



TRANSPARENCY INTERNATIONAL PNG INC.

A national chapter of Transparency International - *the global coalition against corruption*

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Wednesday 10th December 2025

STEVEN MATAINAHO

Deputy Secretary – Policy & Emerging Technology Wing

Department of Information & Communication Technology (DICT)

PO Box 784, Vision City, Port Moresby

National Capital District

Dear Secretary Matainaho,

Subject: TIPNG Review on Draft National Right to Information Policy 2022-2032

Transparency International PNG (TIPNG) is the national chapter in Papua New Guinea (PNG) of the global transparency movement and duly incorporated under the Associations Incorporation Act (2023) with a mission to empower people in PNG to take action against corruption.

TIPNG is pleased to make this follow-on submission to the Department of Information and Communications Technology (DICT) on the Draft National Right to Information Policy 2022–2032 [ver1.1_06.03.2023[1]-2 accessed from the DICT website]. This submission builds on our initial feedback provided to DICT in 2023, and forms part of our continued engagement as a member of the PNG Open Government Partnership (OGP) Freedom of Information (FOI) Technical Working Group (TWG).

This submission is structured into two (2) sections:

- General Feedback
- Specific Feedback – Text of the draft policy.

As an active member of the FOI TWG under the OGP, TIPNG remains committed to the finalisation of the RTI Policy and we are hopeful that this submission further reiterates TIPNG's expectation for an effective RTI framework for PNG in line with the Constitution.

General Feedback

Access to information is fundamental to promoting transparency, accountability, and good governance. It empowers citizens to make informed choices, demand quality public services, and actively participate in the democratic process.

In Papua New Guinea, the right to freedom of information is enshrined in *Section 51 of the National Constitution*, which guarantees every citizen reasonable access to official documents—subject only to limitations that are justified in a democratic society.

TIPNG has been a strong advocate for the full realization of the Constitutional provision through the adoption of a comprehensive Right to Information (RTI) Policy and subsequent legislation. A robust and effective RTI framework should include the following elements:

- The RTI Policy should be practical and applicable to PNG, meeting the expectations of Papua New Guineans, i.e. to know what is being done in our name, with our money, by our government.
- There should be provisions within the RTI Policy to allow for an independent constitutional office such as an 'RTI Commission' to safeguard citizens' right to access information from political or administrative interference.
- Assess, align and improve existing laws which impact citizens' right to know.
- Require proactive disclosure of public information, approvals should be minimal so as to not be a barrier to access
- Ensures that Public Interest is clearly defined and can be enforced by the courts
- Place the burden on officials to justify withholding information, while not expending exemptions beyond the 10 listed under Section 51 of the Constitution

As such, TIPNG's position is that we oppose the creation of an RTI Unit within the Department due to risks of politicization. Instead, TIPNG strongly recommends establishing an Independent RTI Commission to ensure impartial enforcement of citizens' right to access information.

Specific Feedback – Text of the Draft Policy

The following table outlines TIPNG's specific feedback to the latest draft of the RTI Policy that was shared internally within the OGP FOI TWG on the 25th September 2025.

This section should be read together with the attached TIPNG Submission on the Draft Right to Information (RTI) Policy, dated Friday, 16th June 2023. The feedback from that submission has been incorporated into the Word version of the Draft RTI Policy 2022–2032 (also attached).

Page	Section – Specific Feedback	Recommendation
9	<p>CONSTITUTIONAL PROTECTION OF RIGHT TO INFORMATION IN PAPUA NEW GUINEA</p> <p>The section needs to specify, that there are only 10 exceptions in the Constitution under s.51(1)(a) – s.51(1)(j); additional grounds for exemption are unconstitutional.</p>	<p>Replace with following text:</p> <p>Section 51(1) of the Constitution of the Independent State of Papua New Guinea (PNG) gives every citizen the right of reasonable access to official documents, subject only to the necessity for such secrecy as is reasonably justifiable in a democratic society subject to only 10 exceptions.</p>
13-14	<p>THE WAY FORWARD –</p> <p>Mention that the Right to Privacy in this section could inadvertently undermine the Right to Information. They are distinct, the Right to Privacy relates to personal protection from the state, whereas the right to information places an obligation on the state.</p> <p>The policy should maintain focus on RTI, to not cause confusion and misinterpretation. This will make it difficult for those applying for the disclosure of state information by placing restrictions in the guise of 'government data privacy'.</p>	<p>Delete the following text:</p> <p>The Government also recognizes that disclosure of information presents both opportunities and risks for individuals. Hence, the constitutional right to privacy must be as equally protected as the right to information and this Policy treats both as policy and legislative issues. A Data Protection (or privacy law) will be among the raft of legislative framework reforms that will be pursued in this context.</p>
26	<p>Section 4. REQUEST PROCESS – There is an overlap in (iii) and (vi), as well as (iv) and (vii).</p>	<p>We suggest omitting one or the other.</p>

