

- Where an information holder has informed the requester that information cannot be found or does not exist and the information in question is subsequently found, the information holder shall process the request within seven days of finding that information or in accordance with provisions relating to either transfer, extension of time, deferral, etc;

Form or Manner of Providing Information

- An information holder may give access to information in respect of which a request is granted by—
 - ✓ supplying a certified copy of the document, either electronically, or in physical form;
 - ✓ giving the person an opportunity to copy the record, using the person's own equipment;
 - ✓ making arrangements for the inspection of the information, where necessary;
 - ✓ providing a written transcript of the words stored in audio or visual form; or
 - ✓ any other means that are available to the information holder.
- **NB.** A person with disability can request the information in the accessible format, which in some cases may attract a fee.
- Further, a requester can specify the format in which the information should be provided. However, where it is not possible or too expensive to provide the information in the requested format, the information holder will provide the information in the form in which it is available.

Right to request information in particular format

- A person may request an information holder to disclose certain information to that person in a particular form, unless disclosure of information in that particular form may—
 - interfere with the effective administration or operations of the information holder;
 - be detrimental to the preservation of the form in which the information is kept or stored or may not be appropriate, having regard to the nature of the form in which the information is kept or stored; or
 - amount to an infringement of copyright not owned by the information holder.

Appeal to the Human Rights Commission

- A requester that is not satisfied with the decision of an information holder to grant access to information may appeal against that decision to

the Commission within thirty day of receiving the decision.

- A requester that is not satisfied with the decision of an information holder to extent the period within to access information from the seven days limit may appeal against that decision to the Commission immediately after receiving the decision to extend the period.
- The Commission shall determine the appeal against the decision of an information holder within 30 days of concluding the hearing.



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Human Rights Commission

Building a sustainable culture of human rights together

How to access information under the Access to Information Act



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How to access information under the Access to Information Act

Introduction

The right to access information in Zambia is guaranteed under article 20 of the Constitution of Zambia, Chapter 1 of the Laws of Zambia and the Access to Information (ATI) Act, No. 24 of 2023.

The ATI Act was enacted on 22nd December 2023. However, it came into force on 25th June, 2024, under Statutory Instrument No. 35 of 2024 (the ATI Commencement Order). The enforcement of the ATI Act had a grace period, from 25th June 2024 to 25th June 2026.

The two-year enforcement grace period was meant to enable information holders and other stakeholders to progressively comply with the provisions of the Act, by among other measures, meet the minimum standards aimed at facilitating the right to access information

Minimum Standards

Information holders have an obligation to meet the following minimum standards under the Act:

- organise, keep and maintain information in a manner which facilitates the right to access information such as having the information in an accessible and reproducible form;
- Proactively disclose information that is of public interest without waiting for it to be requested;
- Appoint or designate information officers who should be responsible for processing requests for information and render assistance to a requester.

Further the progressive compliance period was also meant to enable the oversight institutions to put in place the relevant enabling measures to facilitate effective implementation of the Act.

- 1 The Ministry of Information and Media issued the ATI (General) Regulations, 2025 under Statutory Instrument No. 56 of 2025, on 29th August, 2025, in accordance with section 40 of the Act;
- 2 The Human Rights Commission issued the ATI Guidelines, through Gazette Notice No. 1624 on 5th December, 2025, in accordance with section 38 of the Act, and
- 3 The Judiciary through the Chief Justice issued the ATI (Appeals) Rules in accordance with section 39 of the Act.

Steps to Access Information

Step 1

- Information under the Act should be requested by filling in **Form 1**, of the ATI (General) Regulations, Statutory Instrument No. 56 of

2025, and submitting the form with the relevant information holder;

- In the event that the requester, for any reason, is unable to write, a request can be made to the information holder orally;
- Where a request has been made orally, the information holder should reduce the request to writing by filling in **Form 1** on behalf of the requester.
- The form should be filled in triplicate, that is three forms should be filled in;
- All the three filled in forms should be submitted to the information holder;
- After receiving the forms, the information holder must acknowledge receiving the forms by date stamping and signing on them as a way of certifying them;
- The requester must receive or be given a copy of a certified copy which he or she should keep for the record and reference when following up or making an appeal;

Step 2

Transfer of Request

- An information holder may within five days of receiving a request, transfer the request or a relevant part of the request to another information holder if the information requested is, or could be, held by that other information holder;
- Where a request is transferred to another information holder, an information holder to which the request was made shall inform the requester, in writing using Form 1E of the ATI Guidelines, 2025, about the transfer within seven days of receiving the request.

Granting or Refusal to Access to Information

- An information holder that receives a request shall, within seven days of receiving the request, decide whether or not to grant the request and inform the requester in writing of the decision.

Granting of Access to Information

- Where an information holder that receives a request has decided to grant access to the requested information, the information holder shall, within seven days of receiving the request, inform the requester the following:
 - ✓ form in which access to the information shall be given; and
 - ✓ fees payable, if any, before the further processing of the request;



Refusal to Access to Information

- Where an information holder that receives a request has decided to **NOT** to grant access to the requested information, the information holder shall, within seven days of receiving the request, inform the requester in writing and indicate the following:
 - ✓ the reasons for not granting access to the information;
 - ✓ the specific provisions of this Act or any other written law on which the decision is based; and
 - ✓ the right to appeal to the Human Rights Commission against the decision.

Extension of time

- An information holder to which a request is made may, within seven days of receiving the request, extend the time in which to respond to a request for a period not exceeding fourteen days if—
 - the request is for a large amount of information or requires a search through a large amount of information, and meeting the seven days time limit would unduly interfere with the operations of the information holder; or
 - consultations that cannot reasonably be completed within seven days are necessary to comply with the request.
- Where an information holder extends time from seven days to fourteen days within which to respond to the request, the information holder shall inform the requester, in writing using Form IC of the ATI (General) Regulations, of the reasons for extending the time within seven days of receiving the request.
- Where a requester is not satisfied with the reason/s given by the information holder for extending the time to respond to the request, the requester may appeal to the Human Rights Commission against the extension of time.

Deemed Refusal of Request

- An information holder is deemed to have refused a request if the information holder does

not inform the requester of the information holder's decision on the request within seven days that—

- ✓ the request has been transferred to another information holder;
- ✓ the period for responding to the requested has been extended from seven days to a period not exceeding 14 days;
- A requester may, where an information holder is deemed to have refused a request to access information, appeal to the Human Rights Commission against the deemed refusal of the request.

Deferral of Request

- An information holder shall defer the provision of access to information using Form IB of the ATI Guidelines, where the request relates to information—
 - which is required to be published; or
 - in respect of judicial proceedings pending before a court or tribunal.
- An information holder shall, where information is required to be published shall inform the requester, in writing, of the—
 - deferral within seven days of receiving of the request;
 - reasons for the deferral, including the provisions of this Act or any other written law relied upon;
 - likely period for which access to the information is to be deferred, which should not be more than 30 days;
- An information holder who defers the provision of access to information in respect of judicial proceedings pending before a court or tribunal, shall—
 - inform the requester of the right to make representation, within fourteen days of being informed of the deferral, to the information holder as to why the information is required before its publication or before the period of thirty days expires.
- Where an information holder is satisfied or convinced that the representations made are persuasive to the effect that the requester will suffer substantial prejudice if access to the information is deferred for the period beyond 30 days, the information holder shall grant the request within five days of the representations being made.

Unavailable Information

- Where the information requested cannot be found or does not exist and an information holder has taken reasonable steps to find that information, the information holder shall inform the requester accordingly using **Form II** of the Regulations.