the day you filed the request and the thirty (30) day deadline for the agency to provide you with the documents you requested.
7. If you are not satisfied with the response or you do not receive a response within thirty (30) days, you can ask for an internal appeal.

### SMALL GROUP DISCUSSION

Divide the participants into two small groups. Ask them to create a quick drama reenacting a situation in which a citizen needs information, using the steps previously discussed (list them briefly on the board, if need be).

## Basics to Drafting a Request Letter

Your request should describe the information you want with enough detail to help the public agency or private entity easily identify the information you want. When this has not been done, the public agency or private entity should work with you to clarify what information you are requesting.

You do not need to provide a reason for why you want the information. The agency should not ask you why you want the information or how you will use it. The public information belongs to you.

#### **ACTIVITY - SAMPLE LETTER /DISCUSSION**

Hand out samples of the request letter on following page. Go over the steps of how to write the letter and what should be included. Using examples from the dramas developed in the previous exercise, ask participants to determine what should be include in the letter. Discuss why it is important to include language directed at protecting citizens and holding agencies accountable.

# HANDOUT – SAMPLE REQUEST LETTER

City, Date

Dear Sir or Madam:

---

Freedom of Information Officer

**(Name and Address of Government Agency /Public Authority/ Private Entity exercising public functions or providing public services from which information is being requested)**

Ref: Freedom of Information Request and Subject  
(Including a few words to identify the subject of the request)

Pursuant to the Freedom of Information Law of Liberia, I hereby request access to all the documents in possession of the \_\_\_\_\_ **(Name of Agency)**, regarding \_\_\_\_\_ **(description of the requested information)** and a copy of all records pertaining to

---

**(Description of the subject or document containing the requested information).**

I will expect a response within 30 working days as established in the law.

Provided that the requested information is under the possession of a different Agency /Public Authority/Private Entity, please transfer the request to the public authority or private entity believed to hold the requested information with notice to me.

If my request is denied in whole or in part, please provide detailed justification in accordance with the exemptions defined by the Law.

Thank you for your prompt attention to this matter.

Very truly yours,

**(Name and Contact Information)**



## Use the STAM-FOI Hotline for Assistance

The Liberia Freedom of Information Coalition's (LFIC) hotline is setup to receive calls from the general public regarding the procedures for filing and tracking a FOI request, filing a related appeal, providing information about a request for the System for Tracking and Monitoring Freedom of Information (STAM-FOI), or any general questions about Liberia's FOI legislation and an individual's rights under the law.

In addition to calling the STAM-FOI hotline, individuals can walk into the Liberia Media Center to request assistance or provide information regarding a FOI request.

### STAM-FOI Hotline Numbers:

1281  
0888300264  
0776729698

### ACTIVITY - CASE STUDY 2

Provide participants with the case studies handout on the following page. Divide the participants into small groups and assign them one of the case studies. Have them read the case study and then draft a freedom of information request letter pertaining to the assigned case study. Have each group read their letter aloud to the class and then lead a discussion on the strengths of the letters and/or how the letters can be strengthened, ensuring to provide support and feedback as necessary.

Refer to the complete case studies on the following page (not for handing out) to relay to the class what actually happened in each case.



# HANDOUT - CASE STUDIES

## **CASE STUDY 1**

In 2004, the Weston community held a meeting to talk about their local councilor ignoring their concerns, particularly regarding housing. For more than seven years, the government had promised to build more houses in Weston, but none had been constructed. 40 plots stood empty.

## **CASE STUDY 2**

In South Africa, villagers from the hamlet of Emkhandlwini noticed that those in neighboring villages were receiving water from municipal tankers while they were not. Both the health and economy of the village was affected as clean drinking water and water for farming and irrigation were not readily accessible.

## **CASE STUDY 3**

In Jamaica, concerned citizens suspected poor conditions in government-run orphanages. Specifically, allegations of mistreatment of children, along with inhabitable housing, worried many in the local communities.

## **CASE STUDY 4**

In Thailand, a parent was very upset when a public school denied her child's enrolment in one of the country's best schools, despite her child's high scores on the entry exams. The parent suspected discrimination as the reason for her child being barred from entry into the school.

Complete case studies (not for handing out):

**CASE STUDY 1**

In 2004, the Weston community held a meeting to talk about their local councilor ignoring their concerns, particularly regarding housing. For more than seven years, the government had promised to build more houses in Weston, but none had been constructed. 40 plots stood empty. The leader of the Weston community said they had attempted to get answers from the official responsible, the Housing Development Manager, but received no helpful explanation.

On behalf of the Weston community, a civil society organization — the Open Democracy Advice Centre — made many requests for information using the South African Promotion of Access to Information law. Specifically, they asked for documents explaining what had happened with construction, including council minutes and reports by building.

The local government explained that the houses had not been built because there was not enough available land in Weston. The community disagreed. They knew the local government had signed contracts with private business people and farmers to lease large amounts of land for new housing. To confirm, they asked for copies of all the government's land contracts.

The community also requested a copy of contracts between the local government and the building contractor as well as copies of agreements between the housing department and the local government. Eventually, the community received a bundle of documents including minutes from relevant council meetings and important contracts.

With all the pressure for more information coming from the Weston community, the local government restarted the housing project and completed the 40 homes. As a result of the requests for information, there was finally a resolution of what had been a deadlock issue for the people of Weston for over eight years—their right to housing.

**CASE STUDY 2**

In South Africa, with the help of the Media and the Open Democracy Advice Center, a group of KwaZulu-natal women managed to get water for their community, by using the Freedom of Information Law. When villagers from the hamlet of Emkhandlwini notice that those in neighboring villages were receiving water from municipal tankers while they were not, they requested the minutes of the council meetings at which the municipality had decided on programs of water provision, as well as the integrated development plan and budget. Even though there were plans to provide water, no-one had thought of sharing those with the community. With the plans in hand the women, with the help of the media, created sufficient pressure to prompt the municipality to act. A year later fixed water tanks, replenished a couple of times a week were installed in the village, while the municipality worked on a more permanent solution of laying down pipes.

**CASE STUDY 3**

In Jamaica, the FOI law enabled civil society groups to protect the rights of the children by collecting information on the conditions of children's homes, an action which resulted in the production and publication of a report. The findings of the report which clearly illustrated the poor conditions and mistreatment of children, made government face the problems and take necessary actions towards protecting children's rights.

#### CASE STUDY 4

In Thailand, one parent used the FOI Law to challenge a public school decision denying the child's enrolment in one of the country's best public school. By seeking access to the results of the enrolment tests, the parent exposed the discrimination within the selection process, favoring children from rich and prominent families. This case prompted a countrywide reform of the system of selection and enrolment in public schools.

