

MALAWI HUMAN RIGHTS COMMISSION



**REPORT ON MONITORING ACCESS TO INFORMATION ACT COMPLIANCE BY
INFORMATION HOLDERS**

MAY 2022

Access to Information Unit

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1.0 BACKGROUND

The Right of Access to Information is an enabling human right, necessary for the enjoyment of other human rights. Malawi's 1994 Constitution has a specific provision on access to information on section 37 which states that "subject to any Act of Parliament, every person shall have the right of access to all information held by the State or any of its organs at any level of Government in so far as such information is required for the exercise of his rights". Conversely, the Access to Information Act (ATIA), 2017 clearly states the purpose of the Act as "An Act to provide for the right of access to information in the custody of public bodies and relevant private bodies; the processes and procedures related to obtaining that information; and to provide for matters connected therewith or incidental thereto."

ATIA designated the Malawi Human Rights Commission (the Commission) with powers to oversee the implementation of the law¹. Furthermore, the law gives powers to the Commission to advise the government and institutions and give directions in connection with the performance of their duties and obligations under this Act. Therefore, in exercise of its mandate, the Commission conducted a monitoring exercise to selected public institutions to assess levels of compliance with ATIA in some districts in all the four regions of the country.

2.0 INTRODUCTION

This report provides the background to the monitoring visit, states the objective of the activity, describes the methodology and highlights the findings in narrative and tabular formats. The tables include Table 1: a summary of findings; Table 2: Extent of Compliance and Table 3: the processing of requests for information. This is followed by a detailed account of the findings under "General Findings and Observations". The report further looks at challenges and makes recommendations on how these can be tackled and then provides a conclusion. The list of institutions that were visited to monitor compliance and particulars of interviewees and Information Officers are listed in the Annexes at the very end of the report.

3.0 OBJECTIVES

¹ S7 & 8

The activity aimed at establishing mechanisms put in place by the institutions in line with the Act in provision of access to information, assessing the level of knowledge of the law by institutions and to appreciate challenges faced by the institutions in providing access to information.

4.0 METHODOLOGY

The exercise comprised three teams with each region having its own team. For example, Team North visited Mzimba and Mzuzu, Team Centre visited Kasungu, Ntchisi, Dowa and Nkhotakota while Team South visited Blantyre, Thyolo and Mulanje Districts. The teams used a monitoring tool² in gathering the necessary information from the information officers and or heads of institutions. In addition, there was physical checking of any mechanisms put in place by the institution in providing access to information.

5.0 FINDINGS

Tables A and B provide a summary of the state of compliance by institutions and requests for information processed between September 2020 and May 2022 respectively.

Table A: Summary of Findings

| NO. | INSTITUTION'S REQUIREMENT | PROGRESS | PERCENTAGES (%) |
|-----|---|---|-----------------|
| 1 | Number of institutions visited | 23 | |
| 2 | Number of institutions that have ATIA copies | 5 | 22% |
| 3 | Number of institutions that have information guides | 0 | 0% |
| 4 | Number of institutions that have designated Information Officers | 14 | 60.9% |
| 5 | Number of institutions that have submitted names of IOs to the Ministry | 5 | 22% |
| 6 | Number of institutions that have active website | 7 | 30% |
| 7 | Number of institutions with information manuals | 0 | 0% |
| 8 | Number of cases received in 2021 and 2022 (January and May). | 21. All were accepted and processed. | 100% |
| 9 | Number of institutions that have ATI budget allocation. | 0 | 0% |

