Forestry Development Authority

FDA

Freedom of Information Protocols and Procedures

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1. Introduction:

The FDA Protocols and Procedures in receiving and accessing public information from the FDA is patterned after the current legislated Freedom of Information Act of 2010. It provides user-friendly step by step descriptions of both the internal and external available channels through which stakeholders and the general public can request and obtain information and or document from the Forestry Development Authority.

The objectives of these protocols and procedures are to ensure public access to information as provided for under Section 1.5 of the Freedom of Information Act as well as inform interested parties about basic routine processes in obtaining information from the FDA.

These protocols consist of two components a) the external request mechanisms that enable easy access by the general public and b) internal protocol through which provide for the domestic review processes of FDA for authorization.

The Freedom of Information Act of 2010:

The Freedom of Information Act was legislated by the National Legislature in 2010 in realizing that access to information is a fundamental right guaranteed by the Constitution of Liberia and the Universal Declaration of Human Rights as well as the African Charter on Human and People's Rights.

It also realized that the right to access information encompasses the rights to request and receive information, especially information concerning public interest. The Act also acknowledges that access to information is indispensable to genuine democracy and good governance as a whole.

Article 15 (c) of the Constitution of Liberia also provides that no limitation shall be placed on the public right to be informed about the government, its functions as well as functionaries.

Section 1.5 of the Freedom of Information Act of 2010 has four basic objectives as follows:

a) To promote effective, equitable and inexpensive exercise of the rights to information;

b) To establish clear and concise procedures for requesting and providing of information held by (i) public bodies and (ii) private bodies receiving public benefits or performing public functions or services;

c) To establish and provide for the exercise of the right of appeal and decision denying a request for information or infringing on the right of access of information, and;

d) To provide appropriate penalties and other sanctions for wrongful failure to keep and or provide information.

The FDA, being cognizant of these fundamental principles as enshrined both in the Constitution of Liberia and the Freedom of Information Act of 2010, developed these protocols in fulfillment of its statutory mandate under Section 2.1 and 2.2 of the FOI.

2. External: Request mechanisms for interested parties

In adherence to Chapter 2 and, in furtherance of Chapter 3 of the Freedom of Information Act of 2010, the Forestry Development Authority hereby establishes the following procedures and protocols in making request by external parties. These parties, so called, shall include but not limited to: governmental ministries, agencies and commissions; national and international organizations, the private sector, private persons and the general public.

Request can be made through either of these three ways or all of them. Written request, fill in form for onsite research within FDA's documentation center addressed to the attention of the FDA's Managing Director and delivered to any FDA office and/or via email to hkarnwea@yahoo.com or lodged via FDA's website: www.fda.gov.lr

i) Making request for the release of document/s:

a) Request for information, records and or document (s) can either be made by written request (letter), filing of FDA's FOI request form at FDA's Public Affairs Division (PAD), email request to the Managing Director lodged electronically via FDA's website;

b) Request/s must be addressed to the Deputy Managing Director for Operations of the Forestry Development Authority (FDA)

c) Clearly describe the document (s) you are requesting access to;

d) Include full details of your contacts including name, physical address, telephone numbers, email, etc.

e) In the case of institution, contact details of institution must be included and state whether the institution is public or private, national or international, etc.

ii) If the documents concern personal affairs, the person shall provide evidence of valid identity. For example, a photocopy or electronic copy of your current Drivers License, passport, NASSCORP ID or valid employment ID, etc.

iii) From the date the request has been received, FDA will provide a response within 30 calendar days. The FDA will, consistent with Section 3.10, 12 and 13 of the FOI Act, decide to either:

I. Release all the documents requested

II. Transfer the request

III. Release none of the documents requested

iv) The FDA will provide information free of charge when requested to be delivered electronically via email or by the requester accessing FDA website. However, hard copy of documents and printed materials will require advance payment for FDA to cover necessary expenses.

v) The FDA will not honor any request for documents exempted under Section 4.0 accept wherein such request meets requirements provided for under Section 4.9 of the FOI Act.

NOTE: all requests are subject to FDA internal regulations, review and authorization processes in accordance with the FOI Act.

3. Internal review and authorization for request

A. FDA Headquarters

i. All request/s for information, document/s, etc. shall be addressed to The Office of the Managing Director (MD) of the Forestry Development Authority (FDA).

ii. Upon receipt, the office of the Managing Director shall forward same to the Public Affairs Division of the FDA.

iii. The head of the Public Affairs Division (PAD) will process the request based upon the approval of the Managing Director of what information to provide.

iv. Based on information approved to be released, the Public Affairs Division will collect within 20 calendar days, the information requested from the related FDA Regional Offices, Departments, Units, Divisions and Sections within the FDA to ensure that all information is provided to the public as prescribed under the FOI and requested by the requesting party;

v. Where the information requested falls within statutory limitations as prescribed by the FOI, the PAD shall duly advise the Office of the Managing Director for appropriate administrative action/s.

vi. Once the request/s is cleared by the Office of the Managing Director, the PAD shall respond accordingly to the requester within the period of 30 calendar days. The PAD shall diligently within 30 calendar deliver a response and or deliver the information requested ensuring that all requests meet the requirements of the FOI and are duly cleared by the Office of the Managing Director of the FDA.

vii. In the case of impromptu request the PAD shall exercise due diligence in ensuring that such request does not fall under the EXAMPTION Clause of Chapter 4.0* and, if so, comply with Section 4.8 of the Freedom of Information Act.