#### ACTIVITY - FOLLOW-UP

Now that the participants know how to craft a FOI request together from the provided case study, have them individually put this information into practice.

Each participant must choose a situation, real or hypothetical, in which they need to request information.

Have each person write a request for their particular situation, and then select a few of them to be read out loud, providing feedback as necessary.

Pay special attention to these aspects when providing feedback:

1. Do they include a detailed description of the records or documents that they want?
2. Do they identify the authority/entity that holds the information they want?
3. Do they include that they expect a response within 30 days?
4. Do they mention that this information is being requested pursuant of Liberia's FOI law?
5. Do they indicate that the agency should inform them they need to transfer the request?

# REVIEW

**At the end of this section, summarize the main points with participants:**

- What are the main steps for filing a request for information
- How to write a request for information, including what information should be included in the request letter
- What the FOI Hotline and STAM-FOI are and how they can support requesters

## Section Four



### Agency Response

**Aim:** The aim of this section is to outline agency response to information requests.

**Objective:** To help participants understand what happens after information is requested and what to expect from the agency that will provide the information.

**Desired Learning Outcomes:**

At the end of this section, the participants should know:

- What are the responsibilities of the agency from which they requested information
- When to expect a response to the request for information
- Why their request may have been transferred
- What are the exemptions under the law

#### After filing a request, what happens next?

Once a person files a request for information, the agency must begin to process the request. Each agency might develop its own internal processing guidelines, but generally the process of a request begins with the agency recording the date the request was received, acknowledging receipt of the request, reviewing the request, and determining whether the information wanted is held within the agency.

*In most cases, upon receiving a request for information, the Information Officer or other designated public servant should:*



- Provide you with written confirmation that your request for information has been received and tell you the maximum number of days it should take to respond to your request
- Inform you if the information you want already has been automatically published and tell you how to locate the document
- Verify whether it holds the information you want, and if not, transfer your request to the correct agency
- Provide you with one of the following responses:
  - Inspection or copy of the requested information
  - Written denial of request
  - Notification of transfer of request

## When will a response be received?

The agency must provide a quick response to all requests for information either by post, e-mail, or hand delivery within thirty (30) calendar days.

If the agency can show reasonable cause, it may extend the period for responding one time. The one time extension is for a maximum of an additional thirty (30) days.

If the agency does not hold the information you requested, it can transfer your request one time to the correct public agency or private entity within fifteen (15) days.

If the agency to which the request was transferred does not hold the information you want, your request can be transferred one additional time, but must be transferred ten (10) working days (about two weeks) after receipt. Each time a request is transferred, up to a maximum of two (2) times, the agency transferring the request must inform you where the request has been transferred.

## FOI Request: By The Numbers

**30** *calendar days to respond to the request for information*

**30** *additional days if reasonable cause is shown*

**2** *transfers allowed maximum*

- *First within **15** days*
- *Second within **10** days*

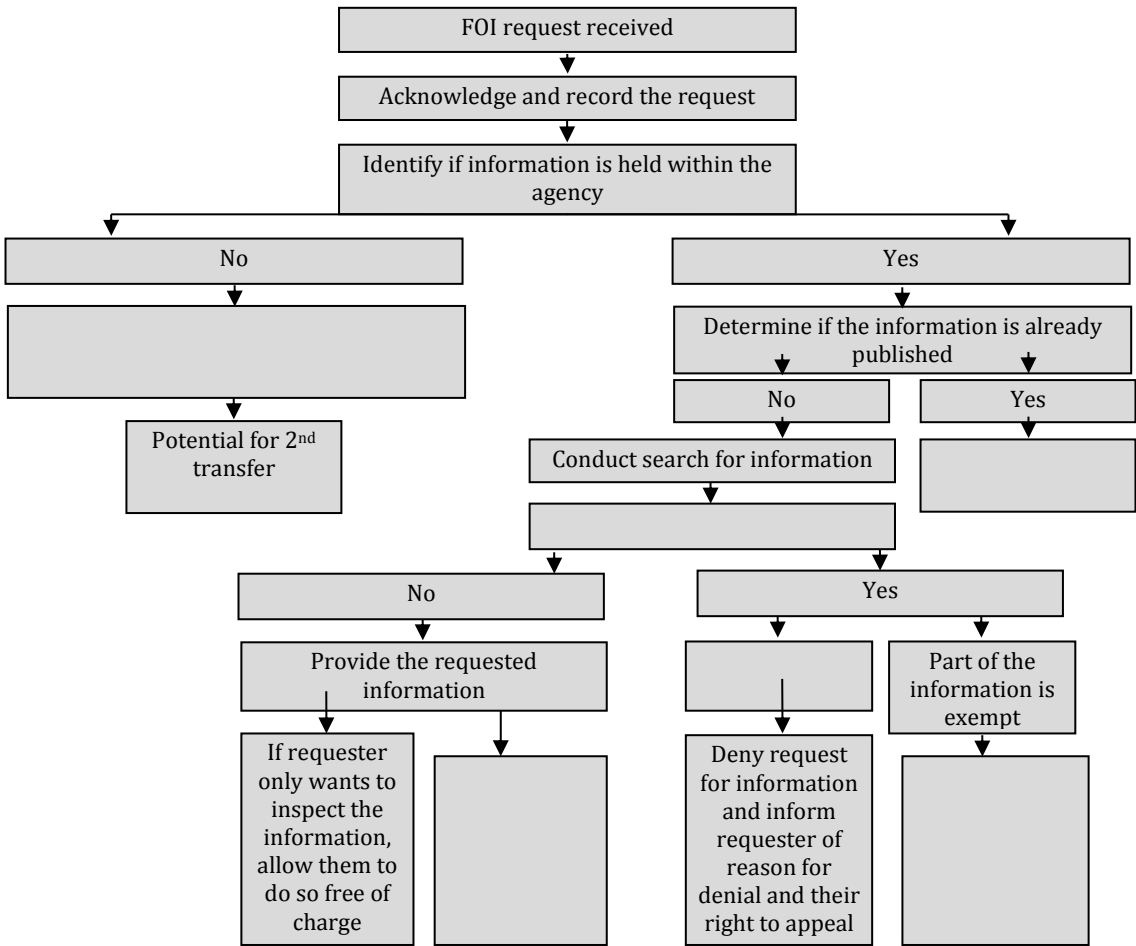
### ACTIVITY – SEQUENCE OF REQUESTING/RECEIVING INFORMATION

Review the timeline above by recreating the key dates and timeframes on the board (this information can be found in the above text box). After reviewing the information, ask if there are any questions about the sequence.

### ACTIVITY – WORKING IN PLENARY

Distribute copies of the flowchart handout (on the following page). Note to participants that the empty boxes in the flowchart represent missing information that needs to be filled in. Individually, have participants select the appropriate responses from the potential answers at the end of the page by simply filling in the corresponding letter to that answer. Together, go over the answers determining the appropriate response for each box. Discuss as needed.

