

Library Services and the Freedom of Information Act in Nigeria: Challenges and Prospects

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Abstract: *The challenges and the prospects of library services and freedom of information Act in Nigeria was the focus of this paper. Libraries in Nigeria are in precarious positions due to their deplorable physical and technological states. This is seen in libraries having limited current resources; deteriorating of physical infrastructure; low technological base and even library funding. Such situations are not conducive for proper information storage, management and dissemination. In this period of freedom of information Act, there is the need for libraries and librarians in Nigeria to use adequate methods to store and information in order to enable libraries carry out their traditional functions of disseminating information for education, study and public service.*

Keywords : Library Services, Freedom of information, Nigeria, problems, prospects.

1. Introduction

Freedom of Information Act (FOI) is ability of citizens of a country to have free access to information enabled by legislation. Freedom of Information Act (FOI) is not unique to Nigeria. In many countries there have been deliberate efforts to implement Freedom of Information laws. Some of the countries that have adopted various forms of the FOI include (Ojo, 2010): Ghana (Right to Information Bill, 2003); Kenya (Freedom of Information Bill, 2005); Liberia (Freedom of Information Bill, 2008); Malawi (Access to information Bill, 2004); Morocco and Mozambique respectively (Right to Information Bill, 2005); Nigeria (Freedom of Information Bill, 1999); Sierra Leone (Freedom of Information Bill, 2006); Tanzania (Right to Information Bill, 2006); and Zambia (Freedom of Information Bill).

Nigeria's Freedom of Information Act was passed into law on May 28 2011. The law like others of other countries is to enable the public to access certain information from government and institutions with undeterred access. The FOI act aims to make public records and information more freely available, and to protect public records and information in accordance with the public interest and protection of personal privacy. Information as contained in this act includes all records, documents and information stored in whatever form, including written, electronic, visual images, sound, audio recording, etc. This perfectly fits into the traditional roles of libraries.

The traditional roles of libraries include the collection, organization, preservation, and dissemination of intellectual resources. With the explosion of information and the digital information age, the roles of libraries have expanded from collection of printed materials to that of electronic information (Klugkis, 2001). Fabunmi (2009) refers to library as: "an organized collection of items which may be in form of books, journals, videos, CDROM etc. along with the services required to make them available to a given user group or groups. It can also be referred to as a "place" to get information and to get help finding information. The "place" can be physical or virtual or a combination of both."

2. Objectives

The objective of this paper is to propose the capacity of Nigerian libraries within its traditional roles to support

the effectiveness of the FOI Act. Specifically, the study seeks to:

1. Examine the human, material, and electronic resource capacities of libraries to cope with certain provisions of the Freedom of information Act;
2. Examine the prospects of libraries with storing and managing information to keep up with the Freedom of information Act; and
3. Identify challenges faced by libraries in providing unhindered access to information

3. Literature Review

Literature on library services and freedom of information Act (FOI) in Nigeria does not almost exist since the law is relatively new. However, various discussions about the act are discussed by some researchers. Sebina (2005) examined access to information and their enabling legislation and identified that freedom of Information Acts present challenges, prospects and opportunities for records managers. In the opinion of Sebina: "constitutional guarantees of access to information would be fruitless where good quality records are not created, where access to them is difficult, and where procedures are lacking on records disposal." In the same vein, Hazzel, et al (2011) examined the benefits, limitations and difficulty of the Freedom of Information Act brought in by the Blair administration in 2000. Ajulo (2011) pointed out that the Freedom of Information Act in Nigeria faces the challenge of official secrecy. This secrecy is also strengthened by other legislations and acts that tend to hinder the freedom to obtain information when required due to state functions. Coker (2011) averred that the Freedom of Information Act faces enormous challenges in relation to human capital development. Odigwe (2011) examined the FOI Act with its effect on record keeping in public service in Nigeria. Odigwe maintained that FOI better protects the public servant from prosecution especially with regard to dissemination of required information to the public. Ojo (2010) explored the FOI Act as it affects media practitioners. The paper submitted that the FOI has placed a greater responsibility on Journalists especially to access and make public necessary information to the general public.

