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Assessment of the Implementation of Nigeria's Freedom of Information Act 2011 and Its Effectiveness in Katsina State

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Abstract:

The freedom of the press is an essential ingredient for democracy; the law governing the press in democratic countries are those which only seek to protect the fundamental rights of individuals and ensure the maintenance of peace and order. The objectives of the study were to review provisions of the freedom of information Act and to find out whether journalists in Katsina State use the Act. The study is situated within the theoretical framework of Libertarian Theory. Document analysis was used as the study method. The three criteria for accessing the quality of the evidence available from documentary sources as were authenticity, credibility and representativeness. Based on the document analysis, access sections give an insight that the freedom of information Act 2011 is under-utilized by journalists in Katsina State. The documentary analysis reveals that only sections 1(b) and 3 provides freedom to access public information, 10 sections are meant to deny the public information. The study discovered that ignorance among some journalist and managers of public documents are also affecting the workability of the act in Katsina State. The documentary analysis revealed that the act only provides access in 2 sections while about 10 sections and some clauses are meant to deny access to public information, the finding equally suggests that ignorance among some journalists and managers of public documents are factors affecting the workability of the act of Katsina State.

Keywords:

Assessment, Effectiveness, Freedom, Implementation, and Information

I. Introduction

The freedom of the press is an essential ingredient for democracy; the law governing the press in democratic countries are those which only seek to protect the fundamental rights of individuals and ensure the maintenance of peace and order. There is hardly any country in the world where there is no press law, though in most developing countries, the press does not enjoy a high degree of freedom. This is due to the fact that, the ruling elites are always passing obnoxious laws which seek to protect the selfish interest of those in power (Momoh, 2002). Katsina state journalists are passing through hardship, arrest and denial in the course of discharging their constitutional responsibility. However, press laws are legislations made by government in power at the federal, state and local government levels to control or regulate the activities of the press in their countries (Msughter & Pate, 2021). The Nigerian press after much struggle succeeded in having the Freedom of Information Act, the major problems this research tries to examine are: journalists' awareness of the Act, whether journalists in Katsina state make use of the Act, bureaucracy by managers who are custodians of public information as a result of long time tradition of secrecy, implementation of the access freedom granted by the Act, and enlightening the journalists, civil societies and the general public on their rights to request for public formation.

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In Katsina state, the clamour for freedom of information Act by journalists and civil societies heightened at the beginning of democratic governance in 1999. Journalists in Katsina state were molested and denied freedom to carry out their constitutional duty. The government of Katsina State, North-western Nigeria, in August 2011 carried out the recruitment of teachers through its board; the Katsina State Teachers' Service board. The exercise was suspended after a wide allegation of malpractice involving top officers of the Board. Some Journalists like Hussein Audu of Companion FM, Mustapha Inuwa of KTTV and a reporter from the Nation Newspaper approached the Chairman of the Board with an application signed by all demanding a document from the state government communicating the suspension the exercise. The chairman declined after several efforts by these journalists with the excuse of not getting the directive from the commissioner for education.

Another case was that of Mr. Jubril Mahmud a correspondent with the Katsina state Radio, who was frustrated in the process of gathering an investigative report on an alleged registration of under aged voters in Dutsinma local government area of Katsina state during the 2011/2012 voters registration exercise. Mr. Jubril wrote demanding for a copy of the INEC's voters' register, but the Dutsinma resident electoral officer Mallam Ashiru Dan Baba declined and the case died a natural death. With the full implementation of the freedom of information Act which provides access to public information, journalists in Katsina state should be able to overcome unjust treatment and denial to public information.

Objectives of the Study

1. Review provisions of the freedom of information Act.
2. Find out whether journalists in Katsina State use the Act.

II. Review of Literature

2.1 Theoretical Underpinning

Among the dominant theoretical perspectives, efforts have been concentrated on situating this study in the perspectives of the Libertarian Theory. The Libertarian theory (free press theory) succinctly, is hinged on Milton's idea of free market place of ideas, where truth and falsehood contend; presuming that truth will ultimately triumph if all was guaranteed free expression and access to information. The role of the press in this model is to serve as check on the excesses of the government. The social responsibility theory accepts the basic principles of Libertarianism, that the press should be free to seek truth. However, it sees the media as powerful and important to modern society.

