



ZIMBABWE

TRANSPARENCY ASSESSMENT 2017

The Citizens' Analysis of
Government Openness

INTRODUCTION

Zimbabwe is currently undergoing a process of implementing its newly-enacted 2013 Constitution. However, very little appears to have been done to synchronise the new Constitution with laws impacting access to information.

Government has drafted a Cyber Crimes Bill to purportedly curb 'Cyber terrorism.' However, the government has ostensibly been responding to the recent spate of civil disobedience, which was spearheaded by government-critical social movements such as the #thisflag movement and the Tajamuka Campaign; both of which were online campaigns relying on Facebook to convey their message.

During 2017, the access to information and freedom of the media situation in the country has generally remained rather gloom, with at least 5 journalists having been caught up in violent skirmishes with the police; with the most recent case involving Newsday journalist Obey Manayiti and a fellow photo-journalist who were assaulted by police while taking pictures in the central business district.

This heavy-handed action against journalists is seemingly aimed at blocking wayward police and enforcement practices from entering into the public domain. This is not the only case of the police's use of unwarranted force against journalists. Similar cases were reported in 2016.

These efforts have been subtle yet deliberate measures of ensuring that the media remains contained, in flagrant violation of Sections 61 and 62 of the Constitution.

Under the Constitution the following rights are explicitly guaranteed:

61 Freedom of expression and freedom of the media

- (1) Every person has the right to freedom of expression, which includes—
- (a) freedom to seek, receive and communicate ideas and other information;
 - (b) freedom of artistic expression and scientific research and creativity; and
 - (c) academic freedom.
- (2) Every person is entitled to freedom of the media, which freedom includes protection of the confidentiality of journalists' sources of information.
- (3) Broadcasting and other electronic media of communication have freedom of establishment, subject only to State licensing procedures that—
- (a) are necessary to regulate the airwaves and other forms of signal distribution; and
 - (b) are independent of control by government or by political or commercial interests.
- (4) All State-owned media of communication must—
- (a) be free to determine independently the editorial content of their broadcasts or other communications;
 - (b) be impartial; and
 - (c) afford fair opportunity for the presentation of divergent views

and dissenting opinions.

- (5) Freedom of expression and freedom of the media do not include—
- (a) incitement to violence;
 - (b) advocacy of hatred or hate speech;
 - (c) malicious injury to a person's reputation or dignity; or
 - (d) malicious or unwarranted breach of a person's right to privacy.

62 Access to information

- (1) Every Zimbabwean citizen or permanent resident, including the Zimbabwean media, has the right of access to any information held by the State or by any institution or agency of government at every level, in so far as the information is required in the interests of public accountability.
- (2) Every person, including the Zimbabwean media, has the right of access to any information held by any person, including the State, in so far as the information is required for the exercise or protection of a right.
- (3) Every person has a right to the correction of information, or the deletion of untrue, erroneous or misleading information, which is held by the State or any institution or agency of the government at any level, and which relates to that person.
- (4) Legislation must be enacted to give effect to this right, but may restrict access to information in the interests of defence, public security or professional confidentiality, to the extent that the restriction is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.

However, there still exists a plethora of subsidiary legislation that is inconsistent with these constitutional provisions. Notable among such laws is the Official Secrets Act 1970, which makes it difficult for the public and media to access information held by government and public institutions. Another constitutionally inconsistent law is the Public Order and Security Act 2002 (POSA), which restricts freedom of association and freedom of assembly.

Furthermore, the preamble of the Access to Information and Protection of Privacy Act 2002 (AIPPA) provides members of the public with a right of access to records and information held by public bodies. It further pledges to make public bodies accountable by granting the public the right to request correction of misrepresented personal information. The Preamble reads:

To provide members of the public with a right of access to records and information held by public bodies; to make public bodies accountable by giving the public a right to request correction of misrepresented personal information; to prevent the unauthorised collection, use or disclosure of personal information by public bodies; to protect personal privacy; to provide for the regulation of the mass media; to establish a Media and Information Commission and to provide for matters connected therewith or incidental to the foregoing.