² Refer to the appendix

Table B: Compliance

| District/City | Name of Institution | Status of Compliance ³ | Gaps Identified | Remarks |
|------------------------|--------------------------|--|---|---|
| NORTHERN REGION | | | | |
| Mzimba | Mzimba Prison | <p>None of the staff members trained in ATIA as a result very low understanding of the law.</p> <p>Information Officer not appointed or designated yet and did not have copies of ATIA and Regulations.</p> <p>Information is only disclosed at the Headquarters in Zomba.</p> <p>Not submitted any report in the Ministry of Information and Malawi Human Rights Commission.</p> | <p>Lack of knowledge on ATIA among members of staff</p> <p>Inactive website</p> <p>Have no procedures and processes in handling requests for accessing information.</p> | <p>Prison Services has not yet decentralized in the information disclosure however; it is practically difficult for an information seeker in Mzimba to access information for Mzimba from Zomba.</p> <p>The Prison Services should have an information officer at each facility</p> |
| Mzimba | Mbelwa District Council. | <p>Staff members have no knowledge on ATI since they were not trained.</p> <p>Not appointed or designated an Information Officer but have a District Information Officer.</p> <p>Have some copies of ATIA Have formal protocols though not documented that the general public follow when accessing any information from the council.</p> <p>The Council uses both manual and electronic records. For instance, financial records are electronically and manually kept while for Human Resource and Administration much is</p> | <p>Inadequate of knowledge on ATI</p> <p>Inactive website</p> <p>No written procedures and processes in handling requests for accessing information.</p> | <p>Good progress on proactive disclosure of information for public consumption.</p> <p>There is need for training of staff members</p> |

³ This includes availability of Information Officers, proactive disclosure, knowledge of the ATIA (training of staff) etc

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|--------|--------------------------|--|--|---|
| | | <p>kept manually.</p> <p>General information is disclosed at the Council i.e through Prepared Citizen Budget, Media Engagement, Posters on the notice boards for general use, and openness to information seekers.</p> <p>Have not submitted any report to the Ministry of Information and Malawi Human Rights Commission.</p> | | |
| Mzimba | Mzimba Police Station | <p>Not trained in ATIA</p> <p>Have not appointed or designated an Information Officer and do not have copies of ATIA</p> <p>General information is disclosed at their National Headquarters in Lilongwe</p> <p>Have not submitted any report in the Ministry of Information and Malawi Human Rights Commission.</p> | <p>Lack of knowledge in ATIA</p> <p>Inactive website</p> | <p>Poor progress in implementation of ATI hence need for orientation</p> <p>Malawi Police Service needs to decentralize accessibility to the information they have for easy access to the information by the public</p> |
| Mzuzu | Malawi Revenue Authority | <p>Only senior management team has knowledge on ATI but junior staff members have no knowledge on ATI since they were not trained.</p> <p>Have appointed an Information Officer with his name submitted to the Ministry of Information as a requirement by the Law</p> <p>Have some copies of ATIA and have no documented and have general policies and manuals for the institutions.</p> <p>Some administrative arrangements are in place in case of requesting for</p> | <p>Lack of inclusivity for people with disability.</p> <p>Administrative arrangements for providing access to information are lacking when weighted against the ATIA and Regulations</p> | <p>Good progress in implementation of ATIA.</p> <p>There is need for training of junior staff too</p> |

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|-------|-----------------------------|--|--|--|
| | | <p>information.</p> <p>MRA has a very active website</p> <p>Both manual and digital records are kept</p> <p>General information is disclosed at MRA through website, media engagements during press briefings, posters on the notice boards for general use, and openness to information seekers.</p> <p>Have not conducted any activity in relation to ATI and have not submitted any report to the Ministry of Information and Malawi Human Rights Commission.</p> | | |
| Mzuzu | Regional Immigration Office | <p>Information Officer has basic knowledge in ATIA</p> <p>Majority staff members have no knowledge on ATI since they were not trained.</p> <p>Have appointed an Information Officer who is doubling as a Regional Information Officer though the name was not submitted to the Ministry of Information.</p> <p>Have some copies of ATIA</p> <p>Have general policies and manuals for the institutions.</p> <p>Immigration Department has an active website which is regularly updated</p> <p>Both manual and digital records are kept.</p> <p>General information is</p> | <p>Majority of staff lack knowledge in ATI</p> <p>Lack internal procedures and processes in handling requests for accessing information.</p> | <p>Much of the information is proactively disclosed.</p> <p>There is need for training</p> |

