

**JOURNALISTS PERCEPTION OF THE FREEDOM OF INFORMATION ACT
(FOIA) IN NIGERIA: A STUDY OF JOURNALISTS OF OSUN STATE.**

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Abstract

This study examined the perception of journalists in Osun State on the Freedom of Information Act (FOIA). The main objectives are to: determine the perception, knowledge and Usage of FOIA among journalist in Osun state. The study was anchored on the libertarian theory of the press and Social Responsibility theory. The survey research design was used. The population of the study was 88 registered journalists from two purposively sampled NUJ chapels in Osun. Questionnaire was adopted as instrument for data collection. The findings of this study revealed that journalists in Osun state are knowledgeable and have a positive perception of the FOIA and have adequate knowledge about the Act. It also revealed that journalists in Osun state do not care to use the FOIA. It is therefore, concluded that though there is good awareness of the act among Osun journalist they should also be encouraged to use the FOIA though with its own limitation of not disclosing information that is injurious to the country, because it can also be used to compel public institutions to release government records to the journalist. The study thus recommended frequent Sensitization of journalists by legal and media professionals on the FOIA to keep them informed and knowledgeable about the Act and when appropriate to use it. It was also recommended that Journalists should not abuse the privilege they get from the FOIA while making use of it.

Keywords: Journalist, FOIA, Free Press, Journalism, Perception.

Introduction

Journalism is one example of a social institution that requires freedom in order to function properly in society. It contributes significantly to society by acting as a watchdog and by delivering a continuous stream of information, education, and socialization to all members of society (Abone & Kur 2014).

The media, as the watchdog of society, has the job of keeping the general population informed, educated, and socialized at all times. Following the recommendations of Soeze (2005) in Omotayo, (2015), among these obligations is ensuring that the public is aware of

the day-to-day activities and dealings of individuals in government, whether military or civilian. Additionally, the media contributes to ensuring that the government is aware of the sentiments and aspirations of the people over whom it has authority. Press freedom, on the other hand, is essential for the media to carry out these responsibilities successfully and efficiently.

Nigeria's standing in the international community has improved as a result of the passage of the Freedom of Information Act. One of the goals of the Act is to make public records and information more readily available while still protecting public records and information (Obayi, Anorue, Onyebuchi. Umeokeke & Etumnu 2021). In addition to providing journalists with freedom of access to information, the Freedom of Information Act seeks to protect serving public officers from any negative consequences that may result from disclosing certain types of official information without proper authorization and to establish procedures. The Freedom of Information Act, which was just passed into law, gives the Nigerian citizen the ability to participate in the activities of government. So, not only journalists, but also ordinary citizens now have the right to obtain public information in order to corroborate their facts and make significant recommendations aimed at producing greater public benefit. Citizens who have access to information may oppose corruption and covert government, as well as confront the few who take advantage of our resources for their own gain (International Law Office [ILO], 2013).

Statement of the Problem

According to Oberiri (2016), the Freedom of Information Act (FOIA) in Nigeria has been recognized by many as a step in the right direction. Practitioners in the media feel that the freedom of information has the potential to put Nigeria on the path toward growth. More importantly, it will inspire individuals to participate in government programs and policies, which will ultimately lead to the establishment of accountability and good governance in the country.

While the Freedom of Information Act (FOIA) offers a lot, its applicability in a country like Nigeria, where there is a tendency for breaking the law with impunity, tends to suffocate its potential for moving the country in the direction of effective media practice (Obayi, Anorue, Onyebuchi. Umeokeke & Etumnu 2020). As a result, the extent to which media practitioners throughout Nigeria, particularly in this case, Osun state, are familiar with the terms of the Freedom of Information Act (FOIA) is critical to maximizing its potentials. While, studies (Abone & Kur (2014) and Nnadi & Obot (2014) have revealed that journalists, despite their awareness of the Act, underutilize the law in the course of their duties. In addition, Ajibade (2017) asserted that all of the enthusiasm that accompanied the enactment of the Act had gone as a result of the seeming poor execution of the law's aims so far.