Libertarian philosophy guaranty freedom of media organisations and journalists as well as the general public in the task of seeking the truth to inform and educate the public, this theory takes the philosophical view that man is rational and able to discern between truth and falsehood; therefore, can choose between a better and worse alternative having been exposed to a press operating as a 'free market place' of ideas and information (Anaeto, et al., 2008, p.56). Rooted in this theory is the believe held by Thomas Jefferson, the third president of USA, that, if man exercised reason, the majority, as a group would make sound decisions, even if individual citizen might not "where it left to me to me to decide whether we should have government without newspaper or newspapers without government, I should not hesitate to choose the latter. But I should mean that every man should receive those papers and they are capable of reading them".

The press under the Libertarian theory is free to publish anything, anyhow and anywhere. This however does not mean that there is no law for the press, the laws of sedition, slander and

libel still apply to them. This theory helps the people keep an eye on the government, thus making corruption and abuse of office minimal (Oreoluwa et al., 2024).

The Libertarian theory according to Daramola (2003) has the following strength: Freedom of press will give more freedom to media to reveal the real thing happening in the society without any censorship or any authority blockades. It is reliable with U.S media traditions. It gives more values for individuals to express their thoughts in media. Theory excessively positive about media's willing to meet responsibilities which may lead people into negative aspects. It is too positive about individual ethics and rationality. Ignores need for reasonable control of media. Ignores dilemmas posed by conflicting freedoms. Anaeto, et al. (2008, p.56) notes that, 'The theory advocates that the press be seen as partner with government in search of truth, rather than a tool in the hand of the government.

III. Research Methods

Document analysis is a research tool on its own right in social science research, and it is very important in social science research. Documentary work also involves reading a written document and scanning through it and making a qualitative analysis (Heffernan 2001). This is because, the key issues surrounding types of documents and our ability to use them as reliable sources of evidence on the social world must be considered by all who use documents in their research (Scott, 2006). According to Tuckman (1972), documentary research involves the use of texts and documents as source materials, government publications, newspapers, certificates, census publications, novels, film and video, paintings, personal photographs, diaries and innumerable other written, visual and pictorial source in paper, electronic or other hard copy form.

There are three criteria for accessing the quality of the evidence available from documentary sources as follows:

Authenticity: this is to access whether a document is free from obvious errors or is consistent in its representation.

Credibility: this refers to the extent to which the evidence is undistorted and sincere, free from error and evasion. Are the people who record the information reliable in their translations of information that they receive? How accurate where their observations and records? To achieve this, according to Kvale (1996), researchers may employ other sources and question the political sympathies of the authors.

Representativeness: this indicates the issue of whether a document is typically depends on the aim of the research. If the researchers are concerned with drawing conclusions which are intended to argue that there is a 'typical document' or 'typical method' of representing topic in which they are interested, then this is an important consideration in order to demonstrate how one interpretation of an event predominates to the exclusion of others. In the context of this research, the documentary analysis was adopted to suit the aim of the study, which is to review the Nigeria freedom of information Act, and investigate its usage among journalists in Katsina state.

3.1 Overview of Freedom of Information Act in Nigeria

With the military system of government becoming unpopular throughout the world and democracy becoming the order of the day, there has been increasing acceptance of the importance of human rights and in particular of freedom of expression. For a country like Nigeria that had witnessed decades of military rule where press freedom was restricted, it came

as a relief when the Freedom of Information Bill was signed into law. Virtually all government information in Nigeria is classified as top secret. Longe Ayode of Media Rights Agenda (MRA), a Lagos-based Non-Governmental Organisation (NGO), says this veil of secrecy makes it difficult to get information from any state agency (Ayode, 2011; Vitalis et al., 2025). Plethora of laws prevents civil servants from divulging official facts and figures, notably the Official Secrets Act which makes it an offence not only for civil servants to give out government information but also for anyone to receive or reproduce such information. Further restrictions are contained in the Evidence Act, the Public Complaints Commission Act, the Statistics Act and the Criminal Code amongst others.

