

# **Right to Information (RTI) Implementation Assessment**

# Acronyms and Abbreviations

DO	: Designated Officer
PA	: Public Authority
IO	: Information Officer
IPID	: The Institute for Participatory Interaction in Development
KII	: Key Informant Interview
NGO	: Non-Governmental Organisation
RTI	: Right to Information
TISL	: Transparency International Sri Lanka
UNDP	: United Nations Development Program
WCAG	: Web Content Accessibility Guidelines

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# Summary

The RTI Implementation assessment was commissioned by the Transparency International Sri Lanka. This assessment was funded in part by the Government of Canada through the project Improving the Implementation of Access to Information Laws. We wish to thank the Government of Canada for their financial support. We also wish to thank the Centre for Law and Democracy for working in partnership with us to provide support and assistance with implementing this assessment. The scope of the assessment includes: an assessment of the quality of implementation of the Right to Information Act in Sri Lanka focusing on four assessment areas, namely central measures, which assessed the performance of Sri Lanka's Information Commission, and three assessment areas which assessed the performance of selected public authorities on institutional measures, and proactive and reactive disclosure. The assessment evaluated the performance of 30 Public Authorities (PAs) which had been assessed in 2019, albeit using a simpler methodology, the FOIANet Methodology, and also included an assessment of 10 new Public Authorities. The geographic scope of assessment was PAs in Ampara, Anuradhapura, Colombo, Galle, Jaffna, Kandy, Kurunegala, Matara, Mullaitivu, Trincomalee, and Vavuniya districts. The PAs represented local, provincial and national government levels; from the legislative, executive and judicial branches of government; and also include other authorities such as state-owned enterprises and independent oversight bodies.

The assessment used the RTI Evaluation Methodology developed by the Centre for Law and Democracy, and the assessment areas covered Central Measures, Institutional Measures, Proactive Disclosure, and Reactive Disclosure. The tools used were desk reviews, key informant interviews, self-assessments, physical visits to all 40 PAs, and filing RTI applications to assess reactive disclosure. The grading system used a colour grading system of red (poor performance), yellow (mediocre performance) and green (good performance).

## Findings of the Assessment

Central **Measures** received a high **yellow** grade; funding and staffing were major constraints for the Commission to discharge its functions. As a result, public awareness and training of officials had lagged. The time taken for appeals was also long.

**Institutional Measures** received a low **yellow** grade. This situation is because of staff delegated with RTI work having other duties as they have substantive work, lack of RTI implementation plans at the PA level, lack of formal job description for information officers, inability to file RTI semi-annual reports, poor record management and lack of funds for training.

**Proactive Disclosure** received a **red** score. The issues relate to website content, lack of contact details of information officers on noticeboards, inability to provide information on the applicable fees, uneven web content relating to RTI information, lack of guidance on the type of RTI information that should be displayed, and general lack of interest at PA level to provide information for the general public.

**Reactive Disclosure** received a low **yellow** grade. The main concerns were the non-acknowledgement of RTI requests and not responding to the requests. Where responses were received, most were not provided within the stipulated time period.

## Recommendations

Recommendations to improve RTI implementation include: allocation of specific time for Information Officers to attend to RTI work, improving document management and digitalisation at PA level, formalising protocols for collection information from different institutions that are required for RTI responses, improving and standardising the display of RTI information in PA websites, conducting awareness raising amongst the citizenry, undertaking in-depth studies at PAs which are performing poorly to understand the root causes, and considering involvement of official actor(s) in regular RTI assessments.



# 1. Introduction

The Universal Declaration of Human Rights Article 19 recognizes that freedom of expression includes the ‘right to seek, receive and impart information’<sup>1</sup>. Right to information (RTI) is therefore a fundamental right and an essential component of a democratic society. RTI is also key to ensuring equal access to education, healthcare, clean water, and housing, among other basic necessities.

Subject to legitimate exceptions such as state secrets, privacy, prejudice to international relationships and prejudice to the national economy, people should have the right to demand information from state institutions. Releasing information related to accomplishments being done using public tax funds is the responsibility of public officials.

In Sri Lanka, the right to seek and receive information is a constitutional right guaranteed under Article 14A of Sri Lanka’s Constitution, and the Right to Information Act was introduced to the 1978 Constitution through the 19<sup>th</sup> Amendment in 2015<sup>2</sup>. The first decision to introduce this act to the constitution was taken in 1994<sup>3</sup>.

The Right to Information Act No. 12 of 2016 (RTI Act) was certified by Parliament on August 4, 2016, and published as a Supplement to Part II of the Gazette of the Democratic Socialist Republic of Sri Lanka dated August 5, 2016. This Act can be considered one of the more meaningful and positive democratic measures passed during the period concerned.<sup>4</sup>

The RTI Act came into force on February 4, 2017, and provides the legal framework within which the fundamental right can be exercised. Unlike other laws that seek to increase the coercive or regulatory power of the State, the RTI Act seeks to empower people. Its primary purpose is to shift the paradigm of governance from secrecy to transparency. Hence, the Act provides a key entry point for strengthening transparency and accountability within the Government to address corruption and improve public participation in policymaking.<sup>5</sup>

The RTI Act is intended to foster a culture of transparency and accountability amongst public authorities thereby promoting a society where Sri Lankan citizens can increase participation in good governance and actively engage with the public life of the country.<sup>6</sup>

The requirements of the Act apply to national and local authorities and non-governmental organizations if they are primarily funded by the government. In addition, these institutions must maintain records of their activities, if possible, in electronic form. A central information officer has been appointed to provide information services to every state office. Public agencies are expected to appoint their own information officers to handle direct requests from the public.

## Right to Information Commission of Sri Lanka

The Right to Information Commission is an independent statutory Commission established under the Right to Information Act, No. 12 of 2016<sup>7</sup>. The Commission has the power to inspect any

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<sup>1</sup> UN, 1948.

<sup>2</sup> Saujan, Razick & Nairoos, 2022.

<sup>3</sup> (<https://www.undp.org/srilanka/press-releases/strengthening-right-information-sri-lanka>)

<sup>4</sup> Centre for Policy Alternatives, 2018

<sup>5</sup> Centre for Policy Alternatives, 2018

<sup>6</sup> Centre for Policy Alternatives, 2018

<sup>7</sup> Part IV Section (11)

information held by a Public Authority including those that are covered by the exemptions provided in the Act. The Commission has to monitor compliance by Public Authorities with their duties under the Act, make recommendations for general reforms and reforms specific to a Public Authority, issue Guidelines on the reasonable determination of fees by Public Authorities for the release of information, prescribe instances where information may be given for free, prescribe the Fee Schedule, cooperate with/undertake training programmes for Public Officials, publicise the rights and requirements under the Act, and issue guidelines for proper record management by Public Authorities.<sup>8</sup>

The Commission also has the power to conduct Appeal Hearings and Inquiries under the Act. This includes the power to examine a person under oath/affirmation and require the person to produce any information in his/her possession. (Exempted information will be examined in confidence.) The Commission can direct a Public Authority to provide information in a particular form and/or to publish information that was withheld from the public by a Public Authority (except those subject to exemptions). The Commission can also direct a Public Authority to reimburse fees charged by a citizen when there has been a delay in providing the information.<sup>9</sup>

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<sup>8</sup> Section (14) of No.12 of 2016 RTI Act

<sup>9</sup> Section (15) No.12 of 2016 RTI Act

## 2. The Assessment

### 2.1. Scope of the Assessment

The Terms of Reference for this assignment describes the scope of work as follows:

- Assess the quality of implementation of the Right to Information Act in Sri Lanka focusing on four assessment areas, viz., central measures, institutional measures, and proactive and reactive disclosure;
- Assessment to cover 30 Public Authorities which were assessed in 2019, and provide a comparative view on changes that have occurred over time (Table 2.1);
- A further 10 Public Authorities to be assessed as new assessments (Table 2.2).

### 2.2. Geographic scope

The 2019 assessment has been carried out in 30 Public Authorities in 11 districts (Ampara, Anuradhapura, Colombo, Galle, Jaffna, Kandy, Kurunegala, Matara, Mullaitivu, Trincomalee, and Vavuniya). It was requested that the 10 new Public Authorities be also identified from the same districts.