# HANDOUT – FOI FLOWCHART WORKSHEET



Fill in the flowchart with the missing steps provided below.

**A**  
If not held within the agency, transfer request to the correct agency

**B**  
Tell requester where to find desired information

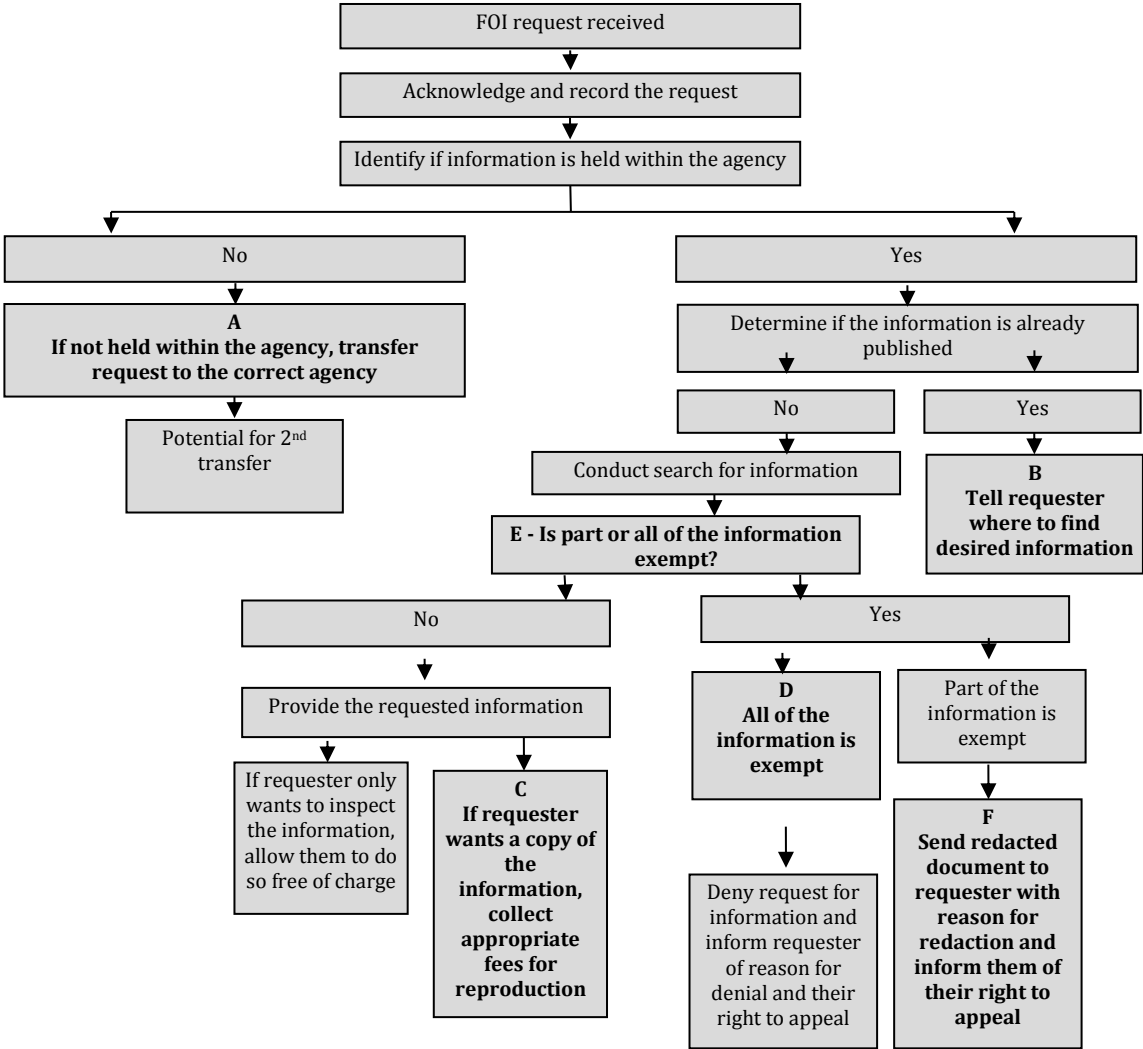
**C**  
If requester wants a copy of the information, collect appropriate fees for reproduction

**D** All of the information is exempt

**E**  
Is part or all of the information exempt?

**F**  
Send redacted document to requester with reason for redaction and inform them of their right to appeal

# FOI LIFECYCLE ANSWER SHEET (FOR TRAINER)





## Exemptions

***(NOTE: This information was already covered in Section 2. It can be reviewed here or covered again in its entirety. Alternatively, you can skip it in Section 2 and just cover it here).***

The law states that a request for information can be denied **ONLY** if the information you want falls under one of the exemptions outlined within the FOI act and the harm of disclosing the requested information is more than the public's interest in seeing the document.

All denials must be in writing, provide the reason for being denied, and be delivered to you within thirty (30) calendar days of the date the request was filed, except for cases of transfers as discussed previously.

### What are the exemptions included in the FOI Act?

The Liberian FOI Act indicates that a document, information, or record is exempted from public access **ONLY** if the release of the information would cause injury or substantial harm to:

- *National security, defense, or international relations*
- *Criminal Investigation*
- *Trade Secrets*
- *Privileged communications*
- *Personal information*

A document is exempt from the general right of access to information when it would be an unreasonable disclosure of personal information.

### What about if only part of a document is exempt?

When part of the document has exempt information, only that part should be excluded from disclosure and the rest of the document released to you.

Also, public agencies and private entities cannot just claim that the information you want falls under an exemption, is confidential, or secret. They must also show that the harm of disclosing the information is greater than the public interest in knowing the information. To satisfy the public interest test, the agency must show the following:

The requested information falls under one or more of the exemptions listed in the FOI Act Disclosure of the information will or is likely to cause injury or substantial harm to the interest protected by the exemptions. The harm to be caused is greater than the benefit to be gained if the information was provided

Exempted information can only remain exempt from disclosure for a continuous maximum period of fifteen (15) years.

