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**The Access to Information Act,
(No. 24 of 2023)**

Access to Information Guidelines, 2025

1.0 Introduction

- 1.1 The Human Rights Commission (the Commission) is the National Human Rights Institution of Zambia, established pursuant to Article 230 of the Constitution of Zambia.
- 1.2 In accordance with section 4 (1) of the Access to Information Act, No. 24 of 2023 (the ATI Act) the Commission is mandated to provide oversight on matters relating to access to information.
- 1.3 Pursuant to section 38 (2) of the ATI Act, the Commission is further mandated to issue and publish guidelines on the following:
 - (a) the objects of the ATI Act;
 - (b) the contact details of the Commission;
 - (c) the existing obligations of information holders under the ATI Act, including their proactive disclosure obligations;
 - (d) the methods and means of making information requests; and
 - (e) the rights of persons under the ATI Act, including the assistance available from the Commission to facilitate access to information.

2.0 Objects of the access to Information Act

- 2.1 The objects of the ATI Act are to —
 - (a) provide for the right to access information and its limitations;
 - (b) provide for procedures for processing requests for information;
 - (c) give effect to the right to access information as guaranteed in the United Nations Convention against Corruption and the African Charter on Human and Peoples Rights; and
 - (d) provide for matters connected with, or incidental to, the foregoing.

3.0 Objectives of Guidelines

- 3.1 In accordance with the provisions of the ATI Act, the objectives of these Guidelines are to provide for the following:
 - (a) guidance on the understanding and identification of who qualifies as an information holder;
 - (b) the obligations of information holders under the ATI Act;
 - (c) the rights of persons under the ATI Act;
 - (d) the categories of persons eligible to make requests for information;
 - (e) the procedures and methods for making requests for information;
 - (f) the limitations on access to information;
 - (g) procedures for appeals to the Commission against decisions of information holders; and
 - (h) any other matters connected with, or incidental to, the foregoing.

4.0 Definition of Information Holder under the Access to Information Act

- 4.1 Section 2 of the ATI Act defines an “information holder” as a public or private body.
- 4.2 A public body includes the Government, any ministry or department of the Government, the National Assembly, the Judicature, a local authority, parastatal, commission or any other body appointed by or established by or under any law, except a professional association or body.

- 4.3 Accordingly, all public institutions are recognised as information holders for the purposes of the ATI Act.
- 4.4 Section 2 of the ATI Act defines a “private body” as a private entity or non-state actor that utilises public funds or is in possession of information that is of significant public interest. Therefore, incorporated entities that have the Government as the shareholder or utilise public funds, or are in possession of information of public interest are considered information holders for the purpose of the ATI Act.
- 4.5 In this context, the term “public funds” refers to funds received electronically or in any other form in person, through the bank or any other financial institution on behalf of the Central or local Government by an office holder by virtue of the office holder’s employment.

5.0 Right to Request for Information

- 5.1 Every citizen or holder of a residence permit has the right to access information held by, or under the control of, an information holder.
- 5.2 The right to access information shall not be affected by any reason the requester gives for seeking access to information.
- 5.3 A requester has the right to receive information in an accessible format within seven working days from the date of making the request.
- 5.4 The information holder’s belief as to the reason for the request for information shall not affect the right to access information.
- 5.5 An information holder shall not impose or charge any fee for the lodgement of a request for access to information. This means that an information holder shall not charge a fee for receiving a request for access to information.
- 5.6 Despite **Guideline 5.5**, an information holder may charge a fee set out in the Second Schedule of the Access to Information (General) Regulations, 2025 (the Regulations) for a request made where the information is required by the requester to be duplicated, translated or transcribed.

6.0 Rights of Persons under the Access to Information Act

- 6.1 Section 2 of the ATI Act defines “person” to mean an individual, a company, or an association of persons, whether corporate or unincorporated.

In relation to the right to request information from an information holder, “*person*” shall be understood, in accordance with section 6 of the ATI Act, to mean a citizen or a holder of a residence permit.

- 6.2 The rights of persons under the ATI Act include the right to —

- (a) access information upon request made in a prescribed manner to an information holder;
- (b) be informed by an information holder whether or not the information or record exists;
- (c) not be required to provide reasons or justification to an information holder for seeking access to information;
- (d) receive written communication from the information holder regarding the grant or refusal of the request, including the reasons for such decision, within seven (7) working days from the date the information holder received the request;
- (e) be informed by the information holder of the right to appeal against any decision of the information holder;
- (f) be informed, in writing, where there is an extension of time within which the information holder shall process the request for access to information, provided that such extension shall not exceed fourteen (14) working days;
- (g) access information from an information holder in a manner that is timely, efficient and inexpensive;
- (h) have an information holder interpret and apply any law, policy or practice relating to access to information in accordance with the principle of presumption of disclosure;
- (i) appeal to the Commission against any extension of time within which an information holder may process a request for access to information;
- (j) appeal to the Commission, in the manner and form prescribed by the Access to Information (Appeals) Rules issued by the Chief Justice, against the refusal of a request for information, within thirty (30) days of the decision of the information holder; and
- (k) appeal to the High Court if aggrieved by a decision of the Commission. This right of appeal applies to both the information holder and the requester of information.