**Table 2.1 – Public Authorities assessed (also assessed in 2019)**

1. Department of Postal Services, Ministry of Mass Media	2. District Secretariat - Jaffna
3. Ministry of Industries	4. District Secretariat - Mullaitivu
5. National Disaster Management Council	6. Divisional Secretariat - Sri Jayewardenapura Kotte
7. Institute of National Security Studies of Sri Lanka	8. Divisional Secretariat - Nintavur
9. Sri Lanka Navy	10. Divisional Secretariat - Puthukkudiyiruppu
11. IT Resources Development Authority (Western Province)	12. Divisional Secretariat - Valikamam
13. Chief Secretary's Office (Southern Province)	14. Colombo Municipal Council
15. Department of Buildings (Eastern Province)	16. Jaffna Municipal Council
17. Department of Probation and Child Care Services (Northern Province)	18. Yatinuwara Pradeshiya Sabha
19. Planning and Monitoring Division (Central Province)	20. Nintavur Pradeshiya Sabha
21. Public Service Commission (Northwestern Province)	22. Puthukkudiyiruppu Pradeshiya Sabha
23. Ministry of Co-operatives (North Central Province)	24. Vavuniya Urban Council
25. District Secretariat – Matara	26. Office of the Cabinet of Ministers
27. District Secretariat – Kandy	28. Parliament
29. District Secretariat – Anuradhapura	30. Supreme Court

**Table 2.2 – New Public Authorities selected for 2024 assessment**

1. Ceylon Electricity Board	2. Bank of Ceylon
3. Water Resources Board	4. Public Utilities Commission
5. Ministry of Trade, Commerce and Food Security	6. Department of Co-operative Development
7. Muslim Religious and Cultural Affairs	8. Sri Lanka Insurance Co-operation
9. University Grants Commission	10. Employees Trust Fund



## 2.3. Representation of the sample

The Public Authorities identified from local, provincial and national government levels; from the legislative, executive and judicial branches of government; and also include other authorities covered by the RTI Act such as state-owned enterprises and independent oversight bodies.

## 2.4. Methodology

As requested by TISL, the assessment used the RTI Evaluation Methodology.<sup>10</sup> As per this methodology, the assessment covered the following areas:

- **Central Measures** - Extent to which the RTI Commission implements the provisions of the RTI Act
- **Institutional Measures** - Extent to which public authorities have put in place institutional measures to assist with the implementation
- **Proactive Disclosure** - Extent to which a Public Authority is proactively disclosing information
- **Reactive Disclosure** - Extent to which requests for information are being responded to properly by the public authority

A part of this assessment compared the performance of RTI implementation between the 2019 FOIANet Methodology-based assessment and the current assessment. It is to be noted that in the 2019 assessment, a more simplified grading system was used for the other assessment areas, which relied on different factors and weighed some factors differently.

## 2.5. Tools used in the assessment

The tools used are summarised below:

- Desk review of literature (Annex 1)
- Key informant interviews (KIIs) were conducted with the following categories of individuals:
  - Senior Administrative Officers - Central Government Officers
  - Senior Administrative Officers - District Secretariats
  - Senior Administration Officers – Divisional Secretariats / Local Government Authorities
  - Legal Professionals
  - Journalists
  - Research / Project Staff - Non-Government Organizations
  - Program Staff - RTI Hubs (Non-Government Organizations)
- Assessment of central and institutional measures, and proactive disclosure of information;

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<sup>10</sup> Centre for Law and Democracy (2023) Right to Information Implementation Assessment; Comprehensive Methodology; 71 pp

- Office visits (Observation - Checklist) Public Authority offices were visited to observe whether information is being published proactively at the public authority's office (such as on a notice board, using a checklist. Observations were made simultaneously with the self-assessments.
- Filing of RTI requests (to assess reactive disclosure). RTI request testing was conducted by filling out and sending information requests in order to assess the RTI implementation. RTI requests were developed according to the protocol in the methodology.

Some requests contained specific oddities which were expected to attract the attention of the officials to check how they would react or response. These include:

- A few requests were submitted without the RTI Information Request form to identify how the Public Authority reacts.
- Some RTI requests related to seeking a large volume of information.
- Some RTI requests also related to information which required consultation with third parties.
- Some RTI requests were made in a way that demands that assistance be provided to the requester e.g., because the information sought was not described clearly or because the requester appeared either illiterate or pretended to be illiterate.

In this assessment, 74 requests were made to 40 Public Authorities (Table 2.3). The requests were filed by email and by post (Registered Post). Requests sent by post contained handwritten as well as printed requests. Requests were also made in all three working languages. Three emails bounced (i.e. an error message was received).

**Table 2.3 – RTI Requests**

Details of Requests	Number of requests
<b>Mode of dispatch of the request</b>	
Registered post - printed requests	42
Registered post – handwritten requests	12
Email requests	20
<b>By Sex of the sender</b>	
Male	29
Female	45
Sex not evident	3
<b>By language of the request</b>	
Tamil	23
Sinhala	28
English	26

## 2.6. Data analysis

Data analysis was based on the protocol provided in the RTI assessment methodology. Quantitative data were supplemented with information gleaned from KIIs and office visits.

## 2.7. Limitations

One significant challenge in the assessment was the difficulty of obtaining information from Public Authorities. There was a general reluctance to discuss RTI implementation with an

external, non-governmental agency. Indeed, on four occasions, the surveyors were not permitted to enter the office premises to observe the notice boards due to alleged ‘security’ concerns. It is unfortunate that such challenges continue, as the 2019 assessment had noted similar challenges:

The field observation team had a challenging time during the field visits for the observation of proactive disclosure compliance which showcased the anti-NGO sentiments within most public authorities. The government authorities argued that prior permission must be obtained, even though the observations were carried out only in public areas open to citizens.<sup>11</sup>

### 3. Findings of the Assessment

The findings of the assessment are presented under each assessment area.

#### 3.1. Assessment Area 1 - Central Measures

The assessment covered issues which were split into five ‘objective’ questions, for which only binary responses of compliance or no compliance were allowed and eight evaluative questions which also allowed for scores of partial compliance to be awarded.

##### **Objective evaluation**

The following areas for an objective evaluation were assessed by reviewing the relevant documents, interviews with staff in the Commission, as well as observations gleaned from third parties. The rating was based on Yes (1) and No (0). The findings are summarised as follows:

*Allocation of funding:* The assessment shows that the RTI commission has received required funding from the central government through the Ministry of Finance. The government allocation has been made through the Parliamentary Budget allocation based on the overall availability of funds for the Government. (Rating -1)

*Recruitment of staff:* The RTI Commission has recruited the required core staff; however, the Government’s restrictions on recruitment due to the economic crisis in the country have affected recruitment/replacement of staff. This constraint is beyond the responsibility of the Commission. At the present moment, many staff vacancies remain to be filled. (Rating -1)

*Availability of Commission’s decisions on appeals online:* The appeals and decisions are available online. (Rating -1)

*Availability of an annual report for the last two years:* The annual reports are available online. (Rating -1)

*Availability of a guide for requesters:* The Commission has produced a set of guidelines in all three languages relating to the implementation of the Right to Information Act; these have been made available to all Information Officers and the Designated Officers of the agencies. (Rating -1).

The overall assessment (1) is satisfactory as the Commission has complied with the above requirements.

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<sup>11</sup> Transparency International Sri Lanka, *Sri Lankan Right to Information Act Implementation Assessment 2019*, p. 18.

## Qualitative evaluation

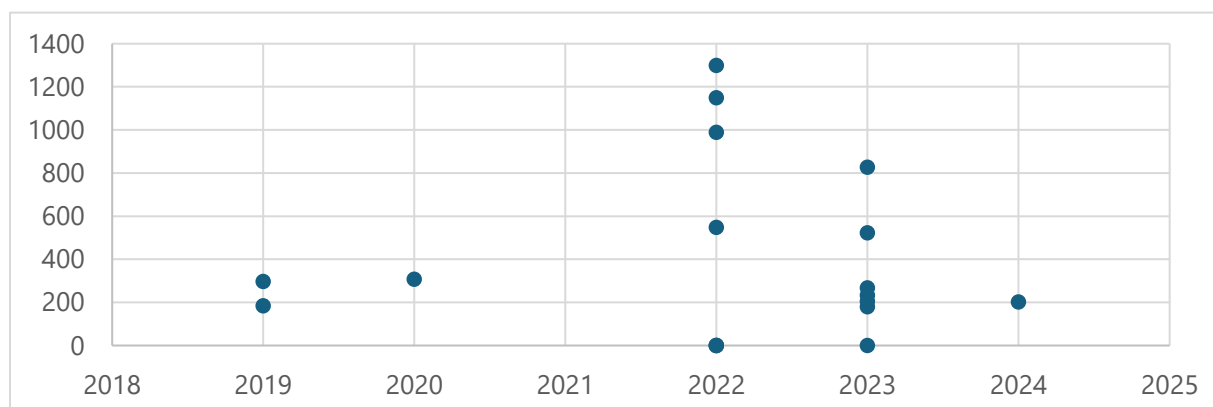
As with the objective evaluation, the qualitative evaluation was conducted by reviewing websites and information gathered through key informant interviews. The rating was based on strong (1), partial (0.5), and weak (0).

