



ZAMBIA

2016 Report on Open & Secretive
Public Institutions in Zambia

INTRODUCTION

Information has been described as the oxygen of democracy because without it, people are unable to participate effectively in the governance processes. Freedom of information (FOI) gives members of the public the right to access information held by the government and in some instances, by private institutions. The aim is to lift the veil of secrecy that governments tend to operate in as well as to reinforce the idea that governments hold information for the people who elected them into office.

In Zambia, the Access to Information (ATI) Bill has been embraced on the premise that a free press and an informed citizenry are better placed to provide checks and balances to public institutions and the Government, thereby ensuring transparency and good governance. FOI is seen and recognised as both a key ingredient in the democratic governance as well as a fundamental human right.

It has, however been observed that the level of awareness among citizens with regard to the ATI provisions are lower than expected. This is despite the numerous sensitisation programmes aimed at educating the public about the importance of having legislation in place which empowers citizens to hold leaders and institutions accountable.

There still exists the misconception that the ATI Bill, when and if enacted into law, will benefit the media fraternity more than any other section of society. There are also fears that some members of the public may abuse it.

Successive governments have promised to ensure the passage of the ATI Law. Politicians have promised to seriously look into the enactment of the Bill into law on numerous occasions, but nothing concrete has come out of these pronouncements.

On the 4th of May 2016, the Civil Society Coalition on the Enactment of the Access to Information Bill picketed Parliament and presented a petition demanding the enactment of the Access to Information Law.

The Coalition, which presented the petition signed by 101,799 people from 70 districts in the country to the Chairperson of the Information and Broadcasting Committee, Kabinga Pande, was displeased by what it says is the casual manner with which the Patriotic Front (PF) Government had handled the enactment of laws that have a direct and positive impact on the lives of citizens.

Coalition Chairperson, Fr. Leonard Chiti, observed that the culture and attitude of dragging and procrastinating, detrimental to the wellbeing of the country, had continued to be the order of the day in the Patriotic Front -led government.

Fr. Chiti said it is disheartening that in their pronouncements, President Edgar Lungu and his regime are reluctant to enact the Bill because they feel some sections of the media will use the law irresponsibly.

He further mentioned that the President's statement on the Bill, including that of the Minister of Information and Broadcasting Services, Chishimba Kambwili indicate a clear lack of commitment to a cause that they themselves championed prior to, and after the 2011 General Election.

The Coalition says it will remain steadfast and work with progressive members of Parliament and other stakeholders to ensure that the Government tables the ATI bill without any further delay.

Last year, President Lungu said he was thinking twice about Zambia enacting the ATI Law because of the conduct of some media practitioners whom he said were engaging in irresponsible reporting.

It should be noted that freedom of information is a fundamental human right without which individuals and institutions cannot function properly.

RATIONALE AND RESEARCH PARAMETERS

The objective of the research was to establish the challenges faced by ordinary citizens in Zambia, in an effort to access information from government and public institutions. The survey also sought to establish how public institutions respond to requests for information submitted by ordinary citizens, as well as to assess the levels of transparency in government and public institutions with regard to access to information.

The research also sought to inculcate a culture of transparency in the government and public institutions.

Eight (8) public institutions were selected for this survey, which was conducted between 10 August 2016 and 2 September 2016.

The research involved writing to all selected institutions and conducting an assessment of the institutions' online platforms as well as making phone calls and physical visits.