4. Challenges

The first challenge is that of proper storage of records and information resources of all forms. Iwe (2006) calls it: "Accommodation of resources." Most libraries were built without much provision made initially for information technological devices (Fabunmi, 2009). The FOI Act in section 32 refers to such records as: "all record, documents and information stored in whatever form, including written, electronic, visual images, sound, audio, recording etc." However, libraries in Nigeria face varying degrees of challenges in their ability to provide access to information resources demanded by the FOI due to such issues as: poor funding, power supply, Internet bandwidth, infrastructure, and human capacity (Ani 2005). Chisenga (2000) commenting on the Sothern African experience opines that libraries need to be adequately funded, equipped, and well-staffed in order to effectively carry out the provisions of the FOI act as in Nigeria. This is because collecting and storing relevant, current, balanced and usable resources is an aspect of traditional library services. In Academic and research libraries for instance, library collections are built to meet the specific research and information needs of the institutions' academic and research programs (Oseghale, 2008). Lumande and Ojedokun (2005) and Chiemeké et al, (2007) stressed that library collections is measured by the extent to which they facilitate research activities and students' projects and assignments. Lawrence et al (2001) maintain that for a library to be effective, its collection must match the expressed needs and information expectations of its service community.

Another challenge is that of record keeping. Section 10 of the Act makes it mandatory for every Government or public institution to keep proper records or information about their operations, personnel, activities and other relevant and related information/records in a manner that facilitates public access to such information or record (Odigwe, 2011). One of the unexpected challenges might be the attempts to undermine

the Act through ineffective keeping and storing of records from meetings and discussions occurring more often away from official 'recorded' procedures by institutions like the library.

Another challenge is that of technology. Computerization is a capital intensive project. The implementation of the FOI Act implies that libraries will spend more money on computerization and its associated materials. Such according to Fabunmi (2009) would include but not limited to hardware and software purchase/development, training and retraining of librarians in relevant technological skills in digital storage formats. Similarly, funds would be necessary for translation of certain information content into digital forms which would make servers a great necessity. Ashcroft and Watts (2004) maintained that Nigeria has severe shortage of digital systems librarians who are information and web technology literate to install and manage technology-based information resources. This is heightened by the very unpredictable nature of electricity supply in Nigeria.

The challenge of education of the public and execution of the FOI Act in line with the function of libraries also exists. There is a wide belief, unfortunately encouraged by lawyers, that ordinary people will not be able to understand the FOI like all other laws of the country. Since freedom of information act is essentially legal text, it is unlikely that many ordinary people will read the original texts. Even among mainstream advocates of the FOI Act, very few who are non-lawyers actually read texts of laws or draft laws which will make the provisions of the Act ineffectual if not accessed by the public. The challenge of the library is to understand the provisions of the Act and mount series of enlightenment campaigns to educate the public on their right to information.

Further restrictions are contained in the Evidence Act, the Public Complaints Commission Act, the Statistics Act and the Criminal Code. Students also find themselves barred from reading documents necessary for their research. In the name of official secrets, somebody sits on information that will benefit millions of people. The major challenge we face is how to ensure that ordinary people have a fair knowledge of these laws, the procedures and conditions outlined in them, the remedies available in the event of a denial of access to information, and most importantly, the potential impact of the law on their lives. Most ordinary people, especially in Africa, do not read legal texts.

Furthermore, it is no gainsaying that secrecy and official red-tapism is a major setback to several policies and programs of governments in several quarters. Some of these administrative and bureaucratic bottlenecks are created by unspoken sanctions from higher authorities from doing the right job even enabled by an act such as the FOI. Whatever is deemed not to be in the interest of the ruling political class or administering authority is punished in several ways. Library staff who have the responsibilities of carrying out full library services such as granting the public access to information enabled by the FOI are under pressure to deploy delay tactics to hold back relevant information.

5. Prospects

The prospect of the library's function is almost but not exclusively spelt out in the initial explanatory memorandum of the FOI Act. It states that:

This Act makes public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officers from adverse consequences for disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes.

Libraries face the challenge of information sorting because of classified and non classified information. Granting the public access to certain information earlier termed classified information is crucial to the education of the citizenry and enlightenment of the public. Classified information is material, collected or created by a government, that is subject to limitations on its release to the general public, has restrictions on its handling based on security concerns, and may have penalties for its unauthorized release. Prior to the act,

certain forms of information could be kept as "classified" such that certain records were kept in a manner to prevent the public from having access to it such as the official secrets Act under section 1 subsection 2. By the provision of the FOI Act public institutions like the library are compelled to make available every information in public interest.

For example section 1 of Official Secrets Act,(cap 03, Law of the Federation of Nigeria 2004), makes it an offence for any person to transmit, obtain, reproduce or retain any classified matter. The Official Secrets Act was established in 1962, shortly after independence, and government officials, including staff, swear by the act to keep all government transactions secret. The Official Secrets Act is often blamed for the obscurity in government transactions and ease of corruption in Nigerian government agencies. Section 97 subsection 1 of the criminal code provides: "any person being employed in the public service publishes or communicates any fact which came to his knowledge by virtue of his office and which comes to his possession by virtue of his office and which is his duty to keep secret, except to some person to whom he is bound to publish or communicate it, is guilty of misdemeanor" (Odigwe, 2011).