# HANDOUT – REDACTED INFORMATION

8-13  
Rofw

DRAFT - [REDACTED] A  
9 June 1953

MEMORANDUM FOR THE RECORD

SUBJECT: Project HOLLINA, Subproject B

1. Subproject B is being set up as a means to continue the present work in the general field of L.S.D. at [REDACTED] until 11 September 1954.
2. This project will include a continuation of a study of the biochemical, neurophysiological, sociological, and clinical psychiatric aspects of L.S.D., and also a study of L.S.D. antagonists and drugs related to L.S.D., such as L.A.F. A detailed proposal is attached. The principle investigators will continue to be [REDACTED] all of [REDACTED]
3. The estimated budget of the project at [REDACTED] is \$39,300.00. The [REDACTED] will serve as a cut-out and cover for this project and will furnish the above funds to the [REDACTED] as a philanthropic grant for medical research. A service charge of \$750.00 (2% of the estimated budget) is to be paid to the [REDACTED] for this service.
4. Thus the total charges for this project will not exceed \$40,050.00 for a period ending September 11, 1954.
5. [REDACTED] (Director of the hospital) are cleared through TOP SECRET and are aware of the true purpose of the project.

*[Signature]*  
[REDACTED] A  
Chemical Division/TSS

APPROVED:

*[Signature]*  
Chief, Clinical Division/TSS

PROGRAM

## REVIEW

**At the end of this section, summarize the main points with participants:**

- What are the responsibilities of the agency from which they requested information
- When to expect a response to the request for information
- Why their request may have been transferred
- What are the exemptions under the law

## Section Five



### Content - Appeal Procedures and Going to Court

**Aim:** The aim of this section is to inform participants of their appeal options if not satisfied with an agency's response, lack of response, or high fees, etc.

**Objective:** To help participants understand their right to appeal when requests for information are denied, and to educate participants regarding the internal review process.

**Desired Learning Outcomes:**

At the end of this section, the participants should know:

- What is an internal review
- What is the Independent Information Commission and its role
- What are the steps for filing an appeal
- What is judicial review

#### What if a requester is not satisfied?



If any of these situations apply to a requester, they have a right to seek an appeal:

- No response within the time period
- A denial of information
- A partial document
- A transfer notice with which the requester disagrees
- A fee/charge they think is too high
- Or any other negative decision

#### Internal Review

In an internal review, a senior official or internal review body will review your appeal and provide you with the outcome of the review in writing within thirty (30) working days (about 6 weeks).

#### Appeal to the Independent Information Commissioner

If you are still not satisfied, you may appeal to the Independent Information Commissioner (IIC). The Information Commissioner is required to review your request for appeal, hold a hearing among involved parties, and provide his/her final decision.

Throughout all appeals processes, the agency must prove that their decision is legal under the FOI law. If your request is denied because of an exemption, the agency will have to show that disclosure of the document you requested would likely cause substantial harm that is greater than the benefit to the public.

Anyone can ask for an internal review or an appeal. It is important to note that a requester does not need an attorney to appeal for an internal review or to the Independent Information Commissioner. It also is free of any costs.

## Judicial Review

If a requester is still not satisfied with the Independent Information Commissioner's decision, they have the right to request a judicial review before the Civil Law Court in Montserrado County and in the Circuit Court of the county where the public agency or private entity is located.

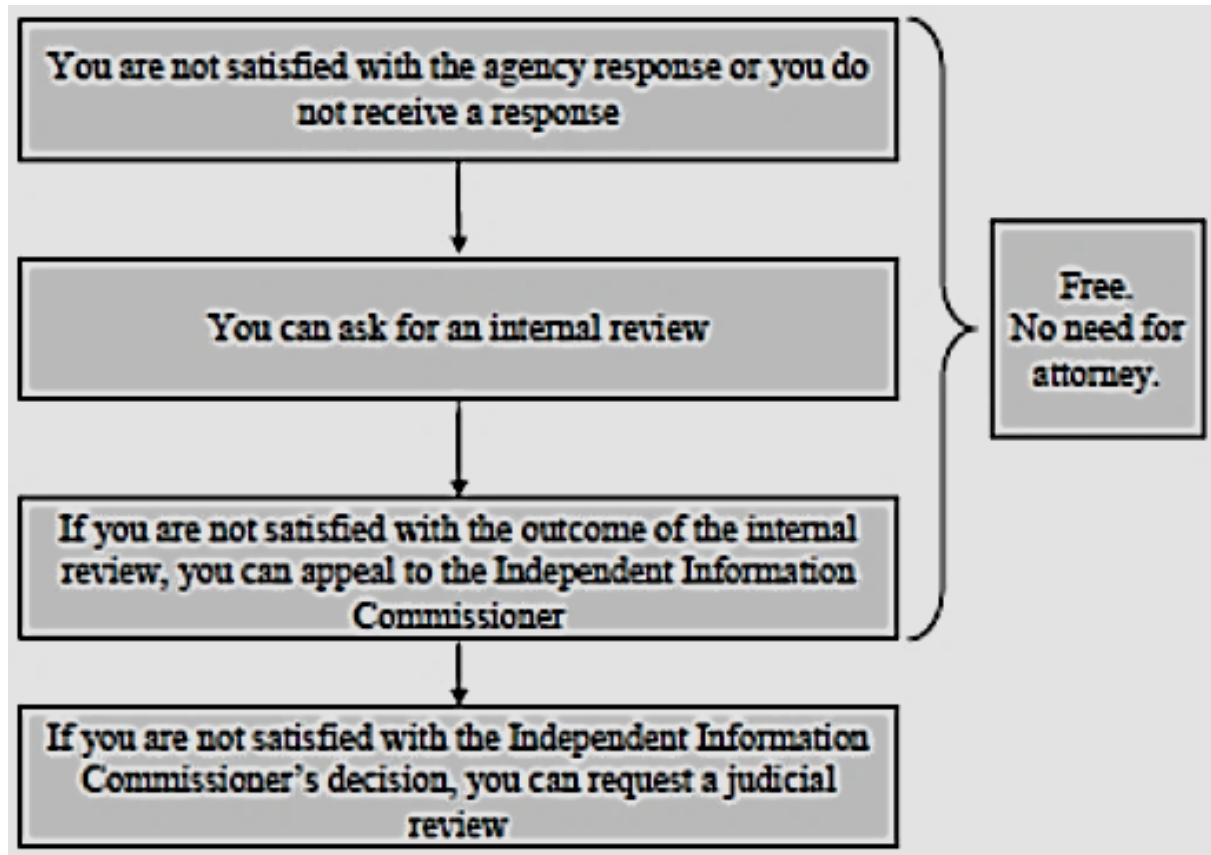
### ACTIVITY – WORKING IN PLENARY

Ask the participants if anyone has ever been denied information after submitting a request under the FOI law. Have them share their experiences with the whole group. Also review the summary of appeals mechanisms below to assist with this plenary discussion.