There have also been several studies on FOIA, with some of the most notable being Obayi, Anorue, Onyebuchi, Umeokeke, & Etumnu (2020), Apuke (2017), Oluwatomi (2017) Abone & Kur (2014) Some of these studies have dealt with issues relating to FOIA in other areas, but there appear to be few studies (Obayi et al. 2020) that have looked at the issue

perception as it relates to journalistic knowledge and use of the FOIA in general, and in particular as it relates to Osun state, which is why this study fills a knowledge void. In this context, the purpose of this study was to investigate the perceptions of journalists in Osun State on the Freedom of Information Act (FOIA).

Research Objectives

1. To determine the perception of journalists in Osun State of the FOIA
2. To determine whether journalists in Osun State have knowledge of the FOIA.
3. Find out whether journalists in Osun State use the FOIA.

Research Question

1. What is the perception of journalists in Osun State of the FOIA?
2. How knowledgeable are journalists in Osun State of the FOIA?
3. How do journalists in Osun State use the FOIA?

Literature Review

Overview of Freedom of Information Act

The debates over the Freedom of Information Bill have dominated the Nigerian media. Because the media was assumed to be major beneficiaries of the law, it received a lot of coverage in newspapers and magazines, as well as radio and television. After years of disappointment, President Goodluck Jonathan signed the bill into law in 2011 as the Freedom of Information Act. In short, the law guarantees individuals access to information held by the state or public officials. Although the call for the law has only been heard in Nigeria for the last two decades, it has been heard globally for centuries. Dawodu (2016) traces the origins of most countries' freedom of information laws to a Finnish man named Anders Chydenius who fought for democracy, equality, and human rights under the principle of public access called "*Offentlighetsprincipen*" around 250 years ago. According to Dawodu (2016), Sweden became the first country in the world to enact a freedom of information law in 1766. By 2015, more than 130 countries had a constitutional or domestic law requiring freedom of information. The Freedom of Information Act (FOIA) is a law that allows citizens to request information from the federal government. According to Omeri (2011), the act mandates that citizens of the Federal Republic of Nigeria have unrestricted access to public information.

According to Media Rights Group cited in Agba, Ogri & Adomi (2018), the FOIA in Nigeria is intended to:

1. Ensure that there is public participation in governance;
2. The business of governance is open to public scrutiny;
3. Laid down procedures in the conduct of public affairs are adhered to;
4. Transparency and accountability in governance are institutionalized;
5. Corruption is stemmed; and
6. Scarce resources are judiciously deployed for wellbeing of citizens.

On the other hand the major provisions of Nigeria's Freedom of Information Act cited in Nzereka & Amannah (2014)are:

1. A guarantee of 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.
2. A requirement for all institutions to proactively disclose basic information about their structure and processes and mandate the institutions to build the capacity of their staff to effectively implement and comply with the provisions of the Act.
3. A provision for the protection of whistle-blowers.
4. Adequate provision for the information needs of illiterate and disabled applicants.
5. Recognition of a range of legitimate exemptions and limitations to the public's right to know. The exemptions are however subject to the idea that public interest, in deserving cases, may override such exemptions.
6. Creation of reporting obligations in 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.
7. Requirement for the Federal Attorney-General to oversee the effective implementation of the Act and report on execution of this duty to parliament annually.

The Freedom of Information Act is designed to benefit the entire society, not just the media. It also cannot be used to harass the government or any public official by the media or any member of the public. Those universally accepted principles include international and regional laws and standards, as well as general legal principles recognized by the comity of nations.

Journalism and the FOIA

The Freedom of Information Act (FOIA) is a federal law that allows the release of previously secret information. The Act requires public institutions and other information handlers to ensure public access to government documents. The Act exempts information that protects privacy, national security, or law enforcement. The FOIA requires agencies to keep electronic data records and make them available to citizens via a reading room (Inokuba, 2014). The Act's goal is to give the public access to records. The Act states in Section 1(1) that “notwithstanding any other Act, law or regulation, any person may request information from any public official, agency or institution”. The Act is meant to:

- i. Make public records and information more freely available; provide public access to public records and information.
- ii. Protect public records and information to the extent consistent with the public interest, and the protection of personal privacy.
- iii. Protect public officers from adverse consequences of revealing certain types of official or classified information without authorization and established procedures for the achievement of those purposes (FOI Act, 2011p.1).