However, in effect the opposite is true, as the law takes away more than it gives.

Under AIPPA, applicants seeking records or information held by a public body should request information in writing as provided by Section 6 and where possible, pay a reasonable fee as outlined Section 7 of the Act.

Section 5 of AIPPA provides for the right to information and stipulates the following:

(1) Subject to Section ten, every person shall have a right of access to any record, including a record containing personal information, that is in the custody or under the control of a public body: Provided that such access shall not extend to excluded information.

(2) Where information can be extracted from a record that contains excluded information, an applicant may have access to the part of the record that is not excluded information.

(3) Nothing contained in this Act shall confer any rights to information or to a record to— (a) a person who is not a citizen of Zimbabwe, or is not regarded as permanently resident in Zimbabwe by virtue of the Immigration Act [Chapter 4:02], or is not the holder of a temporary employment or residence permit or students permit issued in terms of that Act; (b) any mass media service which is not registered in terms of this Act, or to a broadcaster who is not registered in terms of the Broadcasting Services Act [Chapter 12:06]; and (c) any foreign state or agency thereof.

While seemingly straightforward, the practical exercise of this right is in essence riddled with latent bottlenecks that make the right difficult to enjoy.

For example, according to Section 8 (1) the head of a public body is given up to 30 days to respond. Section 8 (1) reads:

The head of a public body shall take every reasonable step to assist an applicant and shall, subject to Section eleven or twelve, respond as soon as is reasonably possible in the circumstances, but not later than thirty days, to each request for access to a record.

In circumstances where a written request for information has been made in terms of Section 6, the head of a public body shall be obliged to respond to the request outlining the following:

(a) whether or not he is entitled to access to the record or a part of the record; and

(b) the place where, time when and manner in which such access will be given.

(2) Where the head of a public body refuses access to a record or part of a record, he shall inform the applicant of the reasons therefor.

Further, the head of a public body may refuse to grant the requested information where the information is deemed to not be in the public's interest.

If the information involves a third party, the head of the public institution is allowed to extend the response time by an additional 30 days in order to consult the third party before responding to the request, as stipulated under Section 11, which reads:

(1) The head of a public body may extend the time for responding to a request by a further period not exceeding thirty days or, with the Commission's permission, for a longer period if-

(a) the applicant does not give sufficient detail to enable the public body to identify the requested record; or

(b) a large number of records is requested or is required to be searched, and meeting the time limit will unreasonably interfere with the operations of the public body; or

(c) more time is needed to consult with a third party affected by the request or another public body before the head of the public body can decide whether or not to give the applicant access to the requested record.

However, the head of a public body may also refuse all or part of a request for access to information, in which case he/she has to give the applicant reasons for such refusal in accordance with Section 11 (2), which states:

(2) Where the time is extended in terms of subsection (1), the head of the public body shall inform the applicant-

(a) of the reason for such extension; and

(b) when he should expect a response

In the event the applicant feels aggrieved by the decision not to grant information, he/she may ask the Commission to review the public institution's decision as provided for under Section 9 (3), which reads:

An applicant whose request for a record or part of a record has been refused by the head of a public body may request the Commission to review the public body's decision.

In essence, this constitutes a mere review process that does not guarantee access to information to the applicant. In fact, it makes the process of accessing information more cumbersome and complex.

Sections 15-34 deal with various categories of protected information which cannot be disclosed.

The process is unnecessarily bureaucratized, as it may take 60 days or more (if the Commission deems it fit) before a final decision is made on whether or not an applicant can have access to a record or requested information. This is a typical scenario in which AIPPA is an impediment to access to information, instead of fostering the spirit of openness and transparency within public bodies. This process contradicts the law's intended principle of encouraging openness and accountability of public institutions. In practice, some public officials take advantage of the bureaucratic nature of the legislation to frustrate requests for public information. The law has also disempowered junior public officials, who are now fearful of disclosing any information to citizens or the media.

It is therefore not surprising that a culture of fear and unnecessary bureaucratic obstacles remains. Organisations that have public relations/communications officers still asked the researchers to contact the Chief Executive Officer in order to access information, a clear sign that these officers do not have full autonomy to disclose public information.