33	<p>Section 7. VEXATIOUS & UNREASONABLE REQUESTS – The sentence “<i>may unduly divert the resources of a public body.</i>” is too broad and open the door to unfounded ad hoc refusals to comply with requests.</p>	<p>Delete and Replace with the following text:</p> <p>These requests may be rejected on the grounds that they are vexatious or repetitive.</p>
33	<p>Section 8. DECISIONS AND JUSTIFICATIONS TO BE MADE PUBLIC – Where will the “disclosure log” by the RTI Unit be published for public to access? This needs to be specified clearly and in line with the Constitution.</p>	<p>Delete and Replace with the following text:</p> <p>Public bodies must ensure that their decisions and justifications are made public unless the information that is to be disclosed is exempt under the areas specified in the Constitution. The RTI Unit will develop the form of a running the disclosure log that must be used to publish this information for public access.</p>
34	<p>Section 9. REUSE OF INFORMATION – The section states that individuals should not take the information and publish it to violate confidentiality laws. This places a restriction on how the information can be used. Using this public information to encourage accountability by those in public office could be limited here.</p>	<p>Delete the first and last sentence, so the section reads:</p> <p>9. REUSE OF INFORMATION There are no limitations on, or fees associated with the reuse of information obtained from public bodies.</p>
34	<p>Section 9. REUSE OF INFORMATION – This section states that “<i>There are no limitations on, or fees associated with the reuse of information obtained from public bodies, except in cases where a third party is the owner of a <u>legally protected copyright</u> over the information.</i>”</p> <p>It is important to note that copyright does not mean full control over copyrighted information. It may not be used for business purposes without the copyright holder's approval, <u>but mere disclosure does not violate copyright.</u> Please see section 5 of <i>The Copyright and Neighbouring Rights Act 2000</i></p>	<p>Delete the first and last sentence, so the section reads:</p> <p>9. REUSE OF INFORMATION There are no limitations on, or fees associated with the reuse of information obtained from public bodies.</p>
34	<p>Section 10. COMPLAINTS, a. Internal Review</p> <p>This should be represented graphically in a diagram to assist users of the policy with enforcing their right to information.</p>	<p>Insert graphic showing:</p> <p>Internal Review: Within 30 days of receipt of the public body’s decision to refuse, postpone the disclosure of information to the requesting individual or body <i>Application for Review must be made --> Within 30 days --> Secretary/Senior Official from the public body that receives the request, must conduct a review and respond to the applicant.</i></p>
34	<p>Section 10. COMPLAINTS, b. The Ombudsman Commission</p>	<p>Insert graphic showing:</p> <p>“Heading: Complaints to the Ombudsman Commission:</p>

	<p>This should be represented graphically in a diagram to assist users of the policy with enforcing their right to information.</p>	<p><i>"Complaint must be filed with the Ombudsman Commission --> Within 30 days (A 30-day extension may only be allowed once) --> If the Ombudsman Commission identify something considered a criminal wrongdoing while looking into a complaint --> Complete a report of its findings and give it to the Minister of the relevant public body for proper cause of action --> The Ombudsman Commission must also report the case to an ICAC or the public prosecutor where necessary --> Where there are allegations that a public official is involved, the Ombudsman Commission will also refer the case to the Public Service Commission for action."</i></p>
35	<p>Section 10. COMPLAINTS, c. National Courts - This section should clearly describe the Appeal process to the National Court however the description refers to the Ombudsman Commission. Is this correct?</p>	<p>Please review and consider correct description to match National Courts</p>
36	<p>Section 12. FEES</p> <p>The third paragraph mentions payments done by the applicant seven (7) days after they are notified of the expenses of copying records ready for disclosure (for example, the costs of photocopying paper, burning video, tape or computer disk (CD)). It states that once payment is made, the records must be delivered within seven (7) days of payment receipt.</p> <p>This deadline for public bodies disclosing information and bodies requesting information is unnecessary and confuses both parties because there is also a 30-day deadline in place for bodies to respond to requests being lodged.</p>	<p>We recommend to specify where this payment and seven-day deadline is situated within the internal review, appeal, and complaint process.</p>
37	<p>III. MEASURES TO PROMOTE OPENNESS, 1. TRAINING AND CAPACITY DEVELOPMENT – Civil Society Organizations (CSOs) should also be included as a fourth level in the RTI training. CSOs will help to create awareness and participation of the public, to allow for effective application of the RTI policy. CSOs involvement occupies a critical place in the governance process as it plays a crucial 'watchdog' role in evaluating the policies and actions of the government.</p>	<p>Insert text:</p> <p>A key component of the Policy implementation will be RTI training, which will be conducted at four levels: - by the RTI Unit, through thorough 3-4-day RTI training courses, with both public servants, stakeholders, CSOs and other interest groups such as the media.</p>
38	<p>III. MEASURES TO PROMOTE OPENNESS, 2. RECORDS AND INFORMATION MANAGEMENT – We recommend stating the mandate that the National Archives and Public Records Services of Papua New Guinea (PNG) have according to existing policies, to perform the Records &</p>	<p>Clearly mention the Archive's objectives during the RIM implementation phase: Example:</p> <ul style="list-style-type: none"> • Co-operate with Department Information Officers (DIOs) to arrange and describe permanently

