



National Communications Authority

Press Release

NCA WINS RTI CASE AGAINST MEDIA FOUNDATION FOR WEST AFRICA (MFWA)

Accra, 17th June, 2021: The National Communications Authority (NCA) has won a case which was filed by the Media Foundation for West Africa (MFWA) against the Authority. Today, the High Court of Accra (Human Rights Division) upheld the legal submissions of the NCA and dismissed all the reliefs claimed by MFWA against NCA in respect of the former's request for information.

It will be recalled that on 22nd July, 2020, MFWA made a request to the NCA to provide the full list of all Authorised FM stations as of the second quarter of 2020, indicating the dates of first Authorisation, dates of last Authorisation renewals, locations, and operational status (on air or off air); full list of all Authorised television stations as of the second quarter of 2020, indicating the dates of first authorisation, Dates of last Authorisation renewals, locations, and operational status; an explanation for the recent replacement of the published 2020 second quarter report titled: 'List of Authorised VHF-FM Radios in Ghana as at Second Quarter 2020' which contained columns for date of first Authorisation and date of last Authorisation renewal, with one that now excludes the dates of first authorisation and dates of last Authorisation renewals.

The MFWA also requested for the full list (name of company, name of radio station, location and frequency number) of all FM radio stations that were shut down following the 2017 FM Spectrum Audit and in line with the 2018 decision of the Electronic Communications Tribunal.

The NCA, upon assessment of the above requests by the MFWA, asked MFWA to pay a fee of GHS2,000.00 in accordance with law. MFWA however refused to pay the said service fees charged by the NCA and subsequently filed an action at the High Court of Accra (Human Rights Division) against the NCA.

The High Court presided over by Justice Gifty Agyei Addo ruled that the request for the NCA to provide an **explanation** for the discharge of its mandate in publishing quarterly reports was untenable and violates the Right to Information law. The Court also held that MFWA had failed to establish any basis for the claim that its request is in the public interest; the Court upheld NCA's contention that the public interest argument was an afterthought.

The High Court again held that the request made by MFWA was personal to the NGO, and that the said requests must to be paid for by MFWA. Accordingly, the Court ordered MFWA to pay GHS1,500.00 to the NCA before the permitted information requested can be answered.

The NCA wishes to stress that the Authority will endeavour to execute its mandate as set out by law. The Authority's doors are always opened to engage with its many stakeholders.

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About NCA

The National Communications Authority, (NCA), was established by an Act of Parliament, Act 524 in December 1996, which has been repealed and replaced by the National Communications Authority Act, 2008 (Act 769). The Authority is the statutory body mandated to license and to regulate electronic communication activities and services in the country.