Adeleke (2011), says the idea behind these laws is to protect vital government information, but the level of secrecy is so ridiculous that some classified government files contain ordinary information like newspaper cuttings which are already in the public domain, So, impenetrable is the veil of secrecy that government departments withhold information from each other under the guise of official secrets legislation (Yar'Adua et al., 2023; Saint et al., 2025). There are also instances where civil servants refuse to give the National Assembly documentation after being asked to do so. The result of this is that journalists are denied access to information that is critical for accurate reporting, and unraveling the web of corruption in Nigeria. These issues motivated Edetaen Ojo along with other relevant NGOs to initiate the bill that has become Freedom of information Act.

Historically, the Freedom of Information Bill in Nigeria could be traced back to 1993 during the regime of General Sani Abacha in which transparent government was not the order of the day (Aondover et al., 2025). Edetaen Ojo, head Media Rights Agenda (MRA), a young organization for the defence of free expression rights, Civil Liberties Organization (CLO), and the Nigerian Union of Journalists (NUJ) Lagos branch spearheaded the drafting of Freedom of Information Bill (FIB). The draft went through several reviews before it was presented to Former President Olusegun Obasanjo in early June 1999, with the hope that the FIB would be forwarded to the National Assembly as an executive measure. He declined, advising MRA instead to do so if they wished. The bill was then submitted to the National Assembly in 1999, as advised by Olusegun Obansojo but the legislature's four-year term passed without the bill being voted on.

The bill was re-submitted after the present National Assembly was inaugurated a few years ago, it scaled through both the lower and upper chamber of the National Assembly and the harmonized version was passed by both Chambers on May 26, 2011. It was conveyed to Goodluck Jonathan on May 27, and he signed it on May 28, 2011. So far only two states in Nigeria (namely Ekiti and Lagos States) have adopted the Freedom of Information Acts at State level but they have extended the response date at State level from 7 days to 14 days (Ogbuokiri 2011).

Prior to signing this bill to law, access to information especially of Hybrid Public Authorities was no go areas for the journalists. People view some information as being sacred with the belief that it was not meant for public consumption.

Journalists or media houses that have at one point in time exercise their rights on issues bordering on "sacred information" have dearly paid for it. There have been cases of assault on journalists, arbitrary detention and mass confiscation of newspapers (Aondover et al., 2022). It is hoped that adequate and correct information will start to be made public with the passage of FIB. The newly enacted Freedom of Information Act according to Ene (2012):

a. Guarantees the right of access to information held by public institutions, irrespective of the form in which it is kept and is applicable to private institutions where they utilize public funds, perform public functions or provide public services.
b. Requires all institutions to proactively disclose basic information about their structure and processes and mandates them to build the capacity of their staff to effectively implement and comply with the provisions of the Act
c. Provides protection for whistle blowers.
d. Makes adequate provision for the information needs of illiterate and disabled applicants.
e. Recognizes a range of legitimate exemptions and limitations to the public's right to know, but it makes these exemptions subject to a public interest test that, in deserving cases, may override such exemptions.
f. Creates reporting obligations on compliance with the law for all institutions affected by it. These reports are to be provided annually to the Federal Attorney General's office, which will in turn make them available to both the National Assembly and the public. Requires the Federal Attorney-General to oversee the effective implementation of the Act and report on execution of this duty to Parliament annually.

With the new law, Ene further remarks that "Nigerians finally have vital tools to uncover facts, fight corruption and hold officials and institutions accountable" (Enonche, 2012). The new law will profoundly change how government works in Nigeria.

3.2 Enforcement of the freedom of information ACT 2011

Generally, the FOI Act provides that any applicant who is aggrieved with the public institution's compliance with the Act or handling of his request can approach the court to compel compliance or for judicial review (FOIA, Sect. 1(2). The question that readily comes to mind here is that where an applicant's request for information is denied or refused (partly or wholly) what happens? The applicant can apply to the court for a review of the denial/refusal within 30 days after refusal/denial (FOIA, section 20). The court may extend the time beyond 30 days or make it lesser than 30 days, while it also has the discretion to conduct the matter summarily (FOIA, sect. 21). The court is empowered by the Act notwithstanding the provision of any law or regulation to examine any information in the custody of the public institution applicable under the Act, however the court is enjoined to be precautious in handling such information in its proceedings It is important to note that the Act in section (29) provides for instances where the court may order disclosure as Follows:

If the court determines that the institution is not authorized to deny the application for information; or(ii) Where the institution is so authorized, but the court nevertheless determines that the institution did not have reasonable ground on which to deny the application;(iii) Where the court makes a finding that the interest of the public in having the record being made available is greater and more vital than the interest being served if the application is denied, in whatever circumstance.

