

**HOW WE GO TAKE SABI
DE FREEDOM OF INFOMASHON ACT
(FOIA) 2011**

Siris

PIDGIN ENGLISH

**10 VERY IMPORTANT THINGS OF DE FOI
ACT 2011
&
10 BELIEFS AND TALKS ABOUT FOI ACT 2011**

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Mishon

To make sure say government wey dey open na for de people by de people wey dey inside Naija tru to ginger, work hard so public people fit easy get infomashon, folo get hand inside de running of we government and fit open mouth joinbody wit different constituencies, de grassroot, civil society groups and government institushons.



10 VERY IMPORTANT THINGS WEY WE SOPOS KNOW ABOUT DE FOI LAW 2011

BY
ENE ENONCHE

Naija new Freedom of Infomashon Law wey dem call FOIA, and wey President Goodluck Jonathan sign turn to law on 26th May, 2011, get very important things inside wey fit change de secret “boju boju” style of government, wey until now, don be de way wey Naija public Institushons dey. De main mata wey dis Law dey try tell us be say public officers na de people wey get de work of to hold public trust on behalf of people wey get right to know wetin dem dey do. Dis FOIA specially promise to comot dat feeling of secret and to no join de people wey public servants take dey handle and dey cover all de ordinary, normal work of government and public institushons and to still manage public records and infomashon. Dis small book carry com out de 10 most important things wey de inside de FOIA.

1. DE FOIA GET POWER PASS THE OFFICIAL SECRET ACT (OSA)

Sekshon 1 (1) of de Law talk am well say anybody get de right to get or ask for infomashon, weda thru writing or no be thru writing, wey dey de place of any public official, agency or institushon, no mata wetin any oda Law or Act or Regulation talk. Dis talk inside de Act mean say de FOIA get power pass de Official Secrets Act. But sha, de FOIA no get dis same power against de Nashonal Security Agencies Act sake of say dis Act get deep strong leg inside de Constitushon and de special process wey dey inside Sekshon 9 (2) of de Constitushon for to do change inside no also mata inside dis case.

2. ANYBODY FIT ASK FOR INFOMASHON UNDER DE FOIA

Dis right wey de FOIA giv so, anybody fit make use of am, no mata de age, tribe, weda na Naija persin or not or weda na black persin or oyibo, weda na woman or man, to ask for public records and document papers wey dey de place of public and

private institushons wey dey do public work and services. Dis law still make way for people wey de disable and de ones wey no sabi buk to fit get infomashon too, de Law say dis people fit ask for whichevera infomashon or records wey dem want thru third party, dat na for anoda persin to helep dem ask for wetin dem want. But again, de intresting tin be sey de Act still talk say nobody need to use sign or words talk or show or explain any particular thing or infomashon or record wey de persin want.

3. ANSA FOR PERSIN TO GET ANY INFOMASHON WEY HE OR SHE WANT SOPOS REACH DE PERSIN INSIDE 7 DAYS

Sekshons 4 & 5 of de FOIA talk say public institushon must giv ansa of yes to persin

wey wan get any infomashon or records inside 7 days highest. De institushon still get three days to transfer de request go anoda institushon if dem find out say na anoda institushon hold de infomashon or record wey dat persin dey ask for. If e com be say de infomashon wey de persin dey ask for plenty well well, de law don giv carry go to increase de number of days go anoda extra 7 days for dem to get de infomashon. If e com turn necessary for de public institushon to say no dem no fit giv out de infomashon or record sake of wetin and wetin dey inside de Act, den dem must write notice giv de persin wey dey ask for dat infomashon and com still explain giv am of why and why dem no fit allow am de infomashon wey he or she dey ask for.

4. PUNISHMENT DEY IF ANYBODY DABARU OR DESTROY RECORDS

Sekshon 10 of de Act don set things as punishment wey go stop make dem no dabaru or lie inside any records or infomashon or document papers. To dabaru any record na big offence according by dis Act and e carry serious punishment of to do lowest one year inside (prizin) for de officer or oga ofde public institushon wey do de offence. Sekshon 7 (5) of de Act still say dat persin go pay #500,000 naira as punishment afta court don judge am say he or she guilty of to no wrongfully allow persin get infomashon wey dem ask for.



