



Acknowledgements

Introduction

Section 1: Introduction to Training and Course Outline

Section 2: Content - What is Freedom of Information?

Section 3: Content - How to File an Information Request

Section 4: Content - Agency Response

Section 5: Content - Appeal Procedures and Going to Court

Section 6: Review and Evaluation

Appendices

- A. Access to Information Glossary
- B. Liberia Freedom of Information Act, 2010

This training manual was developed and edited by The Carter Center's Global Access to Information (ATI) Program to assist national and local civil society leaders in preparing training courses about freedom of information in Liberia. The manual is part of The Carter Center's Liberia Access to Information programming, which aims to promote and strengthen awareness, implementation, and compliance with the 2010 Freedom of Information (FOI) Act.

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The contents of this manual are the sole responsibility of The Carter Center's Global ATI Program and do not necessarily reflect the views of the United States Agency for International Development or the United States Government.



This training manual can be used as a freedom of information teaching guide for trainers running workshops for other civil society groups, community based organizations, media professionals, students, etc. who want an education on the right of access to information and Liberia's Freedom of Information Act.

Those organizing trainings are encouraged to review this material, and depending on the aim and type of course, select those portions that are applicable. The appendices include some useful background documents to inform the trainer, including the full text of Liberia's Freedom of Information law and a glossary of common terms. There are also handouts through this manual that can be copied and distributed to participants during the training.

Each section includes content that is to be taught to training participants in the manner deemed most appropriate, often followed by activities that can help you teach or review the content, or help participants to absorb the content. Such content can be merely told to participants, written on a board or large note pad for visual review, or disseminated to participants in more creative means. Some content is best taught through the activities, but the text can be referred to for substantive support.

There are several activities that can be done to cover the FOI-related content of this manual, with some sections containing more activities than others. The suggested activities are to serve as a menu of options for teaching this material, recognizing that the number of activities carried out will vary depending on how much time you have to conduct the workshop. When there is less time, one may consider covering the most critical content and activities. Look for "stars" throughout the manual denoting which sections are deemed most critical for a FOI training.

The end of Sections 2-5 include a "Review" that highlights the takeaways of the section so participants are reminded of the information that they were just exposed to during the lesson. Please be sure to quickly summarize the main content of each section before moving on to the next.

This manual should not be read in isolation. Information and programming in Liberia in relation to the right of access to information is extensive and ever evolving, particularly as the issue of freedom of information becomes more pervasive in society. Freedom of information trainers should strive to update the training workshop and manual as new information and developments become available.

As explained in the introduction, this manual can be used as a teaching guide for trainers running workshops for the public. There is a wealth of literature on training best practices and how to deliver an effective and impactful course. This section includes some of the basics that are important when trainers come to plan and deliver freedom of information training for the public.



When preparing a training course, it is beneficial to outline the aims, objectives, and learning outcomes of the material to provide a clear indication of the goals and purpose of the training. Trainers should use these elements to focus the training and to assess performance and success of the training in raising participants' awareness and capacity. Participants can use them to evaluate the training from their own perspective. The aims, objectives, and learning outcomes for each unit are available at the beginning of each section.

are overall statements of what you hope the training event will achieve. For example:

are more specific statements of what you will present to the participants, for example:









Group exercises: these are exercises designed to get participants to work as a team. The subject matter may be more challenging than that for individual work, as the group can pool its knowledge, experience and problem-solving skills.

Brainstorming sessions: brainstorming can be used to problem-solve or to capitalize on existing knowledge to replace a lecture that just tells most participants what they already know. It can include random/spontaneous thoughts.

Facilitated discussion: this is where the trainer leads a discussion on a given topic, keeping in mind a checklist of issues that should be covered.



# NOTES FOR TRAINER

As indicated earlier in “How to Use this Manual,” trainer notes are included at the end of each section. These notes provide more in-depth elaboration of the session objective, aim and activities that appear on the agenda.

