

# **INFORMATION DISCLOSURE POLICY**

## **OF**

### **D.NET**

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**First Version**

**Approved by Governing Body on July 04, 2009**

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## THE POLICY

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### A. Preamble

1. D.Net believes that information, which is generated and obtained using public money, should be fully disclosed for all for ensuring people's access to that information and for ensuring transparency and accountability as well as public participation in effective use of public money. D.Net has been working since its inception for prompting access to information for improvement of livelihoods of poor people, for improving good governance and for ensuring human rights. D.Net's vision and mission statement also manifest this belief. Enactment of Right to Information Act (RTIA), 2009 is a victory of people of Bangladesh towards that end. The unique feature of Bangladesh's Act, despite its limitations, is that it brings under jurisdiction not only the government, but also the non-government organisations, which works with public money for full information disclosure with some exemption. As the culture of disclosure develops, D.Net believes that the exemption list will be reduced. D.Net also believes that for-profit organisations, whose activities affect peoples life, should also be brought under the law.
2. In according to the section 2(2) (5) of RTIA 2009, D.Net is an institution, which is bound to disclose all information related to its activities with public money. As a promoter of people's right to know, D.Net's board and management felt that it is the responsibility of the institution to comply with the provisions of the law and set a mechanism to disclose its information to the public and set example to other non-government and government institutions.
3. In the process of developing mechanism of information disclosure, D.Net also wishes to collaborate with Information Commission, government entities and like-minded non-government institutions for creating an environment, where discloser will serve the ultimate purpose of making Bangladesh poverty-free.

### B. Definition:

4. In this Information Disclosure policy, the following words and expression have the following meanings, unless a different intention appears from the subject or context :
  - a) Information: For the purpose of this policy, information is defined as printed or electronic materials that provide knowledge about D.Net's activities, including programmes and operations and knowledge products produced by D.Net.
  - b) Information officer (IO): A person, who shall be appointed by Operations Division's Human Resource Management Wing of D.Net, and responsible to implement Information Disclosure Policy and shall work as it is mentioned in section 23 of this policy. Depending on the requirement there shall be more than one information officer.
  - c) Information Seeker (IS): A person (both natural and juridical), who is a citizen of Bangladesh, regardless of her/his relationship with D.Net, shall seek information which belongs to authority of D.Net.
  - d) Information Disclosure Unit (IDU): The place, within D.Net premises, where IO will conduct activities.
  - e) Appeal Authority (AA): Executive Director of D.Net shall act as Appeal Authority.
  - f) Working Committee (WC): A committee created as per Section M of this policy, which is responsible to facilitate implementation of this policy.
  - g) Executive Committee (EC): A management committee of D.Net, established by the governing body as per Article 10.3 of the Memorandum of Association (MOA) and Rules and Regulations of D.Net.
  - h) Governing Body (GB) : The highest decision making body of D.Net (as per Article 6.2 of the MOA) between two bi-annual general meeting for providing strategic guideline to D.Net executive team.
  - i) Information Commission (IC): IC is an independent statutory institution which is formed by section 11 of RTIA 2009.

- j) RTIA, 2009: Right To Information Act 2009 as it is published in Bangladesh Gazette on May 6, 2009.
- k) Application Form (AF): A prescribed format, developed by D.Net as per guideline provided in Article 8 of the RTI Act, 2009 for seeking a particular information.
- l) Appeal Application Form (AAF): A prescribed format, developed by D.Net as per guideline provided in Article 8 of the Act, for seeking remedy for a grievance in the process of seeking information from the IO(s).