Use the questions below to assist with facilitating the discussion:

- Has anyone ever sought an internal review? What was the outcome?
- Has anyone ever appealed to the Independent Information Commission? What was the outcome?
- Can anyone recall the 3 steps for appealing (asking for an internal review, appealing to the Independent Information Commissioner, going to court)?
- Does appealing cost money? (Note: internal reviews and appeals to the IIC do not, whereas going to court will incur court fees)
- What are some possible outcomes from filing an appeal – positive and negative?
- Does anyone know who the current Information Commissioner is and where/how to contact him/her? (provide handout on following page with appeals process and IIC information)

## HANDOUT - SUMMARY OF APPEALS MECHANISM



### **INDEPENDENT INFORMATION COMMISSION OF LIBERIA**

**Commissioner:**

Mark Bedor-Wla Freeman, Sr.

**Address:**

10<sup>th</sup> Street and Jallah Town Road, Sinkor  
Monrovia, Liberia

**Telephone:**

0888-721-920 (office hours)  
0776-204-953 (after hours)  
0555-210-067 (after office)

# REVIEW

**At the end of this section, summarize the main points with participants:**

- What is an internal review
- What is the Independent Information Commission and its role
- What are the steps for filing an appeal
- What is a judicial review

## Section Six



### Review and Evaluation

At the very end of the training, quickly run through the main points covered. You can either provide the summary yourself, or ask participants to recall what they learned. Participants should know the following:

- What access to information is and why it is important
- Who can request and receive information
- What public bodies and private entities must provide information
- What are the exemptions to requesting information
- Whether it costs to access information
- How to find out where to get information
- What is a publication scheme
- What are the main steps for filing a request for information
- How to write a request for information, including what information should be included in the request letter
- What the FOI Hotline and STAM-FOI are and how they can support requesters
- What are the responsibilities of the agency from which they requested information
- When to expect a response to the request for information
- Why their request may have been transferred
- What are the exemptions under the law
- What is an internal review
- What is the Independent Information Commission and its role
- What are the steps for filing an appeal
- What is judicial review

#### ACTIVITY – FINAL REVIEW DISCUSSION

Leave time at the end of the workshop for questions, but also for participants to reflect on the workshop. This can be done either via discussion, provided someone takes good notes of what is said for use in building the next training, or by handing out a post-training assessment and evaluation. The following post-evaluation handout can be printed for participants to fill out or assist the trainer in leading a final review discussion.



- Did you enjoy the workshop?
- How valuable is the information you learned?
- Compared to before this workshop, what have you learned?
- Do you feel prepared to access and request information?
- Can you teach others in your community about FOI law and the processes involved in access to information?
- How are accountability and transparency involved in access to information?
- Please share how the information and skills you learned today will help you, your family, or your community.
- Do you feel empowered to request information?

# HANDOUT: POST-TRAINING ASSESSMENT AND EVALUATION

Name: \_\_\_\_\_

Organization (if any): \_\_\_\_\_

Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

Did you enjoy the workshop? (Answer “yes” or “no” and explain your answer):

\_\_\_\_\_  
\_\_\_\_\_

Compared to before this workshop, what have you learned?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you feel prepared to exercise your right of access to information by either filing a request or seeking proactively disclosed information? (Answer “yes” or “no” and explain your answer):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Can you teach others in your community about FOI law and the processes involved in access to information?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please let us know how we can improve this training:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# APPENDIX A - GLOSSARY

**Access to Information:** Access to information is used synonymously with Freedom of Information. The right of the public to request, receive, review, reproduce, and retain records and documents held by public agencies and private entities performing public functions or receiving public funding.

**Appeal:** To request a review of a particular decision, or failure to respond, to a higher tribunal.

**Automatic Publication:** The dissemination of information by a public agency or private entity receiving public funds or providing public services as it is generated or received, irrespective of whether a request for the information has been made. The FOI Act mandates certain key classes of documents/information be automatically published.

**Designated Officer:** An employee of a public agency assigned to receive and process requests for access to information and to oversee the automatic publication of information. In this guidebook, the term “Information Officer” is used instead of “Designated Officer.” See “Information Officer” for additional definitional details.

**Document(s):** Any retrievable or reviewable record in any form, whether written, printed, audio, visual, or electronic. These may include, but are not limited to maps, diagrams, photographs, film, micro film, video-tapes, sound recordings, machine-readable records, etc.

**Exemption:** A legal reason found within the FOI Act why the Government of Liberia and private entities receiving public funds or providing public services must withhold disclosure of a document. When an exemption applies, the public agency or private entity receiving public funds or performing public functions must show why the harm of disclosure outweighs the public interest in knowing the information.

**Independent Information Commissioner:** An individual appointed by the President of Liberia with the advice and consent of the Liberian Senate who is mandated by the FOI Act to oversee the implementation of the FOI Act, including compliance with the law. The Information Commissioner reviews all appeals from internal review. The Independent Information Commissioner shall enjoy operational, investigatory, and regulatory autonomy, and general independence in the exercise of his or her work.

**Information:** Records/data of facts, people, subjects, events, phenomena, processes, etc. that are created and received, regardless of their form (hard copy documents, electronic documents, records, videos, films, photos, drawings, schemes, notes, maps, etc.).

**Information Officer:** A person appointed within a public agency or private entity receiving public funds or performing public services who is responsible for receiving requests for information held by the agency or entity and coordinating the response(s) of the agency or entity; serving as the primary FOI contact of the agency or entity; promoting best practices in records management; and assisting the public in filing re-quests for information.

**Internal Review:** A review of a negative decision or action or failure to act regarding a request for information. An internal review is conducted by a senior official or an internal information request review body established by each public agency.

**Judicial Review:** A review of a negative decision or action regarding a request for information or allegedly high reproduction fees that is carried out within the Civil Law Court in Montserrado County and/or in the Circuit Court of the county where the agency exists.

**Public Agency:** All bodies, entities, corporations, agencies and other institutions owned wholly or substantially by the Government of Liberia.

**Public Authority:** Any agency, ministry, or institution of the Government of Liberia or person acting on behalf of such agency, ministry, or institution. In this handbook the term “public agency” is used as to capture all public authorities and agencies.

**Public Function:** Any act normally carried out by the Government or any of its agencies, ministries and institutions.

**Public Servant:** A person who holds a government position by election or appointment

**Public Services:** Services rendered for or to the general public at cost or for free, and includes sanitation, health, transportation, banking, education, broadcasting and telecommunications, etc.

**Publication Scheme:** Any publication by a public agency providing detailed information to the public on the nature and activities of that agency and information it publishes.

**Public Record:** A record, manual rule book, regulation, or other documents produced or received by, being used or having been used by, possessed by or under the control of a public authority, whether in written form, recorded, stored in electronic form, or in any other device.

**Private Entity:** Anybody, business or otherwise, owned by private persons that receive public funds or benefits.

**Record(s):** Information created, received, and maintained by a government, organization, or person, in pursuance of legal obligations or in the transaction of business.

**Records management:** The process responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining information about government and business activities and transactions in the form of records.