The FOI Act therefore better protects the library and staff in execution of their function. Section 1 (1, 2, 3): Rights of Access to records states:

- 1) Notwithstanding anything contained in any other Act, law or regulation, the right of any person to access or request information, whether or not contained in any written form, which is in the custody or possession of any public official, agency or institution howsoever described, is established.
- 2) An applicant under this Act needs not demonstrate any specific interest in the information being applied for.
- 3) Any person entitled to the right to information under this Act, shall have the right to institute proceedings in the Court to compel any public institution to comply with the provisions of this Act.

Librarians and information professionals should be involved in all library initiatives. Training should be organized for the librarians and information professionals that will be involved in understanding the provisions and implementation of the FOI Act. This is because it does not run counter to the traditional functions of the library. Libraries should provide unfettered access to all forms of information resources: electronic, web based, locally digitized and open access. To help address the cost of electronic resources and proprietary software, the government of Nigeria should encourage the use of open source software and open access electronic resources. The FOI Act in Section 1 (4) states: "A public institution shall ensure that information referred to in this section is widely disseminated and made readily available to members of the public through various means, including print, electronic and online sources, and at the offices of such public institutions."

Librarians should, by their conduct in utilizing this Law, allay any fears of abuse away from the intent of the law. There is the need to by libraries to allay the fears of the political class that access to Information law does not only stand to benefit the library and her practitioners. An FOI law argued Mistry (2011) can help sow the seeds of governance...and also help in facilitating greater public participation in government decision-making. When citizens are given the legal guarantee to access public information, it helps in strengthening democracy since governments would become directly accountable to the governed. Mistry cited by Sesay(2011) argued further, that electorate become less reliant on political propaganda and rumors since they would have better access to information concerning the records of government, thus, being able to make informed decisions. It helps to promote dialogue between the state and non-state actors. The promotion of democracy and good governance calls for an open and transparent society, through people's participation in the running of a given state. Accessible and understandable information and the means and ability to communicate them are crucial for empowering people to participate in policy making processes and the decisions that affect their lives.

There is a need for libraries to seek for more grants and fund to upgrade or establish the necessary information infrastructures to accommodate structures for the FOI Act. There is the need for libraries in Nigeria to join the information super-highway. The information in digital format is more space-saving and it is easier and cheaper to communicate via telephone over long distances. With the FOI Act emphasis will be on

access rather than ownership of information resources, the cost of both hardware and software, and lack of adequate web technology skilled librarians makes the library critical to make the FOI effective in its service to the public. To meet the public needs as demanded by the FOI Act, digital library systems must be durable, dynamic and defined to areas of use. In Section 2 (1,2) : Information about public institution, the act states: "A public institution shall ensure that it records and keeps information about all its activities, operations and businesses. A public institution shall ensure the proper organization and maintenance of all information in its custody in a manner that facilitates public access to such information".

6. Conclusion

The paper has established that FOI is an expansive but necessary act in the library's role as a center for storing and accessing information. It was also discovered that in Nigeria, Library and Information and Communication Technology (ICT) infrastructure is poorly developed. This needs to be addressed so as to facilitate the smooth implementation of FOI Act by libraries in Nigeria. The provision of library services through enabling laws like the FOI Act enhances access to national information for quality education and research towards national development. Relevant teaching and learning materials of all forms especially those earlier termed classified can now be made available through libraries for ease of access by end users. However, there is the need to have adequate human and infrastructural facilities for sustainable implementation of the provisions of the FOI Act by libraries in the country. There is a need for the government to put in place policies and strategies that will enable the libraries in Nigeria to achieve the objectives of the FOI Act. The government should make effort to provide funds for housing information resources, provide necessary technology training for librarians and develop information infrastructure. When these are done the FOI would increase the level of trust between the government and the governed.

7. Recommendations

1. Libraries in Nigeria should reconsider their architectural and technological design base to effectively deal with the provisions of the FOI Act in storing and granting the public access to every form of information requested in all forms,
2. Government should allocate more funds to the libraries to purchase hardware and software that can accommodate digital information
3. Libraries should see their traditional roles as not in conflict with the provisions of the FOI Act
4. Libraries should train and retrain her staff to understand the relevant provisions of the FOI Act in relation to library services and
5. Libraries should engage in enlightenment campaigns for the public to understand the legal provisions of the FOI Act.

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