The following public institutions were surveyed:

1. Anti-Corruption Commission (ACC)
2. Energy Regulation Board (ERB)
3. Ministry of Community Development, Mother and Child Health (MCDMCH)
4. Ministry of Health (MoH)
5. Ministry of Youth and Sport (MYSCD)
6. National Pension Scheme Authority (NAPSA)
7. Office of the Auditor General (OAG)
8. Public Service Commission (PSC)

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- All institutions, with the exception the Ministry of Youth and Sport, have websites. The Ministry of Youth and Sport however, has a Facebook page, which is not regularly updated. The aforementioned institution has performed poorly in this regard.
- Five (5) of the selected institutions have social media pages/sites. The National Pension Scheme Authority, Ministry of Community Development Mother and Child Health and the Office of the Auditor General do not have social media sites.
- The Anti-Corruption Commission's website sometimes redirects to another government site.
- Institutional websites do not contain information about working hours and most of them do not have information on budgets and expenditure.
- The Energy Regulation Board's website is updated regularly and the Ministry of Community Development, Mother and Child Health has the most appealing website, though it is not updated regularly.
- The Office of the Auditor General would do well to invest in a vibrant and up-to-date website. The current arrangement is rather dull.

Category 2: Requests for information

- All institutions acknowledged receiving the requests for information and promised to respond. Of the eight (8), five (5) responded to the requests while three (3) did not. The ones that never responded did not give reasons for not doing so. Institutions that never responded are the Energy Regulation Board, the Ministry of Community Development, Mother and Child Health, and the Ministry of Health.
- The Ministry of Community Development, Mother and Child Health seemed to have challenges keeping track of correspondence. The researcher had to re-submit a new written request for information.
- The Anti-Corruption Commission was the last institution to respond to the request for information. The researcher was told that the reply took long to be delivered because of the processes involved when it comes to responding to such requests.
- The Ministry of Youth and Sport was the first to respond to the request for information. The Ministry's Youth Development Officer called the researcher and responded to the request verbally. He also disclosed that the institution was working on creating a website.

- Institutions that were very helpful were the Public Service Commission, the National Pension Scheme Authority, the Ministry of Youth and the Office of the Auditor General. The researcher faced little or no challenges when dealing with the aforementioned institutions.

DETAILED FINDINGS

1. Anti-Corruption Commission

CATEGORY 1: WEBSITE

<http://www.acc.gov.zm/>

The website is up-to-date. Only challenge is that it sometimes redirects/switches to another site. The Anti-Corruption Commission has a Facebook page with over 16,800 likes. The Facebook page is up-to-date. The Commission is also on Twitter with over 200 followers.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			The link to the site sometimes redirects to another site.
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Anti Corruption Commission

1. Since inception, how many cases has the Commission investigated and successfully prosecuted?
2. As culprits are both female and male, can you provide a gender disaggregated data on prosecutions?
3. Do you have offices throughout Zambia's ten provinces, and in which towns are they located?
4. What form of reform with regards to law and operational financing is required to reposition the ACC?
5. What measures has the Commission put in place to ensure that whistleblowers are protected and how effective are they?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?	•			
6. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.	•			Yes, though not much about its budgets
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			

n = 20	Yes	No	Partial	Additional Information
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?	•			

Total Score: 12/20

2. Energy Regulation Board

CATEGORY 1: WEBSITE

<http://www.erb.org.zm>

The website is updated regularly. The Energy Regulation Board has a Facebook page with close to 900 likes. The Facebook page is not updated regularly.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?			•	Only documents for bidding
f) Vacancy and employment procedures?			•	The space seems to be for job advertisements, no employment procedures are displayed.
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 16/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Energy Regulation Board

- Aside from the Lusaka office, how widespread is the ERB and do you have sufficient manpower comparative to your regulatory mandate?
- What form of policy reform does the ERB require toward attainment of strengthened operations?
- What needs to be done to gain public confidence with respect to sanctioning requests for petroleum and electricity tariff adjustments?
- What measures has ERB taken to ensure more people switch to alternative sources of energy, such as solar and biogas, to counter the current energy crisis currently prevailing?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		

n = 20	Yes	No	Partial	Additional Information
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 2/20

3. Ministry of Community Development, Mother and Child Health

CATEGORY 1: WEBSITE

<http://www.mcdmch.gov.zm>

The website is not updated very regularly. The Ministry has no social media sites.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			Some up to date information
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Ministry of Community Development, Mother and Child Health:

1. Explain how decentralized is the work of the MCDMCH?
2. How challenging has the inclusion of aspects of mother and child health on your operational shoulders been?
3. What is the relationship between the MCDMCH with local and international faith based organisations (FBOs) and community based organisations (CBOs)? Don't you find in some instances that you are duplicating work with the Ministry of Health?
4. How many senior citizens are receiving the social cash transfer funds and from which districts? What are the requirements for one to be a recipient of these funds?
5. It is my hope that as you will positively respond to my questions.