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|-------|------------------------|---|---|---|
| | | <p>disclosed proactively at the Immigration Department through website, media engagements during press briefing, posters on the notice boards for general use, and openness to information seekers.</p> <p>Have not conducted any activity in relation to ATI and have not submitted any report to the Ministry of Information and Malawi Human Rights Commission.</p> | | |
| Mzuzu | Mzuzu Central Hospital | <p>Have better understanding of ATIA but only the senior management staff members while other members of staff have no knowledge on ATI since they were not trained. However, processes are underway to train them.</p> <p>Have appointed an Information Officer who is a Chief Nursing Officer and the name of the Information Officer was submitted to Ministry of Information.</p> <p>Have some copies of ATIA. Have both manual and digital records for information</p> <p>Administrative protocols are in place in case of requesting for information.</p> <p>They no active website, however, the plans are underway through Ministry of Health to have the website active.</p> <p>General information such as Covid 19 information, infection prevention and other information are</p> | <p>Lower rank staff lack knowledge in the ATIA</p> <p>Lack proper internal procedures and processes in handling requests for accessing information.</p> | <p>Proactive disclosure of information.</p> <p>There is need for training for key lower ranked members of staff</p> <p>Being a critical institution, there should be an active website where people can easily access information</p> |

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|-----------------------|--------------------------|---|---|---|
| | | <p>disclosed proactively through media engagements, posters on the notice boards for general use, and openness to information seekers.</p> <p>Have not conducted any activity in relation to ATIA and have not submitted any report to the Ministry of Information and Malawi Human Rights Commission.</p> | | |
| Mzuzu | Mzuzu Police Station | <p>Members of staff were not trained in ATIA. However, processes are underway to train them.</p> <p>Have not appointed an Information Officer but disseminate information through the office of the Public Relations Officer</p> <p>Have some copies of ATIA both manual and soft copies.</p> <p>Information seekers are provided information within the institution's established arrangements</p> <p>Mzuzu Police Station has no active website on its own since it depends on the national headquarters.</p> <p>Digital and manual records of information are kept.</p> <p>Have not conducted any activity in relation to ATI and have not submitted any report to the Ministry of Information and Malawi Human Rights Commission.</p> | <p>Lack of knowledge in ATIA</p> <p>No clear internal guidelines in providing access to information as stipulated in the ATIA</p> <p>Lack of an Information Officer</p> | <p>Need for training of key staff members in the ATIA</p> <p>Malawi Police Service should decentralize in the designation of Information Officers</p> <p>Internal mechanisms should be put in place for access to information</p> |
| CENTRAL REGION | | | | |
| Ntchisi | Ntchisi District Council | <p>Have a designated Information Office</p> <p>Disclosure of information</p> | <p>Staff from all the sectors under the Council including the</p> | <p>Key staff in the institutions must be oriented in the ATIA</p> |

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| | | <p>by the council to the public is done through Notice Boards</p> <p>Very minimal knowledge on ATIA including staff members since they were trained.</p> <p>Do not have copies of ATIA</p> <p>do not have active website but keep records manually.</p> <p>Have not conducted any activity in relation to ATI</p> <p>Did not submit a report to the Ministry of Information and Malawi Human Rights Commission.</p> | <p>DC lacks knowledge on ATIA</p> <p>The council respond to requests for information without proper documentation</p> <p>Lack of ATI material i.e ATIA, Regulations, Forms etc.</p> <p>No proper systems for keeping records of information.</p> | <p>and Regulations.</p> <p>The Commission can provide the facilitators while the institutions can arrange for the meetings.</p> |
| Ntchisi | Ntchisi Prison | <p>The prison staff has no knowledge of ATIA since they were trained on ATIA.</p> <p>Have not appointed or designated an Information Officer.</p> <p>Have no copies of ATIA</p> <p>Do not have an active website</p> <p>Manually keeping of records and have not conducted any activity in relation to ATIA</p> <p>Have not submitted any report in the Ministry of Information and Malawi Human Rights Commission.</p> | <p>Lack knowledge in ATIA</p> <p>depends the on the prison headquarters to provide information</p> <p>Apply the procedures and processes before the enactment of ATIA in handling requests for accessing information.</p> | <p>The institution needs to be oriented in ATIA</p> <p>Malawi Prison Service should decentralize provision of information</p> |
| Ntchisi | Ntchisi District Hospital | <p>Staff members were not trained in ATIA</p> <p>Have not appointed or designated an Information Officer because of decentralization, they depend on the Information</p> | <p>Lack knowledge on ATIA</p> <p>Inactive website</p> | <p>The District Council ought to have more than one Information Officer because of the its size comprising many sectors</p> |