	Information Management (RIM) work for RTI. Refer to the <i>Office of Libraries and Archives Act 1993</i> (we suggest including this Act in the first policy section, for policies that are linked to the RTI Policy).	valuable information, to make them readily accessible to the public. To partner with the RTI Unit and other government bodies to develop guidance materials and publications on the obligations and duties under the RTI Policy (Section 8b. Guidance Materials and Publications).
39	III. MEASURES TO PROMOTE OPENNESS, 1. ICTs AND RTI INFRASTRUCTURE, f. E-Governance – It should not be stated here that internet technology is being widely utilized by PNG. More research needs to be done to justify this statement. For example, the internet infrastructure, devices and bandwidth in provinces considering out-of-city populations as this policy will cover all citizens and not just those within cities.	DELETE: “given that internet technology is being widely utilized by PNG.”
40	b. External Partnerships: TIPNG has noted the following groups with roles tied to the RTI Policy. <ol style="list-style-type: none"> 1. RTI Unit 2. RTI Steering Committee (mentioned in Section 2. ROLES AND RESPONSIBILITIES, b. RTI Steering Committee (RTISC)). 3. RTI Stakeholder Advisory Group – CSOs and NGOs, the media, private sector, and youth and women groups. 4. RTI Association of Administrators – Responsibility of the RTI Unit to form this Association to encourage discussion on the ongoing process of RTI policy implementation. 	These relevant bodies and their objectives must be clearly stated at the beginning of the policy in Section 2. ROLES AND RESPONSIBILITIES.
41	7. GOVERNMENT MEDIA RELATIONS	The Government Communications Unit and its roles, need to be stated in the beginning of the policy, Section 2. ROLES AND RESPONSIBILITIES.
43	Section 9. PHASED IMPLEMENTATION, a. Benefits of Phased Implementation of Policy – More detail needed on “A Parliamentary Committee specifically called for the purpose of evaluating the status of RTI Implementation at the end of each year”.	The Parliamentary Committee and its roles, need to be stated in the beginning of the policy, Section 2. ROLES AND RESPONSIBILITIES
43	IV. REPORTING, MONITORING AND EVALUATION Public Bodies – Is this monthly report from DIOs to the RTI Unit the same as the Section 8, Disclosure Log?	Please specify, to avoid a repetition of similar reports. If not, specify what makes the <i>DIO Report</i> (to the RTI Unit) and the <i>Disclosure Log</i> (for the public) different.
46	Section VI. RESOURCES, c. Document Retrieval Systems – In reference to the Enterprise Content management (ECM) system. Clarify if the implementation of ECMS will be done in	The implementation of ECMS will be done in partnership with the <i>National Archives and Public Records Services of PNG</i>

	partnership with the <i>National Archives and Public Records Services of PNG</i> or whether it will be done with the consultancy service and support of a private body.	
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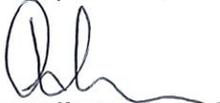
Conclusion

This submission by TIPNG is made with the intent of realizing the full scope of Section 51 of the National Constitution which upholds every citizen's right to access information.

TIPNG remains committed to supporting the finalization and endorsement of the National Right to Information Policy, as it represents a crucial step toward building an enabling environment for accessing information.

As always, we are grateful for your continued leadership in coordinating the delivery of this important policy and look forward to the outcomes of this consultative process, as well as a response from your office to our submission.

Yours in partnership,



Arianne Kassman
Chief Executive Officer

