



Government of Ghana

**MINERALS COMMISSION
(MINCOM)**

Right to Information Manual

2022

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1. Overview

This Right to Information (RTI) Manual is pursuant to the provisions of the recently passed Act, (Act 989) by Parliament and assented to by the President, Nana Addo Dankwa Akuffo-Addo. The Act gives substance to the constitutional right to information provided under Article 21 (1) (f) of the Constitution, enabling citizens access to official information held by government institutions, and the qualifications and conditions under which the access may be obtained. In accordance with Section 80, the Act applies to information which came into existence before, or which will come into existence after the commencement of the Act.

1.1 Purpose of Manual

To inform/assist the public of the organizational structure, responsibilities/ mandate and activities of the **Minerals Commission (MINCOM)** and provide the types of information and classes of information available at **MINCOM**, including the location and contact details of its information officers and units.

2. Directorates and Departments under Minerals Commission (MINCOM)

This section describes the institution's vision and mission and lists the names of all Directorates and Departments under the institution, including the description of organizational structure, responsibilities, details of activities and classes and types of information accessible at a fee.

VISION

The Minerals Commission would strive to make Ghana the leading destination of mining sector investment in Africa through creating a congenial atmosphere in which all stakeholders work as partners in a safe environment to achieve one common goal: sustainable developing through mining

MISSION

The Commission's primary responsibility is to foster the efficient and effective regulation and management of the utilization of Ghana's minerals resources. This we will accomplish through the development of solidly knowledge-based, self-led organization, which recognizes that mining investment will take place and be sustained only if under Win-Win circumstances

Directorates and Departments under MINERALS COMMISSION (MINCOM)

1. Support Services Division
2. Promotions and Development Division
3. Inspection and Compliance Division
4. Small Scale and Industrial Minerals Directorate
5. Legal Directorate
6. Policy Planning and Mineral Titles Directorate
7. Finance Directorate
8. Human Resources & Administration Directorate)
10. Monitoring and Evaluation Directorate
11. Inspectorate Directorate
12. Communications and IT Department
13. Internal Audit Department

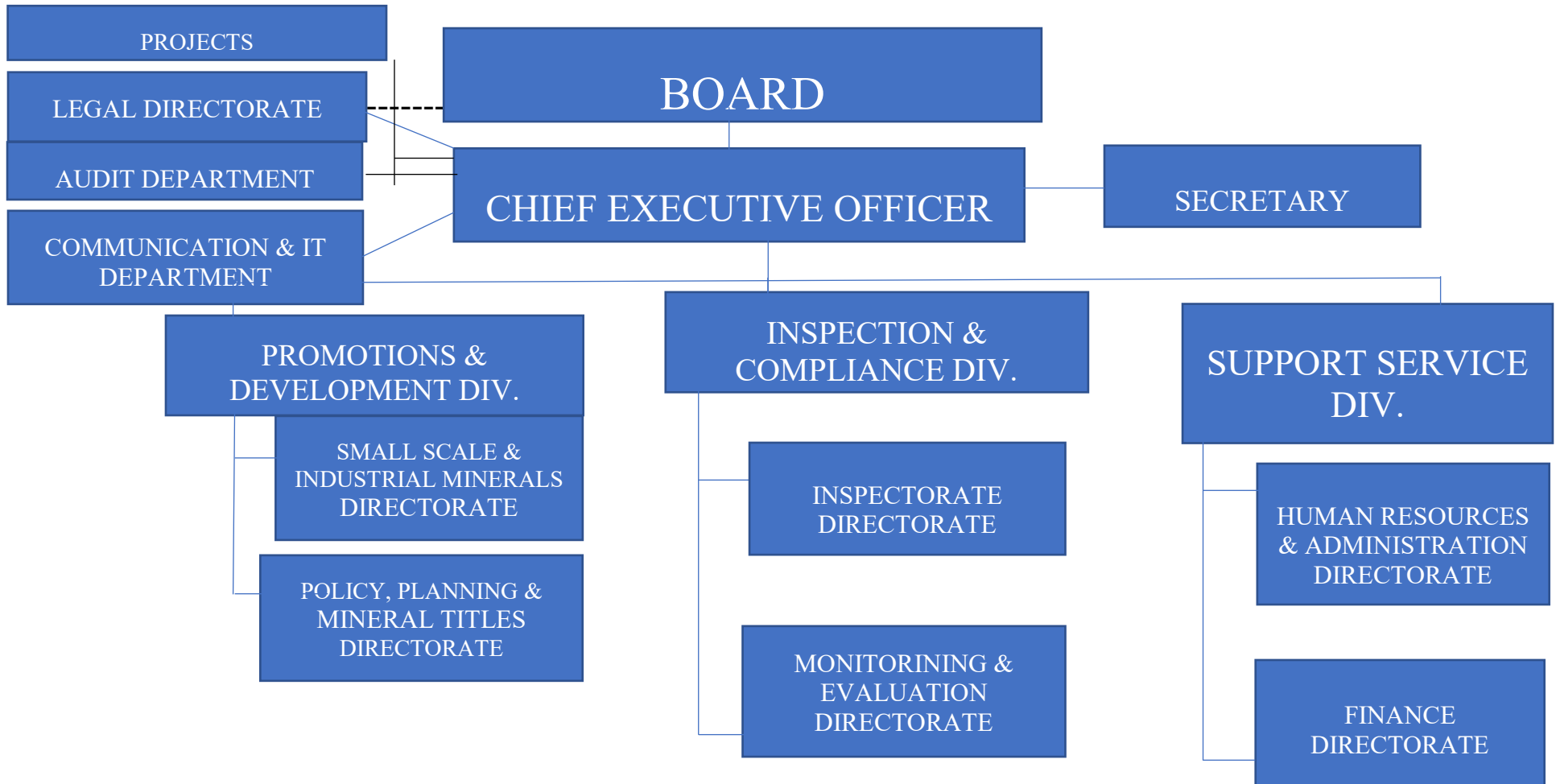
Responsibility/Mandate of the Institution: The Minerals Commission is responsible for the regulation and management of the utilization of the mineral resources of Ghana and the co-ordination of the policies in relation to them.