5. DEM FIT CHARGE MONEY TO USE GET BACK DE AMOUNT WEY DEM USE TAKE PHOTOCOPY OR TRANSLATE RECORDS

For persin to get any infomashon wey he or she dey ask for na free. But sha, Sekshon 8 of de FOIA talk say de money wey dem go charge so go be just de amount wey dem use photocopy or translate de informashon weneva e necessary to do so.

6. PUBLIC INSTITUTIONS MUST KEEP PROPER RECORDS

DE FOIA talk am say na de work of Public Institushons to make sure say dem keep records and infomashon about dia work, all wetin dem dey do and even dia businesses. DE Act still say make dem properly arrange, keep neat dees infomashon and records so dat e go dey very easy to find and to get de infomashon weneva anybody ask for am, and to still fit giv out dis infomashon to de public well and go thru printing, electronic or online ways. DE Act still make am say na must, very important, for Public Institushons to train public officers about wetin and wetin de Act talk and de proper way to use de Act.

7. PEOPLE WEY DO AMEBO EXPOSE SECRET BADNESS WEY DEY HAPUN GO DEY PROTECTED

Sekshon 27 of de FOIA talk say cover dey for public officers against any type of law or criminal wahala if wit gud mind and belle dem expose any infomashon and dat na according by de FOIA. Dis one mean say any public officer wey go talk or expose say dem no dey do dia public work, dem dey use dia power and post take dey do badness or suffer people anyhow, or dey waste or use anyhow public resources or money or even say som kind wuruwuru of corrupshon dey hapun go collect protection against any law or court wahala and from revenge or badness.

8. E GET SOM TYPE OF INFOMASHON WEY DEM NO GO FIT GIV OUT TO PUBLIC

Sekshons 11 go reach 17 of de FOIA talk sey som infomashon and records, dem no fit giv or talk out to de Public. dis level of infomashon get de infomashon wey be say if dem giv public e fit dabaru how dem take dey do internashonal waka defence of we country, Naija; infomashon on top administrative law wey use waka and torchlitement; infomashon about third-party



likes secrets of trade and business and commercial or money infomashon; infomashon and records wey get to do wit persin professional agreements and rights, secret of tori people work and dia deal, de rights of lawyers, judges and body mata workers inside dia work and course materials folo join inside infomashon wey dem no fit giv out just like dat.

9. RIGHT TO GO COURT ASK FOR SOLUTION DEY FOR ANYONE WEY DEM NO GREE GIV INFOMASHON WEY DE PERSIN ASK FOR

DE Act give everybody de right to carry mata go court say make de court force any Public Institushon to obey, do according by wetin dey inside de Act. DE Act still giv way for 30 days period inside which anybody wey any Public Institushon refuse to giv infomashon or record wey he or she ask for go enta court wit de mata make dem use law judge de mata. Still under de laws wey get to do wit de mata, de Nashonal Human Rights Commishon go folo join hand make sure say dem make proper use of de rights inside de FOIA.

10. NA DE ATTORNEY-GENERAL DEY CONTROL, PUT EYE TO MAKE SURE SAY DEM DEY PROPERLY USE DE FOIAAS DEM SOPOS TO

DE Act say na de office of de Attorney-General of de country get de highest, complete work and power of to make sure say dem dey use all wetin dey inside de Act de proper way. By 1st February of every year, all Public Institushons must carry giv de Attorney-General report wey get de number of people wey ask for infomashon or records and wetin com be de ansa wey dese people collect, de rizin wey de Institushon giv of why dem no fit giv people infomashon wey dem ask for, dat na to dose ones wey dem say no, de number of people wey carry de mata go court, wetin de court decide to support de one wey de Institushon say no on top to no giv out som infomashon, de amount wey dem collect to use handle de applicashon for infomashon, and de number of workers wey do de work of to handle and work on de applicashon for infomashon from people.

* Na **Ms Enonche** de handle de Right to Know (R2K) Initiative.



10 BELIEFS AND TALKS ABOUT DE FOI ACT

By

Chidi Anselm Odinkalu

President Goodluck Jonathan giv carry go for de Freedom of Infomashon Act to becom Law on 28th May, 2011. Wit dis one wey we President do so, de Act com begin work. But sha, history and beliefs of de Act, wetin dey inside de laws and policy, de work of de Act and plenty oda mata dem wey surround de Act still be wetin dey cause confushon and different type of talks. For here, we dey try talk about som of dose beliefs and to correkt de ones wey no be true.