According to Akor and Oko (2015), the FOIA implies a shift from a 'need to know' to a 'right to know' principle for government information. It means moving from passive to active citizenship in government. The Act thus empowers journalists and civil society to dig deep into issues and expose corruption, misconduct, misappropriation, embezzlement, and other public administration malpractices.

To facilitate access to information, the Act's process, open meetings, supremacy of the FOIA over other laws that limit access to information, protection of whistle blowers and

bodies responsible for enforcing the Act are among its fundamental principles and contents (Inokuba, 2014; Mmadu, 2011; Akor & Oko, 2015; Robert, 2000; FOIA, 2011). Unless there is a good reason, the organization/public office must provide the information within seven (7) working days, (Akor & Oko, 2015). In a democratic society, the public should have free access to information (especially through the media) about how they are governed and other topics of interest. Until recently, the right to freedom of information in Nigeria was often overlooked (Inokuba, 2014).

The FOIA is arguably beneficial to Nigerian journalists seeking to advance their reporting duties, particularly investigative reporting. First, investigative journalism thrives when journalists have free access to information. Thus, the Freedom of Information Act expands the scope of investigative reporting in Nigeria (Garba, 2013). According to Dunu and Ugbo (2014), the FOIA appears to be “grossly underutilizing” the enormous power bestowed on the media as both suppliers of public information and watchdog of the society. In their submission, most Nigerian journalists underused the law despite knowing it. Abone & Kur (2014) and Nnadi & Obot (2014), agree that journalists in Nigeria appear to be using the Freedom of Information Act poorly. All of this confirms Ajibade's (2017) claim that the euphoria that accompanied the Act's passage in 2017 seemed to have faded due to the law's apparent lack of progress.

The FOI Act, and the Journalism Practice in Nigeria: Challenges

The FOI Act, 2011 has received much media attention since its inception as a bill. So much was expected of the bill when it became an Act. As a result, when the Act was finally implemented on May 28, 2011, many media professionals were disappointed that it did not meet their expectations (Senam, Akpan & Mboho 2017). This disappointment is at the heart of the FOI Act 2011's challenges to mass media practice at both the state and national levels.

According to Senam, Akpan, and Mboho (2017), the Act's first major flaw is that it is written for "everyone," not just the press. The 1999 Constitution has the same scenario. For example, section 39(1) of the Federal Republic of Nigeria's constitution of 1999, as amended in 2011, guarantees everyone's right to free expression, including the right to hold opinions and share ideas and information. One of the issues with section 39 (1) is that it implies the press is part of “everyone” and thus does not specifically mention it (Mhoho & Anim, 2006).

The immediacy factor is another media practice challenge under the FOI Act (Agba, Ogri, & Adomi 2018). Immediacy is a key determinant of what constitutes news in the mass media, particularly journalism. Because news is perishable, the FOI Act would have caused the news to become stale. The FOI Act on media practice is challenged by the strict legal technicalities in applying for and obtaining information. The Act specifies the timeline, procedure, and fees for requesting information. As a result, the Act's relevance to media practice must remain a serious issue in the media community.

The non-use of the FOI Act's opportunities is not unique to Nigerian journalists. America's situation is similar, according to Overbeck (2004) cited in Agba, Ogri and Adomi (2018).

As a result, since the American FOI Act of 1966, its main users have been corporations and academics (historians and other academicians, not journalists).

Another issue is information hoarding. The FOIA allows reasonable refusal. Officials or institutions can deny an applicant access to public records if they can justify it. When a public officer knows that requesting access to information is a step towards media publication, the officer may edit and dress the information to protect the officer and the public institution while reducing the basic ingredient of media content.

Another issue is journalists' over-reliance on the FOI Act, which encourages “Press Release Journalism” (PRJ). Journalists who work in PRJ sit around waiting for public officials to issue press releases or other public announcements that they adapt into news and nothing more. In this case, the journalist usually does not investigate or go beyond the press release's claims. This then becomes a journalistic issue.

Also, public officers' reliance on existing laws certainly challenges journalism practice in the context of the FOI Act.