**Requester:** A person who has made a request for access to information in accordance with the FOI Act.

# APPENDIX B – LIBERIA FOI ACT 2010

## PREAMBLE

Recognizing that access to information is a fundamental right guaranteed by the Constitution of Liberia and the Universal Declaration of Human Rights as well as the African Charter on Human and People’s Rights;

Realizing that the right of access to information encompasses the right to request and receive information, especially information involving public interest;

Acknowledging that access to information is indispensable to genuine democracy and good governance and, to this end, Article 15(c) of the Constitution of Liberia provides that no limitation shall be placed on the public right to be informed about the government and its functionaries;

Convinced that a dedicated statute on the right of access to information is essential to affirming and promoting the effective, equitable and inexpensive exercise of this right;

NOW THEREFORE IT IS HEREBY ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF LIBERIA, IN LEGISLATURE ASSEMBLED:

## Chapter 1- General Provisions

Section 1.1 Title: This Act shall be known as the Freedom of Information Act of 2010.

Section 1.2 Short Title: This Act may be cited as the Freedom of Information Act.

Section 1.3 In this Act, the following terms and phrases shall have the meaning established for each in this Section:

**1.3.1** Access to Information:

**1.3.2** “Access to information” refers to the right of the public to request, receive, review, reproduce and retain records and documents held by public bodies and private entities performing public functions or receiving public funding.

**1.3.3** “Act” means the Freedom of Information Act.

**1.3.4** “Court” means any judicial body of the Republic of Liberia.

**1.3.5** “Documents” means any retrievable or reviewable record, which may be written, printed, audio, visual or electronic.

**1.3.6** “Independent Human Rights Commission” means the autonomous commission established by an Act of the legislature, which shall have oversight responsibility for the effective implementation of this Act

**1.3.4** “Person” means any individual, partnership, corporation, joint venture, trust, estate, un-incorporated entity, government or any juridical entity.

**1.3.5** “Private Bodies” include any entity, business or otherwise, owned by private persons.

**1.3.6** “Public Authorities” means any agency, ministry, or institution of the Government of Liberia or person acting on behalf of such agency, ministry or institution;

1.3.7 “Public Bodies” refer to all agencies, entities, corporations, bodies and other institutions owned, wholly or substantially by the Government of Liberia.

1.3.8 “Public Function” refers to any act normally carried out by the Government or any of its agencies, ministries and institutions.

1.3.9 Public Services” means services rendered for or to the general public at cost or on gratis, and includes sanitation, health, transportation, banking, education, broadcasting and telecommunications, etc.

1.3.11 “Publication Scheme” means publication by public authority providing detailed information to the public on the nature and activities of that authority and information it publishes.

1.3.12 “Public Record” means a record, manual rule book, regulation, or other documents produced or received by, being used or having been used by, possessed by or under the control of a public authority, whether in written form or recorded or stored in electronic form or in any other device.

1.3.13 “Requester” means an applicant or person who requests access to a document or information.

Section 1.4 Principles: This Act is based on the following principles, which shall govern the construction, exercise, and protection of the right of access to information:

- a. Public bodies hold information not for themselves but as agents of the public and custodians of the public good;
- b. Everyone has a right of access to information generated, received and or held by public bodies, subject only to such limitations as are necessary and narrowly established for reason of an equally or more compelling public interest;
- c. The right of access to information includes both (1) a right to request and receive information, and (2) an obligation on the part of public bodies and officials to disseminate essential information that the public would generally want to know, including their core functions and key activities;
- d. The right of access to information applies to private entities that receive public resources and benefits, engage in public functions, and or provide public services, particularly in respect of information relating to the public resources, benefits, functions or services;
- e. The right to information is independent of a personal interest in the information, and there is no need whatsoever for a person requesting information to provide a reason or justification for his or her request.

Section 1.5 The objects of this Act are:

- a. To promote effective, equitable and inexpensive exercise of the right of access to information;
- b. To establish clear and concise procedures for requesting and providing of information held by (i) public bodies and (ii) private bodies receiving public benefits or performing public functions or providing public service.
- c. To establish and provide for the exercise of a right to appeal any decision denying a request for information or infringing on the right of access to information; and

d. To provide appropriate penalties and other sanctions for wrongful failure to keep and or provide information.

Section 1.6 Scope of Act: This Act shall apply to and cover:

a. All public authorities and bodies at all branches and levels of the Government, including but not limited to ministries, bureau, departments, autonomous agencies, public corporations, commissions, committees, sub-committees, boards, military and paramilitary institutions, and any other related bodies supported in whole or in part by public resources;

b. All private bodies performing public functions and or providing public services, including academic institutions, hospitals and other health service providers; telecommunications operators, banking institutions, and similar entities;

c. All private bodies that receive public funds or benefits of whatever nature; and

Section 1.7 Primacy of Act: Save for the Constitution, this Act is and shall be the primary law governing the right of access to information, including all matters related to request for and provision of information in Liberia. No administrative action, order or regulation contrary to, inconsistent with, or in derogation of this Act shall issue or be effective in Liberia, and this Act shall prevail over any and all subsequent inconsistent statutes, except a subsequent statute that specifically amends or repeals it.

## Chapter 2.0 Publication of Certain Information

Section 2.1 Requirement of a Publication Scheme: Every public authority or body shall establish, maintain, and regularly update a widely accessible and user-friendly publication scheme whereby the public authority or public body automatically provides detailed information regarding its core functions, nature of its activities and operations, and the information it possesses.

Section 2.2 Contents of Publication Scheme: The publication scheme shall, at a minimum, contain:

a. The full name, designation, functions and contact details of the Information officer appointed and maintained by the Authority in keeping with Section 5. Of this Act;

b. Clear statement that (1) describes the nature, organization, functions and powers of the public authority concerned, (2) explains its decision-making processes, and (3) discloses agreement(s) and or arrangement(s), if any, that it has with third parties relative to the discharge of its functions;

c. A fair description of the types and categories of documents and information held by the public authority, the location of the documents, and a clear statement of the public right to review, request, receive and retain copies of any of such documents or information; and

d. Such procedures, as are not inconsistent with this Act, which may be followed to access, review, copy, receive and retain the whole or any portion of the documents or information.

Section 2.3 Access to Publication Scheme: The publication scheme of every public authority or body shall be widely accessible, and the hard and or soft copies of the scheme shall be available at the offices of the authority and at other reasonable public places.

Section 2.5 Automatic Publication: Without prejudice to the general publication scheme established in this Act, every public authority is obliged to publish, and maintained published, certain key classes of

documents/information as soon as they are generated or received by the authority, irrespective of whether a request has been made or not made for them.