### C. Declaration of Policy

- 5. D.Net's Information Disclosure Policy (hereinafter referred to as the policy) is intended to ensure that information, concerning D.Net's programmes and operations, is available to the public except for limited information that is deemed confidential as set out in this policy in the light of RTIA 2009. Public access to comprehensive and timely information generated by D.Net, will continue to facilitate good governance, at the same time create example to other institutions. As a champion of people's right to know D.Net's proactive information disclosure is very extensive, through its corporate website and individual programmes' websites. However, those disclosure is now being streamlined under RTIA 2009. Therefore, this policy codifies principles, practices and procedures concerning with Information Disclosure by D.Net.
- 6. This policy has been developed taking into account RTIA 2009. The policy has been modified by D.Net staff members, members of the Executive Committee and the Governing Body. Appropriate approval has been taken for implementation of the policy from the Governing Body in its Annual meeting held on July 04, 2009.
- 7. This policy shall be applied to D.Net and to those associated Programmes administered by D.Net. This policy shall be available on the D.Net corporate website as well as on the websites of various programmes of D.Net.

### D. Categories of Information

- 8. The information generated by D.Net will be classified according to the following matrix:

	Proactively disclosed Information ( category 1)		Information to be provided on request (category 2)				Information to be kept undisclosed until further notification (category 3)
	Get copy		See and take note		Get copy		
	Priced	Free	Priced	Free	Priced	Free	
Web							
Print							
CD							
Other							

Information for each category will be published under three divisions of D.Net: Operations, Knowledge Management Division (KMD) and Research and Programme Division (RPD).

- 9. List of information, which will be proactively disclosed (category 1), will be determined by the working committee on Information Disclosure Policy and approved by the Executive Committee. The list will be updated every six months. The list will be published separately (not as a part of the policy) on the corporate website.
- 10. List of information, which will be provided on request (category 2), will be determined by the working committee on Information Disclosure Policy and approved by the Executive Committee. The list will be updated every six months. The list will be published separately ( not as a part of the policy) on the corporate website.

11. List of information, which will kept undisclosed until further notification ( category 3), will be determined by the working committee on Information Disclosure Policy and approved by the Executive Committee and subsequently by the Governing Body. The list will be updated every six months. The list will be kept unpublished.

#### **E. Place and Person for Getting Information**

12. On the corporate website of D.Net ([www.dnet.org.bd](http://www.dnet.org.bd)), there will be a link titled “Your Right to Know”, where the following sub links will be available:
  - a) Basic information on Right to Information
  - b) Information Disclosure Policy
  - c) Information Available under Pro-active Disclosure Policy (free of cost)
  - d) Information Available under Pro-active Disclosure Policy (priced)
  - e) Information Available on Request (free of cost and priced)
  - f) Appeal Process
13. If the required information is not available on the D.Net website, a person can contact to the IO (Information Officer) in the Information Disclosure Unit of D.Net, holding address – 6/8 Humayun Road, Block – B, Mohammadpur, Dhaka 1207, Bangladesh physically and submit an application form available in the office.
14. Other means of seeking information:
  - a) Through filling application form available on the web by on-line submission
  - b) By sending an email to the information officer using the application format available on the web. The email address is: [iofficer@dnet.org.bd](mailto:iofficer@dnet.org.bd)

#### **F. Language and Form of the Information**

15. The information mentioned in section D is available in at least one of the two working language of D.Net (English and Bangla), depending on the official or working language of project or Programme publishing the information. D.Net shall provide or disclose the information as it is published, printed or stored in soft form. Hence D.Net shall not be responsible to translate or convert the requested information from one language to another. Any sort of conversion, if possible, will be subject to additional price.

#### **G. Confidential Information**

16. D.Net recognises that in certain situations, sensitive information relative to the political/economical/social/research and/or other relative context will remain confidential. In these instances, there are usually other documents/frameworks relating to the D.Net’s Programme that shall not be available to the public as per Section 7 of RTIA, 2009.
17. While D.Net is committed to have an open and transparent Information Disclosure System in a place, there are legal, operational and practical consideration that are necessary to preserve the organisation’s interests as well as those of its staff and its various partners.
18. As therefore, information, which has direct link with section 7 of RTIA 2009, under the following categories is deemed confidential and hence not available to the public :
  - (a) Information received from and sent to the third party under the expectation of confidentiality (Article 7, nha(†), RTIA, 2009).