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1. Choose a place for the workshop that is free of distractions and conducive to learning
  2. Prepare an agenda/schedule for each session, broken into an overview of activities, to be distributed to participants at the beginning of the session
  3. Prepare all handouts and other materials in advance for distribution to participants
  4. Know your audience: Civil society organization representatives may have a more nuanced understanding of the concepts and laws related to FOI/ATI than the general public. Make sure to cater the training session to the base level of understanding your trainees already have. Plan to do a quick pre-workshop assessment of the knowledge base of participants. This might include a brief question and answer session to assess the group’s overall understanding of FOI.
  5. Arrange the room in a way that maximizes participation and facilitates learning and discussion by workshop attendees

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Name badges  
Stickers or placards for all participants  
Markers or pens  
Scrap paper  
Flipcharts  
Individual copies for each participants of:  
    Liberia FOI ACT 2010  
    Case studies  
    Flowchart worksheet  
    Sample information request letters  
Certificates of participation to be distributed at the end of the workshop  
Evaluation forms



# HANDOUT: PRE-TRAINING ASSESSMENT

Have you ever heard of the FOI Act?  
Have you ever used the FOI Act?  
What do you hope to learn from this training?

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Ask the group to list the various types of public bodies by raising their hands. Make a list of known agency types on the board. Then ask the participants to name any institutions that might fall under the various categories

The following list includes public bodies that fall under the public sector:

- All branches and levels of government
- Ministries
- Bureaus
- Departments
- Autonomous agencies
- Public corporations
- Commissions
- Committees & sub-committees
- Boards
- Military and paramilitary institutions
- All other government bodies supported by public resources form

Private entities that perform duties normally carried out by the government, provide public services, or receive public funds or benefits are subject to information requests through the FOI Act.

Ask the group to list the various types of private entities that might be covered by the FOI law by raising their hands. Make a list of the covered private entities on the board using the following examples.

The following list includes possible private entity answers:





Below are examples to get you started:

Salaries and expense reports of government employees	President Ellen Johnson Sirleaf's health records
Organizational chart of any public agency/authority	A police report that includes the name of a confidential source that is assisting with a criminal investigation
Ministry of Internal Affairs' Administrative Staff Manual	A document that would expose trade secrets of the National Oil Company of Liberia
The financial accounts of any public agency/authority, such as the Ministry of Foreign Affairs	Communication that is shown to be privileged from production in any legal proceedings based on any of the privileges recognized under the rules of evidence extant in Liberia
Material contracts	Any information that would expose confidential national security oper9 479.7

If you think you are being charged too much for the reproduction of the requested information or the agency tried to charge you for other things, you may ask for an \_\_\_\_\_ of the decision, which will be discussed later in the training.

Every public authority is required by the FOI law to create and maintain a user-friendly and widely accessible

A publication scheme, according to Liberia's FOI Act, means publication by public authority providing detailed information to the public on the nature and activities of that authority and information if published. This includes information regarding its core functions, the nature of its operations, and the types of documents/information it holds.

Publication schemes should provide the following:

- Contact details for the authority's Information Officer
- Clear description of the organization, function and powers of the agency and an explanation of how it makes decisions and discloses information
- Location and types of categories of documents and information the agency holds
- Procedures for accessing documents or information

If you are not sure which authority holds the information they wish to obtain, they can ask to review the publication scheme, ask the Information Officer in the agency that they think holds the information, or simply file a request with the agency.

The agency is obligated to transfer requests in the event that the request was filed at the wrong place. The Information Officer has the duty to assist them with filing requests and obtaining information.



Liberia's FOI law requires some information to be made available to the public without the need to file a request for information. Information that is made available without the need for a request is considered to be " " or " " information, and public agencies are required to provide this information through a website or physical publication.

Types of documents subject to automatic publication include:

- Legislation
- Existing policies, procedures, and rules
- Budgets
- Financial accounts
- Material contracts
- Organizational charts
- Procedures for appealing decisions of the authority or its



officers

Other information that supports the public's ability to deal with and monitor the authority's performance

Automatic publication is a useful tool for government and citizens alike. When documents are automatically published, there is no need for public servants to conduct a time consuming and costly search for documents to satisfy your request. Moreover, you can receive the information you need more immediately, without having to make a specific request.