The court could make its order conditional as it deems fit and appropriate in a given circumstance. Procedurally, the public institution must bear the burden of establishing that it has a right to deny the information in an application for judicial review or 44 Section 27 (2) and (3) (Akinlawon, 2011). 45 Sections 1(2), 2(6), 7(1), 8, 10, 20, 21 and 25 among others. 46 Section 20\ 47 Sections 21, 48 Sections 22 and 23 49 Section 25 refusal of an application. In essence, the public institution has the burden or onus of proof under the Act.

3.3 Limitations to the effectiveness of freedom of information ACT

There are some factors which limit the application and effectiveness of the FOI Act, some of the key factors are under listed. (a) Illiteracy: Vast majority of the populace for whom benefits the Act was enacted are either uneducated or ignorant of its existence. (b) Poverty: The need to make ends meet by most Nigerians, have override their interest in governance, while they consider the resort to the FOI Act for accountability from public institution as time-wasting and unnecessary venture. (c) Lacuna and defects noticeable in the Act (Hile et al., 2023). The National Orientation Agency at a workshop emphasized on why Nigerians must take advantage of the FOI Act, to make input into good governance and accountability in the country, since the Act is meant to ensure that there is public participation in governance, the business of government is open to public scrutiny, laid down procedures in the conduct of public affairs are adhered to, transparency and accountability in governance are institutionalized, corruption is stemmed and scare resources are judiciously deployed for the well-being of citizens (Amoboye, 2013 p.18; Yar'Adua et al., 2023). The National Orientation Agency (NOA) gave five major objectives in publicizing the Act, namely:

a. To improve citizens' awareness and understanding of the provisions of the Act;
b. To seek information from public institutions at the Local Government level;
c. To stimulate proactive disclosure by public institutions as required by the Act;
d. To ensure that public institutions provide access to information applied for under the Act and;
e. To ensure that the NOA spearheads the public sensitization of the Act.

However, what appears to be the major set-back and casts-shadow on the FOI Act is the jurisdictional challenges obstructing its wheel of progress. The Act remains unenforceable in most of the federating states on the ground that it is yet to be enacted as state laws. It is equally important to reiterate the unwholesome attitude of public officials who notwithstanding the passing into law the FOI Act still reluctant to supply the requested information. The public institutions sometimes appeal against the court decisions compelling them to make available the requested information to the applicants. For instance, the Economic and Financial Crimes Commission (EFCC) recently appealed the decision of a Federal High Court ordering the release of detailed information on the seized properties from the former Managing Director of Oceanic Bank (Nig.) Plc. to one Mr. Boniface Okezie (President of the Progressive Shareholders Association of Nigeria). The above underscore the position that the attitude of the public officials is still negative to the holistic approach of the FOI Act to information dissemination, probity and accountability in governance in Nigeria.

3.4 Challenges of Freedom of Information Act in Nigeria

In discussing the Act and its challenges, several questions need to be addressed including the following:

Should the public know everything? If the answer to the above question is no, what are the exceptions? Are there other laws or regulations in place which prevent public institutions to disclose details of their activities, operations and businesses?

There are always limitations as to what can be accessed in the operation of Freedom of Information, even in developed countries where Freedom of Information Act has been in practice for long. This type of information must have been taken care of in the Bill and they are always in few cases. In Nigeria, the case is different as the Freedom of Information Act, according to Ogbuokiri (2011), contains more exemption sections and clauses than sections that grant access to information. This means that some mischievous public officers can use these

sections for unjust and mischievous purposes. For instance, Ogbuokiri added that only Sections 1 and 3 grant access to information; but as many as ten sections (Sections 7, 11, 12, 14, 15, 16, 17, 18, 19 and 26) are meant to deny the public access to information (Maikaba & Msughter, 2019).

However, the omnibus proviso against denial of information that says "where the interest of the public would be better served by having such record being made available, this exemption to disclosure shall not apply" is commendable, with the expectation that the Judiciary would interpret the proviso liberally for the public good. Another fundamental issue that will affect The Freedom of Information Act is the Act in some laws that are still fully operational in Nigeria. For example, we have the Official Secrets Act, Evidence Act, the Public Complaints Commission Act, the Statistics Act and the Criminal Code; all aimed at suppressing the free flow of information (Mojaye & Aondover, 2022). All these laws may affect the effectiveness of the Act in the long run as some mischievous public officers can use these aspects of the Acts for their selfish purposes just like what happened in the United Kingdom Parliament in 2009.