*Appointment of Members to the Commission:* In terms of the requirements of the Act, all members have been appointed for a period of five years beginning in 2021, and a full-fledged Commission is functional. (Rating -1)

*Are the members of the body independent and effective?:* The assessment was provided with credible and confidential information by the key informants on the effectiveness of the members. Considering the evidence presented, this aspect is rated partial (0.5).

*Is the funding provided to the body reasonably sufficient for it to discharge its functions?:* The budgetary allocation made by the Government is insufficient to discharge all the functions of the Commission, as revealed during consultations with the key informants. The Government is facing considerable difficulty with funds following the Easter Sunday attack of 2019 causing a sharp drop of tourism, and economic downturn following the Covid-19 pandemic. The Government has not been able to provide adequate funds, and this aspect is rated weak (0).

*RTI Commission deciding on appeals in a timely fashion:* Under Section 33 of the Act, a determination on an appeal made to the Commission has to be made in 30 days. An assessment of the appeals was conducted using every 75th appeal as a sampling point for the years 2019 – 2024. The average number of days where the appeal process would conclude from the date of filing an appeal at the RTI commission is 251 days. The longest period identified in concluding an appeal is 1,094 days from submitting an application (Fig. 3.1). It was also observed that the Commission has also taken steps to use technology, such as Zoom and other platforms, to conduct inquiries and conclude appeals.



**Figure 3.1 - Time taken to conclude appeals – Number of Days (Yearly)<sup>12</sup>**

The assessment noted that although the Commission has laid a strong foundation for its oversight role, there are significant delays in processing appeals thereby undermining its effectiveness. Given the constraints faced by the Commission in terms of staff and funds, it was the view of some informants that the obligatory period of 30 days for determining an appeal is unrealistic. However, when assessing compliance with obligations provided in the Act, this aspect is rated weak (0).

<sup>12</sup> [https://www.rticommission.lk/web/index.php?option=com\\_content&view=article&id=69&Itemid=190&lang=en](https://www.rticommission.lk/web/index.php?option=com_content&view=article&id=69&Itemid=190&lang=en)

*Are the due process rights of parties respected during appeals?* Consultations with some stakeholders indicated that the primary issue with appeals concerned a failure to respect timelines. However, as timeliness is dealt with as a separate factor, full credit is awarded here (1).

*Has the Commission made reasonable efforts to raise public awareness?* The RTI Commission is committed to engaging with the public and agencies; it continued its island-wide advocacy engagement with public authorities, communities, and citizens with provincial consultations within its budget and staffing constraints. It also conducted consultations with university academics. The assessment noted this progress but is of the view that engagement with authorities and the public has to be expanded and rated the aspect ‘partial’ (0.5).

*Training of officials:* The Commission has taken every endeavour to train its staff and those in the public authorities and is continuing to pursue training activities. Here again, the Commission is constrained by restricted funding, and the inability to sponsor officials for paid training events. This aspect is rated ‘partial’ (0.5).

*The Commission commenting on draft laws which affect the right to information:* The assessment notes that the Commission has not fully engaged in commenting on draft laws due to a variety of reasons – in some cases, external expert consultations are needed which require substantial funding. This aspect is rated ‘partial’ (0.5).

### Overall rating

Based on the ratings provided above, the results to all of the objective and evaluative responses were averaged and converted to a colour grade based on the below chart.

Red	Yellow	Green
0-0.33	0.34-0.66	0.67-1.00

The overall grading for central measures is **0.62** (yellow).

A comparison of the situation with 2019 is not possible as the 2019 study did not assess the RTI Commission’s performance as a specific assessment area.

## 3.2. Assessment Area 2 - Institutional Measures

The Institutional Measures assessment area’s scoring was determined by averaging the responses for nine ‘objective’ questions, for which only binary responses of compliance or no compliance were allowed and five evaluative questions which also allowed for scores of partial compliance to be awarded. Normally, six evaluative questions are included in the Methodology, but for the purposes of this assessment, a question on the strength of annual reports was omitted.

### Objective evaluation

The following areas for an objective evaluation were assessed by reviewing the relevant documents, interviews with staff in the Commission, as well as observations gleaned from third parties. The rating was based on Yes (full or sufficient compliance) (1) and No (insufficient or no compliance) (0). The findings are summarised as follows:

*Appointment of an Information Officer:* All agencies surveyed had an Information Officer (IO) (with the possible exception of one agency, the National Disaster Management Council, which did not

provide this information and was the only one to score a 0 as a result). In all cases, the officer has a substantive position in the agency, and RTI work has been delegated to the officer; thus, it is a secondary responsibility for the officer who is still obligated to carry out his primary duties.

*Availability of Terms of Reference for the Information Officer:* In none of the PAs which were assessed was a formal job description (or terms of reference) issued to the IO. While in many cases, the IO has been verbally informed of his responsibilities vis-à-vis RTI work, this is not ideal and insufficient to be awarded a point.

*Training of IOs:* No formal training has been provided to IOs except in the one case of a one-day training conducted by the RTI Commission for the Department of Probation and Child Care Services (Northern Province), which was the one PA to score a point.

*Availability of an overall implementation plan or set of standard operating procedures (SOPs) for RTI:* Only one PA, the Department of Probation and Child Care Services (Northern Province), indicated the availability of an implementation plan for RTI work and was therefore the only PA to score a point.

*Availability of guidelines for how to process RTI requests:* All PAs surveyed, except one, indicated the availability of guidelines to process RTI requests. These guidelines have been provided by the RTI Commission, and the officers have been briefed on the use of guidelines.

*Is it possible to lodge requests electronically?* Normally, under the Methodology, this question assesses whether it is possible to lodge requests electronically, whether it is possible to obtain an RTI request form and whether it is easy to find the contact details of the IO. However, for the purposes of this assessment, assessors looked at just whether it was possible to lodge requests electronically. All agencies had the ability to accept electronic submissions of requests so all received a point. In some agencies, RTI forms have been made available on public noticeboards.

*Has a person who is different from the Information Officer been appointed to deal with internal complaints?* Only one PA, the Department of Probation and Child Care Services (Northern Province), had appointed a separate individual to handle internal complaints, so it was the only PA to obtain a point for this question.

*Publishing Annual Reports:* All agencies surveyed had produced an annual report (required under section 10 of the Act) for the last two preceding years (2021/22) and thus received full credit on this; 30 agencies out of the 35 which have websites provided the report in their websites; many of these were also accessible on the website of the Parliament. Some of the smaller provincial units were not required to publish an annual report – rather it is incorporated into the report of the main agency.

As per section 8 of the Act, it is the responsibility of the Minister to ensure that half-yearly reports on RTI implementation are submitted to the RTI Commission. While the publication of these biannual reports did not factor into the scoring for proactive disclosure, it is worth noting that the RTI Commission publishes a list of agencies that have complied with this requirement and reports that only 11 agencies have submitted this report.<sup>13</sup> At the time of this assessment, details pertaining to 2021 only are available.

*Conducting public awareness raising activities by public authorities over the past year:* None of the PAs have conducted such activities, so all were awarded 0 points.

*Record management:* None of the PAs have set in place a system or taken actions to improve record management specifically for RTI work, so all were awarded 0 points.

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<sup>13</sup> <https://www.rticommission.lk/web/images/pdf/Section-10/2021.pdf>.

## Qualitative evaluation

As before, the qualitative evaluation was conducted by reviewing documents including websites and interviews. The rating was based on strong (1), partial (0.5), and weak (0). In some instances, the assessor used his judgement based on the available information.

*Does the IO have appropriate qualifications for the job and has he or she been allocated time to do the job:* Since IO is not a cadre position, there is no specific qualifications identified. As already indicated, a separate officer has not been appointed; the work has been delegated to an existing staff member who is expected to undertake RTI-related work along with his substantive work. Only in one instance the assessment came across a case where the officer has been given dedicated time to attend to RTI work. As a result, other than for that one authority, the Department of Probation and Child Care Services (Northern Province), which received partial credit, the other PAs were awarded 0 points for this question.

*Political pressure on the IO that makes it difficult for him or her to do the job properly:* The assessment did not come across instances of political pressure. As a result, all authorities received full credit (1 point) for this question.

*Overall implementation plan or SOP:* As noted above, all but one public authority did not have a specific implementation plan. While assessors noted that the work that has to be carried out in relation to RTI work generally has been understood by the IOs, this was insufficient to earn credit here, with the exception of the one PA, which had such a plan and which received partial credit (.5 points) due to its quality.

*How extensive are the awareness-raising activities:* Since the public authorities did not carry out any awareness raising formally, a score of 0 was assigned here for all authorities.