Give participants 5 minutes to read Case Study 1 (located on next page for your use in making copies for the training). Write the following questions on the board for participants to consider that will be discussed with the whole group.

1. What information

# HANDOUT - CASE STUDY 1

## Meet George Toddy

When Liberian high school student George Toddy failed the math and science sections of his college entrance exam, he was disappointed but not surprised — he had heard that his region had a very high failure rate compared to other parts of the country.

After attending an awareness raising activity held by The Carter Center to discuss Liberia's Freedom of Information law, he began to wonder: Why did students in the southwest do so much worse in the exam than those elsewhere, and why were the low scores always in the math and science sections?

"I needed to figure out why this was happening. I wanted a fair chance to go to college like anyone else in my country," said Toddy.

With his newfound awareness of the law, he made a freedom of information request to his school and to the local department of education to obtain a copy of the math and science curriculum. He compared the national curriculum to the classes he had received and found that his teachers had been skipping a number of the requisite classes. That was why he and many of his friends were not able to pass the national exams. Toddy contacted his school and the district education office to let them know of this discrepancy.

Since then, new procedures have been put in place to monitor the actual classes taught to ensure consistency with the national curriculum. George also helped launch a freedom of information club at his school so more students could learn about and use this great resource.

Because of George and his freedom of information request, future students in the southwest region now have a greater chance to pass college entrance exams and enter university the same as anyone else in Liberia.




What is the right of access to information / freedom of information  
Why access to information is important  
Who can request and receive information  
What public bodies and private entities must provide information  
What are the exemptions to requesting information  
Does it cost to access information  
How do I know where to get information  
What is a publication scheme





You do not need to provide a reason for why you want the information. The agency should not ask you why you want the information or how you will use it. The public information belongs to you.




Hand out samples of the request letter on following page. Go over the steps of how to write the letter and what should be included. Using examples from the dramas developed in the previous exercise, ask participants to determine what should be include in the letter. Discuss why it is important to include language directed at protecting citizens and holding agencies accountable.



The Liberia Freedom of Information Coalition's (LFIC) hotline is setup to receive calls from the general public regarding the procedures for filing and tracking a FOI request, filing a related appeal, providing information about a request for the System for Tracking and Monitoring Freedom of Information (STAM-FOI), or any general questions about Liberia's FOI legislation and an individual's rights under the law.

In addition to calling the STAM-FOI hotline, individuals can walk into the Liberia Media Center to request assistance or provide information regarding a FOI request.

1281  
0888300264  
0776729698



Provide participants with the case studies handout on the following page. Divide the participants into small groups and assign them one of the case studies. Have them read the case study and then draft a freedom of information request letter pertaining to the assigned case study.







In Thailand, one parent used the FOI Law to challenge a public school decision denying the child's enrolment in one of the country's best public school. By seeking access to the results of the enrolment tests, the parent exposed the discrimination within the selection process, favoring children from rich and prominent families. This case prompted a countrywide reform of the system of selection and enrolment in public schools.

Now that the participants know how to craft a FOI request together from the provided case study, have them individually put this information into practice.

Each participant must choose a situation, real or hypothetical, in which they need to request information.

Have each person write a request for their particular situation, and then select a few of them to be read out loud, providing feedback as necessary.

Pay special attention to these aspects when providing feedback:

1. Do they include a detailed description of the records or documents that they want?
2. Do they identify the authority/entity that holds the information they want?
3. Do they include that they expect a response within 30 days?
4. Do they mention that this information is being requested pursuant of Liberia's FOI law?
5. Do they indicate that

What are the main steps for filing a request for information

How to write a request for information, including what information should be included in the request letter

What the FOI Hotline and STAM-FOI are and how they can support requesters

The aim of this section is to outline agency response to information requests.

The agency must provide a quick response to all requests for information either by post, e-mail, or hand delivery within thirty (30) calendar days.

If the agency can show reasonable cause, it may extend the period for responding one time. The one time extension is for a maximum of an additional thirty (30) days.