Members of the UK Parliament (MPs) had misused the permitted allowances and also claimed some unlawful expenses; members now bank on Freedom of Information Legislation to prevent disclosure of the atrocity. Though the Freedom of Information Legislation was eventually negated (because of some sections in their Freedom of Information status that nullified the freedom of Information Legislation) and the issue subsequently published by The Telegraph Group in 2009, it would have been a different thing if it was in Nigeria (Aondover et al., 2022). There are other challenges of complying with the FIA. Some of these include poor culture of record keeping/maintenance and retrieval, capacity challenge in many public institutions, frustrating and time-consuming bureaucracy in public service as well as widespread corruption and the high level of ignorance among the work force in the public sector.

3.5 Success of FOA in Other Countries

Let us look at few other countries that have enacted the law, so we can see how good the law is and also how officials resist or can resist its implementation. Let us look at India, Israel, the United States of America, and South Africa etc. India is the closest example to us because our chapter 2 of the 1999 constitution was borrowed from there. That chapter of the constitution defines the duties which those in public offices must perform. Israel is an example of a situation where the freedom of information law is an albatross, and United States of America set the ball rolling.

In India the FOIB was introduced to the Indian parliament in July, 2000 known as the Right to information Act, it came into effect on October 12, 2005. The RTI Act laid down a procedure to guarantee this right. Under this law all government bodies funded agencies have to designate a public information officer (PIO). The PIO's responsibility is to ensure that information requested is disclosed to the petitioner within 30 days or within 48 hours in case of information concerning the life and liberty of a person. The law itself has been hailed as landmark in India's drive towards more openness and accountability. However, the RTI India has certain weaknesses that hamper implementation.

In Israel, the freedom of information law, supported by the freedom of information regulations, controls freedom of information. It defines the bodies subject to the legislation by a set of listed categories. However, this list does not seem to have been made publicly available, if indeed it was which limits the potential for use by public.

United States grant and enjoy more freedom to information than any country in the world. The Act was signed in to law by President Lyndon B. Johnson on July 4, 1966, and went into effect the following year. The demand for freedom of information bill as we have seen is necessitated by the people wanting to know how they are governed. How they are governed includes how well the duties government should perform are undertaken by those given the mandate to do so (Momoh 2010, p. 89).

Under South African legislation, all public bodies must make what is called a 'Section 32' report to the national Human Rights Commission (SAHRC), detailing the number of requests received, the number granted in full, the number granted under Section 46 (mandatory disclosure in the public interest), the number of partially and fully refused requests, and some other statistics. The SAHRC then tabulates this data and includes it in its annual report to Parliament. The public bodies are grouped as national public bodies, provincial departments, local government and 'Chapter 9' institutions (the various commissions on human rights, gender, and so forth).

The SAHRC itself was subjected to scathing criticism in a published report by a parliamentary sub-committee chaired by Kader Asmal in mid-2007. The report comments that it is 'unclear whether the Commission has fully grasped the nature of its legal obligation', describes the appointment of commissioners as a 'shambles' and, with regard to freedom of information rights, recommends the appointment of a special Information Commissioner within the organisation.103 The report calls attention to the 'urgent need for the Commission to pay particular attention to its functions and obligations in terms of the Promotion of Access to Information Act'

3.6 Challenges Faced in Other Countries

In India, there have been questions on the lack of speedy appeal to non-compliance to requests. The lack of central PIO makes it difficult to pin-point the correct PIO to approach for request. The PIO, being an officer of the relevant government institution, may have a vested interest in not disclosing damaging information on activities of his/her institution, this therefore, creates a conflict of interest (Momoh 2010, p.86).