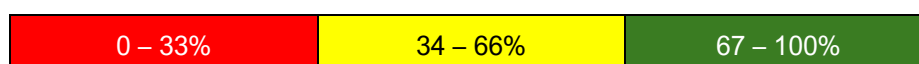
*How effective are measures to improve record keeping:* As noted above there were no systems in place or actions to improve record management. Therefore, their effectiveness was rated as 0 for all authorities.

## Rating

### **(a) Rating of Public Authorities assessed in 2019 and 2024**

Based on the assessment, a rating for public authorities was made. The scope of the assessment requires a comparison of the state of implementation of 30 public authorities between 2024 grading and 2019 grading. Table 3.1 provides this comparison.<sup>14</sup>

Note: The assessment in 2019 reported percentages but the corresponding colour coding is comparable, as follows:



A comparison of the 2019 and 2024 assessments shows a higher score for only one public authority. On the other hand, 11 out of 30 public authorities had a weaker score. While a direct comparison of the results is complicated by the different scoring metrics used in the two methodologies, the poor results in the 2024 assessment reveals significant implementation gaps. Consultations with the key stakeholders indicate several reasons for this:

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<sup>14</sup> It is to be noted that the names of some Ministries have changed during the period 2019 – 2024.

- Paucity of competent officers (in several agencies, RTI was entrusted to junior officers such as Development Officers);
- Inadequate funding;
- Low interest and motivation due to lack of incentives.

A statement by the RTI Commission in 2021 reported concerns regarding delays on the part of Public Authorities in furnishing information under Sri Lanka's RTI Act. The Commission stated that notices warning of prosecutions of public officers assessed as responsible for deliberate delays and bypassing of official duties under the Act would be sent under the seal of the Commission.<sup>15</sup>

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<sup>15</sup> Statement by Right to Information Commission of Sri Lanka on Four Years of Sri Lanka's RTI Regime – Right to Information, 19 February 2021, <https://rtisrilanka.lk/en/statement-by-right-to-information-commission-of-sri-lanka-on-four-years-of-sri-lankas-rti-regime/>.



**Table 3.1 – Institutional measures – 2024 assessment and comparison with 2019 assessment**

Agency	Assessment	
	2019	2024
1. Ministry of Industries	20.8	0.33
2. National Disaster Management Council	14.5	0.2
3. Department of Probation and Child Care Services (Northern Province)	20.8	0.6
4. Divisional Secretariat - Sri Jayewardenapura Kotte	43.8	0.33
5. Divisional Secretariat - Puthukkudiyiruppu	29.1	0.33
6. Divisional Secretariat - Valikamam	56.3	0.33
7. Jaffna Municipal Council	27.0	0.33
8. Parliament	75.0	0.33
9. Supreme Court	4.2	0.33
10. Department of Postal Services, Ministry of Mass Media	47.9	0.33
11. Institute of National Security Studies of Sri Lanka	12.5	0.33
12. Sri Lanka Navy	18.8	0.33
13. Chief Secretary's Office (Southern Province)	56.3	0.33
14. Planning and Monitoring Division (Central Province)	39.5	0.33
15. Public Service Commission (Northwestern Province)	18.8	0.33
16. Ministry of Co-operatives (North Central Province)	12.5	0.33
17. District Secretariat - Matara	27.0	0.33
18. District Secretariat - Kandy	29.1	0.33
19. District Secretariat - Anuradhapura	20.8	0.33
20. District Secretariat - Mullaitivu	27.0	0.33
21. Divisional Secretariat - Nintavur	43.8	0.33
22. IT Resources Development Authority (Western Province)	2.0	0.33
23. Ninthavur Pradeshiya Sabha	22.9	0.33
24. Colombo Municipal Council	36.4	0.33
25. District Secretariat - Jaffna	87.5	0.33
26. Yatinuwara Pradeshiya Sabha	25.0	0.33
27. Puthkkudiyiruppu Pradeshiya Sabha	20.8	0.33
28. Vavuniya Urban Council	25.0	0.33
29. Office of the Cabinet of Ministers	37.5	0.33
30. Department of Buildings (Eastern Province)	50.0	0.33

**(b) Rating of new Public Authorities assessed in 2024**

As indicated in the methodology, the current assessment included 10 new Public Authorities, and their scores are presented in Table 3.2. All new Public Authorities are in the red category.

**Table 3.2 – Institutional measures of new Public Authorities - 2024**

Agency	Assessment 2024
1. Bank of Ceylon	0.33
2. Department of Co-operative Development	0.33
3. Sri Lanka Insurance Co-operation	0.33
4. Ceylon Electricity Board	0.33
5. Ministry of Trade, Commerce and Food Security	0.33
6. Ministry of Muslim Religious and Cultural Affairs	0.33
7. University Grants Commission	0.33
8. Public Utilities Commission	0.33
9. Employees Trust Fund	0.33
10. Water Resources Board	0.33

<b>Overall Grading for Institutional Measures</b>	<b>0.34</b>
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### 3.3. Assessment Area 3 – Proactive Disclosure

Under section 26(1) of the Right to Information Act, the contact information of the Commission and its members, the contact details of the IO and DO and fees applicable to obtaining information are to be published both in a “conspicuous place within the official premise” and on the PA’s website. Further information to be proactively available is listed under Regulation 20 of the Government Gazette No. 2004/66 of 3 February 2017. Sixteen items are listed under this regulation.

During the assessment, it was noted that, other than with respect to the publication of the contact details of IO and DO, compliance with proactive publication obligations was low. Of the 40 PAs’ surveys, 35 have functional websites, but the websites of only 13 PAs contained some information other than the contact details of IOs and DOs. Other kinds of information published by some PAs ranged from the RTI Act to institutional information such as their plans, budgets, staffing, decisions on procurements, annual reports, and other information relating to PAs’ work which affects the public. Information on a majority of the 16 items required to be disclosed proactively is not published routinely by Public Authorities, with some officials expressing their discomfort with publishing certain categories of information as a reason for not publishing certain kinds of information.<sup>16</sup>

For the purposes of scoring proactive disclosure, the PAs’ performance in disclosing four of the categories of information required to be published under Regulation 20 was assessed: Contact details of the Commission and the members of the Commission, contact details of the IO, contact details of the DO and the fees to be charged for obtaining any information from the PA. While under the Comprehensive Methodology, normally a scoring range of 0 (no compliance), .25 (partial to no compliance), .5 (partial compliance), .75 (full to partial compliance) and 1 (full compliance) is used. However, for the purposes of this assessment, a simpler approach was used whereby under each of these categories of information, no point was assigned if the information was missing both online and offline, .5 points were awarded if it was published either online or offline but not both and a full point was awarded for PAs which displayed the category of information both online and offline. The authorities were also assessed on five other issues:

<sup>16</sup> Under Section II, it is required to publish remunerations, emoluments and allowances of executive grade public officials; the officials felt that their salaries should not be disclosed to the public.

- The extent to which the website is WCAG 2.1 compliant.
- The extent of the efforts the public authority takes to disseminate information other than simply via its website.
- The extent to which the public authority makes use of social media and other means to draw the attention of the public to its proactive publications and to disseminate information proactively.
- The extent to which the public authority makes an effort to create understandable versions of at least the most important documents (such as its budget).
- The extent to which it is reasonably easy to find specific information from among all of the information that is being published online.

For these issues, scores 0 (weak compliance), .5 (partial compliance) and 1 (full compliance) were awarded. The final score was computed by taking 75% of the average score for the performance in locating the five categories of information and 25% of the average score for the five other issues.