If the agency does not hold the information you requested, it can transfer your request one time to the correct public agency or private entity within fifteen (15) days.

If the agency to which the request was transferred does not hold the information you want, your request can be transferred one additional time, but must be transferred ten (10) working days (about two weeks) after receipt. Each time a request is transferred, up to a maximum of two (2) times, the agency transferring the request must inform you where the request has been transferred.

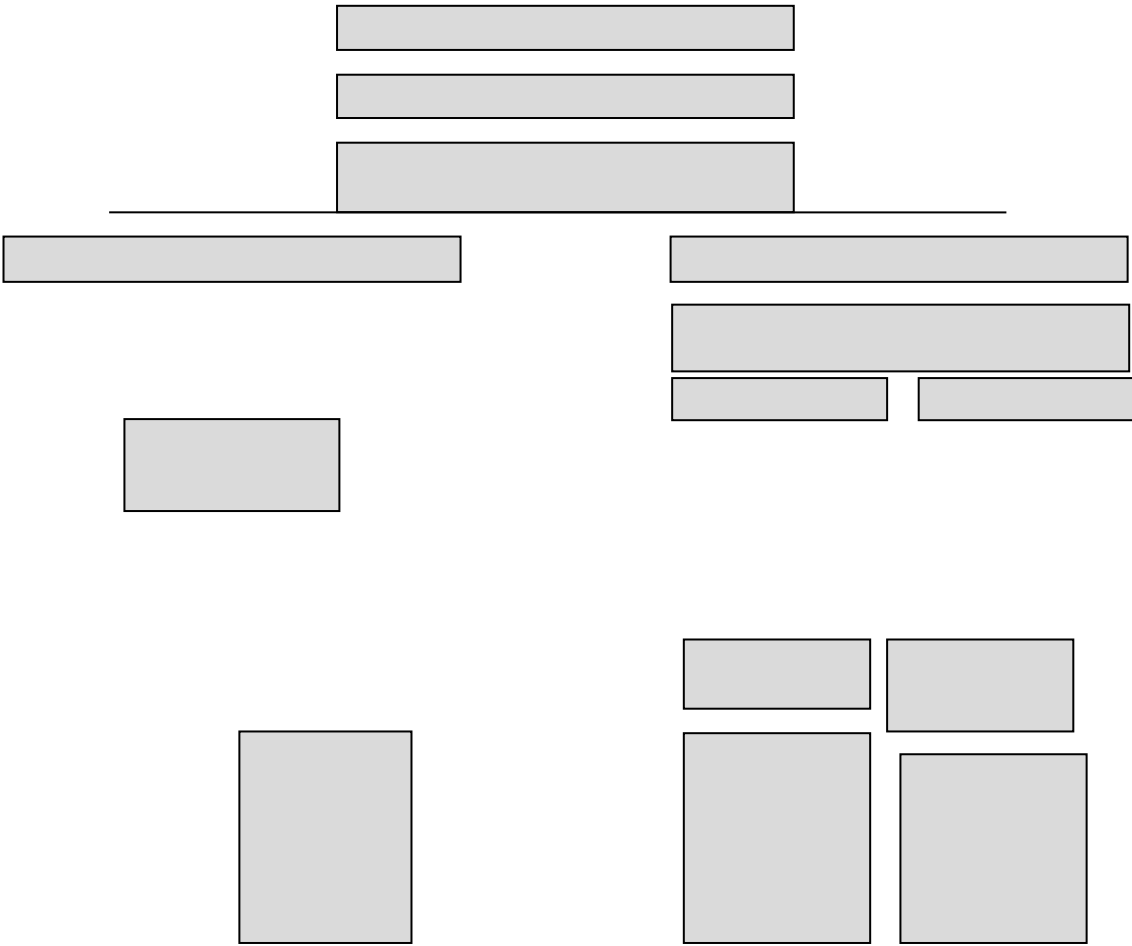


## By The Numbers

Review the timeline above by recreating the key dates and timeframes on the board (this information can be found in the above text box). After reviewing the information, ask if there are any questions about the sequence.