NOTE: Basic costs will be charged by the FDA for Photocopies, reproductions, printing, etc.

B. Regional Headquarters

i. Requests emanating from the regions shall be directed to the head of the regional headquarters, in such case, the Regional Forester.

ii. The Regional Forester shall, upon receipt of requests, forward same to the Office of the Managing Director for appropriate actions.

iii. All requests MUST be cleared by the Office of the Managing Director of the FDA

4. Database and Documentation Center

The terms of the consultancy also provided that the consultant shall assess the physical conditions and availability of space within the FDA headquarters for the establishment of a database and documentation center to provide access to information in compliance with the Liberian FOI Act as well as in fulfillment of the provisions of the joint EU/Liberia Voluntary Partnership Agreement (VPA) Annex IX.

The assessment will inform the VPASU regarding the storage and safety of documents and equipment that will be placed at the FDA. However, following internal consultations and assessment of the FDA facilities, the consultant is inclined to note and recommend the following:

i) Physical assessment of the FDA facilities and information gathered from management shows that there is limited available space for the establishment of an "independent public library".

ii) The VPASU, if necessary, should;

a) Build within the current PAD office, a ground-to-ceiling wall-to-wall bookshelf of the legal standard space for storage of documents and record and furnished with reading desks and equipment for use as a library.

b) Further consult with Management for provision of adequate space within the FDA headquarters to establish the documentation center.

5. Categories of documents and information that will be routinely published

A) Information relating specifically to the VPA

a) The VPA and all its annexes

b) Reports produced by the Joint Implementation Committee which include:

- Number of FLEGT licenses issued by Liberia
- Number of rejected applications for FLEGT license
- Instances of non-compliance with the FLEGT licensing process in Liberia and measures taken to address such cases
- Annual quantities of timber and timber products Exported to the EU
- Number of FLEGT licenses received by the EU
- Quantity of timbers and timber products imported into the EU under the FLEGT licensing scheme, by the Union Member States in which imported take place

c) Reports produced by the independent auditors

d) Procedures guiding the functioning of the JIC

e) Aide-memoirs and other reports by the JIC, including monitoring and impacts studies as indicated in Annex IX

f) Procedures and term of reference guiding the functioning of the national stakeholder committee for monitoring the VPA

g) Guidelines for LAS compliance targeting different stakeholders

h) Guidelines for Social Agreements

B) Information on Management of the Forest Sector

a) Information about and documents from government agencies that exercise oversights over the forestry sector and that are required under the publication arrangement outlined in Section 2.1-2.3 of the Freedom of Information Act of 2010.

b) All legislations, regulations and operating procedures that have been enacted by the Government of Liberia. This includes all aspects of the regulatory framework that are referred to in the Liberian legality definition of Annex II of the VPA.

C) Information on Forest Resource Allocation

a) Forest license issued, including timber sale contracts (TSC), forest management contract (FMC), agreements and permits for operating and for processing wood products, including forest use permit (FUP).

b) Agricultural concession contract agreements pertaining to products listed in Annex I of the VPA

c) Documents relating to competitive bidding: pre-qualification evaluation panel report,

d) Concession contract awarded

e) Social agreements between forest communities and all contract and permit holders,

f) Maps of communal forest and their areas,

g) List and maps of all TSCs, FUPs and FMCs awarded

D) Information on forest resource production

a) Volumes and monetary value (as determined and approved by FOB price list) of harvested forest resource, processed forest products and exported forest products, reported as:

— total annual production

— By species produced under each forest resource license

b) Annual volume of timer and derived products imported into Liberia or transited through Liberia.

E) Information on Forest Fees and Revenues

a) Schedule of all forestry-related fees and taxes

b) FOB prices

F) Information on Law Enforcement in Concession Areas

a) Penalties imposed and the list of those who actually paid and those who did not or complied,

b) Annual volume of timber products sold at public auction and the monetary value of the sales.

6. Information made available to the public when requested in compliance with the Freedom Of Information Act

Procedures for granting access to information, records or documents from both the FDA Headquarters and regional offices will follow the procedures outlined in Chapter 3, Section 3.1-3.14 of the Freedom Of Information Act of 2010. Such information, records and documents shall include:

a) Information on forest resource allocation

b) Information on forest resource production

c) Information on processing

d) Information on forest fees and revenues

e) Information on Law Enforcement in Concession Areas

7. List of additional documents, records and documents available at the FDA

Appendixes:

Appendix I: Application form

Appendix II: Laws, Policies, Executive Orders, etc.

Appendix III: Freedom of Information Act of 2010