Section 2.6 Documents subject to Automatic Publication: The classes of documents to be automatically published by every public authority shall include: (1) the enabling legislation of the agency or authority; (2) its existing policies, procedures and rules; (3) its budgets; (4) the financial accounts of the agency/authority; (5) Material contracts; (6) Organizational chart, including lines of reporting; (7) Procedures for appealing decisions of the authority or its officers; and (8) such other information that would enable the public to deal with the authority and or monitors its performance.

### Chapter 3 Procedures for Making and Responding to Request for Information

Section 3.1 Accessibility of Information: All public information held by public bodies and those held by private entities in respect of public funding received or public services provided shall be accessible, and may be inspected, requested, provided, reproduced and retained as provided in this Act.

Section 3.2 Request for Information: Every person, irrespective of their nationality or residence, may request, receive, reproduce and retain any information held by (1) a public authority or (2) private entity that receives public funds or engage in public functions or provision of public service; provided that in respect of private entities, the information shall relate to the public funds, benefit, functions or service.

Section 3.3 Description of information Requested: Every request shall describe the information requested with reasonable details that would enable the public authority or private entity easily identify the information. Additional specification of the information may be provided by the requester by any means and at any time, including in responses to questions from personnel of the authority or entity.

Section 3.4 Form of Request: Request for information may be filed in writing, by electronic mail, or orally in person, or by any alternative means.

Section 3.5 Reason for Request: The right to request information is independent of personal interest in the information, and no one shall be asked or required to provide a justification or reason for requesting any information.

Section 3.6 Designation of at least one personnel / staff: Every public authority and private entity to which this Act applies shall appoint, maintain and duly support at least one designated personnel/staff whose overall responsibility shall be to receive requests for information held by the authority or entity and coordinate the response(s) of the authority or entity to all such requests. The designated personnel / staff shall serve as the primary contact of the authority or agency with the public relative to request for and provision of information, and his responsibilities shall include promoting best practices in record maintenance, storage, and management, and assisting members of the public, especially illiterate and other physically challenged persons, to file requests for information.

Section 3.7 Prompt Response to Information Request: Every public authority and private entity shall promptly respond to all requests for information it receives, be it by post, e-mail, or hand delivery.

Section 3.8 Documentary acknowledgement of Request: Upon the receipt of every request, a public authority or private entity shall acknowledge the request in writing and advise the requester of the maximum number of days it shall take to respond to the request.

Section 3.9 Maximum period for responding to Requests: Every public authority and private entity shall respond to every request for information within thirty (30) calendar days; provided that this period shall be extended once upon showing of a reasonable cause.



Section 3.10 Response to request defined: A response to a request for information may consist of one of the followings: (1) timely provision of the requested information; (2) denial of the request; (3) transfer of the request.

Section 3.11 Provision of Requested information: The search for and provision of requested information shall be done free of charge to the requester, but a public entity may charge such amount as is necessary to cover actual cost of photocopying, transcribing, scanning or other forms of reproduction.

Section 3.12 Denial of Requests: A request for information, including to inspect, review or reproduce the information, may be lawfully denied only if it is within one of the exemptions provided in Chapter 4 of this Act. A denial of a request and the reason thereof shall be in writing and served the requester no later than 30 calendar days as of the receipt of the request.

Section 3.13 Transfer of Requests: In the event a public authority or private entity receives a request relating to information not held by the authority or entity, such authority or entity shall, with notice to the requester, automatically transfer the request to the public authority or private entity known or believed to hold the requested information.

A transfer of request shall be made no later than fifteen (15) days after receipt of the request and with prompt notice served the requester.

Section 3.14 Further Transfer of Requests: Where a request for information is transferred to a wrong public authority or private entity, the public authority or entity to which the request was erroneously transferred may, with notice to the requester, further transfer the request to another public authority or entity known or reasonably believed to be the holder of the information. A further transfer shall be made no later than ten (10) working days after receipt. There shall be only one further transfer, and in making the one further transfer, the original recipient of the request and the authority or entity making the further transfer have the obligations to consult and make all efforts to identify the proper holder of the information so as not to cause further delay in responding to the request.

## Chapter 4.0 Exemptions

Section 4.1 Exhaustive List of Exempted Documents: Subject to the provisions of Section 4.8, a document, information or record is exempted from disclosure ONLY if it falls in or under one or more of categories of exempted documents listed in this Chapter.

Section 4.2 Information Relating to National Defense, Security and International Relations: A document or record is exempted from disclosure or public access if its disclosure would cause injury or substantial harm to the security, defense or international relations of the Republic of Liberia or would divulge any information or matter communicated in confidence by or on behalf of another country to the Government.

Section 4.3 Criminal Investigation: A document or record is exempted from disclosure or public access if its disclosure would cause injury or substantial harm to (1) an ongoing criminal investigation, (2) disclose the identity of a confidential source assisting with criminal investigation, or (3) endanger the lives or physical safety of persons involved in criminal investigation.

Section 4.4 Trade Secrets: A document or record is exempted from disclosure or public access if its disclosure under this Act would reveal trade secrets belonging to a public authority or a private entity, or destroy the commercial value or affect the competitiveness of a public authority or private entity in relation to the business or work of the authority or entity; provided that this provisions shall not be construed to apply to:

- (a) Information on the general business or professional affairs of the authority or private entity; or
- (b) Information on the business, commercial or financial affairs of an undertaking of which that person, or a person on whose behalf that person made the request, is a proprietor.

Section 4.5 Personal Information: A document or record is exempted from the general right of access if its disclosure would constitute an unreasonable disclosure of the personal information.

Section 4.6 Privileged Communications: A document or record is an exempt document or record if it is shown to be of such nature that it would be privileged from production in any legal proceedings based on any of the privileges recognized under the rules of evidence extant in Liberia.

Section 4.7 Partial Exemption: Where a portion of a document or record falls under the exemptions established in Sections 4.2 thru 4.6 above, only the exempted part(s) of the requested document shall be redacted from the original document and remaining portion released.

Section 4.8 Exemption must be justified; not merely Claimed: A public authority or private entity may not refuse access to or disclosure of information simply by claiming it as “confidential or secret”. In order to qualify to be exempted from disclosure, it must be clearly demonstrated that:

- a) The information or record falls within or under one or more of the exemptions established in this Act;
- b) That the disclosure of the information will cause or likely to cause injury or substantial harm to the interest protected by one or more of the exemptions established in this Act; and
- c) The harm to be caused by the disclosure is greater than the public interest in having the information disclosed.

Section 4.9 Maximum period for nondisclosure: Information or records exempted from disclosure or public may remain exempted for as long as the reason for their exemption exists, but in any event no longer than a continuous period of fifteen (15) years).