Distribute copies of the flowchart handout (on the following page). Note to participants that the empty boxes in the flowchart represent missing information that needs to be filled in. Individually, have participants select the appropriate responses from the potential answers at the end of the page by simply filling in the corresponding letter to that answer. Together, go over the answers determining the appropriate response for each box. Discuss as needed.

# HANDOUT – FOI FLOWCHART WORKSHEET



# FOI LIFECYCLE ANSWER SHEET (FOR TRAINER)





The law states that a request for information can be denied if the information you want falls under one of the exemptions outlined within the FOI act and the harm of disclosing the requested information is more than the public's interest in seeing the document.

All denials must be in writing, provide the reason for being denied, and be delivered to you within thirty (30) calendar days of the date the request was filed, except for cases of transfers as discussed previously.

The Liberian FOI Act indicates that a document, information, or record is exempted from public access if the release of the information would cause injury or substantial harm to:

A document is exempt from the general right of access to information when it would be an unreasonable disclosure of personal information.

When part of the document has exempt information, only that part should be excluded from disclosure and the rest of the document released to you.

Also, public agencies and private entities cannot just claim that the information you want falls under an exemption, is confidential, or secret. They must also show that the harm of disclosing the information is greater than the public interest in knowing the information. To satisfy the public interest test, the agency must show the following:

The requested information falls under one or more of the exemptions listed in the FOI Act Disclosure of the information will or is likely to cause injury or substantial harm to the interest protected by the exemptions. The harm to be caused is greater than the benefit to be gained if the information was provided

Exempted information can only remain exempt from disclosure for a continuous maximum period of fifteen (15) years.

HANDOUT –

What are the responsibilities of the agency from which they requested information  
When to expect a response to the request for information  
Why their request may have been transferred  
What are the exemptions under the law

The aim of this section is to inform participants of their appeal options if not satisfied with an agency's response, lack of response, or high fees, etc.

: To help participants understand their right to appeal when requests for information are denied, and to educate participants regarding the internal review process.

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At the end of this section, the participants should know:

- What is an internal review
- What is the Independent Information Commission and its role
- What are the steps for filing an appeal
- What is judicial review

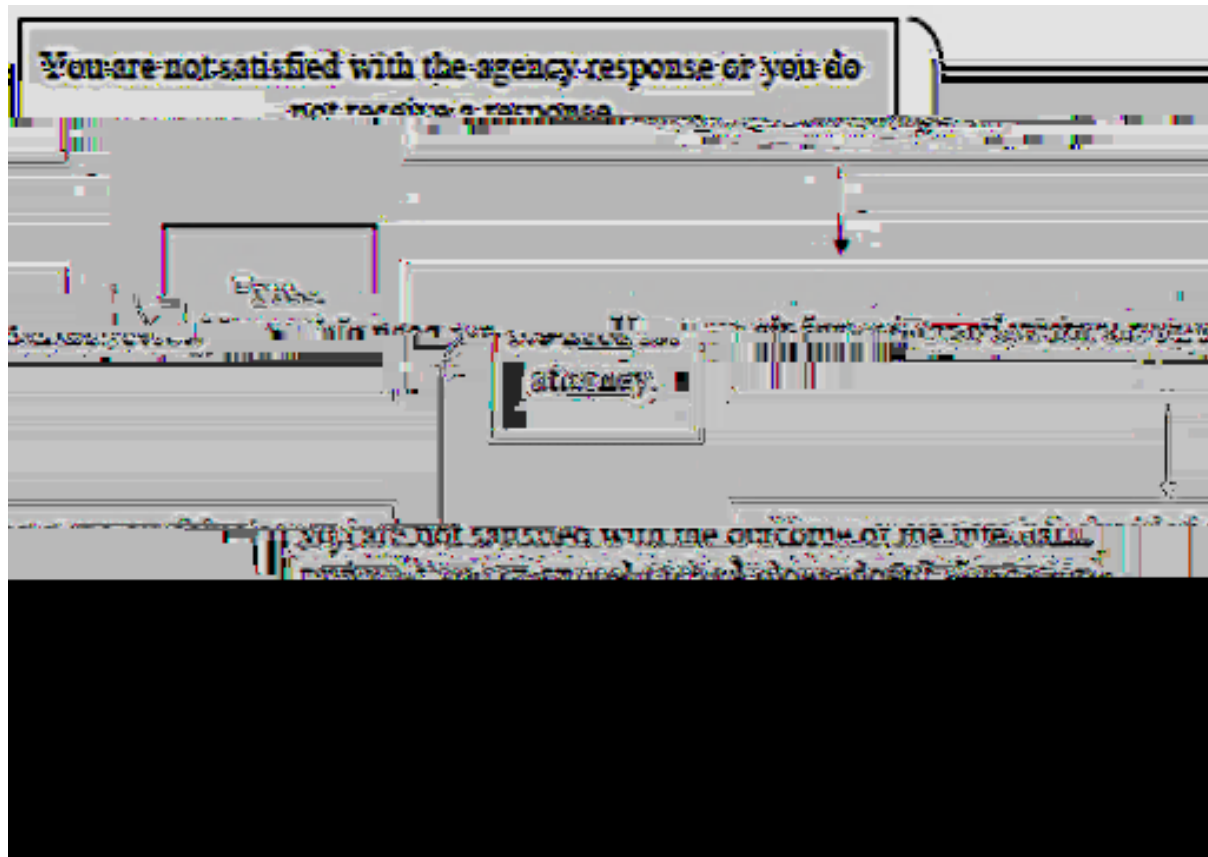
If any of these situations apply to a requester, they have a right to seek an appeal:

- No response within the time period
- A denial of information
- A partial document
- A transfer notice with which the requester disagrees
- A fee/charge they think is too high
- Or any other negative decision

In an internal review, a senior official or internal review body will review your appeal and



## HANDOUT - SUMMARY OF APPEALS MECHANISM



Mark Bedor-Wla Freeman, Sr.

10<sup>th</sup> Street and Jallah Town Road, Sinkor







Did you enjoy the workshop?  
How valuable is the information you learned?  
Compared to before this workshop, what have you learned?  
Do you feel prepared to access and request information?  
Can you teach others in your community about FOI law and the processes involved in access to information?  
How are accountability and transparency involved in access to information?  
Please share how the information and skills you learned today will help you, your family, or your community.  
Do you feel empowered to request information?



Access to information is used synonymously with Freedom of Information. The right of the public to request, receive, review, reproduce, and retain records and documents held by public agencies and private entities performing public functions or receiving public funding.

To request a review of a particular decision, or failure to respond, to a higher tribunal.

The dissemination of information by a public agency or private entity receiving public funds or providing public services as it is generated or received, irrespective of whether a request for the information has been made. The FOI Act mandates certain key classes of documents/information be automatically published.

An employee of a public agency assigned to receive and process requests for access to information and to oversee the automatic publication of information. In this guidebook, the term "Information Officer" is used instead of "Designated Officer." See "Information Officer" for additional definitional details.

Any retrievable or reviewable record in any form, whether written, printed, audio, visual, or electronic. These may include, but are not limited to maps, diagrams, photographs, film, micro film, video-tapes, sound recordings, machine-readable records, etc.

A legal reason found within the FOI Act why the Government of Liberia and private entities receiving public funds or providing public services must withhold disclosure of a document. When an ex-emption applies, the public agency or private entity receiving public funds or performing public functions must show why the harm of disclosure outweighs the public interest in knowing the information.

An individual appointed by the President of Liberia

A review of a negative decision or action or failure to act regarding a request for information. An internal review is conducted by a senior official or an internal information request review body established by each public agency.