2.1 Description of Activities of each Directorate and Department

Directorate/Department	Responsibilities/Activities
<p>SUPPORT SERVICES DIVISION (Finance Directorate, Human Resources and Administration Directorate)</p>	<p>Provide leadership in the Coordination and Management of the Finance, Human Resources and Administration of Mineral Commission whilst ensuring Internal Accounting Control, Development and Productivity of the Human Capital of the Commission within the framework of overall institutional policy, strategic objective, and statutory requirements.</p>
<p>PROMOTIONS AND DEVELOPMENT DIVISION (Policy Planning & Mineral Titles Directorate and Small Scale and Industrial Minerals Directorate)</p>	<p>As a Strategic Division, Promotion & Development serves as a Technical hub for Mining Policy Development, Design, Implementation and Management of Mineral Titles and licensing in Ghana working closely with the Mining Companies and relevant institutions, stakeholders and the Ministry.</p>
<p>INSPECTION AND COMPLIANCE DIVISION (Inspectorate and Monitoring & Evaluation Directorates)</p>	<p>Responsible for compliance enforcement of the minerals and mining statutes, standards and regulations in the mining sector through monitoring and evaluation of mining related operations to safeguard the health and safety of mine workforce and the general public against the adverse impacts of the operations and also to ensure judicious exploitation and use of the country's mineral resource</p>
<p>Legal Directorate</p>	<p>Provide Legal Counsel and Secretarial Support to facilitate the work of the Board and ensure adequate protection of the Commission's legal, procurement and contracts management interests within the framework of the Commission's Code and legal standards and ethics.</p>
<p>Communications & IT Department</p>	<p>Responsible for performing Public Relations advisory role of the Commission, including public</p>

	education, stakeholder engagement, image building and enhancement as well as establishing favourable relationship with it's public (s).
Internal Audit Department	Audit all Internal Control / Operational Procedures and Systems and recommend improvements for their greater effectiveness in safeguarding the Commission's Assets, Interests; and ensure Business Continuity within the framework of the Annual Audit Plan.

2.2 Minerals Commission's Organogram



2.3 Classes and Types of information



List of various classes of information in the custody of the institution:

1. Information on Ghana's Minerals and Mining Laws and Regulations
2. Small Scale & Industrial minerals Information
3. Minerals and Mining Policy of Ghana
4. Inspection Reports
5. Monitoring & Evaluation Report
6. Finance, Administration & Human Resource Information
7. Mine health, Safety and Environment information
8. Prospecting and Reconnaissance Information
9. List of large-scale operating mines in Ghana
10. Information on Geology and Mineral Resources of Ghana
11. Annual Performance Reports
12. Gold Deposits of Ghana
13. Manganese, Bauxite and iron Ore Occurrences in Ghana
14. Limestone Occurrences in Ghana
15. Diamonds Deposits in Ghana

Types of Information Accessible at a fee:

1. Legal Search
2. Terminal Reports
3. Feasibility Reports
4. Cartographic Search
5. Mine Statutory Reports

3. Procedure in Applying and Processing Requests

Section 18 of the RTI Act provides specific guidelines for application for access to information kept by a public institution. It is thus important that request for information be made in accordance with provisions under this section. The Information Officer or a designated officer is responsible for dealing with applications made to **the Minerals Commission**. To requests for information under the RTI Act from the **Minerals Commission**, applicants are to follow these basic procedures:

3.1. The Application Process

- a. Application by any person or organization who seeks access to information in the custody of **Minerals Commission** must be made in writing, using the standard RTI Application Form. **(See Appendix A for the Standard RTI Application Form)**. A copy of the form can be downloaded or completed and submitted electronically on the **Minerals Commission's** official website or the Ministry of Information website

- b. In making the request, the following information must be provided:
 - Date of the Application.
 - Name of the applicant or the person on whose behalf an application is being made.
 - Name of the organization represented by the applicant (if any).
 - Available contact details of the applicant or address of the person/organization on whose behalf an application is being made (Telephone Number, Email, Postal Address, Fax).
 - Brief description of information being sought. (Applicant are to specify the class and type of information including cover dates).
 - Payment of relevant fee if applicable.
 - Signature/ thumbprint.

- c. Provision of identification
The applicant must present at least one (1) of the following valid identification cards (IDs) to serve as proof of identity:
 - Driver's License.
 - Passport.
 - National ID.
 - Voter's ID.

- d. The applicant should state the format of information being requested and the mode of transmission. Example (do you need certified true copy, normal photocopy or electronic copies. Would you want to receive it through a postal address, e-mail, courier services, fax etc.?)
- e. Where an applicant cannot write due to illiteracy or a disability, he/she may make the request orally. However, oral request must conform to the following guidelines;
 - The Information Officer must reduce the oral request into writing and give a copy of the written request as recorded for the applicant to authenticate. (s. 18) (3).
 - The Information Officer shall clearly and correctly read and explain the written request to the understanding of the applicant.
 - A witness must endorse the face of the request with the writing; “the request was read to the applicant in the language the applicant understand and the applicant appeared to have understood the content of the request.”
 - The applicant must then make a thumbprint or mark on the request.

3.2 Processing the Application

- Applications would be treated on a priority basis. The Information Officer is responsible for handling requests to ensure that statutory deadlines are met.
- He reviews and identify which part is exempt based on Section 5 to 16 of the RTI Act and determines which of the units in the institution have the records or is responsible for the subject matter of the request.
- Provision is made under section 20 for the transfer of an application within a period of not more than ten days of receipt where the public institution to which the application was initially made is unable to deal with the application. In such situations, applicants would be notified accordingly with the reasons and dates of transfer.
- For information readily available in official publications, the Information Officer shall direct the applicant to the institution having custody of that publication and notify the public institution of the request. (s.21).
- If a requested information is not readily accessible, the estimated time it will take to search for the information would be communicated to the applicant.

3.3 Response to Applicants

- a. The Information Officer is required under section 23 of the RTI Act to notify applicants within fourteen (14) days from the date of receipt. Applicant should however note that the time limit does not apply to applications transferred to another public institution or which has been refused due to failure to pay prescribed deposit or fee. (s.23) (6).

The notice should state:

- Whether or not full access to the requested information will be granted or only a part can be given and the reason.
 - The format and mode of the access.
 - The expected publication or submission day of the information in the case of a deferred access.
 - The prescribed fee (s.24).
- b. The Information Officer can request an extension to the deadline if:
 - Information requested is voluminous.
 - It is necessary to search through a large number of records.
 - The information has to be gathered from more than one source.
 - Consultation with someone outside the institution is required.
 - c. The Information Officer would in such situations notify applicants of an extension as well as the period and reason for the extension. An extension should not be more than seven days.
 - d. In giving applicants access to information, the applicant would be given the opportunity to inspect the information or receive a copy physically or any other form required such as electronic, magnetic, optical or otherwise, including a computer printout, various computer storage devices and web portals.
 - Where access cannot be given in the form specified by the applicant, access can be given in some other form. In such cases, the applicant shall be provided with a reason why access cannot be given in the specified form.

4. Amendment of Personal Record

A person given access to information contained in records of a public institution may apply for an amendment of the information if the information represents the personal records of that person and in the person's opinion, the information is incorrect, misleading, incomplete or out of date.

4.1 How to apply for an Amendment

- a. The application should be in writing indicating;
 - Name and proof of identity.
 - Particulars that will enable the records of the public institution identify the applicant
 - The incorrect, misleading, incomplete or the out-of-date information in the record.
 - Signature of the applicant
- b. For incomplete information claimed or out of date records, the application should be accompanied with the relevant information which the applicant considers necessary to complete the records.
- c. The address to which a notice shall be sent should be indicated.
- d. The application can then be submitted at the office of the public institution

5. Fees and Charges for Access to Information

The Act mandates Parliament in Section 75 to approve a fee that public institutions can charge. However, fees shall apply to only the three circumstances stated below:

- Request for information in a language other than the language in which the information is held. (s.75) (3).
- When request is made for a written transcript of the information, a reasonable transcription cost may be requested by the Information Officer. (s.75) (4).
- Cost of media conversion or reformatting. (s.75) (5).

