

African Network of Information Commissions

REGIONAL REPORT

2026

Commissioner Tlakula



ANIC

African Network of Information Commissions
Promoting & Protecting the Right to Information

South Africa

- Over the past 12 months, the Information Regulator (South Africa) has strengthened oversight of the Promotion of Access to Information Act (PAIA) through tighter compliance monitoring and expanded digital transformation projects. In the 2025/2026 financial year, the Regulator expanded its eServices portal by launching features that enable the submission of statistics on information requests processed during the preceding financial year and the submission of PAIA complaints through the portal.
- The Regulator also advanced significant legislative reforms aimed at addressing weaknesses in PAIA's enforcement framework. Proposed amendments would introduce administrative fines for non-compliance, strengthen enforcement relating to compliance assessments and the non-submission of section 32 and section 83(4) annual reports, and align PAIA more closely with the enforcement powers available under POPIA.
- Through the Judicial Matters Amendment Bill (B8-2025), a proposed section 78(5) would further empower the Regulator to release a record directly where an enforcement notice has been ignored, no court challenge has been lodged, and the 180-day period has expired.



...South Africa

- This proposal has been presented by the Regulator to Parliament's Portfolio Committee on Justice and Constitutional Development on 3 June 2026, and the Committee has agreed to the legislative proposal. The next step would be for the amendment Bill to be adopted by the National Assembly for this important legislative amendment to become law.
- The Regulator conducted high profile investigations on the following organisations: South African Receiver of Revenue Service, Johannesburg Stock Exchange, and State Security Agency.



Malawi

LEGAL BATTLES IN THE INTERPRETATION AND APPLICATION OF THE ACCESS TO INFORMATION LAW

- Mota Engil vs Attorney General & MHRC Court Ruling
- The Malawi High Court on 6th March 2026 ruled against Mota-Engil (a private company) in a judicial review proceeding in which the company sued the Attorney General (on behalf of the Malawi Human Rights Commission) following the Commission's decision to assess the company for compliance with the Access to Information Act (ATIA).
- Mota-Engil challenged a notice issued by the Commission seeking to assess whether the company had mechanisms in place to comply with ATIA. The company subsequently commenced judicial review proceedings in the High Court, arguing that it does not qualify as a relevant private body under the Act.
- In its determination, the Court found that Mota-Engil is indeed a relevant private body and must, to the extent of the work it performs under government contracts, comply with the Access to Information Act. The Court further held that it could not dismiss the judicial review on a technicality relating to the incorrect naming of a party. Finally, the Court found that the Defendants' decision to assess the Claimant was neither illegal nor unreasonable.



...Malawi

- However, Mota Engil has since appealed against the judgment at the Supreme Court and it has been granted a stay order against the judgment. The legal battle continues pending the Supreme Court determination.

MALAWI HRC DEVELOPS CAPACITY OF COMMUNITY RADIO STATIONS IN ACCESS TO INFORMATION

- 13 community radio stations were trained in access to information, gender and advocacy with the objective of the media houses to bring important public information to people through radio and digital platforms.
- Since the training in April 2026, more than 200 000 listeners have been reached on various topics and programs.
- The Commission was funded by UNESCO through IPDC.



Sierra Leone

- The RAIC held an Executive Committee Meeting with the African Network of Information Commissioners (ANIC) on 16 March 2026 in Freetown, Sierra Leone to share knowledge, collaborate on policies, and strengthen transparency amongst member countries and also held stakeholders meeting with state and non-state actor to support the planning of the proposed conference in September 2026.
- The RAIC formed partnership with five Civil Society Consortium to increase monitoring on Access to in Sierra Leone and draft MOU developed in March 2026.
- The Commission signed MOUs with the following institutions, such as: The Anti-Corruption Commission, National Monitoring and Evaluation Authority to boost Transparency in Public Service and the Independent Police Complaints Board to promotes joint public education and awareness activities on the mandates, functions, and services of both institutions.
- The RAIC officially launched the inaugural national planning committee of the ICIC-IDUAL 2026 Conference and held bilateral consultative meetings with some MDAs to request their support in the upcoming ICIC-IDUAL Conference in Sept 2026. These MDAs includes: Office of the Chief Justice, Ministry of Foreign Affairs and International Corporation, Ministry of Internal Affairs, Ministry of Defense, Ministry of Tourism, Ministry of Planning & Development, Ministry of Transport and Aviation etc.