- (b) Information whose disclosure is likely to endanger the safety or security of any individual, violates his or her rights, or invades his or her privacy (Article 7, ja (क) and jha(ख), RTIA, 2009).
- (e) Internal inter-office or intra-office document, including emails and draft documents (Article 7, nha(ग), RTIA, 2009).
- (f) Information where disclosure would harm either the financial interests of D.Net or those of other parties involved (Article 7, unga(घ), RTIA, 2009).
- (g) Information related with third party whose disclosure is likely to endanger the Intellectual Property thus may occur financial or commercial lose (Article 7, gha(च), RTIA, 2009).
- (j) Information relating with incomplete or undone procurement (Article 7, ta(ट), RTIA, 2009).
- (k) Prior information relating question papers and result with recruitment process of D.Net (Article 7, dha(द), RTIA, 2009).
- (l) Any matter under internal investigation whether it is for disciplinary measures or for any other purposes (Article 7, thha(ड), RTIA, 2009).
- (m) Any other information, deemed subject to any other sub-article of RTIA, 2009, which are not mentioned above.

#### **H. Application Procedures for Seeking Information**

- 19. This policy contains one standard Application Form (AF) (Given in the annex 1) for general application procedures and one Appeal Application Form (AAF) (Given in the annex 2).
- 20. Application forms shall be available at the corporate website free of cost as well as at the Information Disclosure Unit for a nominal price.
- 21. IS shall buy application form paying BDT 2 each from IDU.
- 22. IS shall fill up the application form and then submit to the IO on the working day of D.Net, otherwise IO shall not be responsible to accept the application of Information seeker.
- 23. Each IS will be given a receipt of application form which will contain a date of providing of requested information, subject to provision under Section G of the policy and Article 7 of the RTIA, 2009.
- 24. Every Information Seeker will be acknowledged and entitled to get response from either IO or ED within 10 days of submitting application about the status of delivery.
- 25. Each information request will be entertained as per provision of the article 9 of RTIA, 2009.

#### **I. Price of the Information and Payment Procedure**

- 26. If the price of the information is mentioned in the list as of section D of the IDP, IO shall provide the information as immediate as the price of the information is paid on or before 5<sup>th</sup> day of the request.
- 27. If the price of the information is not mentioned, then IO, in consultation with the head of KMD, shall inform the Information Seeker on or before 5<sup>th</sup> day of the request and the Information Seeker shall deliver the mentioned or informed price of information on or before 20<sup>th</sup> day of the request, otherwise or unless application shall be denied.
- 28. For pricing of information on request following guideline shall be followed by the IO:
  - a) Processing charge: BDT 10-100/page (Depending on processing time and resource involved)
  - b) Printing charge: BDT 5/page

c) Photocopy charge: BDT 3/page

29. As the online payment system is not available in Bangladesh at the moment of publication of this policy, for any information priced, the payment should be made physically in cash at the address mentioned in the article 13 of the policy. Online payment is only applicable for the knowledge products of D.Net sold through [www.bdresearch.org.bd](http://www.bdresearch.org.bd). No bank draft, pay order or bank transfer will be accepted due to low volume of transfer, which is loss incurring for the organisation.

#### **J. Time line of providing information**

30. If the information is only related with D.Net, IO shall provide it on or before 20th day of the request.
31. If the information is related with third party or parties, then IO shall provide it on or before 30th day of the request.
32. If the information is related with life or death, arrest and free from imprisonment of any individual of D.Net, then IO shall provide it within 24 hours.
33. If required information is related with third party or parties, IO shall communicate with third party or parties within 5 days of submission of application and then within immediate next 5 days IO shall communicate with the IS whether the information would be provided or not.

#### **K. Refusal of Providing Information**

34. If the refusal of providing information is caused due to confidentiality of the information, as it is mentioned in section G of the policy, IO shall contact with IC to get proper authorisation of refusal. And then provide the causes of refusal to the IS.
35. Otherwise IO cannot refuse IS to provide information without the permission of IC by providing proper reason.

