



## **PRESS STATEMENT ON THE REQUEST FOR ACCESSING AND DISCLOSURE OF PUBLIC INFORMATION**

The right of access to information is an important human right necessary for the enjoyment of other human rights. Section 37 of the Constitution of the Republic of Malawi provides for the right to access information. This is further promulgated in the Access to Information Act 2017 (The Act) and Access to Information Regulations 2021. Section 7 and 8 of the Act designated the Malawi Human Rights Commission (the Commission) with powers to oversee the implementation of the Act.

The Commission has observed the prevailing culture of withholding important public information from the public. This has provided fertile ground for spreading speculation, false information and fake news in the country.

The Commission would like to remind the general public, Civil Society Organizations (CSOs), public institutions and relevant private bodies of their duties and obligations in making the information accessible.

The general public has the right to request and access public information from any public institution, NGO and relevant private body by following procedures set out in section 18 of the Act and paragraph 11(1) of the Regulations. For example, requesting information orally or in writing through an information officer at the institution. In the event that the request is denied, the information seeker has the right of appeal to the Access of Information Committee at the Malawi Human Rights Commission.

Section 15 of the Access to Information Act obligates every information holder to proactively disclose public information pertaining to contracts, licenses, permits and reports among others to the public. In this regard, the Commission would like to urge all public institutions to be exemplary by adhering to the provisions of the law by ensuring that the public is well informed in time of important developments in their institutions. Information holders should not be reactive to speculation or false news, they should avoid this by making information accessible to all.

Furthermore, the Commission would like to remind information holders that prevention of disclosure of information, providing false information and wrongful denial of disclosure of information are crimes which are punishable by law. The Commission is also reminding information seekers that misuse of disclosed information for unlawful purposes; for reasons other than those for which a request for information was made without any authorization of the information holder is also a crime (Sections 51 – 54 of the Act).

Scader Louis  
**CHAIRPERSON**  
19<sup>th</sup> October 2022