: A review of a negative decision or action regarding a request for information or allegedly high repr

## PREAMBLE

Recognizing that access to information is a fundamental right guaranteed by the Constitution of Liberia and the Universal Declaration of Human Rights as well as the African Charter on Human and People's Rights;

Realizing that the right of access to information encompasses the right to request and receive information, especially information involving public interest;

Acknowledging that access to information is indispensable to genuine democracy and good governance and, to this end, Article 15(c) of the Constitution of Liberia provides that no limitation shall be placed on the public right to be informed about the government and its functionaries;

Convinced that a dedicated statute on the right of access to information is essential to affirming and promoting the effective, equitable and inexpensive exercise of this right;

NOW THEREFORE IT IS HEREBY ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF LIBERIA, IN LEGISLATURE ASSEMBLED:

### Chapter 1- General Provisions

Section 1.1 Title: This Act shall be known as the Freedom of Information Act of 2010.

Section 1.2 Short Title: This Act may be cited as the Freedom of Information Act.

Section 1.3 In this Act, the following terms and phrases shall have the meaning established for each in this Section:

#### Access to Information:

"Access to information " refers to the right of the public to request, receive, review, reproduce and retain records and documents held by public bodies and private entities performing public functions or receiving public funding.

"Act" means the Freedom of Information Act.

1.3.4 "Court" means any judicial body of the Republic of Liberia.

1.3.5 "Documents" means any retrievable or reviewable record, which may be written, printed, audio, visual or electronic.

1.3.6 "Independent Human Rights Commission" means the autonomous commission established by an Act of the legislature, which shall have oversight responsibility for the effective implementation of this Act

"Person" means any individual, partnership, corporation, joint venture, trust, estate, un-incorporated entity, government or any juridical entity.

"Private Bodies" include any entity, business or otherwise, owned by private persons



d. To provide appropriate penalties and other sanctions for wrongful failure to keep and or provide information.

Section 1.6 Scope of Act: This Act shall apply to and cover:

a. All public authorities and bodies at all branches and levels of the Government, including but not limited to ministries, bureau, departments, autonomous agencies, public corporations, commissions, committees, sub-committees, boards, military and paramilitary institutions, and any other related bodies supported in whole or in part by public resources;

b. All private bodies performing public functions and or providing public services, including academic institutions, hospitals and other health service providers; telecommunications operators, banking institutions, and similar entities;

c. All private bodies that receive public funds or benefits of whatever nature; and

Section 1.7 Primacy of Act: Save for the Constitution, this Act is and shall be the primary law governing the right of access to information, including all matters related to request for and provision of information in Liberia. No administrative action, order or regulation contrary to, inconsistent with, or in derogation of this Act shall issue or be effective in Liberia, and this Act shall prevail over any and all subsequent inconsistent statutes, except a subsequent statute that specifically amends or repeals it.





Section 3.10 Response to request defined: A response to a request for information may consist of one of the followings: (1) timely provision of the requested information; (2) denial of the request; (3) transfer of the request.

Section 3.11 Provision of Requested information: The search for and provision of requested information shall be done free of charge to the requester, but a public entity may charge such amount as is necessary to cover actual cost of photocopying, transcribing, scanning or other forms of reproduction.

Section 3.12 Denial of Requests: A request for information, including to inspect, review or reproduce the information, may be lawfully denied only if it is within one of the exemptions provided in Chapter 4 of this Act. A denial of a request and the reason thereof shall be in writing and served the requester no later than 30 calendar days as of the receipt of the request.

Section 3.13 Transfer of Requests: In the event a public authority or private entity receives a request relating to information not held by the authority or entity, such authority or entity shall, with notice to the requester, automatically transfer the request to the public authority or private entity known or believed to hold the requested information.

A transfer of request shall be made no later than fifteen (15) days after receipt of the request and with prompt notice served the requester.

Section 3.14 Further Transfer of Requests: Where a request for information is transferred to a wrong public authority or private entity, the public authority or entity to which the request was erroneously transferred may, with notice to the requester, further transfer the request to another public authority or entity known or reasonably believed to be the holder of the information. A further transfer shall be made no later than ten (10) working days after receipt. There shall be only one further transfer, and in making the one further transfer, the original recipient of the request and the authority or entity making the further transfer have the obligations to consult and make all efforts to identify the proper holder of the information so as not to cause further delay in responding to the request.

## Chapter 4.0 Exemptions

Section 4.1 Exhaustive List of Exempted Documents: Subject to the provisions of Section 4.8, a document, information or record is exempted from disclosure ONLY if it falls in or under one or more of categories of exempted documents listed in this Chapter.