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| | | <p>Officer from the District Council.</p> <p>Do not have copies of ATIA.</p> <p>Do not have active website hence keeps their records manually</p> <p>Have not conducted any activity in relation to ATIA and have not submitted any report to the Ministry of Information and Malawi Human Rights Commission.</p> | | |
| Nkhota-kota | District Council | <p>There is good progress on compliance at the council</p> <p>The council designated an information officer</p> <p>There is proactive disclosure of information by the council to the public through notice board, media, Facebook, WhatsApp and twitter though not literally following ATIA procedures.</p> <p>The council developed information manuals i.e Socio-economic profiles (2017-20220 and District development plan (2021)</p> <p>The Council also makes use of the media (Chisomo Radio, Umunthu and Nkhotakota Radio Station) to disseminate information to the public</p> <p>It has an active Facebook page and the website is in progress to be finalised</p> <p>Have not conducted any activity in relation to ATI and have not submitted any</p> | Have inadequate knowledge on ATIA | Good progress in implementation of ATIA. However, training is needed for full compliance to the law |

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| | | report in the Ministry of Information and Malawi Human Rights Commission. | | |
| Nkhotakota | Nkhota-kota Police Station | <p>Research and Planning Department deals with dissemination of information however, information is mostly provided at the Police H/Qs</p> <p>Staff members have no knowledge on ATIA since they were not trained.</p> <p>Have no copies of ATIA</p> <p>Information is kept manually.</p> <p>Have not conducted any activity in relation to ATI hence have not submitted any report in the Ministry of Information and Malawi Human Rights Commission.</p> | <p>Lack of knowledge on ATIA for all members of staff.</p> <p>The institution has only one desktop computer hence it is difficult to keep information digitally</p> | <p>Training is needed</p> <p>Police should decentralize provision of information</p> |
| Nkhotakota | Nkhota-kota District Hospital | <p>It uses the District Information Officer who was designated by the Council</p> <p>Have no copies of ATIA</p> <p>Information is disseminated through the community radios, WhatsApp forums, notice boards and mobile vans</p> <p>Have general policies and manuals for the institutions.</p> <p>It has no active website and it uses both manual and digital records though much work is done digitally.</p> <p>General information such as Covid 19 information, infection prevention and other information are disclosed proactively</p> | <p>Lack of knowledge on ATIA</p> | <p>Proactive disclosure of information.</p> <p>However, one Information Officer for the council cannot adequately cover all sectors such the health sector</p> |

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| | | <p>through posters and mobile vans</p> <p>Have not conducted any activity in relation to ATI and have not submitted any report in the Ministry of Information and Malawi Human Rights Commission.</p> | | |
| Kasungu | Central East Region Police | <p>Members of staff were not trained in ATIA.</p> <p>Have not appointed an Information Officer, it relies on the PRO</p> <p>Have no copies of ATIA</p> <p>Have general policies and manuals for the institutions</p> <p>Records are kept manually and digitally</p> <p>General information is disclosed proactively at the stations through the PRO</p> <p>Have not conducted any activity in relation to ATI</p> <p>Have not submitted any report in the Ministry of Information and Malawi Human Rights Commission.</p> | <p>Lack of general knowledge on ATIA</p> <p>No proper systems for keeping information</p> | <p>Needs training in ATIA</p> <p>Should have an Information Officer being the regional headquarters</p> |
| Kasungu | Kasungu ADD | <p>Only management has knowledge on ATIA while other members of staff do not have</p> <p>Have not appointed an Information Officer, it relies on the PRO</p> <p>Have no copies of ATIA</p> <p>Have general policies and manuals for the institutions</p> <p>Information is disseminated through the PRO</p> | <p>Lower rank staff lack knowledge in ATIA</p> <p>Unavailability of an Information Officer</p> | <p>Key members of staff ought to be trained in ATIA</p> <p>Should designate an Information Officer</p> |