The FOI Act, and the Journalism Practice in Nigeria: Prospects

Although the FOI Act, 2011 poses many challenges to media practice in Nigeria, there are some exceptions that represent media practice prospects in the Act's regime. Senam, Akpan & Mboho (2017, p.79) listed the following prospects:

1. First, with the Act, the chances of journalist being compelled to mention his source of information have been minimized. In the case of *Tony and Senate* (1983) the Supreme Court held, inter alia, that an editor of a newspaper cannot be compelled to disclose his source of information. However, the exception to this rule was articulated in *Adikwu v. House of Representatives* (1982) that a journalist can only be compelled to mention his source of information in grave circumstances. So, with the FOI Act, public information is considered as article in the overt market since the Act guarantees easy access by members of the public.
2. Another prospect is the expansion of news sources. With access to public information, even by non-journalists, it would add to available information. This then, would inversely increase and enrich information bank which in the ultimate, can constitute part of the mass media contents.
3. Furthermore, with the FOI Act, many public officers who would be appropriate resource persons in the media production would stop being media shy. This is so because, they now know that public information is not as —sacredl and —secretl as public officers hitherto fended them to be. This would aid media practice since media teams would be ready to hand-pick appropriate professionals as the resource persons for rich media contents. Again, protection for sources of public information is guaranteed with the FOI Act. There is a legal protection for public officers who lawfully and legitimately released information that is within their custody.

Method

The survey research methodology was employed to gather data for the study. Only media practitioners were served with the research instrument which is the Questionnaire. This is due to the technicality of the subject matter; as it required a high display of professional competence in responding to the questions contained in the research instruments. Copies of the questionnaire, were administered to practicing journalists registered with Osun state NUJ.

The NUJ in Osun State is divided into 12 chapels. They are: Correspondent Chapel, Federated Chapel, OSBC Chapel, Unique FM Chapel, Rave FM Chapel, NTA Chapel, Local Government Information Chapel, State Information Chapel, Gold FM Chapel, Reality FM Chapel and the Osun defender Chapel.

The researcher purposively picked two chapels that is the federated and the Correspondents chapel for their size and variety. The correspondent and Federated chapel is made up of various professionals not form one organisation unlike other chapels. The federated chapel is made up of 40 registered members, while that of the Correspondents chapel Has 48 registered members. Thus for this study the population used was the census meaning the researcher used the whole members in the two chapels that 88.

A total of 88copies of the questionnaire were designed handed out to the respondents. However, the researcher was able to retrieve 76 copies. Data analysis was done based on the retrieved copies of the questionnaires.

Data Presentation/Results

The analysis in this study was carried out with the use of means, standard deviations and simple percentages generated using the data on the SPSS 23 package.

A total number of 88 copies of the questionnaire was administered to the respondents, 12 copies of the questionnaire were not returned. The demographic and psychographic data are presented using percentage frequency distribution table.

Socio demographic Data

Table1. Respondent's age

		Age			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	18-30	26	34.2	34.2	34.2
	31-60	45	59.2	59.2	93.4
	61- above	5	6.6	6.6	100.0
Total		76	100.0	100.0	

Survey2022

Table 2 Respondents Gender

		Gender			Cumulative
Gender		Frequency	Percent	Valid Percent	Percent
Valid	Male	54	71.1	71.1	71.1
	Female	22	28.9	28.9	100.0
	Total	76	100.0	100.0	

Survey2022

Table 3. Respondents Marital Status

		Marital Status			Cumulative
		Frequency	Percent	Valid Percent	Percent
Valid	Single	28	36.8	36.8	36.8
	Married	35	46.1	46.1	82.9
	Divorced	2	2.6	2.6	85.5
	Widowed	11	14.5	14.5	100.0
	Total	76	100.0	100.0	

Survey2022

Table 4 Respondents Educational Qualification

		Educational Qualification			Cumulative
		Frequency	Percent	Valid Percent	Percent
Valid	Diploma/Certificate	27	35.5	35.5	35.5
	First Degree/HND	41	53.9	53.9	89.5
	PG(M.Sc.,M.A, M.Phil., PHD)	8	10.5	10.5	100.0
	Total	76	100.0	100.0	

Survey2022

Table5.Respondent's years of practice

		Years of practice	
		Frequency	Percent
	1-5	17	22.4
	6-14	41	53.9
	15- above	18	23.7
	Total	76	100.0

Survey, 2022

Table6 Respondents Awareness of the FOIA

Are you aware of the provisions of Freedom of Information Act?