The following results were obtained by reviewing the relevant documents, interviews with staff in the Commission, as well as observations gleaned from third parties. In regard to physical display of information on the notice boards, all 40 PAs were visited; however, four agencies did not permit the survey personnel to examine the notice boards so did not receive credit for offline publication. The findings are summarised as follows:

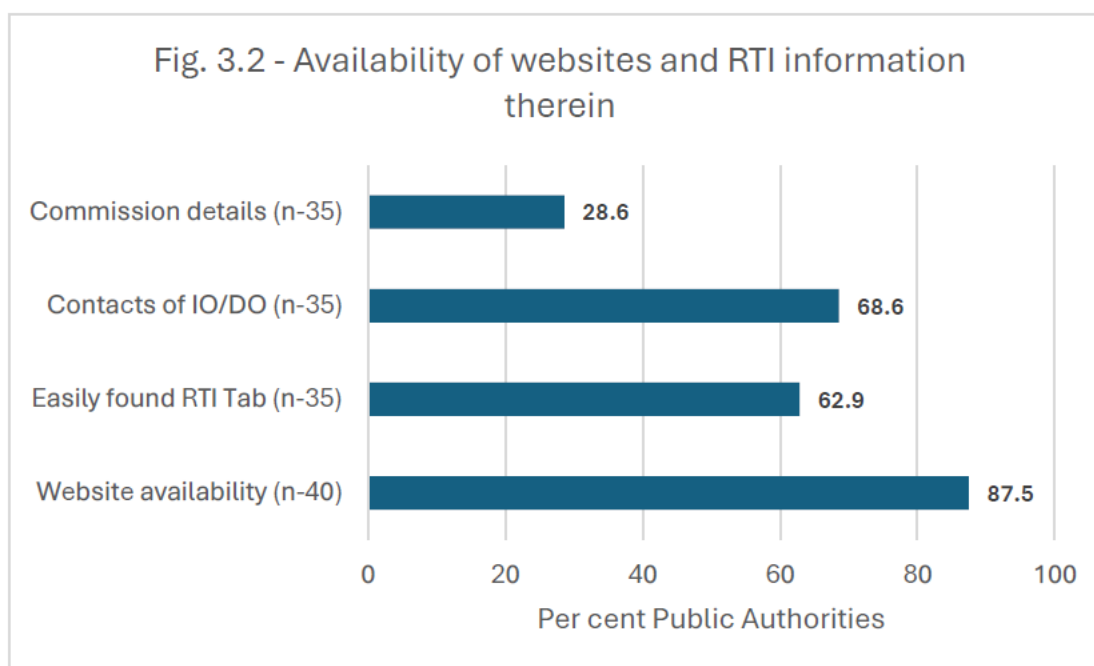
Compliance with Web Content Accessibility Guidelines (WCAG) 2.1: Web Content Accessibility Guidelines (WCAG) 2.1 define ways of making the web content accessible in particular to elderly people and persons with a wide range disabilities. The survey examined whether the PAs' websites provide special features for people with disabilities. The construction of websites differed among agencies; some were more user-friendly than others. The consultations with PAs revealed that their attention to the websites has been minimal – some have difficulties in maintaining the websites due to inadequate funding. None of the websites are compliant with WCAG 2.1 in regard to specific features to make them accessible to people with conditions such as visual, auditory, physical, speech, cognitive, language, learning, and neurological disabilities. As a result, all PAs received a score of 0 for this issue.

An assessment of the availability of a functional website, easiness to find the webpage for RTI, the availability of contact details of the Information Officer and the Designated Officer, and the availability of contact information of the RTI Commission and its Members on the websites is presented in Fig. 3.2. RTI information was somewhat easily located in 63 per cent of the PAs' websites. Another 69 per cent contained the contact information of IOs and DOs. Only 23 per cent of the websites had information on the RTI Commission and the contact information of their Members.

Whilst some websites were quite comprehensive with access to the RTI Act, forms, etc., some had only information on IOs and DOs. Discussions with relevant agencies revealed that in some cases (e.g., District Secretariats) the Ministry provides a standard configuration of the websites, and individual agencies cannot make amendments. In many instances, Public Authorities were unsure of the scope of information that should be made available. Guidance from the RTI Commission on the minimum RTI information that should be displayed and/or uploaded to the website would have helped the PAs in this regard.

*Public Authority providing contact details of the commission and the members of the commission and IO/DO contact information*

Of the 35 PAs with websites, there was low (28.6 percent) compliance with the requirement to provide information on the Commission but a better compliance rate with the requirement to display the contact information of the IO/DO (68.6 percent). In addition, one other PA which does not have a website has displayed information on DO/IO on the notice board. During the survey, it was noted that 26 PAs did not display the contact information of the Information Officer on their premises.



Note that percentage scores for the first three categories in Figure 3.2 are calculated in respect of the 35 PAs which have websites, whereas the last category (on website availability) refers to a percentage of all 40 surveyed PAs which have functional websites.

*Availability of procedure and fees to be charged in obtaining information:* Fifteen PAs out of 40 (38 per cent) provided information on the procedures (forms) and the applicable fees.

*Using social media for interaction by the PAs:* The survey noted that 26 PAs (out of 40) are active on Facebook.

*Efforts made by Public Authorities to disseminate information other than simply via its website:* The survey noted that 26 PAs (out of 40) are active on Facebook. Aside from disseminating information online (either through social media or their website), the only other form of information dissemination is through the Notice Boards of PAs, but only 10 PAs displayed some information on RTI. Some PAs acknowledge the need to create awareness of RTI amongst the public but inadequate funding and lack of dedicated staff have been the main constraints. Discussions with stakeholders also revealed that there is a reluctance on the part of the public to exercise their right to information; they feel that requesting information will mark them as ‘troublemakers’ and fear that they would not be able to get assistance from that PA in the future.

*Public Authority using social media or other means to draw the attention of the public to its proactive publications (and to provide key information directly to the public):* As noted above, Facebook and notice boards were used by some PAs to disseminate information to the public.

*Does the public authority make an effort to create understandable versions of at least the most important documents (such as its budget)?:* Where documents are available, they generally are the original versions of the document produced. Most public authorities did not provide

simplified versions of documents, although a limited number did, usually by providing a brief summary of budgetary information.

*Is it reasonably easy to find specific information from among all of the information that is being published online?* Where information is available, it is reasonably easy to find information. The survey came across one instance where the RTI section contained a considerable amount of information on the Public Authority, which was well organised into chapters (Fig. 3.3).

## Right to Information

Institutional Information
Operational Information and Decision Making
Public Policy, Legislation and Regulation
Lists, Registers, Databases
Information on Publications
Information About The Right to Information
Budget Information
Organizational Information
Guidelines on Identification of Politically Exposed Persons



**Fig. 3.3 – Information provided under RTI in a website of a Public Authority**

## Rating

### (c) Rating of Public Authorities assessed in 2019 and 2024

Based on the assessment of proactive disclosure, a rating for public authorities was made, and is presented in Table 3.3, together with a comparison of the state of implementation of 30 public authorities between the 2024 grading and 2019 grading.

0 – 33%	34 – 66%	67 – 100%
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**Table 3.3 – Proactive disclosure – 2024 assessment and comparison with 2019 assessment**

Agency		Assessment	
		2019	2024
1.	Ministry of Industries	8.3	0.29
2.	National Disaster Management Council	0	0.43
3.	Department of Probation and Child Care Services (Northern Province)	56.3	0.19
4.	Divisional Secretariat - Sri Jayewardenapura Kotte	33.4	0.48
5.	Divisional Secretariat - Puthukkudiyiruppu	56.3	0.28
6.	Divisional Secretariat - Valikamam	100.0	0.43
7.	Jaffna Municipal Council	4.2	0.57
8.	Parliament	0	0.38
9.	Supreme Court	34.4	0.00

10.	Ministry of Mass Media and Postal Services	52.1	0.58
11.	Institute of National Security Studies of Sri Lanka	0	0.10
12.	Sri Lanka Navy	0	0.14
13.	Chief Secretary's Office (Southern Province)	33.3	0.2
14.	Planning and Monitoring Division (Central Province)	41.7	0.19
15.	Public Service Commission (Northwestern Province)	0	0.00
16.	Ministry of Co-operatives (North Central Province)	16.7	0.05
17.	District Secretariat – Matara	56.3	0.53
18.	District Secretariat – Kandy	0	0.61
19.	District Secretariat – Anuradhapura	68.8	0.58
20.	District Secretariat – Mullaitivu	56.3	0.24
21.	Divisional Secretariat – Nintavur	100.0	0.05
22.	IT Resources Development Authority (Western Province)	16.7	0.31
23.	Ninthavur Pradeshiya Sabha	0	0.19
24.	Colombo Municipal Council	55.2	0.21
25.	District Secretariat – Jaffna	100.0	0.57
26.	Yatinuwara Pradeshiya Sabha	0	0.19
27.	Puthkkudiyiruppu Pradeshiya Sabha	8.3	0.19
28.	Vavuniya Urban Council	8.3	0.43
29.	Office of the Cabinet of Ministers	0	0.43
30.	Department of Buildings (Eastern Province)	8.3	0

While the scoring metrics are not identical and the current assessment assessed fewer categories of information, this comparison shows that 6 Public Authorities received higher scores although some still are categorised in the same class, and the situation of 11 Public Authorities received lower scores. The overall reasons for this mediocre performance are likely the same as reported under institutional measures. Some of the improvements recorded are due to mainly to the commitment and the interest of the officials, particularly the Designated Officer and the Information Officer.

#### ***(d) Rating of new Public Authorities assessed in 2024***

As indicated in the methodology, the current assessment included 10 new Public Authorities, and their assessment is given in Table 3.4. Of the 10 new Public Authorities four are in the yellow category, five in the red category. One received a green grade, albeit barely and only due to rounding up from a score of .669.

