Access to Information and Protection of Privacy Act

Fact Sheet One:

History and purpose of the Act

Background:


The Access to Information and Protection of Privacy Act [Chapter 10:27], commonly known as AIPPA, was subsequently signed into law by the President of the Republic of Zimbabwe, Robert Mugabe, on 15 March 2002, after it was passed by Parliament on 31 January 2002.

This was despite the fact that the Bill had received widespread criticism from a wide range of stakeholders, including the Parliamentary Legal Committee (PLC), local, as well as international civil society bodies, media practitioners, lawyers, governments and parliamentarians. In fact, on 29 January 2002, just two days before AIPPA was enacted, the PLC roundly criticised the Bill as unconstitutional (see Parliamentary Debates, 28(46)).

The Chairperson of the Committee, the late Dr Eddison Zvobgo, noted that the Bill was “the most calculated and determined assault on our [constitutional] liberties, in the 20 years I have served as a Cabinet Minister… in that several provisions are obscure, vague, overbroad in scope, ill-conceived and dangerous”. The PLC noted no less than 18 provisions in the original Bill which were in direct violation of the Constitution of Zimbabwe.

Since its enactment, AIPPA has been used ruthlessly to stifle media freedom and other personal freedoms in the country. Its wide-ranging and vaguely written provisions impact negatively not only on the media and on freedom of expression, but also on civil society, labour, business, and private individuals.

Although it can be argued that AIPPA on its own is not repressive, it has to be noted that it does not operate in isolation. Used with other pieces of oppressive legislation, as well as other informal measures, the Act works to further shrink the platform for freedom of expression and political participation available to Zimbabweans, both local and abroad.

Purpose of the Act:
AIPPA was passed ostensibly to regulate access to information held by public bodies such as government departments, statutory bodies and government agencies. The Act was also meant to establish a commission, the Media Information Commission (MIC) to oversee the licensing of mass media organisations, as well as the accreditation (registration) of journalists in the country.

AIPPA purports to grant the right of access to information and privacy to the individual and states in its preamble that it seeks to:

1) grant to the public the right of access to records and information held by public bodies.
2) make public bodies accountable to the public.
3) prevent the unauthorised use, collection, use or disclosure of personal information by public bodies.
4) protect personal privacy.
5) provide for the regulation of the mass media.
6) establish a mass Media Information Commission which will oversee the regulation of the industry.

However, the bulk of the provisions in AIPPA have nothing to do with the facilitation of access to information and the protection of privacy. In fact, the greater part of the Act is dedicated to matters relating to regulating and controlling the media, and imposing a range of harsh restrictions on how media workers and media houses should operate. Closer analysis of AIPPA actually reveals that:

(a) the public is granted extremely limited access to information held by public bodies.
(b) the right to personal privacy is an illusion; and,
(c) mass media organisations in the country will not be regulated but controlled, and that the control will be exercised by the government through the Minister of Information and Publicity and the MIC.

The means of such control include the granting of wide-ranging powers to a Commission which is firmly under government control, and imposes stringent registration/licensing requirements on both individual journalists and media outlets, as well as a number of strict content restrictions on the media.

The Act thus creates a mechanism, through which the collection and dissemination of information in the country is controlled by the government through one person – the Minister of Information, who only has to consult the President of the country before making any decisions.

Ends.