One is likely to get a somewhat better response from institutions if it is mentioned that the request was made by a journalist as opposed to an ordinary citizen seeking information. This has also been the case in past studies.

RATIONALE AND RESEARCH PARAMETERS

The aim of this study was to assess the state of access to information in the country. Citizens require information to make informed choices and decisions, and this survey sought to determine whether information held by public institutions is available to citizens upon request and in a usable form.

Objectives of the study:

1. To determine which public institutions provide information to citizens upon request with relative ease.
2. To determine which institutions are using online platforms to promote access to information.

The following public institutions were surveyed:

1. National Arts Council of Zimbabwe (NACZ)
2. TelOne
3. The Ministry of Primary and Secondary Education (MPSE)
4. The Public Service Commission (PSC)
5. The Tobacco Industry Marketing Board (TIMB)
6. The Zimbabwe Human Rights Commission (ZHRC)
7. The Judicial Service Commission (JSC)
8. The Zimbabwe Media Commission (ZMC)
9. The Sports and Recreation Commission (SRC)
10. The Zimbabwe National Road Administration (ZINARA)

SUMMARY OF KEY FINDINGS

Category 1: Website Analysis

- Although there were a few exceptionally good websites, most were of mediocre to poor calibre.
- Content was not regularly updated
- Lack of critical information, such as the procedure of obtaining information
- Some websites generated error messages.
- Some websites were difficult to navigate when using cell phones.

Category 2: Requests for Information

- Most institutions failed to provide written responses.
- The Zimbabwe Human Rights Commission, the Judicial Services Commission and the Zimbabwe Media Commission responded promptly and in full detail to the information requests.
- The National Arts Council responded telephonically and provided answers to all questions.
- The Sports and Recreation Commission acknowledged receipt of the information request but expressed suspicion of the researcher's motive, therefore requesting further justification for the reason why information was sought.
- Oral requests for information were mostly declined and the researchers were asked to request information in writing.

DETAILED FINDINGS

1. Zimbabwe National Arts Council

CATEGORY 1: WEBSITE

<http://http://www.natartszim.org.zw//>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	Not all information is up-to-date
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 11/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the National Arts Council:

- 1) What is the primary source of funding for the Zimbabwe National Arts Council for its operations?
- 2) Where can we obtain the 2016 abridged audited statement for the organisation

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?	•			They called and invited us to come in if we wanted further information.
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?	•			Yes, albeit telephonically
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.	•			
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?	•			
10. Was the information received clear and understandable?	•			

Total Score: 16/20

2. TELONE

CATEGORY 1: WEBSITE

<http://www.telone.co.zw>

The website is very informative and is regularly updated. Their online client support service is equally superb.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programmes?	•			
d) Budget and expenditure?	•			
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?	•			
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			They have a feedback mechanism on the website.

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to TELONE:

- 1) What is the source of Tel One's funds for its operations?
- 2) Where can we obtain the 2016 abridged audited statement for Tel One?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 2/20

3. Ministry of Primary and Secondary Education

CATEGORY 1: WEBSITE

<http://www.mopse.gov.zw/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	In fact, the website was down for over half of the time period during which the survey was conducted.
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?		•		
b) A list of laws, Acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programmes?			•	Not updated
d) Budget and expenditure?		•		Not updated
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?	•			Name, address and telephone number are available
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?		•		

Total Score: 4/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Primary and Secondary Education:

- 1) How much money was allocated to your Ministry in the current National Budget?
- 2) What is the total number of primary and secondary schools in rural areas?
- 3) How many teachers are currently employed by the Ministry?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 2/20

4. Public Service Commission

CATEGORY 1: WEBSITE

<http://www.psc.gov.zw/>

The website has regulations, policies and other laws relevant for the operations of the institution. The website is not regularly updated. There is room for improvement on how content is managed.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	Some sections have up-to-date information however, its press statements are old. The website is often unavailable.
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?		•		
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?	•			
g) The address, telephone number, and working hours of the institution?			•	Name, address and landline phone numbers are made available
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 10/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Public Service Commission:

- 1 How many civil servants are under government's payroll?
- 2 How does one apply to be in service of the government?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			The letter was left at the reception. The receptionist asked a lot of questions before taking the letter and throwing it in the trash.
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		

n = 20	Yes	No	Partial	Additional Information
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 2/20

5. Tobacco Industry Marketing Board (TIMB)

CATEGORY 1: WEBSITE

<http://www.timb.co.zw/>

The website is well-managed and regularly updated. It has useful information for different stakeholders including the media. It has contact details and other useful information on policies and regulations.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programmes?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?	•			
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?	•	•		
h) The contact details of specific public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to TIMB:

- 1) What is the amount of revenue realised from the 2016 tobacco season?
- 2) What is the Board doing to decrease the rate of deforestation by farmers in order to cure their tobacco?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		

n = 20	Yes	No	Partial	Additional Information
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 2/20

6. Zimbabwe Human Rights Commission

CATEGORY 1: WEBSITE

<http://www.zhrc.org.zw/>

The website is relatively efficient, providing vital information on human rights in the country. The website has contact details and reports on the operations of the Commission.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?			•	
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 11/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Zimbabwe Human Rights Commission:

1. How many cases of human rights violations did you process in 2016?
2. How is the Commission funded?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?	•			
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?	•			
6. Does the institution provide written reasons for the refusal of information?	•			

n = 20	Yes	No	Partial	Additional Information
7. Did the institution disclose information about its operations, budgets, structure etc.	•			
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?	•			
10. Was the information received clear and understandable?	•			

Total Score: 18/20

7. Judicial Services Commission

CATEGORY 1: WEBSITE

<http://www.jsc.org.zw/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			The JSC fully outlines its mandate.
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?		•		
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?	•			
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?		•		

Total Score: 10/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to JSC:

- 1) What are the primary sources of funding for the Commission?
- 2) Where can we obtain the Commission's abridged and audited 2016 statements?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			The Public Relations Department
2. Did the institution reply within 21 days?	•			
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?	•			
6. Does the institution provide written reasons for the refusal of information?	•			
7. Did the institution disclose information about its operations, budgets, structure etc.	•			
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			

n = 20	Yes	No	Partial	Additional Information
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?	•			

Total Score: 16/20

8. Zimbabwe Media Commission

CATEGORY 1: WEBSITE

<http://mediacommission.co.zw/>

The website is relatively informative. It has information on policies and regulations. There are contact details for relevant company authorities. The website is not regularly updated.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	Not all pages have up-to-date information.
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programmes?		•		
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 7/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the ZMC:

- 1) What are the primary sources of funding for the Commission?
- 2) Where can we obtain the Commission's abridged and audited 2016 statement?
- 3) Is the Commission currently fully constituted, given the fact that the tenure of the sitting commissioners has already ended?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?	•			
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?	•			
6. Does the institution provide written reasons for the refusal of information?	•			

n = 20	Yes	No	Partial	Additional Information
7. Did the institution disclose information about its operations, budgets, structure etc.	•			
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•			
9. Did the institution acknowledge your request for information within 7 days?	•			
10. Was the information received clear and understandable?	•			

Total Score: 18/20

9. Sports and Recreation Commission

CATEGORY 1: WEBSITE

<http://www.src.org.zw/>

The website lacked contact details for the Public Relations Department. Although its information was relatively up-to-date, more can be done to add relevant information on tenders and other important issues.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?			•	
d) Budget and expenditure?			•	
e) Information about procurement procedures, signed contracts?		•		
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the SRC:

- 1) What are the primary sources of funding for the Commission?
- 2) Where can we obtain the Commission's abridged and audited 2016 statement?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		

n = 20	Yes	No	Partial	Additional Information
6. Does the institution provide written reasons for the refusal of information?	•			A representative of the Commission called, asked the purpose for which the information was sought and requested that a letter of justification be written to the same effect.
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?	•			
10. Was the information received clear and understandable?		•		

