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## RTI in the time of coronavirus



An information board about coronavirus is seen on a platform at Montparnasse train station in Paris, on March 13, 2020. Photo: Reuters

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The Covid-19 pandemic, sowing misery across the world, has thrown the role of the state into stark relief. No entity but the government can command the resources and the all-of-society coordination essential to respond adequately to this threat. Countries where the people and the government have mutual trust are likely to fare better.

In times of such unprecedented calamity, the most important ingredient for trust building is information sharing. People want correct information about the spread of a mysterious disease that they knew so little about. They want to be assured that their government is handling the situation effectively, that all necessary preparations are in place, that they are getting all the information they need and nothing is being hidden from them.

The immense importance of the dissemination of information that people can trust has been underlined daily over the last three months by the news media. They highlighted the impact of disinformation and misinformation in countries where people distrusted their government.

What strategy should governments, then, follow to reassure the people and allay their concerns during such a crisis? The best guidance is available in the Right to Information (RTI) Act which has been enacted, under different names, in 130 of the 209 countries affected by the emergency.

The RTI Act requires governments, in normal times, to keep their people informed, both proactively and through individual requests, about what they do on their behalf. In times of serious emergencies like the Covid-19 crisis, the responsibility is multiplied manifold. Governments all over the world, including ours, probably never had a responsibility like this to come up with their best public communications skills to help citizens through the pandemic.

Citizens, of course, understand that their government does not have all the information about a new virus and that advice can change according to the latest scientific evidence. They simply like to be taken into confidence by their government, to feel assured that their opinions matter, that their government feels accountable to them, that they will be kept informed of everything they need to know. When citizens feel so empowered, misinformation and politicisation cannot easily take root.

The first thing that people want to know in such a crisis is that their government knows what to do. So a government's tendency is to wait until it has definitive answers. This is not easy to do when the threat is a new virus and knowledge is growing every day. Masks or no masks? How to test and where to get the testing kits? Are there enough ventilators for patients and protective gears for medical workers? How to provide for extra hospital beds if the need arises? Is there any effective treatment? How quickly can it be developed? The answers to such questions are not easy, and they change as medical science collects more evidence.

To generate public confidence in such an uncertain situation, the RTI law prescribes that governments do two things: communicate what they know and can recommend *at the time*; and listen to their people. "Here is what we know today, and what we do not know. Here is the action to take today in order to protect lives and livelihoods. What are your concerns?"

On the communication aspect, the RTI law provides for "proactive disclosures" by the government of all information of public interest generally and of particular relevance to situations like the present crisis. Section 6(4) of the Bangladeshi Act stipulates that every public authority "shall publish all (...) policies and decisions and shall, if necessary, explain the reasons and causes in support of such policies and decisions."

The law thus requires governments to explain their policies and decisions to their people. As the primary objective of the law is to establish transparency and accountability of all government work to the people, there is an inherent requirement here that governments should be as candid and forthcoming as possible and let people know the reality as it is. There is no scope for hiding or misrepresenting the facts.

Where governments succeed in imparting information in such a manner, they are likely to discover that people are normally willing to listen to them. When governments earn the confidence of the people, the latter is more likely to accept the reality and less likely to panic or spread rumours. They are also more inclined to abide by legitimate curtailment of some of their rights. When they fail, fake news flourishes.

History will record that government-people interaction has seldom been so intense globally as in the last three months. It has gone through ups and downs and much variation between countries. When the crisis is over, it is destined to become an important subject for in-depth studies and research. Combined knowledge from the experiences of different countries and lessons learned from them would be of extreme importance for future generations.

But that will have to wait for some more time. On top of the medical crisis, a socio-economic debacle is looming large on the horizon. It is clearly heading towards becoming a crisis of a

much larger magnitude and longer duration. Government-people interaction during this period will increase manifold, as will the need for information sharing.

Most governments have by now announced stimulus packages to revamp their economy, badly ravaged by Covid-19. As disbursements commence, the recipient groups would all be keen to know if the principles of transparency and accountability, enshrined in the RTI Act, are being strictly observed. Is the money reaching the rightful claimants? How would corruption be tackled?

The RTI Acts provide guidance on this as well. It will be important, therefore, for government offices, dealing with the Covid-19 crisis generally and disbursement of stimulus packages in particular, to be acquainted with them. People will surely use the law to seek specific documents. Records must be properly preserved for possible inspection. Section 5 of the RTI Act requires that "every authority shall prepare catalogue and index of all information and preserve it in an appropriate manner."

Record-keeping and cataloguing of information will also help in data collection. They will be of great value for research and government planning in the future. Lessons learned from them in different countries would be of immense value for future generations.

To go about the task more systematically, governments in countries where the RTI/FOI law exists may consider setting up a special mechanism to deal with and coordinate all information-related activities during the crisis. These would include proactive disclosures of all information needs discussed above and those related to individual requests. Specifically, designated officers (DO), foreseen in the law, with necessary workforce, may be entrusted by governments to deal with and respond to Covid-19-related RTI requests online.

Despite the unimaginable damage caused so far by Covid-19 worldwide, one of its most positive outcomes is the close interaction it generated between governments and the people to combat the menace. It provided opportunities to both sides to develop a practice which, if properly nurtured, will be of great value to all nations in the future.

People have reposed trust in their governments during these most trying times, abided by the regulations and restrictions imposed upon them, and made personal sacrifices of an unprecedented nature. Governments must reciprocate by recognising their special need for information with regard to many areas of concern thrown up by the crisis.

Even if the medical crisis comes to an end soon, a long time will lie ahead for nations and the international community as a whole to come out of the doldrums. Continued interaction and cooperation between the people and governments during this crucial time will be of utmost importance.

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