7.0 Obligations of Information Holders under the Access to Information Act

- 7.1 In accordance with section 7 of the ATI Act, every information holder has an obligation to keep, organise and maintain information in either print or electronic formats that facilitate the right of access to information as provided for under the ATI Act.
- 7.2 This obligation requires information holders to ensure that information is systematically stored and managed in a manner that allows for timely and convenient access by any requester of information, whether in print or electronic form.
- 7.3 Information holders shall provide information to persons with disabilities in accessible means, modes, formats and technologies of communication appropriate to different kinds of disabilities in a timely manner.

- 7.4 Pursuant to section 8 (1) of the ATI Act, an information holder shall publish the following information in the Gazette and a daily newspaper with wide circulation within the Republic, or through any other electronic media platform that the information holder may determine —
- (a) the structure and functions of the information holder;
 - (b) the services offered by the information holder to members of the public and the manner of accessing such services;
 - (c) the norms and standards set by the information holder for the performance of its functions;
 - (d) any laws, instructions, guidelines, or manuals applied by the institution or its employees in carrying out its duties;
 - (e) a description of the mechanisms or procedures available to members of the public to make representations, participate in, or influence the formulation of, policy or the decision-making processes of the information holder;
 - (f) the procedures followed in decision-making process, including relevant channels of supervision and accountability;
 - (g) a description of remedies available to the public in relation to any act or omission by the information holder;
 - (h) detailed information on the design and execution of any subsidy programme financed through public funds, including the amounts allocated, criteria for accessing the subsidy, and the beneficiaries of such programmes;
 - (i) particulars of any concessions, licences, permits or authorisations granted, refused, or cancelled by the information holder;
 - (j) details relating to the signing of contracts and information pertaining to such contracts, including —
 - (i) the public works or goods acquired or rented;
 - (ii) the services contracted, including any sketches, scopes of work, or terms of reference related to the contract;
 - (iii) the amount of money involved in the contract;
 - (iv) the name of the supplier, contractor, or individual to whom the contract has been awarded; and
 - (v) the period within which the contract is to be completed;
 - (k) the official contact details of the information holder, including its postal and physical address, phone number, email address and any other relevant means of communication; and
 - (l) any additional information that the Commission may determine.
- 7.5 Under section 8 (2) of the ATI Act, every information holder has an obligation to ensure that —
- (a) a person who is likely to be affected by the information holder's decision or action has access to the reasons for that decision or action;
 - (b) a person who is likely to be affected by the information holder's decisions or actions relating to a proposed project, policy, scheme, programme, or law is informed of the relevant facts and has reasonable access to information within the knowledge or possession of the information holder;
 - (c) information concerning the operations of the information holder is disclosed to the public in the interest of transparency, accountability and the promotion of democracy; and
 - (d) the information is disseminated as widely as possible, taking into consideration the local coverage area, the local language, and the most effective method of communication within that area.
- 7.6 Every information holder has the obligation to bi-annually update information that is subject to publication under section 8 of the ATI Act in an accessible format.
- 7.7 An accessible format shall be as defined under sections 18 and 19 of the ATI Act, and may include electronic or physical copies.

8.0 Proactive Disclosure Obligations

- 8.1 Pursuant to section 8 of the ATI Act, information holders shall routinely publish information on an ongoing basis. This obligation is distinct from the duty to make information available in response to specific requests made under the ATI Act.
- 8.2 The minimum information that must be proactively disclosed is outlined under **Guideline 7.4**. Every information holder must make available such information, except where —
- (a) the information holder does not possess or control the information; or
 - (b) the information is exempt from disclosure under the provisions of Part IV of the ATI Act.
- 8.3 Despite **Guideline 8.1**, an information holder shall not publish or disclose any information that is classified or exempt under Part IV of the ATI Act.
- 8.4 Information holders should ensure that any information published in accordance with these Guidelines is kept up to date. Where the content of any publication changes or is revised, the publication shall be updated and the revised version made accessible to the public without undue delay.
- 8.5 For the purposes of these Guidelines, "*proactive disclosure*" means the routine and voluntary release of information by an information holder, without the need for a prior request, in order to promote transparency, accountability and public participation.