STATUTORY INSTRUMENTS

THE ACCESS TO INFORMATION REGULATIONS, 2007

(Made under section 47 of the Access to Information Act, 2005)

IN EXERCISE of the powers conferred on the Minister of Information and National Guidance by section 47 of the Access to Information Act, 2005, these Regulations are made this …… day of ……. 2007.

PART I - PRELIMINARY

1. Title

These Regulations may be cited as the Access to Information Regulations, 2007.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"Act" means the Access to Information Act, 2005;

"currency point" is equivalent to twenty thousand shillings;

"public body" includes a government ministry, department, statutory corporation, authority or commission;

"requester" means a person who has requested for access to a record from a public body under these Regulations.

3. Purpose of Regulations

The purpose of these Regulations is to provide the procedure for accessing records from a public body.

PART II - ACCESS TO RECORDS

4. Request

(1) A request for access to a record shall be in Form 1 set out in Schedule 1.

(2) The form referred to in sub regulation (1), shall be acquired from the public body which is in possession of the record to which the requester is seeking access.

(3) The request shall contain a sufficient description of the record for which the person is requesting.

(4) Where the request does not contain a sufficient description of the record, the information officer shall require the requester to provide further details so as to facilitate disclosure of the record.

(5) Where the requester is unable to provide the details requested in sub regulation (3), the information officer or an authorised officer shall so far as possible, assist the requester to provide the necessary details.

(6) Where the requester shows sufficient reason for failing to submit the request in the prescribed form and provides an oral request, the oral request shall be reduced into writing at the expense of the requester.

(7) The information officer shall not refuse to grant a request for a record based solely on the ground that the request was not in the prescribed form.

(8) For purposes of sub regulation (5), sufficient reason includes illiteracy or disability.

5. Access fee

(1) The requester shall pay a non refundable access fee set out in Schedule 2 when requesting for a record from an institution.

(2) Where the requester shows sufficient cause, the non refundable access fee may be waived by the information officer or an authorised officer.

(3) Upon receipt of the access fee set out in sub regulation (1), the information officer or the authorised officer shall issue a signed and stamped acknowledgement slip in form 2 set out in schedule 1 to the requester.

(4) Where the information requested for is in the public interest or the disclosure of the information is likely to benefit a large section of society, the prescribed access fee shall be waived.

6. Acknowledgement of receipt

(1) The information officer, to whom a request is made, shall acknowledge receipt of the request by signing a copy of the request.

(2) The information officer shall deal with the request for access to a record without undue delay.

7. Offence by information officer

An information officer who-

(a) refuses to accept a request for a record without reasonable cause;

(b) refuses to accept a request for internal review of a decision without reasonable cause;

(c) refuses to transfer a request to another institution;

(d) knowingly gives access to an incorrect, incomplete or a misleading record;

(e) takes a course of action that frustrates a person requesting for a record;

(f) denies a request for a record without reasonable cause;

(g) refuses to publish or update a record required to be disclosed;

commits an offence and is on conviction liable to a fine not exceeding two hundred and forty currency points or imprisonment not exceeding three years or both.

8. Retrieval and reproduction costs

(1) The requester shall pay the cost for retrieval and reproduction of the record to the relevant public body.

(2) The retrieval and reproduction costs are set out in Schedule 2.

9. Reproduction of record

(1) The record requested for shall be reproduced using the equipment of the institution.

(2) Where the institution does not have the necessary equipment, the requester may request the information officer or an authorised officer to have the record reproduced using the requester's equipment.

(3) A person who desires to use his or her own equipment to make a copy of the record shall apply to the information officer in Form 3 set out in Schedule 1.

(4) The equipment to be used under sub regulation (3) to reproduce a record shall be subject to approval by the information officer or an authorised officer.

(5) The information officer or an authorised officer shall, after inspecting the equipment, if satisfied with the equipment, issue a certificate of approval in Form 4 set out in Schedule 1 showing that the equipment is fit for the purpose.

(6) The record shall be copied in the premises of the public body under the supervision of the information officer or a prescribed officer.

(7) Without prejudice to sub regulation (5), the record may be reproduced outside the premises of the public body where reasonable cause is shown and approval is given by the information officer or an authorised officer.

(8) Where the record is reproduced using the equipment of the requester, the reproduction fee shall be waived.

10. Transfer of request

Where the request for access is transferred to another public body, the information officer shall issue the notice in Form 5 set out in Schedule 1 to the requester.

11. Records that cannot be found or do not exist

Where a request for access is made for a record that cannot be found or does not exist, the information officer shall issue the notice in Form 6 set out in Schedule 1 to the requester.

12. Deferral of access

Where the information officer defers access to a document or record for a specified period, the information officer shall issue a notice in Form 7 set out in Schedule 1 to the requester.

