Five Years of RTI Law: Dissecting the Strengths of Open Governance in Ghana

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It's been five years since Ghana passed the Right to Information Law, 2019 (ACT 989). This law grants Ghanaians an unfettered access to public information, a rare right, which was a privilege for a select few.

Since coming into existence in January 2020, the Act has played a crucial role in advancing public sector transparency and accountability in Ghana's government institutions. Five years after its passing, the Right to Information Commission, working in collaboration with public institutions nationwide, has contributed to significant progress in the access to information landscape.

Article 21(1) (f) of the 1992 Constitution guarantees every person the right to access information held by public institutions. Act 989 gives operational meaning to this constitutional guarantee by setting out the processes, timelines, and conditions under which information may be accessed.

At its core, the legislation seeks to reshape the relationship between the state and citizens by:

Enhancing Public Accountability

- Empowering citizens, journalists, researchers, civil society, and the private sector to interrogate government actions and decisions.

Promoting Transparency

- Establishing disclosure, not secrecy, as the default setting for public administration.

Strengthening Good Governance

- Ensuring citizens have the information required to meaningfully participate in decision-making processes and democratic activities. This rights-based framework places Ghana among countries that have committed to global open-government norms, including proactive disclosure, public participation, and institutional responsiveness.

Five Years of Progress: Building an Access to Information Culture

The implementation of the RTI Act has produced measurable gains across institutions and within the broader governance landscape. These achievements reflect not only compliance efforts by public institutions but also the growing assertiveness of citizens seeking to exercise their right to information.

A Fully Functional Oversight Body

The establishment and operationalization of the Right to Information Commission (RTIC) represent one of the Act's most significant milestones. As an independent oversight body, the Commission:

- Reviews appeals from dissatisfied applicants,
- Monitors compliance across public institutions, and issues binding determinations and administrative penalties.

This mechanism ensures that the right to information is enforceable, not just symbolic.

Rising Public Demand for Transparency

Public utilization of the Act has increased greatly. Although numbers vary across institutions, there is a clear upward trend in the number of RTI requests submitted. This shows that there has been:

- Public awareness of the Act,
- Growing trust in the Commission's oversight role, and a broader cultural shift toward information-driven advocacy.

Civil society organizations, journalists, and students have increasingly turned to the Act as a tool for investigations, research, and public interest monitoring.

Institutional Structures for Information Management

One of the major visible achievements is the establishment of:

- Information Units within Ministries, Departments, and Agencies (MDAs), and Information Officers stationed to receive, process, and respond to requests.

Enforcement

Enforcement is a vital part of ensuring compliance. The Commission has issued several penalties to institutions, including the Lands Commission and the Scholarship Secretariat, for failing to meet statutory obligations such as response timelines.

A Corruption Watch report (2025) revealed that as of 16th July 2025:

The RTIC had imposed penalties of approximately GHS 5.6 million in 76 determinations involving 64 institutions.

- 23 institutions had paid a combined GHS 3.5 million in penalties.
- 36 institutions still owed the RTIC a combined GHS 2,149,000 in unpaid fines.

These figures exclude interest accumulated on outstanding penalties and fines currently being litigated in court.

Public Education and Capacity Building

Targeted awareness campaigns across regions through media engagements, community sensitization, and institutional training have expanded understanding of the Act. This has improved:

- Institutional capacity to handle requests,
- Public awareness of procedural rights, and
- Recognition of the RTI regime as a key part of democratic governance.

Barriers to Implementation

Despite notable progress, several challenges continue to affect the smooth and effective operationalization of the RTI law. A few are:

Institutional Culture and Attitudinal Barriers

In some institutions, the culture of information secrecy is still prevalent, leading to:

- Hesitation to disclose information,
- Overly defensive attitudes toward public scrutiny.

Changing institutional culture requires long-term commitment, leadership direction, and sustained training.

Digitization of Records

A key challenge undermining timely responses is the slow pace of digitization. Many institutions still rely heavily on paper-based filing systems, which makes it hard for information officers to meet the necessary timelines for requests.

Resource Constraints

Some Information Units lack adequate staffing, logistical support, training opportunities, or modern IT tools.

This limits institutional effectiveness and slows down the progress of the RTI law.

The Way Forward

The RTI Act is more than a law; it is an instrument for building trust, improving service delivery, and strengthening the social contract between citizens and the state. To fully achieve its transformational promise, several steps are crucial:

Accelerate Digitization

The government must prioritize digital records management systems across all sectors to ensure speed, accuracy, and cost-effectiveness in processing requests.

Strengthen Institutional Capacity

Consistent funding, training, and logistical support for Information Units will improve response times and enhance compliance culture.

Deepen Public Awareness

Continued public education, especially in rural communities, will help citizens understand how to properly exercise their rights. Public awareness of the Right to Information Law is quite low, causing the least number of requests coming from rural areas. A 2023 annual report by the RTI Commission showed the regional distribution of applications and requests made by applicants in the regions.

Greater Accra: 647 Applications, 1,540 Requests (Average: 2.38)
Ashanti: 37 Applications, 61 Requests (Average: 1.65)
Volta: 10 Applications, 62 Requests (Average: 6.20)
Eastern: 6 Applications, 12 Requests (Average: 2.00)
Western: 41 Applications, 41 Requests (Average: 1.00)
Bono: 2 Applications, 2 Requests (Average: 1.00)
Central: 6 Applications, 6 Requests (Average: 1.00)
Northern: 2 Applications, 9 Requests (Average: 4.50)
Upper East: 7 Applications, 11 Requests (Average: 1.57)
Upper West: 2 Applications, 5 Requests (Average: 2.50)

Promote Proactive Disclosure

Institutions should publish frequently requested information, budget data, procurement details, and other public-interest documents regularly.

Foster a Culture of Openness

Leaders of public institutions must actively champion transparency as a professional and constitutional obligation.

Conclusion

Five years into its implementation, the Right to Information Act has laid a strong foundation for transparency and accountable governance in Ghana. The progress made so far demonstrates what is possible when rights are backed by robust institutions, public demand, and an enabling legal framework.

To ensure an effective utilization of the law, sustained collaboration is needed between the RTI Commission, public institutions, civil society, the media, and citizens. With increased digitization, strengthened institutional capacity, and a broader culture of openness, the Act has the potential to become one of the most transformative governance tools in Ghana's democratic journey.