In Israel, freedom of information law has actually achieved the opposite intended result. (Momoh 2010: 87). Government agencies now take the position that a citizen may only request information Via FOIL, i.e. an official letter designated as such and including the (approx.) $ 22 fee. Thus, an Israeli citizen in many cases cannot simply write a letter asking a question, and can be asked to file a FOIL application with a fee and wait the minimum statutory 30 days for a reply, which the agency can easily extend to 60 days. In many cases FOIL letters are simply ignored, or some laconic response is sent stating the request is either unclear, unspecific, too vague, or some other legalese, anything in order to keep the information away from the public (Momoh 2010, p.88) when the 60 days are up, the anticipated result usually yields nothing significant and the applicant must petition the district court to compel disclosure, a procedure that requires attorneys to draft pleadings and a payment of (approx) $ 420 court fee. A judgment in such FOIL appeals in Israel can take years, and again the agency can easily avoid disclosure by simply not complying.

The problem in the South African case has been first that the law was widely ignored, and second that even if enforced, still permitted key exemptions, including the documents of 'offices of record', the records of the Bantustans, intelligence and military records, and some others. The perpetrators of human rights violations throughout the apartheid period had every

motive to take advantage of all possible legal loopholes, as well as extra-legal methods, in covering their tracks. This combination of legislated exemptions, ignorance, malice and incompetence was in the end fatal to the integrity of South Africa's documented historical record, despite the fact that the country boasted highly qualified, committed and reflective professional archivists. By the time Mandela was released and the African National Congress (ANC) and other banned political organisations were legalised in February 1990, it had become clear that a new 'human rights' approach to the political system as a whole was likely.

One of the earliest indications that the ANC was committed to legislate for freedom of information appeared in October 1991, ironically in a report complaining that the ANC had covered up a poisoning: Albie Sachs is now engaged in composing an entrenched provision for the constitution on the lines of the [US] Freedom of Information Act, protecting the right of the public to have full knowledge of matters which fall within the public interest. In August 1993 newspaper stories began to appear reporting that government departments had been instructed – yet again – to destroy large quantities of classified information. The written order, itself a classified document, mandated the destruction of 'everything that did not have immediate value for administrative purposes'. But the ANC-led and democratically-elected government that took power in South Africa in 1994 was committed to a constitutional regime, with a bill of rights embedded in the constitution and a programme of enabling legislation to follow.

In countries where an [Access to Information] law was passed without any civil society involvement or impulse, the law has tended to fail, atrophying for lack of usage and legitimacy (Msughter et al., 2022). The wider the call for a law, the more likely it is that a critical mass on the 'demand' side will be built and sustained activists are increasingly recognizing an important paradigm shift in the collective understanding of the conceptual community value of the right to know. The apparent failure of the MISA initiative in Mozambique is an interesting example of the potential weakness of freedom of information initiatives led by 'conventional doctrinalists'.

There was no preparatory evaluation of potential obstacles to freedom of information behaviours and practices. There was no effective lobbying of parliamentarians to muster support for the draft law before it was entered into the Assembleia da Republican. Last, it was a strategic error for MISA-Mozambique to sponsor the draft law, since the organisation is merely the local chapter of a Southern African regional body with strong international links, and the initiative appeared to be a foreign one. To what extent these kinds of mistakes have been committed by freedom of information activists in other national contexts remains a largely unexplored area of research?

Certainly, it appears that a collective grasp of what the access to information right really means is not deeply rooted in a Mozambique that is polarised along party lines and in which political power remains highly centralised. For example, local archivists have raised the question of the sustainability of an access right based on democratic values in the context of Mozambican material conditions. They have muddied the waters rather than bringing clarity to the issue. For example, Leonor Celeste Silva places the cart before the horse, seeming to believe that a generalised social 'right to information' exists, under which access to archival registries would fall as a subordinate category: Assuming that the right to information, under which falls access to archival documentation, gained status with the emergence of constitutional government based on popular sovereignty, it is appropriate that the values and concepts, with which one must seek to sustain it, should be examined.

The idea that the material conditions for successful implementation of freedom of information legislation may not exist in Mozambique was strongly argued in the Shenga and Mattes study. Relying heavily on survey data, the authors reported that one fifth of Mozambican respondents agreed that the state should have the power to close down newspapers and media outlets that publish 'false information'. Although this was hardly an indication of strong support for the idea that citizens may legitimately challenge government meta-narratives, or for the access right, the method itself is open to the criticism that respondents may be quite adept at avoiding what they consider to be politically delicate issues.

