



A REPORT ON
COMPLIANCE WITH THE
ACCESS TO INFORMATION
ACT BY THE PUBLIC
PROCUREMENT AND
DISPOSAL OF ASSETS
AUTHORITY

JUNE 1, 2023

1.0. OVERVIEW AND MANDATE OF THE PPDA

The Public Procurement and Disposal of Assets Authority (PPDA) is an autonomous public sector organization established under the Public Procurement and Disposal of Assets Act (No. 27 of 2017) with a mandate to regulate, monitor and oversee public procurement and disposal of public assets in Malawi. The primary objective of the PPDA is to establish and maintain a robust and efficient procurement system that is in line with international best practices, that promotes transparency, accountability, non- public discrimination, fairness, open competition, anonymity, economy, efficiency and responsiveness to modern information and communications technology.

2.0. ACCESS TO INFORMATION

The Access to Information Act (2017) became operational in 2020. Section 17 of the Act requires information holders like the PPDA to submit annual reports detailing their compliance with the Act. The PPDA is delighted to submit its first report in line with the ATI Act. This Report therefore presents activities and plans developed by the PPDA in compliance with the ATI Act.

2.1. Designation of Information Officers

The PPDA designated the following as Information Officers (see attached letter submitted to the Minister of Information) -

- (a) Jonathan Kantayeni, Director of Regulatory, Review, Monitoring and Compliance;
- (b) Kate Kujaliwa, Public Relations, and Communications Manager; and
- (c) Enock Mangame, Chief Information and Communication Technology Officer.

3.0. ATI ACTIVITIES CONDUCTED DURING THE 2022/23 FINANCIAL YEAR

3.1. Orientation of Management on ATI Act

Some members of Staff that are part of the Management of the PPDA were orientated on the ATI Act. This was an initial orientation of PPDA Staff since operationalization of the Act. The training took place at the Lilongwe Hotel on 30 May 2023 and was facilitated by Chance Kalolokesya and Nancy Chiume from the Malawi Human Rights Commission (MHRC).

The major issues covered include -

- (a) the Overview of the ATI Act;
- (b) the role of Information Holders;
- (c) proactive disclosure of information-by-Information Holders;
- (d) appointment or designating of Information officers; and

(e) processing information requests.

3.2. Proactive Disclosure of Information

The PPDA during the 2022/23 Financial Year undertook the following activities in proactively disclosing information in its custody -

a. Website and Social Media platforms Operationalized

The PPDA website is active and provides information seekers with comprehensive information about the PPDA including location and contact details, ATI user guide, and reports. The PPDA website is www.ppda.mw

b. Development and Circulation of Content

The PPDA develops multimedia content and circulate on different digital platforms. This includes up to date information about the operations, programs and activities implemented by the PPDA.

c. Development of Quarterly and Annual Reports

To ensure transparency and accountability the PPDA shares quarterly reports with its policy holder, and key stakeholders. Specifically, the Quarterly and Annual reports serve as a monitoring tool for the publics to assess the PPDA's performance line with its mandate, Strategic Plan and Annual Work Plans and Budgets. During the reporting period, the PPDA finalized the 2021/22 Annual report which has now been published.

d. Development And Circulation of Quarterly Newsletters

To keep stakeholders engaged and well informed, the PPDA shares quarterly highlights through its 'Procurement Digest' quarterly newsletter. This is a new initiative taken by the PPDA to ensure stakeholders follow activities of the PPDA. In the reporting year, the PPDA published the Procurement Digest for the period January to March 2023.

e. Circulation Of Media Release on Emerging Issues

From time to time, the PPDA issues media releases to tackle emerging issues on emerging public procurement matters of public interest through the media. The issues include debarment of suppliers, new business processes and clarifications on some issues. In the reporting period, the PPDA issued press releases on emerging issues.

f. Stakeholder Engagement and Interface Meetings

The PPDA held stakeholder engagement and interface meetings for fostering collaboration for effective implementation of programs. This includes meetings with members of the media, Parliament, Ministries, Departments and Agencies, suppliers, and the corporate world. In the reporting period, the PPDA appeared before Parliament four times to respond to emerging issues as follows –

- (i) **Parliamentary Committee on Industry, Trade and Tourism, and Public Private Partnership Commission** – to present on the efficiency of the private sector in the implementation of the Memorandum of Understanding between Malawi and South Sudan.
- (ii) **Public Appointments Committee** – to give a status of compliance with the requirement of PPDA Board Members and staff with the declaration of assets;
- (iii) **Parliamentary Committee on Budget and Finance** – to discuss challenges in procurement by MDAs;
- (iv) **Government Assurances and Public Sector Reforms Committee** – to make presentation on the regulatory reforms related to development and enforcement of Public Procurement Regulations and Disposal Regulations;
- (v) **Public Appointments Committee** – to respond to issues related to the procurement of AIP fertilizer by SFFRM from Nitron Group;
- (vi) **Public Accounts Committee** – to respond to an audit query on the recruitment of the Internal Audit and a Risk Manager;
- (vii) **Joint Parliamentary Committee** – to give evidence relating to misprocurements and mismanagement of public resources;
- (viii) **Public Appointments Committee** – to make a presentation of the compliance of PPDA Board Members and Staff on the requirement of declaration of assets; and
- (ix) **Parliamentary Committee on Commissions, Statutory Authorities and Appointments** – to make a presentation on the performance of the Authority for the 2022/23 Financial Year.

g. ATI user guide uploaded on PPDA Website.

In compliance with the Act, the ATI user guide was uploaded on the website to allow stakeholders who visit the website an opportunity to access the guide.

4.0. PROCESSING REQUESTS OF INFORMATION

The Authority continued to process requests for information, especially from the Media. There was one formal request for access to information that was submitted during the reporting period, however, the request was not compliant with the requirements of the Access to Information Regulations 2020. As such, Management advised the information seeker to comply with the ATI Act.

4.1. Internal procedures for accessing information

The Authority has internal procedures for processing and accessing information of the Authority. There is a Communication Policy in place and in the reporting period, a Communications Strategy was developed which is planned for approval during the second Quarter of the 2023/24 Financial Year.

4.2. Media Requests for Information

The Authority processed and granted 37 requests for information to members of the media. Mostly, the requests bordered on emerging issues in public procurement. The table attached indicates the Media requests processed by the Authority.

5.0. PLANS FOR THE 2023/24 Financial Year

5.1 Development of Information Manuals.

The PPDA is going to develop Information Manuals clearly explaining its mandate, functions, details of Information officers and the information within its custody in compliance with section 16 of the ATI Act. The information manuals will be published as required by the ATI Act.

5.2. Create Budget Line for ATI in the 2023/24 PPDA Budget

The PPDA commits to continue to allocate funding for ATI activities. There is currently no set budget line for ATI. As such, the PPDA will during the mid – year review of the Budget, set a specific Budget line for ATI activities.

5.3. Training of all PPDA Staff in ATI

All members of Staff are going to be trained in the ATI Act during the 2023/24 Financial Year. This will be done in phases.

5.4. Update Record Management System

The PPDA is going to update its record management system, specifically for ATI requests, to ensure that records are in line with the provisions of the Act.

6.0. CONCLUSION

The PPDA has to a great extent complied with the requirements of the Access to Information Act during the 2022/23 Financial Year. The PPDA is going to ensure that all the requisite compliance processes are put in place starting from the 2023/24 Financial Year until it is fully compliant with the ATI Act.