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| | | Keeps both manual and digital records. Have not conducted any activity in relation to ATI and have not submitted any report in the Ministry of Information and Malawi Human Rights Commission. | | |
| Kasungu | Kasungu District Council | Members of staff were not trained in ATIA. Have a designated Information Officer The Council has no copies of ATIA Have general policies and manuals for the institutions Have manual records of information. Have not conducted any activity in relation to ATI Have not submitted any report in the Ministry of Information and Malawi Human Rights Commission. | Lack of basic knowledge on ATIA ⁴ Inadequate proactive disclosure of information One Information Officer servicing the whole council is not sufficient | Key members of the council should be trained in ATIA The council should have more than one information officer |
| SOUTHERN REGION | | | | |
| Blantyre | Blantyre District Council | Has an Information officer Name of an Information Officer was submitted to the Ministry of Information (MoI). They share information through local government structures e.g. Councilors, MPs, ADC and VDC, and on a notice board. | Staff and the IO lack adequate knowledge of the ATIA. No funding allocation for ATI in the budget. Do not have a website, but are currently developing one | There is need for staff to be well trained on the ATIA in order to ensure full compliance. Advice was given on the gaps identified. |
| Blantyre | Blantyre City Council | Has an Information Officer. | Few staff are aware of the ATIA. | There is need for staff to be well trained on |

⁴ ATIA training that was conducted by Youth and Society only targeted councilors and civil society from the Municipality

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| | | <p>Has a website which contains their functions, information on key officers and reports, and information manuals.</p> <p>Has procedures for people to access information. They received an award of the most open institution.</p> <p>They have information manuals, strategic plans, and service charters.</p> | <p>No budget or activities under ATI.</p> <p>No ATI annual report submitted.</p> <p>Website does not include details of the Information Officer.</p> <p>Not disability inclusive, since their office has not come across any.</p> | <p>the ATIA in order to ensure full compliance.</p> <p>Advice was given on the gaps identified.</p> |
| Blantyre | MACRA | <p>Has 3 Information Officers.</p> <p>Departments of Broadcasting, Communication, and Consumer Affairs have sufficient knowledge of ATIA.</p> <p>Has a clear procedure on how people can access information; most requests are made through the communications department.</p> <p>Records are kept on servers as well as files. They have a well detailed website and Facebook, Instagram, and Twitter page. They have information manuals</p> | <p>Information Officers' names were not submitted to the Ministry of Information.</p> <p>Other members of staff are not trained in ATI.</p> <p>Lack inclusiveness of PWDs when sharing information.</p> <p>They have not carried out ATI activities nor submitted an annual report to Ministry of Information.</p> <p>They have no budget allocation for ATI.</p> | <p>MACRA has a well outlined process of sharing information.</p> <p>Despite not following ATIA guidelines in providing information, the institution has been providing information through their PROs in the communication department and Consumer Affairs department.</p> <p>There is need for a proper use of information officers by following ATIA guidelines</p> |
| Blantyre | MEC | <p>Has an Information Officer and the name was submitted to the Ministry of Information.</p> <p>The IO was appointed on 13th October 2020. Only the senior management has adequate knowledge on ATIA.</p> <p>Has a mailing list which is used for dissemination of important public information to people.</p> | <p>No budget allocated for ATI.</p> <p>No annual reports submitted to the Ministry of Information.</p> <p>They did not have the details of their information officer on their website.</p> <p>Other cadres of staff lack knowledge of the</p> | <p>MEC is one of a few institutions that have demonstrated positive progress in compliance with the Act.</p> <p>The availability of a file containing requests for information is one clear indication of provision of access to information</p> |

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| | | <p>Has a website that is updated regularly.</p> <p>Some information is provided in braille and sign language.</p> <p>Proactive disclosure through the press briefings, public hearings, radio and TV programs, and social media platforms besides a resource center.</p> <p>Information is filed digitally and manually. They have information manuals which are published periodically depending on the activities they do</p> | <p>ATIA.</p> | |
| Luchenza | Luchenza Municipality Council | <p>Has information manuals.</p> <p>Proactive disclosure of information through town hall meeting each quarter for sharing information with the public.</p> <p>They post planned projects, annual budgets and financial reports on notice boards.</p> <p>They have a suggestion box, and give information to people whenever it is requested.</p> | <p>Not fully aware of the ATIA, but just know it's existence.</p> <p>Do not have an Information Officer.</p> <p>Do not have a website (but plan to have one)</p> <p>No funds allocated for ATI.</p> <p>All their records are kept manually.</p> | <p>Despite not having been oriented on ATIA, the council was doing a lot in terms of proactive disclosure of information</p> |
| Thyolo | Thyolo District Council | <p>Has two information officers.</p> <p>Names of Information Officers were submitted to Ministry of Information.</p> <p>Information is shared with the general public using the notice boards, VDC, ADC meetings, community meetings through</p> | <p>Staff has inadequate knowledge in ATIA.</p> <p>No funding allocated for ATI.</p> <p>Annual report was not submitted to the Ministry of Information.</p> <p>All records are kept as</p> | <p>There is need for staff to be well trained on the ATIA in order to ensure full compliance.</p> <p>Advice was given on the gaps identified.</p> |