13. Decision

(1) Where access to a record is granted, the information officer shall issue the notice in Form 8 set out in Schedule 1 to notify the requester of the decision to grant access.

(2) Where access to a record is denied, the information officer shall issue the notice in Form 9 set out in Schedule 1 to notify the requester of the decision.

14. Extension of period

The information officer to whom a request for access to a record has been transferred shall issue a notice in Form 10 set out in Schedule 1 to the requester informing him or her of the extension of the period according to section 18 of the Act.

15. Notice to parties

(1) An information officer who intends to grant access to a record referred to in section 35 of the Act shall issue a notice to the third party in Form 11 set out in Schedule 1, informing the third party of the intended grant of access.

(2) Where a third party to whom notice is issued according to section 35 of the Act makes a representation to the information officer, the information officer shall give the third party notice of the decision in Form 12 set out in Schedule 1.

FORM 1
Reg. 4

SCHEDULE 1

FORMS

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2007

REQUEST FORM
(Please use a separate request form for each document requested)

1. Name of public body
(Please state the title of the institution from which you are requesting access to a record)

.....

.....

2. Name of requester
.....

.....

3. Particulars of requester
(Please indicate the address to which correspondence related to your request should be sent)

Postal address
.....

.....

Physical address
.....

.....

Plot No.
.....

Street
.....

Town/City
.....

Telephone No.
.....

Fax No.
.....

Email
.....

Other
.....

4. Description of record
(Please state all the information available to you which will assist in processing your request)

Name/Type of document
(If known)

.....

.....

Reference/File No.
(If known)

.....

.....

5. Contents of document
(Give brief description)

.....

.....

.....

.....

.....

6. Other
(Please state any other details that may be relevant to the processing of the request)

.....

.....

.....

.....

.....

7. I would like to:
(Please check the relevant options)

a. inspect the record
b. listen to the record
c. view the record
d. have copies
e. have copies made available to me in the following format:

    i. photocopy
    ii. compact disc
    iii. diskette
    iv. USB mass drive
    v. Transcript
    vi. Other(please specify)

f. other(please specify)

8. Number of copies required

.....

Date

.....

Signature of requester

.....

9. Request on behalf of another person
(Please specify capacity in which request is made)

.....

.....

.....

FORM 2
Reg. 5

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2007

ACKNOWLEDGEMENT SLIP

TO:.....
.....
.....
(Please state name and address of requester)

I..... (state name information officer or authorised officer

and title of public body) hereby acknowledge receipt of..... Shs. as payment

of the non refundable access fee from..... (state name of requester).

Dated at.....this..... day of.....

20.....

.....

Signature of Information Officer or Authorised Officer

FORM 3
Reg.9

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2007

APPLICATION TO USE REQUESTER'S OWN EQUIPMENT

TO:.....

.....

.....
(Please state name of information officer)

1. I..... (Please state name and address) apply to use my own equipment to make a copy of the following records-

(a).....

(b).....

(c).....

(d).....

(e).....

2. Reasons for using own equipment

(a).....

(b).....

(c).....

(d).....

(e).....

Dated at..... this..... day of.....

20.....

.....
Signature of person requesting to use own equipment

FORM 4
Reg.9

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2007

CERTIFICATE OF APPROVAL OF EQUIPMENT

TO:.....

.....

.....
(Please state name of applicant)

This is to certify that the equipment was inspected on the..... day

of.....20..... and is fit for the purpose of making copies of records.

Dated at..... this..... day of..... 20.....

.....
Signature of Authorised Person

FORM 5
Reg.10

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2007

TRANSFER OF REQUEST

TO:.....

.....

.....
(Insert name and address of requestor)

TAKE NOTICE that-

The record to which you requested access on the ..... day of

..... 20.....;

a) is not in the possession or control of this public body;
(state name and address of public body)

b) is in possession of another public body; or
(state name of the public body)

c) the subject matter of the record is more closely connected with the functions of another public body.
(state name of the public body)

The request shall be dealt with in a period of ..... days.
(Not exceeding 21 days)

Dated at..... this..... day of
..... 20.....

.....

Signature of Information Officer

FORM 6
Reg.11

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2007

NOTICE WHERE RECORD CANNOT BE FOUND OR DOES NOT EXIST

TO:.....

.....

.....
(Please insert name and address of requester)

TAKE NOTICE that –

The record you requested access to from (state name of public body) on the

..... day of ..... 20.....;

(a) is not in the possession or under the control of this public body (state name of public body) and the information officer does not know which public body has possession or control of the record.

(b) All reasonable steps have been taken to find the record requested for; and

(i) there is reasonable ground to believe the record is in the possession of this public body but cannot be found;

(ii) there is reasonable ground to believe that the record does not exist.

The information officer of this public body (state name of public body) took the following steps to find the record requested for;

.....

.....