Total Score: 6/20

10. Zimbabwe National Road Administration

CATEGORY 1: WEBSITE

<http://www.zinara.co.zw/>

The website is generally well resourced and managed.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain the following:				
a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?	•			
d) Budget and expenditure?			•	
e) Information about procurement procedures, signed contracts?			•	
f) Vacancy and employment procedures?	•			
g) The address, telephone number, and working hours of the institution?	•			
h) The contact details of specific public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?		•		

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to ZINARA:

- 1) How much money, if any, was allocated to ZINARA by the Treasury?
- 2) How much was realised through the Road Tolling System during 2016?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Does the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•		
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 2/20

SUMMARY IN NUMBERS

Institution	Website	Request for information	Total score
1. National Arts Council of Zimbabwe	11	16	27
2. TELONE	14	2	16
3. The Ministry of Primary and Secondary Education (MPSE)	4	2	6
4. The Public Service Commission(PSC)	10	2	12
5. The Tobacco Industry Marketing Board (TIMB)	14	2	16
6. The Zimbabwe Human Rights Commission (ZHRC)	11	18	29
7. The Judicial Service Commission (JSC)	10	16	26
8. The Zimbabwe Media Commission (ZMC)	7	18	25
9. The Sports and Recreation Commission (SRC)	12	6	18
10. The Zimbabwe National Road Administration (ZINARA)	14	2	16

RESEARCH CONCLUSIONS

Given the above findings, one is inclined to conclude that the majority of institutions remain rather closed and averse to placing information in the public domain. Compared to previous studies where websites were poorly administered, this year, a number of institutions had better-managed websites. However, most still fall far below expected standards in terms of information accessibility.

It is also clear that the information management and dissemination systems of some public bodies remain erratic and inconsistent. For example, the SRC and the TIMB were rated the most open institutions in 2015 and 2016 respectively, but under the present survey they performed rather dismally, rating 5th and 6th respectively.

THE MOST SECRETIVE PUBLIC INSTITUTION IN ZIMBABWE

Most (60%) of the public institutions surveyed can easily be classified as secretive since 6 out of 10 public bodies failed to respond to written requests for information.

However, for the second year running the **Ministry of Primary and Secondary Education** was the most secretive institution with a total score of 6 points. The Ministry did not respond to written requests for information and the website remains badly managed. The Public Service Commission closely trailed behind, scoring 12 out of 40, displaying a similar reluctance in responding to information requests.

THE MOST OPEN PUBLIC INSTITUTION IN ZIMBABWE

Some organisations promptly responded to information requests electronically or called the researcher to provide the answers to questions posed in the request.

The Zimbabwe Human Rights Commission had a functioning, interactive website and promptly responded to questions furnished by the researcher, through a designated Communications Officer.

The National Arts Council also had a relatively good website with relevant information about its work, and efficiently responded to the information request sent to their office, albeit by telephone. The response was quick and came within a week of their receipt of the request.

Based on this, the **Zimbabwe Human Rights Commission** is the most open public institution; it scored a total of 29 points. The National Arts Council of Zimbabwe came in second place with 27 overall points.

RECOMMENDATIONS

Public institutions need to seriously invest in information management and dissemination systems. This service should not be an ad hoc one, because for the regular person accessing information should never be viewed as a privilege but a right.

In line with this thinking, the Government must ensure that the existing access to information legislation is aligned with the new Constitution. Furthermore, they must take deliberate action towards ensuring that freedom of information rights accorded by law are not taken away by the promulgation of other laws

which stifle access to information, as would appear to be the case with the proposed Cyber Crimes Bill.

Government could also improve simple administrative procedures in its institutions by providing clarity on how information requests should be handled. There should be clear guidelines on how to obtain public information.

In conclusion, laws like AIPPA must fall, or at least be amended so that they are infused with provisions that compel public bodies to regularly and proactively release public information. In addition, national laws related to freedom of information, freedom of the media and freedom of expression must be consistent with the provisions of the Zimbabwean Constitution, as well as regional and international instruments on access to information and freedom of expression.