#### **L. Appeal Authority and Process**

36. If an IS is not satisfied with the reason of refusal to provide information requested by the IO, s/he can appeal to the Executive Director of D.Net.
37. ED shall act as Appeal Authority of D.Net who shall be responsible to answer appeal application within or before 15 days.
38. This policy contains one Appeal Application Form (AAF) (Given in the annex 2).
39. Appeal application forms shall be available at the corporate website free of cost as well as at the Information Disclosure Unit for a nominal price.
40. IS shall buy an appeal application form paying BDT 2 each from IDU.
41. IS shall fill up the appeal application form and then submit to the AA on the working day of D.Net, otherwise AA shall not be responsible to accept the application of Information seeker on that day.
42. Each IS will be given a receipt of appeal application form which will contain a date of reply on the appeal, subject to provision under Section G of the policy and Article 2 and 7 of the RTIA, 2009.
43. Every Information Seeker will be acknowledged and entitled to get response from AA within 20 days of submitting application about the status of appeal.
44. Each information request will be entertained as per provision of the Section 7 of the RTIA, 2009 (Article 24 – 29).
45. In the context of implementing of this IDP, ED or Appeal Authority shall have following responsibilities
- I. To provide necessary assistance to the head of KMD.

II. To mitigate the dispute between IDU (Information Disclosure Unite) and IS, IC and other relevant body or bodies.

46. The decision of the AA, who shall be considered as the final verdict from the D.Net, any aggrieved IS can complain to the IC. IO shall inform the address and person whom to complain.

#### **M. Working Committee**

47. The mandate of the working committee is to observe the implementation of the Information Disclosure Policy and to provide suggestions to the IO(s) relating to information disclosure. It shall also rectify any inconsistency between FIG of D.Net and IDP. It shall also rectify inconsistency between the IDP and RTIA, 2009 and its rules.

48. The WC's primary function is to determine whether D.Net's Information Disclosure Policy has been properly applied.

49. The WC may also develop, as appropriate, more detail mechanism and procedures for the review the implementation of the Policy and provide recommendation to the EC on changes which should be made, as well as re-examine the policy every six months in the light of operational and other changes within D.Net in connection with provision of IC and RTIA 2009.

50. The WC will prepare a half yearly report to the EC, thereafter EC will consider the report to finally submit to the GB of D.Net.

51. The WC shall consist of five members, all appointed by the Executive Committee of D.Net: ED, Head of KMD, IO, one member of GB, one member of general staff members.

52. The chair of the WC shall be member of Governing Body of D.Net, who will be invited by EC of D.Net.

53. Members will serve for a term of one year, which may be extended for another term at the discretion of the EC of D.Net. Appointments will be made at the expiry of the term of a member any time during the course of the year or when a vacancy arises.

54. Members will be selected on the basis of the following criteria

- a) Keen understanding of RTIA 2009
- b) Keen understanding of D.Net's policies, structures, programmes and operations at all levels
- c) Thorough knowledge of and familiarity with information disclosure policy and access to information polices.
- d) Proven ability to work with D.Net's partners.

55. The WC will meet minimum once in every three months. But ED shall request the chair of WC to call a meeting if any crises arise.

#### **N. IO (Information Officer) and other Important Responsible Body of IDP**

56. IO (Information Officer) shall be one regular employee of D.Net who has entitled regular status for last six months with following qualifications :

- I. Keen understanding with RTIA 2009
- II. Keen understanding with all the official activates and information regarding the all programmes and projects of D.Net
- III. Precise knowledge of "Information Disclosure Policy" of D.Net and its implementation action plan.

57. IO shall be obliged to maintain following responsibilities :

- I. To communicate with IS
  - II. To submit weekly, monthly and annual report to the head of KMD (Knowledge Management Division)
  - III. To communicate with IC (Information Commission) as and when necessary
  - IV. To communicate with third party or parties regarding the application requirement of the Information seeker
  - V. To keep record of all the information transactions through a register
  - VI. To inform aggrieved IS, if any, the address and person whom to complain
  - VII. To work for implementing IDP precisely.
58. The head of the KMD shall be responsible for providing all necessary assistance to the IO.
59. In the context of implementing of IDP, the head of the KMD shall have following responsibilities:
- I. To provide necessary assistance to the IO and other head executives of different projects and programmes of D.Net in relation with storing, maintaining and updating their own database.
  - II. To submit half yearly and annual report to the ED or Appeal authority and WC.
60. In the context of the implementing of IDP, The Working Committee shall provide six-month report to the EC of D.Net and provide necessary assistance to the all related bodies of IDP; hence thereafter EC will submit the annual report to the GB of the D.Net.
61. In case of failure of the responsibilities of any body of IDP, each body shall entertain the penalty as it is guided by FIG .