## Chapter 5 Oversight

Section 5.1 Oversight Body: The implementation of this Act, including compliance therewith, shall be overseen an independent Information Commissioner to be appointed by the President with the advice and consent of the Liberian Senate. The Independent Information Commissioner shall be a Liberian of high moral character and generally acceptable to many stakeholders. The Independent Information Commissioner shall serve full-time, and receive compensation at least equal to that receive by a Circuit Judge.

The work of the Information Commissioner and the Technical Secretariat to support his or her work shall be funded by the Government through the National budget. The Informational Commissioner shall enjoy operational, investigatory and regulatory autonomy, and general independence in the exercise of his or her work.

Section 5.2 Functions and Powers of Information Commissioner: Without limiting the generality of the provisions of Clause 5.1 above, the functions and powers of the Independent Information Commissioner shall include:

- a) To receive, hear and decide all complaints as well as mediate disputes arising under this Act.
- b) To compel witnesses and evidence for the purpose of deciding appeal or otherwise determining compliance with this Act.
- c) To review information held by public bodies and covered private entities and, in connection therewith, including procedures for the internal reviews provided in Section Chapter (6) of this Act as well as the fees charged by public bodies and entities for reproduction of requested information.

- d) To issue cease and desist orders and other recommendations to any or all of such public bodies and relevant private entities relative to implementation and compliance with this law.
- e) To investigate, monitor, and promote compliance with this Act, including collecting statistics associated therewith.
- f) To order any public body or private body concerned to release requested information should it find that the information or record is not one that is exempted by this Act.
- g) To train and build the capacity of personnel of public bodies and private entities concerned to ensure (1) proper interpretation and application of this Act and (2) that the handling of information requests is consistent across all government bodies.
- h) To consult with and provide support to Information Officers and other relevant officials of public bodies and private entities covered under this Act.
- i) To develop access guidelines and procedures.
- j) To develop public awareness strategies and information dissemination campaigns to educate the public about their rights under the Act, and promoting necessary compliance with this Act.
- k) To evaluate existing laws and regulations relating to access to information, and to make recommendations for reform and harmonization of the laws.

Section 5.3: Annual Reports: All public bodies and private entities to which this Act applies shall submit to the Independent Information Commissioner report concerning activities carried out during the preceding year in relation to this Act. The annual report shall be submitted at a time to be determined by the Independent Information Commissioner, and shall include:

- (a) the number of requests for access to documents or records or other type of information received by the public authority or private body as the case may be between January 1 and December 31 of the preceding year, and the number of applications which the public authority or private body processed during the period.
- (b) the number of requests for access to information pending before the public authority or private body as the case may be as of December 31 of the preceding year and the number of days that each of those requests had been pending before the public authority or private body as of the date of the submission of the report.
- (c) the number of requests where the public authority or the private body as the case may be declined access to records or documents requested by members of the public under this Act and the reasons for each such refusal of access.
- (d) the average number of days it takes the public authority or private body to process different types of requests for access to information, records or documents;
- (e) the total amount of fees collected by the public authority or private body as the case may be to process such requests; and
- (f) A description of the steps or efforts taken by the responsible Minister or Chief Executive of the public authority or private body as the case may be to encourage all officers under his or her charge to comply with the provisions of this Act.

Section 5.4 Annual Report to the Legislature: The Independent Information Commissioner shall include in its annual report to the National Legislature a full account of the status of implementation of the Act.

## Chapter 6 Appeal Procedures

Section 6.1 Right of Appeal: In all events where a request for information is denied and or not responded to, or an action of a public body or private entity in respect of the transfer or any handling of such request if is alleged not to be in keeping with this law, the applicant shall have a right to appeal the decision or action of the public authority or private entity concerned.

Section 6.2 Internal Review: An applicant who receives a negative decision or action regarding a request for information or who believes that the transfer of his or her request or the fees charged by the public body or private entity are inconsistent with this law shall in all cases be entitled to an internal review of the action or decision. Such internal review shall be conducted by a senior official or an internal information request review body to be established by each authority or agency. An internal review shall be concluded within thirty (30) working days as of its filing by the applicant. The outcome of each internal review shall be in writing and copies shared with the applicant.

Section 6.3 Complaints to the Independent Information Commissioner: Where (i) an applicant receives a negative decision or action and (ii) is not satisfied with the outcome of an internal review conducted pursuant to Section 6.2, such applicant shall have a right to appeal the decision of the authority or entity directly to the Independent Information Commissioner. The Independent Information Commissioner shall be the final administrative arbiter of all complaints concerning denial of information requests and any other alleged infringement of the right of access established under this Act. A final decision of the Independent information officer may include any of the civil sanctions provided for in Chapter 7 of this Act.

Section 6.4 Burden of Proof: In both (i) an internal review conducted by an authority or agency pursuant to Section 6.2 and (ii) a hearing conducted by the Independent information Commissioner pursuant to Section 6.3 hereof, the burden of proof shall be on the public authority or private entity to show that it acted consistent with its obligations and in accordance with this Act.

Section 6.5 Right of Judicial Review: Any person who is not successful in an internal review and in respect of an appeal taken from the internal review to the Independent Information Commissioner shall have a right to a judicial review. An appeal from the decision of the Information Commissioner shall lie before the Civil Law Court in Montserrado County and in the Circuit Court of the county where the public body or private entity is located.

## Chapter 7.0 Offences, Sanctions, Protections

Section 7.1 Fines for violations: The person deemed responsible for a public authority or private entity to violate this act will be subject to a fine not less than L\$5,000 and not greater than L\$10,000.00 in addition to reimbursement of any reasonable attorney costs incurred by the successful applicant.

Section 7.2 Dismissal: A public servant who without authorization and any legal basis wrongfully denies an applicant access to information or otherwise violate a person's right of access shall be subject to a fine of not less than L\$5,000 and not greater than L\$10,000 plus a formal reprimand for the first wrongful conduct. The person shall be suspended for two months without pay for the second offense, and immediate dismissal for the third time of violation.

Section 7.3 When Civil Sanctions may be imposed: The fines established in Section 7.1 and the personnel actions provided for in Section 7.2 hereof may be imposed by an authority or entity or the Independent Information Commissioner at the end of an internal review or a hearing consistent with due process.

Section 7.4 Criminal Sanction for Willful Destruction of Records: It shall be a criminal offence punishable on conviction with a maximum of two (2) years imprisonment for willfully destroying or altering records after that have are the subject of a request for information.

Section 7.5: Protection from civil and criminal liability: Any person who discloses information or grant access to information in good-faith reliance on the provision of this Act shall be protected from any and all civil and criminal liabilities, even if it is later determined that the information was in fact exempted. Similar protection shall be accorded all persons that receive information pursuant to this Act

#### Chapter 8.0 Effective Date

Section 8.1: This Act shall take effect immediately upon publication in Hand-Bills. Any law to the contrary notwithstanding.