BELIEF NO. 1: DE FOIA NA LAW FOR PRESS PEOPLE (TORIPEOPLE)

DE REAL TRUTH: Dem make de FOIA to make sure say everybody get de same equal power to fit get any infomashon or record and to folo join inside government running. De main rizin for de law na to make sure say anybody wey wan know how government dey do dia work and waka fit to do so very easy wit out any stress. Both people and corporate joinbody get de power to make use of de rights inside de Act. We de hope say wit say people get dis kind of infomashon, dem fit do all wetin necessary to take work wit government, take beta decishon wey get to do wit infomashon for dia hand, den com arrange waka to hold government and public officials for everytin wey dem do. De hope still be say de law go beta de standards wey media take de report tori and things and even dia torchlitement, redukshon of yeye bad rumours and com beta de hard work of to dey confirm infomashon and tori wey folo join for public records. Dis one sha no go fit hapun unless public officials wey get de work of to make use of de law do so wit gud faith, mind and sabiness of dia work. Companies and commercial people ma sef go fit make use of de law too.

BELIEF NO. 2: BE SAY NASHONAL ASSEMBLY COMOT SOM THINGS AND ADD SOM ODA THINGS INSIDE DE FOIA BFO DEM GIV CARRY GO FOR AM TO BECOM LAW

DE REAL TRUTH: House of Reperzentatives giv carry go for de FOI to becom Law on 24 February, 2011. Senate pass dia own

copy of dis same FOI mata to becom law on 16 March, 2011. All in all, na 12 very important differences dey between de one wey Senate pass and de one wey House of Representatives pass. Dese differences show wetin really be de most serious important philosophical differences between de two Chambers of we lawmakers. De one of Senate dey base on top wetin dem feel say na privilege e be to get de right to collect public infomashon. De House of Representatives own treat de mata as persin right. As e take be inside Parliamentary styles and system of to do things, each Chamber de choose six members to put inside Conferences Committee wey go siddon look de two different copies of de mata com decide, write am again make e turn to one and de same. De Conference Committee finish dia work on 19 May and com agree as one for de final copy of de Bill base on say dem all agree say to get or collect public infomashon na persin right. Dis na de one wey de two sides of we Lawmakers com later agree as Law on 24 May. Dat one mean say all de differences inside de two different copies, dem luk inside dem com mix dem togeda to form one wey dem all gree for so dat e go make de Bill strong fit stand as one. Far from say dem reduze or do changes inside de Bill, de FOIA wey we President sign to becom law strong pass de one wey de Senate and House of Repezentatives giv carry go for.

BELIEF NO. 3: DE FOIA NA HONOURABLE ABIKE DABIRI LAW.

DE REAL TRUTH: Nigeria FOIA na wetin com out from de joinbody of ideas between country people, organized civic actors and government. For dis mata to becom law take 17 years from de first copy wey dem first do. Na Edetaen Ojo wey be de Executive Director of de Media Rights Agenda (MRA), wit helep from Nigerian Union of Journalists (NUJ) and de Civil Liberties Organisation (CLO) ginger make de FOI Bill start. Na Tunde Fagbohunlu, wey be Senior Advocate of Nigeria now and Law partner wit Aluko & Oyebode write de first copy of de Bill for 1994 wit helep from Bankole Aluko (wey later becom Senior Advocate of Nigeria too) but don kpai now, and Chidi Anselm Odinkalu.



Hon. Abike Dabiri-Erewa na one of de people wey dey strongly support de Bill inside House of Representatives of de 5th Nashonal Assembly and one of de people wey sponsor de Bill for de last Nashonal Assembly togeda wit Ita Enang and Dino Melaye. She sha no be de only persin wey de ask for dis mata to becom law, and even wen de Bill finally enta Nashonal Assesmbly hand for June 1999, she no even be Member of we Lawmakers. De main people inside history wey lead for support of dis mata to becom law wen e finally reach de place of House of Representatives for 1999 na Tony Anyanwu wey don kpai, Nduka Irabor, and Jerry Ugokwe. Victor Lar, wey be Senator now for dis new Nashonal Assemblies, Nze Chidi Duru, Lad Ojomo and Uche Maduko, wey all of dem na members of de 4th Nashonal Assembly seriously support de mata. Oda strong supporters of say make dem giv carry go for de mata to becom law inside de House for de 5th and 6th Nashonal Assembly be: Henry Seriake Dickson, Professor (but don becom Senator now) Sola Adeyeye, Uche Onyeagucha, Haruna Yerima, Dr Usman Bugaje, Ita Enang (wey don becom Senator sef now) and befor-befor Speaker, Aminu Masari and hin Deputy, Austin Opara. For Senate, Tawar Wada wey don kpai and Victor Ndoma-Egba, SAN, na de main people wey de ginger for de mata to becom law. Oda strong supporters as years de pass be befor-befor Senate President, Ken Nnamani, Comrade Uche Chukwumerije, Inatimi Spiff, Ayogu Eze, and Julius Ucha.