#### **O. Inconsistency**

62. If any inconsistency takes place between IDP and FIG, the IDP shall be prevailed. If any inconsistency takes place between any provision of IC, RTIA 2009 and IDP, provision of IC and RTIA 2009 shall be prevailed. The identified inconsistency will rectified by the WC.

#### **P. Accountability**

63. In the context of implementation of IDP,
- I. IO shall be accountable to the head of KMD through the FIG and IDP
  - II. Head of KMD shall be accountable to the ED and WC through FIG and IDP
  - III. ED or Appeal Authority shall be accountable to the EC and IC, and
  - IV. WC shall be accountable to the EC and
  - V. Finally EC shall be accountable to the GB of D.Net.

**Annexes: Forms**

**Annex 2.1 Application Form for Information Request**

**Application Form for Information Request**

1	Date of Application						
2	Last Name*						
3	First Name						
4	Name of organisation ( where applicable)						
5	Address*						
6	Tele-phone*:	Fixed		Cell			
7	E-mail	official		personal			
8	Description of the required Information						
9	Mode of Getting Information	<input type="checkbox"/> See and take note					
		<input type="checkbox"/> Get copy**>>	<input type="checkbox"/> Email	<input type="checkbox"/> Printed copy	<input type="checkbox"/> Photocopy		
10	Signature of the Applicant						

**For official Use Only**

1	Type of information [ Put √ in appropriate cell]						
		Proactively disclosed Information ( category 1)		Information to be provided on request (category 2)			Information to be kept undisclosed until further notification (category 3)
		Get copy		See and take note	Get copy		
		Priced	Free	Priced	Free	Priced	
Web							
Print							
CD							
Other							
2	Involvement of Third party	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, Name of the Third party			
3	Status of Exemption	<input type="checkbox"/> Exempted	No of Article of IDP/RTIA, 2009				
4	Status of application	<input type="checkbox"/> Accepted for delivery			<input type="checkbox"/> Accepted for refusal		
		Reason for refusal				No of relevant article of IDP/RTIA	
5	Date of delivery [as per RTIA, 2009]	<input type="checkbox"/> To be collected physically			<input type="checkbox"/> To be seen and noted		
6	Mode of delivery	<input type="checkbox"/> To be sent via email			Email		
7	Name of IO				Signature of IO		

## Annex 2.2 Application Form for Appeal

### Application Form for Appeal

1	Date of Application				
2	Last Name*				
3	First Name				
4	Name of organisation ( where applicable)				
5	Address*				
6	Tele-phone*:	Fixed		Cell	
7	E-mail	official		personal	
8	Description of the requested Information				
9	Mode of Getting Information	<input type="checkbox"/> See and take note			
		<input type="checkbox"/> Get copy**>>	<input type="checkbox"/> Email	<input type="checkbox"/> Printed copy	<input type="checkbox"/> Photocopy
10	Type of Grievance	<input type="checkbox"/> Refusal to receive application		<input type="checkbox"/> Refusal to provide information	
		<input type="checkbox"/> Unrealistic price of information		<input type="checkbox"/> Received incomplete information	
		<input type="checkbox"/> Received wrong or misguided information		<input type="checkbox"/> Other ( please specify)	
11	Description of grievance				
10	Signature of the Applicant				

### For official Use Only

1	Status of Exemption	<input type="checkbox"/> Exempted	No of Article of IDP/RTIA, 2009	
2	Status of application	<input type="checkbox"/> Accepted		<input type="checkbox"/> Not accepted
		Reason for refusal		No of relevant article of IDP/RTIA
3	Report on Investigation			
4	Decision and instruction to the IO			
7	Name of Appeal Authority (AA)		Signature of AA	