Section 4.2 Information Relating to National Defense, Security and International Relations: A document or record is exempted from disclosure or public access if its disclosure would cause injury or substantial harm to the security, defense or international relations of the Republic of Liberia or would divulge any information or matter communicated in confidence by or on behalf of another country to the Government.

Section 4.3 Criminal Investigation: A document or record is exempted from disclosure or public access if its disclosure would cause injury or substantial harm to (1) an ongoing criminal investigation, (2) disclose the identity of a confidential source assisting with criminal investigation, or (3) endanger the lives or physical safety of persons involved in criminal investigation.

Section 4.4 Trade Secrets: A document or record is exempted from disclosure or public access if its disclosure under this Act would reveal trade secrets belonging to a public authority or a private entity, or destroy the commercial value or affect the competitiveness of a public authority or private entity in relation to the business or work of the authority or entity; provided that this provisions shall not be construed to apply to:

- (a) Information on the general business or professional affairs of the authority or private entity; or
- (b) Information on the business, commercial or financial affairs of an undertaking of which that person, or a person on whose behalf that person made the request, is a proprietor.

Section 4.5 Personal Information: A document or record is exempted from the general right of access if its disclosure would constitute an unreasonable disclosure of the personal information.

Section 4.6 Privileged Communications: A document or record is an exempt document or record if it is shown to be of such nature that it would be privileged from production in any legal proceedings based on any of the privileges recognized under the rules of evidence extant in Liberia.

Section 4.7 Partial Exemption: Where a portion of a document or record falls under the exemptions established in Sections 4.2 thru 4.6 above, only the exempted part(s) of the requested document shall be redacted from the original document and remaining portion released.

Section 4.8 Exemption must be justified; not merely Claimed: A public authority or private entity may not refuse access to or disclosure of information simply by claiming it as "confidential or secret". In order to qualify to be exempted from disclosure, it must be clearly demonstrated that:

- a) The information or record falls within or under one or more of the exemptions established in this Act;
- b) That the disclosure of the information will cause or likely to cause injury or substantial harm to the interest protected by one or more of the exemptions established in this Act; and
- c) The harm to be caused by the disclosure is greater than the public interest in having the information disclosed.

Section 4.9 Maximum period for nondisclosure: Information or records exempted from disclosure or public may remain exempted for as long as the reason for their exemption exists, but in any event no longer than a continuous period of fifteen (15) years).

## Chapter 5 Oversight

Section 5.1 Oversight Body: The implementation of this Act, including compliance therewith, shall be overseen an independent Information Commissioner to be appointed by the President with the advice and consent of the Liberian Senate. The Independent Information Commissioner shall be a Liberian of high moral character and generally acceptable to many stakeholders. The Independent Information Commissioner shall serve full-time, and receive compensation at least equal to that receive by a Circuit Judge.

The work of the Information Commissioner and the Technical Secretariat to support his or her work shall be funded by the Government through the National budget. The Informational Commissioner shall enjoy operational, investigatory and regulatory autonomy, and general independence in the exercise of his or her work.

Section 5.2 Functions and Powers of Information Commissioner: Without limiting the generality of the provisions of Clause 5.1 above, the functions and powers of the Independent Information Commissioner shall include:

- a) To receive, hear and decide all complaints as well as mediate disputes arising under this Act.
- b) To compel witnesses and evidence for the purpose of deciding appeal or otherwise determining compliance with this Act.
- c) To review information held by public bodies and covered private entities and, in connection therewith, including procedures for the internal reviews provided in Section Chapter (6) of this Act as well as the fees charged by public bodies and entities for reproduction of requested information.



Section 5.4 Annual Report to the Legislature: The Independent Information Commissioner shall include in its annual report to the National Legislature a full account of the status of implementation of the Act.

#### Chapter 6 Appeal Procedures

Section 6.1 Right of Appeal: In all events where a request for information is denied and or not responded to, or an action of a public body or private entity in respect of the transfer or any

