

### **Guidelines for PIOs and APIOs**

1. RTI Act applies only to citizen of India including NRI (Non Resident Indian).
2. Prominent display of name plates and designation including APIO/PIO for easy identification and access by public.
3. When on leave or tour, entrust other officer (in writing). Any applications received during the time, the entrusted officer shall act as PIO or APIO as the case may be. If such arrangement is not done, the designated PIO or APIO shall be held responsible for any delays in providing information.
4. Requesting for information is not harassment.
5. RTI is a tool to get information only and NOT what to do after getting the information.
6. RTI is about providing of information and NOT creating of information.
7. RTI assumes that every public authority has proper Records Management.
8. RTI is not about Grievance Redressal Mechanism or to solve problems.
9. Each public authority is required to prepare the proactive disclosure covering all offices under its control or jurisdiction.
10. Keep a copy of the Proactive Disclosure of your public authority.
11. Update information at regular intervals.
12. Annual report and other documents published by your public authority.
13. All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the PIO, available free or at such cost of the medium or the print cost price as may be prescribed.
14. Maintain all transactions/receipts/correspondences.
15. Keep contact details of the other Public Authorities, PIOs and APIOs.
16. RTI applications to be treated on **top priority**.
17. To receive application/request for information or appeals.
18. Be fully conversant with Sections 4, 5, 6, 7, 8, 9, 10, 11, 19, 20, 21, 22, 24, 25 of the RTI Act, 2005.
19. Check and obtain Contact Address of Applicant whether received by post or mail.
20. Check that the application is accompanied by the Application Fee of Rs. 10/- as prescribed by the Government of Nagaland, in the form of cash/DD/Cheque or proof of payment. Fees paid in the form of IPO or applications on non-judicial stamped paper of Rs. 10.00 are also accepted.
21. Application without the fee or BPL Certificate can be treated as invalid application. However, the PIO or APIO may inform the applicant to pay the fee and that the application cannot be activated or processed until the fee is paid.
22. Issue acknowledgement and receipt of the Application and the Fee to the applicant at the time of receiving the application.
23. Meet applicants with politeness.
24. Assist citizens to make their request properly. PIO is not only confined to furnish information but also to provide necessary help to the information seeker, wherever necessary.

25. If an applicant falls under BPL category or claims to be BPL, verify proof of identity like Voters Identity Card, Ration Card etc. For BPL there is no Application fee and information is free.
26. Render reasonable assistance to sensorily disabled person to make request. Preference should be given to senior citizens.
27. If oral request is received, say from an illiterate person, reduce such oral request to writing (make the request more specific).
28. Clarify with the applicant for unclear requests.
29. Not required to ask the applicant the reason for requesting information or any other personal details except those that may be necessary for contacting him.
30. Open a Case File and record in the Case File Index Register.
31. Mark the application with an ID No. And date of receipt of the application.
32. PIO or APIO cannot refuse an application.
33. Counting of time limit in providing information starts from the **date of receipt** of the application and not from the date when it was written.
34. Both working and non-working days (holidays) are counted within the time limits.
35. If APIO receives the application, transfer it to the PIO at the earliest. (additional 5 days is added to the time limit).
36. PIO is not required to wait for the time limits to complete to provide the information, though the information was ready.
37. Arrangements for inspection of records/taking samples to facilitate easy accessibility of citizens making requests and fix a particular day or two in the week for the above purposes and be ready with an appropriate contingency plan.
38. PIO can provide:-
  - a. Full information [Sec. 7(1)]
  - b. Free information [Sec. 7(5 & 6)]
  - c. No information [Sec. 8, 9]
  - d. Partial information [Sec.10(1)]
  - e. Third Party information [Sec.11]
39. Examine the details and nature of information sought.
40. If the request is for voluminous information, the applicant may be invited to inspect the required documents or files.
41. For mis-directed application, transfer it to the relevant public authority within 5 days under intimation to the applicant.
42. The PIO of the public authority to whom the application is transferred, should not refuse acceptance of transfer of the application on the ground that it was not transferred to him within 5 days.
43. Time period of 5 days for transfer of application applies only when the transfer is from one public authority to another public authority, and not from one PIO to another PIO in the same public authority.
44. In case of mis-directed request, the time period shall be counted from the date of receipt by the PIO of the other public authority.
45. If in a single application information is requested which concerns or is available with your public authority and a part of the information concerns some 'another public authority', the PIO should supply the information concerning his public authority **only** and a copy of the application should be sent to that another public authority clearly

specifying the part which relates to that public authority and inform that the application fee has been received. Intimate the applicant about such transfer. The PIO of the public authority need not collect the information from various public authorities and supply to the applicant.