Kenya

- National Access To Information Policy approved by Cabinet on 30 June 2026.
- Establishes a government-wide framework for:
 - Institutional coordination and responsibilities
 - Proactive disclosure and digital access
 - Records and information management
 - Capacity building and resources
 - Integration of ATI into planning and accountability

Regional Relevance

- Responds to the common gap between legal guarantees and implementation.
- Demonstrates how policy can translate the right from law into institutional practice.
- Provides a potential African reference point for mainstreaming ATI across government.
- Reflects the broader shift from “legislating the right” to “institutionalizing the right.”



...Kenya

The Commission is leading Kenya's inaugural State of Openness Report (SOR) 2026 — the first national report of its kind in Africa.

- Moves beyond measuring compliance with ATI obligations to assess: Transparency, Accountability Citizen participation, Responsive governance and Public service delivery.

- Developed through a multi-stakeholder process involving government, oversight bodies, civil society, academia and international partners.

- Provides a national baseline to identify systemic gaps, track progress and inform governance reforms.

Regional relevance

- Pioneers a broader approach to measuring openness as a governance outcome, rather than ATI compliance alone.

- Creates opportunities for African comparative assessment, peer learning and shared indicators.

- Offers a methodology that could potentially be adapted by other African jurisdictions.

- Positions Kenya to contribute evidence and practical lessons to the evolving African open-government and ATI agenda.



...Kenya

Key Developments

- The Commission has developed ATI Reporting Guidelines for public and private entities which enables systematic data collection, monitoring, capacity building and targeted enforcement.
- Marks a shift from individual complaints to evidence-based institutional monitoring.
- Government is expanding digital platforms for proactive disclosure of information on its projects

Regional Relevance

- Provides a replicable approach for measuring ATI implementation and institutional performance.
- Creates opportunities for African peer learning on compliance reporting, digital disclosure, proactive publication and enforcement.
- Supports stronger regional cooperation on measuring and advancing openness, transparency and accountability.



...Kenya

- Judicial advancement: The landmark Court of Appeal decision in *Attorney General v Khelef Khalifa, CAJ & Others* reaffirmed the importance of access to information in promoting transparency, accountability and public participation.
 - Strengthened enforcement: Enhanced CAJ's enforcement framework through formal notices, evidence-based determinations, reasoned rulings, compliance monitoring and appropriate remedies.
 - Growing ATI jurisprudence: Expanded the body of published rulings, providing guidance on disclosure obligations, exemptions, delays and remedies.
- Institutional accountability: Reinforced the obligation of public entities to justify non-disclosure and comply with their statutory disclosure obligations.

Regional Relevance

- Demonstrates the evolution of ATI from a recognized right to independent oversight, enforceable remedies and established jurisprudence.
- Offers lessons for African oversight institutions on strengthening independent enforcement, promoting maximum disclosure and advancing accountable governance.



PRIORITY DEVELOPMENT

The Commission used a multi-criteria decision model to outline and rank six (6) priority programmes to be implemented from the year 2026 to 2029.

The priority developments or programmes are intended to address limited awareness of the RTI law and accessibility to information at the local administration level, amongst the marginalized section of society (Persons-with-Disabilities, rural communities and informal sector) and the youth. The priority programmes also focuses on enforcing compliance of public institutions in the implementation of Act 989, pass the Regulations for Legislative Instrument, and establish international institutional learning partnerships. The priority programmes are important to enhance transparency, accountability and civic inclusion in governance, as well as aligning the activities to global best practices in the access to information eco-system.

The priority programmes are:

1. Regulations for Legislative Instrument (LI)

- *Activity: Operationalise the Regulations for the LI by June 2027*
- *Strategy: Fast-track the passage of the LI through the AG's Office and Parliament*
- *Status: Stakeholder engagements and capacity building for the governing board of the RTIC and Board Sub-Committee for Legal has commenced in earnest.*



...Ghana

2. Compliance Strengthening Exercise

- *Activity: Achieve 90% compliance across institutions monitored each quarter*
- *Strategy: Monitoring, enforcement, sanctions, and capacity building*
- *Status: Sensitisation and capacity building trainings have been organized for 157 public institutions, compliance monitoring conducted for 235 public institutions, whilst administrative sanctions have been made against 254 public institutions cited for non-compliance*

3. Marginalised Groups Empowerment Programme

- *Activity: Quarterly engagement with marginalized groups (PWD's, rural communities and those in the informal sectors)*
- *Strategy: Reproduce Act 989 into local languages, braille and audio-visuals for sensitization and capacity building*
- *Status: Concepts developed and approved, engagements ongoing to secure implementation partners for full commencement of programme*