IV. Results and Discussion

4.1 Document Analysis

All over the world, governments regulate various fields of human endeavour. Thus, banking, education, healthcare delivery, hotels, etc., are regulated. The mass media is equally regulated. However, because of the peculiar nature of the mass media as vehicles for free expression, which is a fundamental human right, autocratic government tries to regulate the media only to the extent consistent with the expectations of its selfish interest. Thus, over-regulation of the media which stifle free expression brought the underground press and even rebellion. Malemi (1999) identifies four regulatory mechanisms of the mass media to include; constitutional provisions, status, ethical guidelines and informal restraints. It is against this background that Nigeria decided to give the press and its citizens the freedom of information by promulgating the Act called freedom of information Act 2011 as reviewed below;
Right to access information

The Act in section1(b) indicated that every citizen is entitled to have access to any record under the control of government or public institution (sections 1 and 3, FOIA), provided he apply for and has no specific interest of the information being applied for. However, one has to analyse the right of access to records as there is no way one apply for information without having personal interest except if the candidate has been sent by his employer. Even such, the employer provided "he" is an employee of that organization in one way or the other has vested interest of his employer as the information applied for may be of the benefit of the employers. Such documents like; Orders made in adjudication of cases, statements and interpretation of policy of an institution, files containing applications for any contract, permit, grants or agreement, etc.

4.2 Application for access to a Record

Application for access to record shall be made in writing the person who made the application as to whether or not access to the record or a part thereof will be given. A total of [fourteen] 14 working days is required to get the information from the date applied (section 5). The fee paid is exclusive. A seven-day extension of time limit may be given according to the Act (section 7).

4.3 Access to information is refused

Where access to information is refused by the government or public institution, it is expected that the person seeking the information need to be informed about the refusal and has the right to be reviewed by a court. Any notification of denial of any information for records shall set forth the names of each person responsible for the denial of application (section 8(ii)).
Access Payment to information/records

The Act in section 9(i) gave the provision for the payment limited to reasonable standard charges for document search, duplication, review and transcription. Where records are applied for commercial use or not sought for commercial use. The fees schedule shall provide for the recovery of only the direct cost and no fee may be charged by any government or public institution.

4.4 Destruction or falsification of records

The freedom of information Act section 10 states that, 'it is a criminal offence for any officer or the Head of any government or public institution who wilfully destroys, alter or doctor any record kept in his/her custody before they are released to any person or community applying for it'. The Act in the same section states that; "it shall be a criminal offence punishable on conviction by a competent Court with a minimum of 1 year imprisonment for any officer found guilty of destroying any record kept in his custody".

4.5 Standard access to records

Access to records by the applying institution or person shall be released to him in a standard form. Where the person applying for access to information in a particular form and access in that form is refused, but given in another form. In this situation, the person applying for access shall not be requested to pay a charge higher than what has been charged initially.

V. Conclusion

Based on the document analysis, access sections give an insight that the freedom of information Act 2011 is under-utilized by journalists in Katsina State. Although, the sample populations were different, an interesting comparison of these findings with the work done by Ogbuokiri (2011) can be made. Ogbuokiri using the national conference organised by the public administrative and management development institute (PAMDI) which did overview of the act, analysed it prospect and challenges concluded that the act contains more denial sections and clauses than sections that grant access to public information. Alerting those mischievous purposes. He indicated that only section 1 and 3 grant access to public information but sections; 7,11,12,14,15,16,17,18,19 and 26 are meant to deny public access to information (p.1). At the end the research was able to unravel among, others that majority of journalist in Katsina State are aware of freedom of information Act 2011, but very few among them have read and applied for access to public information. The documentary analysis reveals that only sections 1(b) and 3 provides freedom to access public information, 10 sections are meant to deny the public information. The study discovered that ignorance among some journalist and managers of public documents are also affecting the workability of the act in Katsina State.

Given that this study involved a documentary analysis and also opinions and personal experiences about the usage and workability of the act in Katsina State where as Ogbuokiri study reported based on overview and analysis done in a conference held in Abuja. A number of conclusions seem possible. One of course, is that a relationship exists between these two findings. However, another scenario considering is that awareness of the act is increasing but the usage among journalists is decreasing. The documentary analysis revealed that the act only provides access in 2 sections while about 10 sections and some clauses are meant to deny access to public information, the finding equally suggests that ignorance among some journalists and managers of public documents are factors affecting the workability of the act of Katsina State.

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