The overall score for proactive disclosure, consisting of an average of the all the 40 public authorities assessed, was yellow.

**Table 3.4 – Proactive disclosure by new Public Authorities - 2024**

Agency		Assessment 2024
1.	Bank of Ceylon	0.67
2.	Department of Co-operative Development	0.00
3.	Sri Lanka Insurance Co-operation	0.66
4.	Ceylon Electricity Board	0.64

5.	Ministry of Trade, Commerce and Food Security	0.44
6.	Ministry of Muslim Religious and Cultural Affairs	0.23
7.	University Grants Commission	0.04
8.	Public Utilities Commission	0.61
9.	Employees Trust Fund	0.03
10.	Water Resources Board	0.31

<b>Overall Grading for Proactive disclosure (new and old PAs)</b>	<b>0.31</b>
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### 3.4. Assessment Area 4 – Reactive Disclosure

Reactive disclosure assessed how public authorities respond to RTI requests as per Section V of the Act. In terms of Clause 23 (3), requests for information should be acknowledged immediately. A response to the request should be provided within 14 working days [Clause 25 (1)].

The main tool used in this assessment area were the test requests, which were sent to the selected public authorities. The results of these test requests are discussed below.

#### Analysis of the responses

Each request was assigned a processing score, which was composed of three sub-scores: each evaluated on a binary **YES (1 point)** or **NO (0 points)** basis:

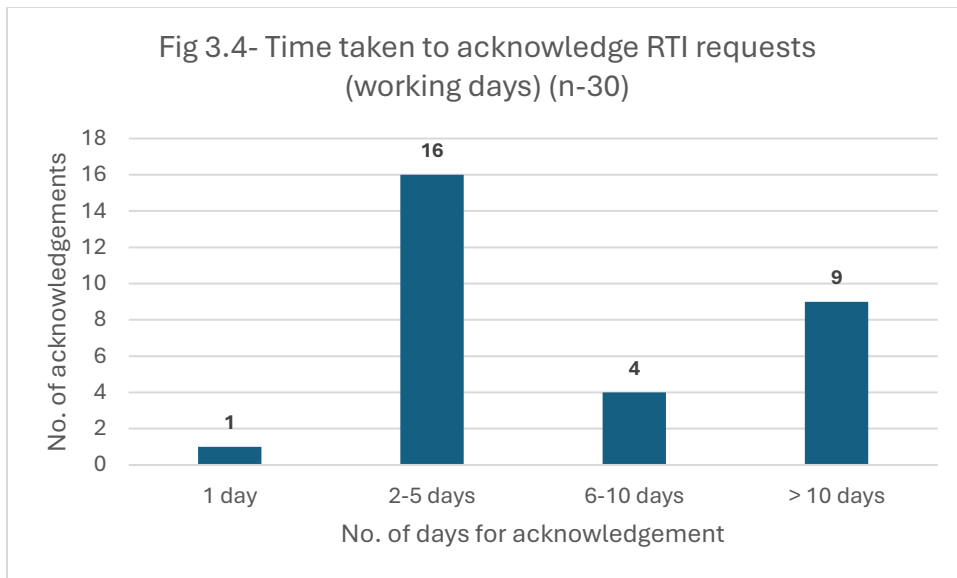
- **Receipt score:** Whether a receipt was provided to the requester.
- **Timeliness score:** Whether the request was responded to within the statutory timelines.
- **Fee score:** Whether any charged fee adhered to the legal requirements.

The average of these three sub-scores provided the **processing score** for each request

#### *Receipts*

In only 29 out of the 74 test requests were receipts issued. As a result, this was an area where public authorities performed poorly.

In the instances where receipts were issues, analysis of the data shows that the time taken for acknowledgement of the RTI request varied from 1 to 20 working days; the average is 7.4 working days. Most acknowledgements were received between 2 – 5 working days (Fig. 3.4).



### *Response to RTI Requests*

The receipts to RTI requests were analysed, and the results are presented in Fig. 3.5.

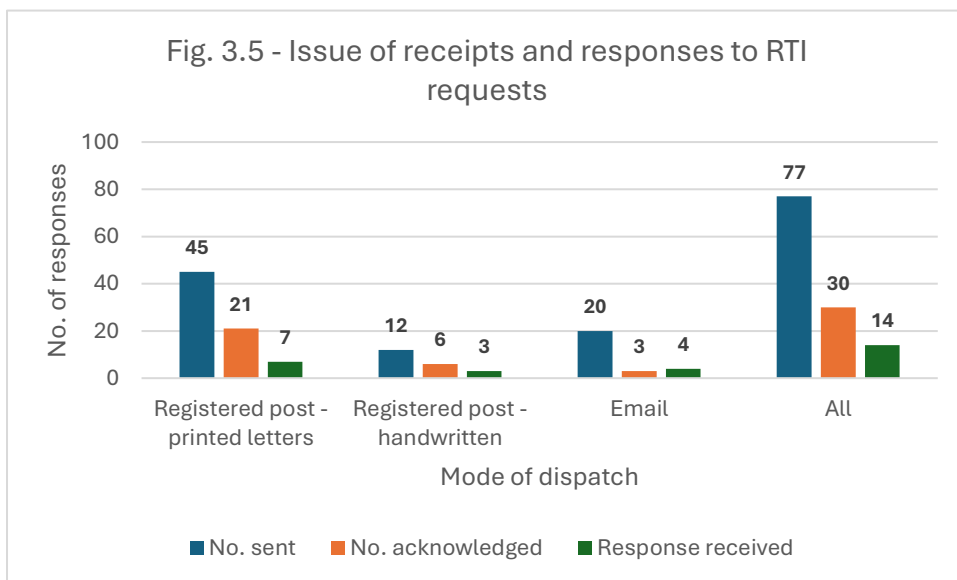


Fig. 3.6 presents the analysis by sex of the sender of the request.



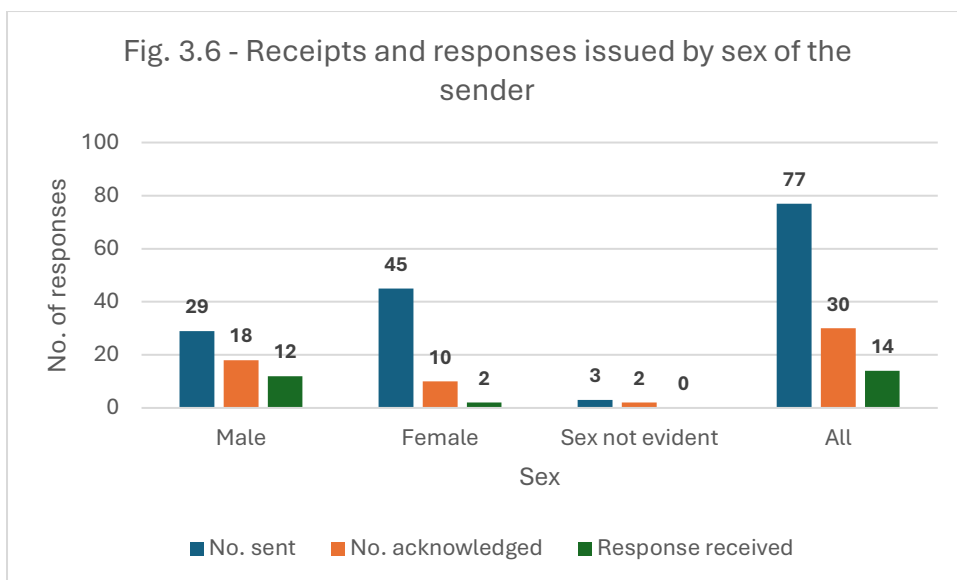
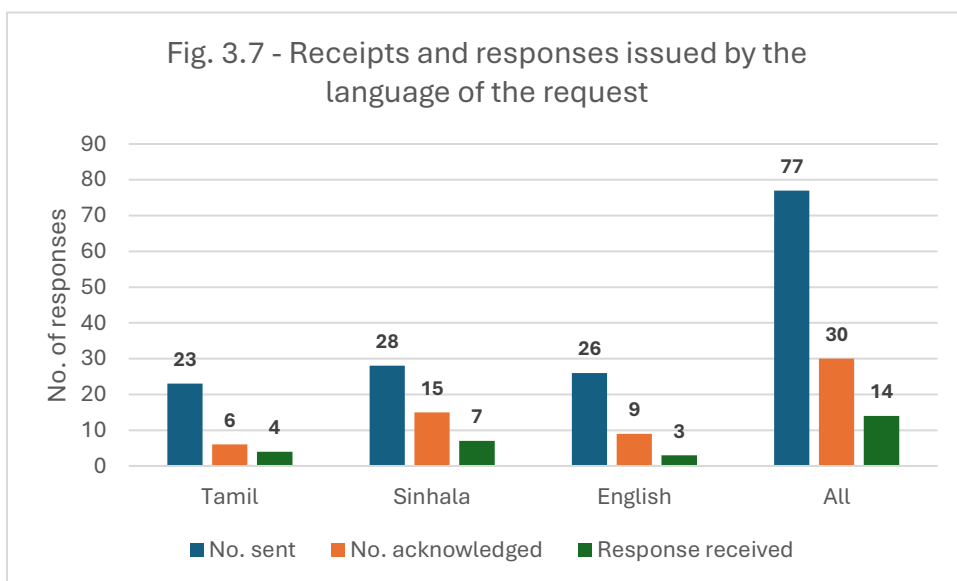


Fig. 3.7 presents analysis by the language of the request.