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| | | chiefs/councilors meetings and people are also able to access information through different council fora. Most of the information published by the district council is to do with tenders and other developments | hard copies, they do not have a website ⁵ and their records are not inclusive of the visually impaired persons | |
| Mulanje | Mulanje District Council | Has an Information Officer. The council keeps its records both manually and digitally. Developed a website which is expected to be operational soon. Once reports are written including the budgets are displayed on notice boards for people to be able to access the information. | Name of the Information Officer was not yet submitted to the MOI. Staff have inadequate knowledge of the ATIA. No funding allocation for ATI activities. Annual report not submitted to the Ministry of Information | There is need for staff to be well trained on the ATIA in order to ensure full compliance. Advice was given on the gaps identified |

Table C: Processing of Requests for Information (September 2020-to date)

| Name of Institution & Location | Number of Requests Received | Number of Requests accepted | Number of Requests denied | Reasons for Denial |
|---|--|--|----------------------------------|---------------------------|
| Mzimba Prison | None | None | None | None |
| Mzimba District Council | 3 requests | All were accepted and processed | None | None |
| Mzimba Police Station. | None | None | None | None |
| Malawi Revenue Authority | No any request received | None | None | None |
| Regional Immigration-Mzuzu | Received general requests for information such as passport issues and boarder issues. However, the institution could not remember of how many requests received. | All requests were accepted and processed. Some requests were processed at the regional office while some were referred to the national headquarters. | None | None |

⁵ Intends to have one within this financial year

| | | | | |
|------------------------------|--|--|---|---|
| Mzuzu Central Hospital | Received requests for information through the PRO though not following ATI procedures. E.g issues of Covid-19. | Almost 90% of all requested information were accepted and processed. | Some information were denied due to the nature of the information being sought. | <ul style="list-style-type: none"> • Matters under investigations by the Ministry or any other body. • Information concerning doctor and patient etc. |
| Ntchisi District Council | Received over 5 normal requests but no requests made in relation to ATI | All were accepted processed | None was denied | None |
| Ntchisi District Hospital | No requests made in relation to ATI but only normal requests and not sure of the total figures | All accepted | None | None |
| Ntchisi Prison | No requests made in relation to both normal requests and ATI | None | None | None |
| Nkhotakota District Council | Over 10 requests on normal information were made but not requests made in relation to ATI | All were processed and accepted | No request was denied | None |
| Nkhotakota District Hospital | Only normal health related information such as on Covid 19 was requested but no requests made in relation to ATI | All the requests were processed and accepted | None | None |
| Nkhotakota Police Station | General information requests were made but with no figures to show. However, no requests made in relation to ATI | All requests were processed and accepted | None | None |
| Kasungu District Council | It only received normal requests which are not relation to ATI but with no figures | All were accepted | None | None |

| | | | | |
|---------------------------------|---|---|------|-------------------|
| Kasungu ADD | No requests made in relation to ATI but only the normal ones to do with Agricultural Input Programs | All were processed and accepted | None | None |
| Kasungu District Hospital | No requests made in relation to ATI | None | None | None |
| Central Region East Police H/Qs | The PRO receives many requests which are not in relation to ATIA. | All were accepted and processed | None | None |
| Blantyre District Council | None under ATIA | - | - | - |
| Blantyre City Council | Up to 5 a day | All- except for those they don't have information | None | - |
| MACRA | None requested through ATIA guidelines | 90% were granted | None | Matters in court. |
| Luchenza Municipality Council | 3 | 3 | 0 | - |
| MEC | 5 ⁶ | All | None | - |
| Thyolo District Council | 2 | All | None | - |
| Mulanje District Council | 3 | All | None | - |