BELIEF NO. 4: DE FOIA NA DANGER TO SECURITY OF DE COUNTRY

DE REAL TRUTH: De security of Naija na joinbody work of everybodi wey dey live or com live inside Naija. Instead of to cause wahala to de security of dis country, de FOIA go fit contribute well to make am beta by to create common level wey go hold Naija and also to giv som example of enof infomashon or records wey dem no fit giv out to de public and even inside de arrangement of protection for anybody wey expose badness or wuruwuru as e take be inside Sekshon 27. De FOIA giv enof examples of wetin and wetin be de infomashon wey dem no fit giv out to public people inside Sekshons 11, 19 and 26. Infomashon wey dem no fit giv out according by de Act de inside Sekshon 11

(1), any information we be say if dem give am out, e fit get bad affect for de arrangement and running of mata outside dis country and fit dey bad against de defence of we Federal Republic of Nigeria, and still under Sekshon 12 (1), information we be say if dem give am out, e go disturb or block criminal torchlightment wey de go on or affect de way law go take work inside de mata. Dis one get to do especially wit de police. All dees parts of de FOIA dey strongly confirm wetin dey inside de Nashonal Security Agencies Act of 1986 wey dey deep inside Sekshon 315 (5)(c) of de 1999 Constitushon and dem go only fit change or korrekt am by de special laws wey dey inside Sekshon 9(2) of de Constitushon. De Nashonal Security Agencies Act create three agencies wey get specially get de work of to protect Naija Security. De Agencies na:

- (a) De Defence Intelligence Agency (DIA), to take care of mata dem wey get to do wit defence and military.
- (b) Nashonal Intelligence Agency (NIA), to protect Naija external intelligence and security; and
- (c) State Security Services (SSS), to protect Naija internal security.

De persin wey sabi pass wey dey give sense talk on top Security of dis country dey inside Sekshon 4 of dis law as de persin wey dey incharge of to handle security of dis country. Sekshon 2(3)(a) of de Nashonal Security Agencies Act talk say make de SSS make sure say dem protect all mata wey get to do wit de security inside Naija and wey no get anything to do wit military. Dat one mean say all wetin dey inside de Nashonal Security Agencies Act go continue to apply on top de different types of document papers, most particularly dose documents or record wey dey very important and need special care sake of say e get to do wit de security of de country.

BELIEF NO. 5: WE NEED DE OFFICIAL SECRETS ACT

DE REAL TRUTH: Na Imperial Britain first begin start to dey use de Official Secrets Act for 1911 and com carry am give Naija as colonial law afta North and South side join togeda becom one Naija. Imperial Britain no get countypeople of dia own dat time,



na only people under de Imperium dem get. Just de same way under colonialism, dem no get countrypeople. But afta de colonial rule end, na military rule wey no allow proper tradishons of countrypeople wey no wetin dey to stand deep inside we country com dey lead. Under civilian rule wey dem start base on confirm, make sense electoral level, FOIA na de only way to guarantee say countrypeople fit get all infomashon of wetin de people wey dem vote to reprezent dem and institushons dey do. Dis one go make sure say dem fit to do beta decide wey make sense on top weda to keep or change any of dees ones. Inside Britain where de Official Secrets Act start from, dem don change, do correkshons inside de Act steady-steady. Dem de only use dis law now on top workers of de security and intelligence services. But sha, dem neva eva do any changes or correkshon inside de colonial time Official Secrets Acts for Naija until now.