The analysis of summarised in Table 3.5.

**Table 3.5 - Summary of response received**

Details of Requests	% Responses
<b>Mode of dispatch of the request</b>	
Registered post - printed requests	15.6
Registered post – handwritten requests	25.0
Email requests	20.0
<b>By Sex of the sender</b>	
Male	41.4
Female	4.4
Sex not evident	0.0
<b>By language of the request</b>	
Tamil	17.4
Sinhala	25.0
English	11.5

The summary indicates that:

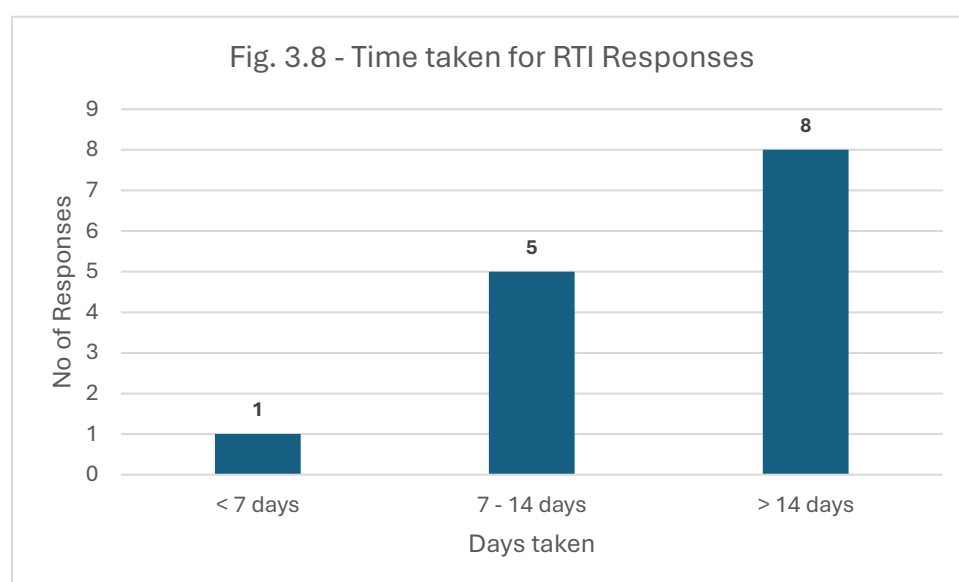
- Responses to printed requests were lower than those for handwritten and email requests;
- Responses to females were very low; and
- Responses to requests made in Sinhala are higher than for the other two languages.

#### *Timeliness of responses by Public Authorities*

In terms of Clause 25 (1), Public Authorities are expected to provide a response within 14 working days; if the information has to be retrieved from another source away from the office of the Public Authority, this period could be extended to 21 working days.

There were 14 responses; the time ranged between 4 to 23 working days with an average of 14.5 working days. The analysis is presented in Fig. 3.8.

Consultation with stakeholders indicated that in some instances, responses are delayed as the requisite information is available in a different agency or agencies; this has arisen as a result of the reorganization of Ministries following Parliamentary and Presidential elections.



Oddities presented in RTI requests: While most of the RTI requests aimed to assess performance of duty-bearers in response to standard, less demanding requests, some more unusual requests were submitted to test other aspects of the system, such as requests submitted without using the RTI form, requests seeking a large volume of information, requests whose processing should require consulting other agencies, and unclear requests, which should have drawn the immediate attention of the Information Officers. No Public Authorities responded by seeking clarifications to any requests.

#### *Fees*

This assessment did not encounter any instances of fees being charged. As a result, public authorities each scored a full point for this sub-score. It should be noted that this resulted in a somewhat generous result for the public authorities which did not provide any information in response to requests.

#### **Results of Requests**

The results of the RTI requests were assigned a results score, which was based on the quality and completeness of the response, according to the following criteria:

- **Full disclosure:** Awarded 1 point for valid and complete information disclosure.
- **Oral refusals or mute refusals** (failure to respond within the deadline) and cases where it was not possible to lodge the RTI request: 0 points (considered never valid).
- **Other responses** (e.g., written refusal, partial disclosure, referral to another authority, or incomplete answers) were assessed based on their validity:
  - **LIKELY valid:** 1 point.
  - **MAYBE valid:** 0.5 points.
  - **UNLIKELY valid:** 0 points.

30 of the 74 requests receive scores of 1, while 44 received scores of 0, indicating the need for significant improvement in public authorities' performance in delivering information.

#### ***(e) Rating of Public Authorities assessed in 2024***

The final reactive disclosure score for each request was calculated by adding one-third of the processing score and two-thirds of the result score. A final reactive disclosure score for each public authority was computed by averaging the final scores of each request sent to it. The final reactive disclosure scores are presented in Table 3.6. The Table contains data for the 30 Public Authorities assessed in 2019/2024 as well as the new 10 Public Authorities assessed during the current assignment.

**Table 3.6 – Reactive disclosure – 2024 assessment**

Agency	Assessment
	2024
1. Ministry of Industries	0.78
2. National Disaster Management Council	0.11
3. Department of Probation and Child Care Services (Northern Province)	0.33
4. Divisional Secretariat - Sri Jayewardenapura Kotte	0.11
5. Divisional Secretariat – Puthukkudiyiruppu	0.39
6. Divisional Secretariat – Valikamam	0.39
7. Jaffna Municipal Council	0.39
8. Parliament	0.39
9. Supreme Court	0.07
10. Ministry of Mass Media and Postal Services	0.33
11. Institute of National Security Studies of Sri Lanka	0.11
12. Sri Lanka Navy	0.11
13. Chief Secretary's Office (Southern Province)	0.67
14. Planning and Monitoring Division (Central Province)	0.67
15. Public Service Commission (Northwestern Province)	0.39
16. Ministry of Co-operatives (North Central Province)	0.11
17. District Secretariat – Matara	0.67
18. District Secretariat – Kandy	0.67
19. District Secretariat – Anuradhapura	0.67
20. District Secretariat – Mullaitivu	0.44
21. Divisional Secretariat – Nintavur	0.50
22. IT Resources Development Authority (Western Province)	0.11
23. Nintavur Pradeshiya Sabha	0.78
24. Colombo Municipal Council	0.39
25. District Secretariat – Jaffna	0.04
26. Yatinuwara Pradeshiya Sabha	0.67
27. Puthukkudiyiruppu Pradeshiya Sabha	0.11
28. Vavuniya Urban Council	0.67
29. Office of the Cabinet of Ministers	0.07
30. Department of Buildings (Eastern Province)	0.11
31. Bank of Ceylon	0.39
32. Department of Co-operative Development	0.39
33. Sri Lanka Insurance Co-operation	0.33
34. Ceylon Electricity Board	0.07
35. Ministry of Trade, Commerce and Food Security	0.39
36. Ministry of Muslim Religious and Cultural Affairs	0.11
37. University Grants Commission	0.39
38. Public Utilities Commission	0.22
39. Employees Trust Fund	0.39
40. Water Resources Board	0.67
<b>Overall Grading</b>	<b>0.36</b>

In 2019, the assessment of reactive disclosure assigned a red processing grade to 16 PAs, a yellow processing grade to 10 PAs and a green processing grade to 4 PAs. The results score for that assessment assigned a red score for 18 PAs, a yellow score for 5 PAs and a green score for 7

PAs. The final grade resulted in a 17 PAs receiving a red overall grade for reactive disclosure, while 6 received a yellow grade here and 7 received a green grade, yielding an overall reactive disclosure grade of yellow. However, it should be noted that overall grades cannot be directly compared because the grading approach was based upon a different methodology.

## 4. Conclusions

The overall grading for the four assessment areas is listed in Table 3.7.

