

ACCESS TO INFORMATION (AMENDMENT) BILL, 2021

(Bill No. 47 of 2021)

EXPLANATORY STATEMENT OF THE OBJECTS OF AND REASONS FOR THE BILL

Section 45 of the Access to Information Act, restricts the Chief Information Commissioner, the Information Commissioners and the Chief Executive Officer from occupying or engaging in any other activity, profession or trade for financial gain, or any political activity during their terms of office.

According to the Constitutional Appointment Authority that proposes suitably qualified candidates to the President for appointment to such offices, the said limitation on outside work appears to be the reasons for a lack of interest shown in application to the offices of Chief Information Commissioner and Information Commissioners. In fact, when the office of Chief Information Officer became vacant, no person has shown interest to apply for the post presumably for reasons of such limitation on outside work.

This Bill proposes to amend section 45 of the Access to Information Act, 2018 (Act 4 of 2018) and relax the said limitation.

With such proposal: —

- (i) the Chief Information Commissioner and the Information Commissioners will only be restricted from holding office in, or taking employment with, a public body or a political party or engaging in any partisan political activity; and
- (ii) the Chief Executive Officer will only be restricted from holding any office in, or take employment with, any other public body or a political party. Any interest or engagement in commercial or voluntary undertaking or occupation, shall be subject to the provisions of the Public Services Orders.

The Bill further proposes that the Information Commission shall cause to be published in the *Gazette* a list of all Information Officers designated by a

public body between the period 1 January and 31 January of the preceding year.

This will ensure the maintenance of a complete list of Information Officers of all public bodies that the public will have readily access to on www.gazette.sc.

The Bill seeks to achieve the above objectives.

Dated this 4th day of October, 2021.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

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ARRANGEMENT OF SECTIONS

Sections

1. Short title
2. Amendment of section 7
3. Substitution of section 45

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**A BILL
FOR**

AN ACT to amend the Access to Information Act, 2018 (*Act 4 of 2018*).

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Access to Information (Amendment) Act, 2021, and shall be read and construed as one with the Access to Information Act, 2018, (*Act 4 of 2018*), which as amended, is hereinafter referred to as the “principal Act”.

Amendment of section 7

2. Section 7 is amended by inserting immediately after subsection (2), a new subsection (3) as follows —

“(3) On or before the end of January of every year, the Chief Executive Officer shall cause to be published in the Gazette a list of all Information Officers designated by a public body between the period 1st January and 31st December of the preceding year specifying the date of their appointment and cessation of office.”

Substitution of section 45

3. The principal Act is amended by repealing section 45 and substituting therefor the following —

“Limitation on outside work

45(1). The Chief Information Commissioner and Information Commissioners shall not, during their terms of office, hold office in, or take employment with, a public body or a political party or engage in any partisan political activity.

(2) Subject to the Public Services Orders, the Chief Executive Officer shall not, during his or her term of office, hold any office in, or take employment with, any other public body or a political party.”