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		Only about operations, not budgets
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 2/20

4. Ministry of Health

CATEGORY 1: WEBSITE

<http://www.moh.gov.zm>

The website is regularly updated. The Ministry of Health has a Facebook page, which has over 20,000 likes and is regularly updated. It also has a Twitter account with 475 followers.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?		•		
b) A list of laws, Acts etc. issued within the scope of its powers?			•	Not explicitly stated, but embedded in policy documents
c) Reports, policies, programmes?	•			
d) Budget and expenditure?	•			
e) Information about procurement procedures, signed contracts?			•	
f) Vacancy and employment procedures?	•			
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?	•			

n = 20	Yes	No	Partial	Additional Information
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 16/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Ministry of Health

1. What is the operational status of the Ministry of Health with respect to doctor/nurse/patient ratio?
2. What is the gender disaggregated data of male and female employees?
3. What are the three most life-threatening diseases in Zambia?
4. With regard to National Budgeting, is the Ministry of Health receiving the appropriate amount as demanded by the Abuja Declaration?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 2/20

5. Ministry of Youth and Sport

CATEGORY 1: WEBSITE

<https://www.facebook.com/ministryofyouthandsportzambia/>

The Ministry of Youth and Sport does not have a website. It does, however, have a Facebook page which has over 2,700 likes but is not updated regularly.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?		•		
2. Does the website contain the following:		•		
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?		•		
b) A list of laws, Acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programmes?		•		
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		

n = 20	Yes	No	Partial	Additional Information
g) The address, telephone number, and working hours of the institution?			•	The Facebook page has this information but there is no indication of working hours.
h) The contact details of specific public officials?		•		No website
i) A mechanism to request and receive a response to electronic messages and requests for information?			•	The Facebook page has this provision.

Total Score: 2/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Ministry of Youth and Sport

1. How many skills centers do you possess under the Ministry and is there room to re-align empowering skills currently offered? How many are operational and how many are not?
2. Of those trained by MYSCD, how many have accessed the Youth Development Funds?
3. Has the MYSCD conducted a skills audit of young people in Zambia? In addition, how are you incorporating the cooperative spirit among youths?
4. What model of comprehensive sexual reproductive health (SRH) lessons are you imparting in children and young people?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?	•			
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?	•			
6. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.	•			
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?	•			
10. Was the information received clear and understandable?	•			

Total Score: 16/20

6. National Pension Scheme Authority

CATEGORY 1: WEBSITE

<http://www.napsa.co.zm/>

The National Pension Scheme Authority has a website that is up-to-date but has no social media presence.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?	•			

n = 20	Yes	No	Partial	Additional Information
c) Reports, policies, programmes?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?			•	
f) Vacancy and employment procedures?	•			
g) The address, telephone number, and working hours of the institution?			•	
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to National Pension Scheme Authority

1. Since inception, how many workers has NAPSA registered?
2. How many public service entities and private sector employers are registered or compliant with NAPSA regulations?
3. How decentralized is NAPSA; do you have a presence beyond provincial offices?
4. Has the decision by NAPSA to invest in real estate projects compromised institutional income and accrued pensions of retirees, contributors and eventual beneficiaries?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?	•			
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?	•			
6. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.	•			
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?	•			
10. Was the information received clear and understandable?	•			

