



20 December 2023 – for immediate release

Zambia: Analysis of New Access to Information Act

On 15 December 2023, Zambia finally signed its Access to Information Act into law, following years of public debate about the importance of such legislation. The Centre for Law and Democracy (CLD) is today pleased to launch publicly its Analysis of the Access to Information Act, 2023. We also did an RTI Rating assessment of the Act, which scores 85 out of a possible total of 150 points, putting it in 70th position from among the 138 countries currently on the Rating, or almost exactly in the middle.

“We are very pleased to see that, after years of advocacy on the part of civil society groups and others, including CLD, Zambia has finally adopted a right to information law,” said Toby Mendel, Executive Director of CLD. *“We would have been even more pleased, however, if the law had been more along the lines of some of Zambia’s Southern African neighbours like Namibia, adopted just last year with a score of 116 points, South Africa, with 118 points or Malawi, with 104 points.”*

The Act has some strong points, such as its broad coverage of all three branches of government, a strong public interest override and the power of the oversight body, the Human Rights Commission, to impose administrative sanctions on officials who fail to respect the law.

At the same time, the CLD Analysis contains a number of recommendations for reform, including the following:

- A simple, broad definition of information should be added into the Act, along with clear procedures for how to lodge a request for information and a clear regime for fees.
- The Act should state clearly that it overrides secrecy provisions in other laws, to the extent of any conflict, and the exceptions in the Act should be narrower, only protect legitimate interest and all be subject to a harm test.
- The Act should establish sunset clauses (overall time limits) for exceptions which protect public interests such as national security, internal deliberations and public order.
- One of the Human Rights Commissioners should be formally designated as the one who is responsible for right to information matters, and the Commission should be given the power to issue binding orders in information appeals.
- A proper records management regime should be added either to the ATI Act or another legally binding instrument.

The CLD Analysis is available [here](#).

For further information, please contact:

Toby Mendel
Executive Director
Centre for Law and Democracy

Email: toby@law-democracy.org

+1 902 431-3686

www.law-democracy.org

Twitter: [@law democracy](https://twitter.com/law_democracy)