6.0 GENERAL FINDINGS AND OBSERVATIONS.

Based on the specific findings and observations in the table above, the following are the general findings and observations:

- a) The exercise was a wakeup call to most Information Holders who were taken unaware of their legal obligations under ATIA. Lack of orientation in the law was a major contributing factor.
- b) 5 out of 23 institutions assessed (representing 22%) demonstrated a significant level of compliance. These five institutions had information officers in place, had understood their responsibilities under the Act and proactively disclosed information. These institutions are Malawi Electoral Commission, Malawi Revenue Authority (Northern

⁶ Only for those requested following ATIA guidelines otherwise more requests for information were processed under PRO

Region Office), Mzimba District Council, Blantyre City Council and Nkhotakota District Council.

- c) All 23 institutions assessed did not allocate funding for the access to information activities since its operationalization as provided for by the ATI Regulations. This consequently affects the implementation of the Act.
- d) The majority of the institutions (about 70%) did not have an active website and had not established internal mechanisms for processing requests for information.
- e) Despite not following specific provisions of the ATIA, many institutions continued to provide information through their Public Relations Officers as a matter of routine.
- f) Most information was provided in formats that are not friendly to persons with visual impairment. Besides, the format issue, it was also noted that most information is provided in English language. There is need to include local languages.
- g) There is some conflict of roles between the traditional Public Relations Officers and the new Information Officers where the two have been doubled. There is lack of clarity as to whether one is sharing information in compliance with ATIA or as PRO.
- h) Low demand for access to information in the district councils which was attributed to inadequate awareness among the information seekers.

7.0 CHALLENGES

1. Although the assessment was an important exercise to ascertain the level of compliance by information holders, only a few selected institutions were reached due to inadequate resources.
2. Pre-booking of the meetings with targeted institutions was problematic because contacts for those institutions were hardly available. Most contacts that were identified from official websites were not functional.

8.0 RECOMMENDATIONS.

1. There is need for massive sensitization of the public on access to information through media and other platforms. This will help to create demand for information.
2. Information holders should be encouraged to train their staff members in accordance with the law. The Commission will help to orient information officers and also work with the Information holders to provide low cost orientation on ATIA.

3. Information holders must be encouraged to include provision of information in disability friendly formats.
4. Information holders must be encouraged to allocate funds in the annual budget for Access to Information activities.
5. Institutions that operate at national, regional, district and community level must consider decentralizing the provision of information by ensuring that people can request for information at all levels.

9.0 CONCLUSION

This report has presented the Commission with a lot of useful information on the progress being registered in the implementation of the ATIA. It has also provided an opportunity to the Commission to remind information holders about their roles and obligations in the implementation of the law. The findings of the exercise will contribute to the development of action plans by the Commission

ANNEXES

Table 1: ROADMAP

| # | ISSUE | ACTION POINTS |
|---|---|---|
| 1 | Failure to appoint/designate information officers | The Commission will engage the Ministry Information to ensure that Information Officers are put in place in all those institutions that do not have |
| 2 | Inadequate knowledge/awareness of the Act among Information Holders | Besides the Commission organizing training for Information Officers, Information Holders are encouraged to initiate their own institution based training for their staff which are cost effective |
| 3 | Low demand for access to information by the public | The Commission will mobilise more resources to support the media awareness of the law. Building a synergy with relevant stakeholders on awareness raising |
| 4 | Non-compliance by the Information Holders | The Commission will profile the results of the assessment as part of raising awareness. The Commission will share recommendations with individual institutions The Commission will conduct follow up monitoring to check the progress made on the recommendations |

Table 2. INSTITUTIONS THAT WERE VISITED BUT WERE NOT ASSESSED

| | | |
|----------|--------------------|--|
| Mzuzu | Mzuzu City Council | MHRC did not meet the official as they were engaged in other equally important duties |
| Mzuzu | Youth and Society | The MHRC team did not manage to meet the organization since it was engaged during the week of visit. |
| Mzuzu | Mzuzu University | The MHRC failed to visit the institution because the University lost its Assistant Registrar on the day of visit |
| Blantyre | MBS | Visited but was not assessed because the responsible officer was not available. Managed to |

| | | |
|----------|-------------|--|
| | | get contacts and shared the form and ATIA |
| Blantyre | Immigration | Visited but was not assessed because the responsible officer was not available. Managed to get contacts and shared the form and ATIA |
| Blantyre | MUBAS | Visited but was not assessed because the responsible officer was not available. Managed to get contacts and shared the form and ATIA |