BELIEF NO.6: DEM NO FIT USE DE FOIA FOR STATE

DE REAL TRUTH: DE FOIA de make use of two separate Constitushonal laws wey de only for de hand of we Nashonal Assembly. First, under paragraph 3(c) of de 3rd Schedule, de Constitushon giv power and right to de Nashonal Assesmbly to giv terms and condishons wey must hapun before anybody go fit get infomashon about say make public officers declare dia properties, money and everything wey dem get. Second, item 60(a) of de 2nd Schedules, wey get de Exclusive Legislative List, giv power and right to Nashonal Assembly as de only people wey fit make laws wey go ginger, push and do de main important things wey dem wan do plus de Directive Principles of State Policy inside Chapters 11 of de Constitushon. S. 14(2)(a) of we Constitushon inside dis chapter talk am say na de people of Naija get de total power and na from dem government dey get dia power and authority, and den S. 14(c) com say make dem make sure say de people folo get hand inside dia government. De FOIA dey make sure say we Nashonal Assembly do dis work wey na dia own according by de Constitushon. Still again, Item C. 4 of Part 11 inside de 2nd Schedule of de Constitushon wey get de Concurrent Legislative List talk say we Nashonal Assembly fit to make laws for we country or any part of am wey get to do wit records for history or public records of we country. Dem no rily



say States no fit make any laws wey get to do wit public records but any kind law like dat go carry second under de Federal law if e get som kind wahala or e get as e be wey fit yeye or reduce level of de rights inside de federal law. For any waka wey dose kind state laws no dey, dem go use de FOIA for states.

BELIEF NO. 7: DE FOIA GO INSPIRE SCATA AND DISOBEY OF PRIVACY WEY PERSIN NO FIT BEAR

DE REAL TRUTH: S.14 of de FOIA say public institushon must say no, dey no gree giv out infomashon wey get persinal infomashon, and com still talk am well and korokoro all de categories of infomashon wey dem fit call persinal infomashon. But sha, to work according by how e take be for we world on top how persin fit to collect infomashon, dis infomashon wey dem no fit just giv out just like dat dey subject to wetin dey gud for de public interest. Still again, de Act still talk for S. 16 say dem no fit giv out or talk out infomashon wey dey under lawyer and im client secret agreement, body mata worker like doctor or nurse with im patient secret agreement or tori people confidentiality agreement.

BELIEF NO. 8: DE FOIA GO GINGER, CAUSE MEDIA RASCALITY

DE REAL TRUTH: Instead of to ginger, cause tori people to begin do anyhow, de find trouble up and down, dem design de FOIA to stop dat kind thing to no hapun. De befo government wey say infomashon na for just som few people wey de public office com make say lazy excuse de for toripeople dem work and cause plenty spread of rumour. Wit FOIA, de media and odas wey wan carry infomashon put for everybody to see, read am for public record go jus take am easy and com dey careful to take look for and still confirm de truth of dia infomashon. Atleast, now dem get de work according by dia own type of work of to carry infomashon of all wetin dem do to take get and confirm how true be de infomashon wey dem wan giv out. For example, e dey possible say inside law and court mata wey dey base on top disobey of privacy or reputashon rights, de courts fit first consider de failure of de people to carefully gada, calculate de ways to solve de case and even de judgement. Inside world of citizen



publishing, dem hope say de FOIA go reduz de cost of to gada news and com make am possible to get more pure and true media start-ups.

BELIEF NO. 9: NO AGENCY DEY TO MAKE SURE SAY DEM DE USE DE FOIA

DE REAL TRUTH: DE FOIA de cover all public institushons or agencies and even for all private joinbody dem wey de giv services to de public, de do public work or de make use of public money. Dem de hope say practice and jurisprudence go explain wetin dis last category mean. Every year by year, each of de Public Institushon wey dis Act cover go de report to de Federal Attorney-General wey get de power and work of to supervise com report giv de Nashonal Assembly every year on top how dem take de use dey handle de Act. De Act giv plenty powers to de court to use law take chuk eye work on am. Doh e reach to argue about, but de Nashonal Human Rights Commishon fit get level, and way to use make sure say de rights wey de Act giv de work.

BELIEF NO. 10: WE NO DEY READY FOR FOIA

DE REAL TRUTH: people of any country wey ready enof to do elekshon choose who to reprezent dem com send dem go Abuja or State or Local Government capitals to do public work must surely dey ready enof to know wetin de reprezentatives wey dem put for chair and institushons dey do wen dem reach dia.

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