Under Section 75 (2), fees are not payable for:

- reproduction of personal information
- information in the public interest
- information that should be provided within stipulated time under the Act
- an applicant who is poor or has a disability
- time spent by the information officer in reviewing the information
- time spent by the information officer to examine and ensure the information is not exempt
- preparing the information

Section 76 subjects the retention of charges received by a public institution to the Constitution. Thus a public institution is authorized to retain charges received under the Act to be used only to defray expenses incurred by the public institution in the performance of functions under the Act and be paid into a bank account opened for the purpose with the approval of the Controller and Accountant-General.

6. Appendix A: Standard RTI Request Form

[Reference No.:]

APPLICATION FOR ACCESS TO INFORMATION UNDER THE RIGHT TO INFORMATION ACT, 2019 (ACT 989)



1.	Name of Applicant:	
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2.	Date:			
3.	Public Institution:			
4.	Date of Birth:	DD	MM	YYYY
5.	Type of Applicant:	Individual <input type="checkbox"/>	Organization/Institution	<input type="checkbox"/>
6.	TIN Number			
7.	If Represented, Name of Representative:			
7 (a).	Capacity of Representative:			
8.	Type of Identification:	<input type="checkbox"/> National ID Card	<input type="checkbox"/> Passport	<input type="checkbox"/> Voter's ID
		Driver's <input type="checkbox"/> License		
8 (a).	Id. No.:			
9.	Description of the Information being sought (specify the type and class of information including cover dates. Kindly fill multiple applications for multiple requests):			
10.	Manner of Access:	<input type="checkbox"/> Inspection of Information		
		<input type="checkbox"/> Copy of Information		
		<input type="checkbox"/> Viewing / Listen		

		<input type="checkbox"/> Written Transcript <input type="checkbox"/> Translated (specify language)
10 (a).	Form of Access:	<input type="checkbox"/> Hard copy <input type="checkbox"/> Electronic copy <input type="checkbox"/> Braille
11.	Contact Details:	<input type="checkbox"/> Email Address _____ <input type="checkbox"/> Postal Address _____ <input type="checkbox"/> Tel: _____
12.	Applicant's signature/thumbprint:	
13.	Signature of Witness (where applicable) <i>"This request was read to the applicant in the language the applicant understands and the applicant appeared to have understood the content of the request."</i>	

7. Appendix B: Contact Details of MINCOM's Information Unit

Name of Information/Designated Officer:

FARRIDAH AYESHA MUSAH

Telephone/Mobile number of Information Unit:

0302-771318/7727863

Postal Address of the institution:

P.O.BOX M 248, ACCRA

8. Appendix C: Acronyms

Instructions: Provide a list of acronyms and associated literal translations used within the manual. List the acronyms in alphabetical order using the table below.

Table 1 Acronyms

Acronym	Literal Translation
<i>RTI</i>	<i>Right to Information</i>
<i>MDA</i>	<i>Ministries, Departments and Agencies</i>
<i>s.</i>	<i>section</i>
<i>MMDAs</i>	<i>Metropolitan, Municipal and District Assemblies</i>
<Acronym>	<Literal Translation>
<Acronym>	<Literal Translation>

9. Appendix D: Glossary

This Glossary presents clear and concise definitions for terms used in this manual that may be unfamiliar to readers listed in alphabetical order. Definitions for terms are based on section 84 of the RTI Act.

Table 2 Glossary

Term	Definition
Access	<i>Right to Information</i>
Access to information	<i>Right to obtain information from public institutions</i>
Contact details	<i>Information by which an applicant and an information officer may be contacted</i>
Court	<i>A court of competent jurisdiction</i>
Designated officer	<i>An officer designated for the purposes of the Act who perform similar role as the information officer</i>
Exempt information	<i>Information which falls within any of the exemptions specified in sections 5 to 16 of the Act</i>
Function	<i>Powers and duties</i>
Government	<i>Any authority by which the executive authority of the Republic of Ghana is duly exercised</i>
Information	<i>Information according to the Act includes recorded matter or material regardless of form or medium in the possession or under the control or custody of a public institution whether or not it was created by the public institution, and in the case of a private body, relates to the performance of a public function.</i>
Information officer	<i>The information officer of a public institution or the officer designated to whom an application is made</i>
Public	<i>Used throughout this document to refer to a person who requires and/or has acquired access to information.</i>
Public institution	<i>Includes a private institution or organization that receives public resources or provides a public function</i>
Right to information	<i>The right assigned to access information</i>
Section	<i>Different parts of the RTI Act</i>