Table 3: PARTICULARS OF INTERVIEWEES AND INFORMATION OFFICERS

| Name of Institution | Name & Contacts of Interviewees | Name (s) of Information Officers | Contacts for Information Officers ⁷ | Website for the Institution |
|----------------------------|--|----------------------------------|--|--|
| Mzimba Prison | <ol style="list-style-type: none"> 1. Moses Chigalu (O.C) 2. Lizie Nyirenda (PRO) | | 0888606314 088176862 | Do not have a website. |
| Mzimba District Council | <ol style="list-style-type: none"> 1. Mr. Rodney Simwaka (DC) 2. Mr. Aliko Munde (IO) | Mr. Aliko Munde (IO) | 0999064750 0999390096 | Do not have Active website but plans are underway. |
| Mzimba Police Station | <ol style="list-style-type: none"> 1. Supt. Msowoya (ASO) 2. Sb-Insp Peter Chisi | | 0995644799 | Do not have an active website |
| Malawi Revenue Authority | <ol style="list-style-type: none"> 1. Mr. Stephen Pakaine | | 0999239295 | www.mra.mw |
| Regional Immigration-Mzuzu | <ol style="list-style-type: none"> 1. Maxwell Makolo (RIO) 2. Francis Chitambuli (PRO) | Maxwell Makolo | | www.immigration.gov.mw |
| Mzuzu Central Hospital | <ol style="list-style-type: none"> 1. Mr Arnold Kayira (PRO) | Mr. Blair Sibale (IO) | 0992071967/0888352906 | Not active website. |
| Mzuzu Police Station | <ol style="list-style-type: none"> 1. Maurice Chapola (PRO) | | 0995844042 | chapolamaurice@gmail.com |
| Ntchisi | Franklin Lusizi –DC Cell: 0999387602 | Devison Matola | 0999888640 | N/A |

⁷ Include mobile numbers and email address

| | | | | |
|-------------------------------------|--|--|--|---|
| | Devison Matola – IO Constantini Kapala – O/C Prison Cell: 0999688123 | | | |
| Nkhotakota | Ben Tonho –DC Cell: 0999278385 James Tembo – IO Stanley Nkhondoyachepa, IO – 0999094683 | James Tembo | | N/A |
| Kasungu | Com. Of Police Noel Kaira Cell: 0888345434 Shaibu Yusufu – Kasungu ADD, Cell: 0999296411 | | | N/A |
| Blantyre District Council | Bernard Nkasala, +265... | Mrs. Blessings Thawani (Human Resource Developme nt officer) | +265 888 510 830/ +265 998 735 148 thawanidalitso3@gm ail.com | N/A |
| Blantyre City Council | Mr. Alfred Nyengo, +265 999 953 566 | Deborah Luka | +265 882 444 614, lukadebbie@gmail.c om | https://bccmw.com . |
| MACRA | Matilda Kanjiri, Kelias Mlenga, Zadziko Mankhambo, Lemekezani Chisambiro | Zadziko Mankhamb o, Lemekezan i Chisambiro , and Wezi Nkhoma- Nsomba | Lemekezani – 0995830993, lemekezani.chisambi ro@macra.mw , Wezi – 0999558427, wezi- nkhomansomba@ma cra.mw Zadziko Mankhambo zadziko.mankhambo @macra.mw 0999 40 60 88 | https://macra.mw . |
| Luchenza Municipality Council | Lovemore Mhamba – 0884286400, lovemhamba@gmail.c om , John Maneya – 0888427850, | None | - | N/A |

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|--------------------------|---|-------------------------|---|---|
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| MEC | Sangwani Mwafulirwa, 0999274304, smwafulirwa@mec.org.mw | Mr. Wellington Katantha | 0991810115, wkatantha@mec.org.mw | https://mec.org.mw . |
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| Mulanje District Council | Ernest Kaphuka, 0888142981, | Mr. John Monjeza | 0888347400/0999156630, jmonjeza@gmail.com | - |