...Ghana

4. Youth Awareness Programme

- *Activity: Build capacity of 200 second-cycle secondary institutions and 400,000 students (youth) by 2029*
- *Strategy: Abridge Act 989 to user friendly and handy booklets for easy comprehension and use by students*
- *Status: Concepts developed and approved, engagements ongoing to secure implementation partners for full commencement of programme*

5. International Learning Partnerships

- *Activity: Build one new international partnership annually*
- *Strategy: Sign MoU's for exchange programmes and global knowledge sharing*
- *Status: Collaboration between the Centre for Law and Democracy-Canada and the Commission to conduct an implementation assessment of the Right to Information law.*



...Ghana

6. Regional Expansion Programme

- *Activity: Establish 12 Regional Offices in addition to the 4 currently in operation*
- *Strategy: Liaise with state institutions for allocation of office spaces to the Commission*
- *Status: Cape-Coast Regional office refurbished, awaiting deployment of staff to commence operations.*

Programmes approved for implementation by the Commission during the year under review contributed significantly to enhanced public awareness, institutional capacity and compliance of the Right to Information Act, 2019 (Act 989). Through sustained awareness creation programmes, collaborations with international institutions and participation in global conferences for knowledge sharing and exchange of ideas, the Commission continues to contribute to improvements in transparency and accountability at the national and global level.



...Morocco

- The official launch of the national portal for the right of access to information (PNDIAI), serving as an interface between information requesters and the relevant institutions and agencies and covers the entire process—from submitting a request for access to information to filing a complaint. To this end, the CDAI has entered into a series of agreements with various relevant institutions and agencies regarding their participation in the portal.
- The draft bill on the right of access to information was prepared following the Commission's deliberations published in March 2023 and in collaboration with the Ministry of Digital Transition and Administrative Reform. The draft bill was submitted to the General Secretariat of the Government to follow the standard procedure.
- Organisation of a training session on observing the legislative elections that highlighted the importance of the right to access information in promoting the transparency of the electoral process and the credibility of its monitoring, while emphasizing the need to balance between making information available to citizens and protecting privacy and personal data.
- Organization of several training sessions and activities for the benefit of and in collaboration with civil society to promote the proper exercise of the right of access to information, given the important role that civil society plays as a bridge between the government and citizens. Besides signing multiple cooperation agreements with academic institutions and civil society organizations to strengthen collaboration on the right of access to information.



...Morocco

- Publication of the summary report covering CDAI's activities from March 2019 to March 2024, published on December 11, 2025.
- The CDAI has approved a deliberation about access to information and fake news that will be published it in the next few days.

+ Plus :

- Participation in Exhibitions and Public Outreach: Participation in the 2025 and 2026 International Publishing and Book Fair, GITEX Africa Morocco 2026 and the 2026 International Agricultural Exhibition in Meknes.
- Working Meetings and Institutional Consultation: Working meetings and consultations with regional observatories, civil society organizations and stakeholders involved in the right of access to information.
- International and Continental Cooperation and Representation: Participation in international and continental forums, including OECD/OGP and ICIC;
Hosting of the African Conference on the Right of Access to Information and ANIC General Assembly;
Signature of an MoU with the Information Commission of The Gambia.



Liberia

- Developed and launched Liberia's Access to Information Five-Year (2025-2030) Strategic Plan
- Expanded FOI public awareness and community engagement across Montserrado and Grand Bassa Counties while strengthening institutional capacity on access to information rights and obligations across several Government bodies.
- Reestablished FOI structures (PIOs & Internal Information Request Review Bodies) across 20 Ministries, Agencies and Commissions to guarantee public access to information.
- Strengthened FOI compliance, monitoring, scoring, reporting, complaints, appeals, mediation, and adjudication systems and tools for receiving, logging, tracking, reviewing, processing, and reporting FOI requests and resolving access-to-information disputes.
- Advanced proactive disclosure and institutional transparency through engagement with public institutions on publication of information required under the FOI framework.



Liberia

- Strengthened collaboration with civil society organizations through joint awareness, ATI compliance, integrity-building, and anti-corruption initiatives for public institutions
- Supported the passage of the country's Personal Data Protection and Privacy Act of 2024, expanding the Independent Information Commission's mandate as Liberia's Data Protection Authority. Developed a Five-Year Strategic Plan as the roadmap for the effective implementation of the Personal Data Protection and Privacy law.



Thank you...