Total Score: 16/20

7. Office of the Auditor General

CATEGORY 1: WEBSITE

<http://www.ago.gov.zm/home.html>

The website is not regularly updated. Some links are not responsive and some pages are unavailable. The Office of the Auditor General does not have any social media sites.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?		•		
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?	•			
d) Budget and expenditure?	•			
e) Information about procurement procedures, signed contracts?	•			
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Office of the Auditor General

1. In your view, does the Auditor General's Office require strengthening beyond mere reporting of public abuses?
2. Aside from the Lusaka Office, how widespread is the Auditor General's Office?
3. What are main challenges that you encounter and how have you been able to address them?
4. What do you do with the information such as organisations that are found wanting?
5. Is there need for the Office of the Auditor General to have powers to prosecute? Have you ever had any organisation challenge your findings?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?	•			
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?	•			
6. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.	•			
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?	•			

Total Score: 14/20

8. Public Service Commission

CATEGORY 1: WEBSITE

<http://www.psc.gov.zm/>

The Commission's website is updated regularly. The Public Service Commission has a Facebook page, which has over 3000 likes. The Facebook page is also updated regularly.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?	•			
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to The Public Service Commission

- Following increased number of districts, just how decentralized is the Public Service Commission?
- What steps has the Public Service Commission taken to ensure the citizenry and public sector employees clearly understand its mandate and functions?
- What policy reform is required to reposition Public Service Commission performance as an oversight entity?
- How relevant is the Public Service Commission and how many members of staff are currently employed in comparison to individual membership?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?	•			
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?	•			
6. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.	•			
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?	•			

Total Score: 14/20

SUMMARY IN NUMBERS

Institution	Website	Request for information	Total score
1. Anti-Corruption Commission	12	12	24
2. Energy Regulation Board	16	2	18
3. Ministry of Community Development, Mother and Child Health	12	2	14
4. Ministry of Health	16	2	18
5. Ministry Of Youth and Sport	2	16	18
6. National Pension Scheme Authority	14	16	30
7. Office of the Auditor General	14	14	28
8. Public Service Commission	14	14	28

RESEARCH CONCLUSIONS

It is a fundamental human right to ask for and receive information held by public organisations and bodies. It is critically important to make sure information held by public, and in some cases private, institutions is available and accessible to citizens.

The right to seek, access and receive information is guaranteed by Article 19 of the Universal Declaration of Human Rights, Article 9 of the African Charter on Human and Peoples' Rights and Article 4 of the Declaration of Principles on Freedom of Expression in Africa. It is also recognised in many of the Constitutions of southern African countries.

However, most public institutions in Zambia still have a lot to do to ensure the public has access to information as evidenced by the findings of this study.

The fact that most of the selected institutions have an online mechanism for requesting information is an indication that they are willing to make information available to the public.

THE MOST SECRETIVE PUBLIC INSTITUTION IN ZAMBIA

The Ministry of Community Development, Mother and Child Health had the lowest score. The institution did not respond to the request for information. The institution would do well to invest in some social media presence as well as work on responding to requests for information on time.

The Most Secretive Government and Public Institution in 2016 is the **Ministry of Community Development, Mother and Child Health.**

THE MOST OPEN PUBLIC INSTITUTION IN ZAMBIA

The National Pension Scheme Authority, which scored the most points, is the most open public institution in Zambia. The Public Service Commission and the Office of the Auditor General follow in terms of openness. The aforementioned three institutions should be given credit for being professional.

The National Pension Scheme Authority has the highest score, which can be attributed to their website and the fact that the institution is well-organised and responded to requests for information on time.

The Most Open Government and Public Institution in 2016 is the **National Pension Scheme Authority.**

RECOMMENDATIONS

Public institutions should work on strengthening their communication and information strategies in order to ensure that the public has fast and easy access to information; after all, they are public institutions.

Institutions should also use social media platforms to communicate programmes, policies and other vital information and not just use them for sharing information about events and other publicity arrangements, as is usually the case.