**Table 3.7 – Overall Gradings**

Central measures	<b>0.62</b>
Institutional measures	<b>0.34</b>
Proactive disclosure	<b>0.31</b>
Reactive disclosure	<b>0.36</b>

### Final Grading

Final Grading for Public Authorities based on the three final point scores (Institutional Measures, Proactive Disclosure, and Reactive Disclosure)	<b>0.34</b>
Overall Jurisdiction Grading using the four final point scores in each assessment area (i.e. Central Measures, Institutional Measures, Proactive Disclosure and Reactive Disclosure)	<b>0.41</b>

Institutional Measures and Reactive Disclosure scored low yellow grades and Proactive Disclosure scored a high red grade. Central Measures did better, scoring a high yellow grade. The overall grading is unsatisfactory indicating the need for attention to RTI implementation, especially at the PA level.

This grading can be attributed in general to the inadequate awareness about RTI Act, staffing difficulties, inadequate funding, and a low level of proactive disclosure. The situation is exacerbated by the slow process of digitalization, particularly in attending to RTI requests.

## 5. Recommendations

Based on the findings of this assessment, the following recommendations are made to the RTI Commission to take forward with the relevant authorities:

- (a) *Allocation of duties of the Information Officer:* Currently, the Information Officers carry out their RTI-related work in addition to their other work; as a result, they often find it difficult to devote adequate time to RTI work. It is suggested that a capacity assessment of IOs be undertaken with a view to improving their performance. Furthermore, it is recommended that an incentive system be introduced for IOs (such as an annual award highlighting better performing Public Authorities vis-à-vis RTI implementation).
- (b) *Records management:* Records management at the institutional level has to be systematized and improved, including through digitalization.
- (c) *Formalisation of collation of information sitting at different institutions:* RTI Commission should study the situations arising from requests where information is available at different agencies. The RTI Commission can set in place a protocol for collation of such information.

- (d) *Minimum level of information to be provided in the websites of Public Authorities:* Given the wide variation of the scope of RTI information currently available on the websites of Public Authorities, it is recommended that the RTI Commission develop a generic template to capture the essential information which should be presented on the websites of Public Authorities so that the general public will find it easier to obtain the necessary information.
- (e) *Improve understanding of the RTI Act by the citizenry:* Improve awareness on the RTI Act amongst the citizenry and further educate them on their rights to seek information.
- (f) *Further Study the RTI implementation by Public Authorities:* The assessment noted widespread implementation gaps among PAs, but also noted some areas where some public authorities have done comparably better in some areas. The reasons behind the implementation gaps should be further studied and lesson gathered from the comparatively better performing authorities.
- (g) *Addressing Language Gaps:* Adequate resources and training should be implemented to address potential difficulties faced by requesters making requests in English or Tamil.
- (h) *Addressing Potential Gender Gaps:* Given that this assessment found lower response rates to requests for information lodged by female requesters, additional studies of potential gender gaps with larger sample sizes and accounting for other factors, such as difficulty of requests, should be considered. The reasons behind any such differential treatment should be studied and solutions, such as potential awareness training for public authorities, proposed.
- (i) *Addressing Resource Constraints:* Consideration should be given to allocating additional resources to the RTI Commission to address staffing and resource constraints.
- (j) *Future Assessments:* Given the difficulties faced by non-governmental agencies conducting assessments of this nature, it is suggested that involvement of an official actor in future assessments be considered, possibly through a multistakeholder steering committee overseeing the process and which would involve both official (government and oversight) actors as well as civil society members.

The Desk Review conducted during this assessment (Annex 1) shows that some of the above recommendations have been made in some of the reports already published.

## Annex 1 – Desk Review of literature

This review has examined some of the key literature published since the enactment of the RTI Act.

### Support extended by the United Nations Development Programme (UNDP)

**Source:** UNDP (2018) Findings of the survey on RTI Implementation in the state sector (A study undertaken by an independent entity for UNDP).

With the launch of the RTI Act, UNDP provided initial assistance to the Ministry of Mass Media with a view to providing a better understanding of the Act to the stakeholders, and on implementation of the Act. A pool of master trainers consisting of Public Information Officers from each province and district was created. A training module for journalists was also prepared. A Guidance Note, which consolidates some of the good practices adopted the world over about the effective use and implementation of RTI, was also made available.

This survey identified the needs to take forward RTI implementation. These included: computerising RTI requests and providing a document management system, improving websites of Public Authorities, facilitating proactive disclosure of information by Public Authorities, and promoting a culture of trilingualism. It also emphasised the need to institutionalise RTI training at Public Authorities.

### Right to Information Guiding Manual

**Source:** Liyanaarachchi, Jagath (2019). Right to Information Guiding Manual, Ministry of Mass Media, Colombo 126pp

The manual acts as a guide for Information Officers to implement the Right to Information Act in the country. The manual was developed with technical support from the UNDP in Sri Lanka. As part of UNDPs ongoing support, a pilot project was implemented to develop an online RTI application tracking system for RTI requests using one Public Authority, with the broader aim of developing a central system accessible by all public institutions. In addition, steps have been taken to restructure few websites of Public Authorities.

### About the Right to Information Act

**Source:** Centre for Policy Alternatives (CPA) (2019) - Facts about the Right to Information Act; 1120 pp; ISBN 978-955-4746-85-5 (in Sinhalese)

This booklet provides, in simple language, explanations on the important requirements in the RTI Act, and the citizen's rights on seeking information. The booklet also provides the templates of various forms required for seeking information, and the Act itself.

### A study by the Centre for Policy Alternatives (CPA)

**Source:** Centre for Policy Alternatives (2018). Annual Report 2018. 48pp.

In 2018, the Centre for Policy Alternatives (CPA) undertook a study to evaluate, investigate, and identify weaknesses of the practical procedure stipulated in the RTI Act for public authorities. In addition, the study examined the attitudes of officers in Public Authorities regarding RTI and the practical difficulties faced by citizens in seeking information under the Act.

The study noted the following:



- The need for highlighting the importance of the right to information, the nature of their responsibilities and their duties in securing the right and especially in how public officers interact with citizens in discharging the right for the staff of public authorities;
- The need to comply with specific time frames for action as stipulated in the Act.

### Review of legislation for consistency with the RTI Legal Regime

**Source:** UNDP (Undated). Review of Legislation for consistency with the RTI Legal Regime. <<https://www.undp.org/sites/g/files/zskgke326/files/migration/lk/UNDPLKA---Review-of-Sri-Lankas-RTI-Regime.pdf>>

This study mapped and reviewed the legislation conflicting with Sri Lanka's Right to Information (RTI) legal regime. It provided the following recommendations to amend the laws identified.

- Option A: Amend each law explicitly stating that such laws would be subject to the RTI Act.
- Option B: Enact a special provision act that includes all laws included in this category, clearly stating that such laws will be subject to the RTI Act.
- Option C: Amend the RTI act to include a provision which states that “Where any information which is prohibited by any written law from being disclosed is disclosed in compliance with a requirement made under this act, such disclosure shall not be deemed to be a contravention of such written law.”

### RTI implementation assessment - 2019

**Source:** Sri Lankan Right to Information Act Implementation Assessment 2019; Transparency International Sri Lanka; ISBN 978-955-1281-88-5

This assessment focussed on three assessment areas—Proactive disclosure, Institutional measures, and Processing of requests using the methodology developed by the ‘Freedom of Information Advocates Network’ (FOIANet). This method used a colour-coded scoring method. Altogether 30 Public Authorities were assessed and rated according to the methodology described here.

The assessment also highlighted a general lack of awareness about the RTI Act among mandated officers, lack of proactive disclosure at physical locations of higher administrative level authorities, incomplete and out-dated information on public authority websites, and inefficient payment systems for provision of requested information. One of the main contributors to the low functionality of the RTI Act is the slow process of converting a paper-based system to a digital system at Public Authorities. Lack of access to digital data prevents authorities from providing timely and complete answers to requests.

This assessment highlighted the need for capacity development of officials, develop manuals for trainers, provide technological software solutions for timely processing of requests, conduct Awareness-raising programmes to the public on RTI requests, modify the assessment tools to better suit the local context, and carry out annual assessments

## Challenges for implementing the RTI Act – results of a study done after 5 years of implementation

**Source:** Iqbal Saujan, Ahamed Sarjoon Razick & Mohamed Haniffa Mohamed Nairoos (2022). The Right to Information Act and Its Implementation in Sri Lanka: An Empirical Analysis. Journal of Law Policy and Globalization, 121(5):32-38

This study, conducted after five years of implementation of the Act identified the challenges of practical difficulties in the procedure stipulated in the RTI Act. The main challenges highlighted in the study include: challenges relating to the language and the inability of officers to work in a number of languages, refusal of information without valid reasons, inadequate knowledge on information relating to RTI implementation, inability of the RTI Commission to impose punishment, and the overlaps in RTI laws and law of the country.