46. The PIO is required to supply the 'material' in the form as held by the public authority and is not required to do research or deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant.
47. If requested information falls under the exempted categories, check whether there is **public interest**.
48. A subordinate or district offices under the control of your public authority cannot be considered as Third Party.
49. Third party must be given a chance to make a representation (oral or written) before the PIO within 10 days of receiving the notice.
50. May seek assistance of any other officer or staff if necessary for the proper discharge of duties. And any officer whose assistance is sought by the PIO or requests transferred to other officers as he/she deals with the file or subject matter, shall be treated as PIO for that particular case, also known as '**Deemed PIO**', though he/she may not be the officially designated PIO.
51. The PIO should not direct other officer or staff to provide the information to the applicant, as PIO is not authorised to designate any other officer as PIO.
52. The '**deemed PIO**' is liable to be punished for not furnishing information in time or for refusing information or for giving wrong information or misleading information.
53. The PIO need not take the approval of the higher authority to release information, except before providing partial information and inform the applicant the reasons and the persons giving the decision for partial access.
54. To the best effort, provide information in the same format sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question. [Section 7(9)];
55. All information provided to the applicant shall be under the signature of the PIO.
56. Request for information shall be deemed to have been refused by the PIO, if decision on the request for information is not given within the period specified; which may invite penalty on the PIO.
57. Intimate the cost of information to the applicant alongwith the details of calculations made to arrive at the amount in accordance with fee prescribed.
58. Fees should be charged as per the prescribed fees which must be reasonable. The applicant has the right to appeal, if he thinks that the PIO is charging unreasonable fee.
59. Do not provide the information until the applicant pay the cost or proof of payment is produced.
60. Information must be provided to the applicant free of cost if the information is provided after the time limit.
61. The intervening period is the period between the despatch of the intimation of the cost and payment of fees, which is excluded from the time limits.
62. The fees collected are to be deposited into the Government Treasury at the end of every month through Treasury Challan under Head of Account: "0070-Other Administrative Services".

63. While furnishing the Annual report, each Department is required to collect information from all public authorities under its control or jurisdiction and send it to the Commission.
64. PIOs may also sensitise their colleagues and employees on RTI Act, including the public.
65. If Appeal is received, transfer it to the FAA at the earliest.
66. There is no fee for filing either the first or the second appeal.
67. There is no penalty for action taken in good faith. However, the burden of proving that information denial was justified lies with the PIO.

<b>Application fee (Basic)</b>	<b>Cost of Information (Additional/further/prescribed fees)</b>	<b>Mode of payment</b>
Rs. 10.00	<ul style="list-style-type: none"><li>• A4/A3 paper – Rs. 2.00 per page</li><li>• Larger paper – actual cost</li><li>• Printed publications –actual cost</li><li>• Photocopies/extracts of printed publications – Rs. 2.00 per page;</li><li>• Floppy/diskette – Rs. 50.00 per disk</li><li>• Samples/models – actual cost;</li><li>• Inspection of records – Free for the 1<sup>st</sup> hour and Rs. 5.00 for each subsequent hour.</li></ul>	<ul style="list-style-type: none"><li>• Cash against receipt</li><li>• Demand draft</li><li>• Bankers' cheque.</li></ul>

The above Application Fee and Cost of information are payable to Accounts Officer or HOD or Office or the Govt. Deptt.

Whereas, the penalty fines will be deposited through Treasury Challan in favour of the Consultant (Accounts), Nagaland Information Commission under the Head of Account: 0070 - Other Administrative Services, Minor Head: 800 - Other receipts, fines under RTI Act.

### **Special Skills of PIOs**

1. The PIO needs to know the structure and delegation of powers within the organization. He should be well versed with organization chart, levels of disposal of cases etc.
2. The PIO should have complete knowledge and experience of office procedure. He should have adequate knowledge of record management prevailing with the public authority.
3. The PIO should have good negotiation skills as often he will be negotiating with the public, colleagues, third party and others so that he could attend to his duties as PIO smoothly.
4. Most importantly he should be good in time management. The work of PIO is additional to the work he performs as an officer of the public authority. He should be able to apportion time available with him on various activities entrusted to him. Availability of inadequate time cannot be the basis for delay in disposal of requests for information or for supply of incomplete information.
5. It will be advantageous for the PIO to have knowledge on computers as sometimes information may be requested or require to provide in electronic form.
6. However, line of demarcation between Public and Private interests is very thin and would pose problems to the PIO in taking appropriate decision.