.....

.....
.....

.....

Dated at..... this ..... day of

..... 20.....

.....
Signature of Information Officer

FORM 7
Reg. 12

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2007

NOTICE OF DEFERRAL OF ACCESS

TO:.....

.....

.....
(Please insert name of requestor)

TAKE NOTICE that-

The record you requested for from (state name of public body) on the

..... day of ..... 20.....

(a) is to be published within ninety days after the receipt of the request or transfer of the request;

(b) is required under the law to be published but is not yet published; or

(c) has been prepared for submission to a public body, public officer or a particular person (state name as relevant) but is yet to be submitted.

The request for access to the record has been deferred for a period

of..... days/months.

You are required within twenty one days after this notice has been given to make representations to the information officer as to why the record is required before the publication or submission.

Dated at…… this……. Day of……..

20……

……..
Signature of Information Officer

FORM 8
Reg.13

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2007

NOTICE OF GRANT OF ACCESS

TO:…….

……..

…….
(State name of requestor)

TAKE NOTICE that-

Access to the record you requested from (please state name of the public body) on the

……. day of …… 20…… has been granted.

1. Access fee payable.
(state amount)
……

2. Form in which access shall be given.

……

……

The requester may lodge an internal appeal or an application with the court against the access fee to be paid or form of access granted and the procedure, including the period for lodging the internal appeal or application as the case may be.

Dated at…….. this…….. day of……
20……

…….
Signature of Information Officer

FORM 9
Reg.13

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2007

NOTICE OF REFUSAL OF ACCESS

TO:……

…….

……

TAKE NOTICE that;

Access to the record you requested from (please state name of the public body)

on the ……. day of…… 20…….. has been refused.

1. Reasons for the refusal
(Exclude reference to content of the record)

1……

2……

3……

4……

5……

2. Provisions of the Act relied upon.

1……

2……

3……

4……...

5……

The requester may lodge an internal appeal or an application with the Court against the refusal of the request and the procedure, including the period for lodging the internal appeal or application as the case may be.

Dated at…….. this…… day of…….

20……..

…….
Signature of the Information Officer

FORM 10
Reg. 14

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2007

NOTICE OF EXTENSION OF PERIOD

TO: ……

……..

……..
(State name of applicant)

TAKE NOTICE that-
The request for access that you lodged with (state name of the public body) on the

…….. day of……. 20…….. which was transferred to

(state name of public body) on the …… day of……

20……

1. The period prescribed under section 16(1) has been extended for a further period (not exceeding twenty one days) of …….. days.

2. Reasons for extension of period

(a)……

(b)……

(c)……

(d)……

(e)……

3. Provisions of the Act relied upon

(a)……

(b)……

(c)……

(d)……

(e)……

The requester may lodge an internal appeal or an application with the court as the case may be against the extension and the procedure, including the period, for lodging the internal appeal or application as the case may be.

Dated at…… this…… day of…… 20……..

...…….....
Signature of Information Officer

FORM 11
Reg.15

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2007

NOTICE TO THIRD PARTY UNDER SECTION 35 OF THE ACT

TO:.....

.....

.....
(State name of third party)

TAKE NOTICE that-

1. On the ..... day of..... 20..... a request for

access to..... (state name of the record) was received from

..... (state name and address of requester).

2. This is to inform you that I intend to release the record to the requester (state name of requester).

3. Description of content of the record

.....

.....

.....

.....

4. Details of third party's interest in the record

(a).....

(b).....

(c).....

(d).....

(e).....

5. You may, within twenty one days after this notice, make representations as to why the record should not be disclosed.

Dated at..... this..... day of.....
20.....

.....
Signature of Information Officer

FORM 12
Reg. 15

THE REPUBLIC OF UGANDA

THE ACCESS TO INFORMATION ACT, 2005

THE ACCESS TO INFORMATION REGULATIONS, 2007

NOTICE OF DECISION OF INFORMATION OFFICER UNDER SECTION 35 OF THE ACT

TO: .....

.....

.....
(State name of third party)

TAKE NOTICE that-

1. On the ..... day of..... 20..... you made representations in accordance with section 35 of the Act.

2. This notice is given according to section 36(1) of the Act.

3. Decision of the information officer

.....

.....

.....

.....

.....

4. You may request for a review of the decision.

5. Where the review is not requested for, the requester may be granted access to the record.

Dated at..... this..... day of.....20.....

.....
Signature of the Information Officer

Reg. 5(1)
Reg. 8(2)

SCHEDULE II

FEES, RETRIEVAL AND REPRODUCTION COSTS

1. Access fee.....

2. Photocopying..... 100/= per page

3. Dubbing (sound)..... 5,000/= per 30 minutes

4. Dubbing (video) ..... 10,000/= per 30 minutes

5. Digital data transfer..... 1,000/=