	Frequency	Percent
No	0	0
Yes	76	100.0

Survey, 2022

Respondents agree that they are aware of the existence of the Freedom of Information law. 100 per cent of them affirmed their awareness of the FOIA.

Table 7. Perception of Journalists in Osun State of the FOIA

Statement	SA	A	UD	D	SD	N	MEAN	STD
Act enhances journalism practice	27	41	8	-	-	76	1.75	0.64
Act makes information more freely available	28	34	4	9	1	76	1.96	1.01
FOIA protects journalist even after making use of it against public institutions	21	27	14	8	6	76	2.36	1.22
FOIA protects public officers from adverse consequences of disclosing certain kind of information	14	30	14	10	8	76	2.58	1.23
Average Mean							2.16	

Survey, 2022

Decision rule: from 1-1.80, it means *Strongly Agree*. From 1.81 to 2.60, it means *Agree*. From 2.61 to 3.40 it means *undecided/neutral*; from 3.41 to 4.20 it means *Disagree*; from 4.21 to 5, it means *Strongly Disagree*. Thus from table 7, the mean for the first statement is 1.75, it means that majority of the respondents strongly agree as to whether the act enhances Journalism. For the overall research question that sort to find out the Perception of Journalists in Osun State of the FOIA the average mean to all the statements is 2.16, going

by the decision rule it means that majority of the respondents perceive the Act favourably/positively.

Table 8 knowledge of journalists in Osun State of the FOIA

Statement	SA	A	UD	D	SD	N	MEAN	STD	
There is need for public institution to give reasons why they withhold certain information	26	5	24	14	7	76	2.61	1.37	
Act Empowers public officials to disclose information	19	19	17	13	8	76	2.63	1.32	
Information that may be injurious to the country may be denied by the public institution even when the Act is cited by the journalist	28	23	14	6	5	76	2.18	1.22	
if their application for access to information is denied, the public institution must state reasons for denial	31	24	6	7	8	76	2.17	3.34	
Right to apply for access to records and information from public/private institution based on the provisions of the Act	29	30	8	4	5	76	2.02	1.14	
Average Mean							2.32		

Survey, 2022

For table 8 the decision rule still applies: From 1-1.80 means *Strongly agree*; from 1.81 to 2.60 means *Agree*, from 2.61 to 3.40 means *Undecided/Neutral*; from 3.41 to 4.20 it means *Disagree*; from 4.21 to 5 means *Strongly Agree*. For the research question 2that sort to find out the knowledge of journalists in Osun State on FOIA, the average mean for all statements that address it is 2.16,going by the decision rule it means that majority of the respondents have knowledge on the FOIA.

Table 9 Usage of FOIA by Journalist in Osun State

Statement	SA	A	UD	D	SD	N	MEAN	STD
Use of the FOIA to avoid trouble when being molested for disclosing certain information.	19	9	6	17	25	76	3.26	1.62
Using the Act to take the case of government refusal to make their activities known to them to court	6	11	18	14	26	76	2.72	1.34
Use the Act to compel public institutions to release information to them	17	23	10	16	10	76	2.18	1.37
Average mean		3.19						

Survey, 2022

For table 9 the decision rule still applies: From 1-1.80 means *strongly agree*; from 1.81 to 2.60 means *Agree*, from 2.61 to 3.40 means *Undecided/Neutral*; from 3.41 to 4.20 it means *Disagree*; from 4.21 to 5 means *Strongly Agree*. For the research question 2 that sort to find out the knowledge of journalists in Osun State on FOIA, the average mean for all statements that address it is 3.19, going by the decision rule it means that majority of the respondents were neutral and undecided on the issue of the usage of the FOIA.

4.2 Discussion of Findings

The discussion of findings was done based on the research questions.

1. What is the perception of journalists in Osun State of the FOIA?

From the first 6 it is clear that all respondents are aware of the FOIA will a 100% responses on the statement this aligns with Abone and Kur (2014) finding where they asserted that journalists studied had a high level of awareness of the provisions of FOIA. In respect to findings for Research Question 1 data on table 7 revealed that journalists in Osun state have a positive or favourable perception, it also show that they believe the Act enhances Journalism practice and that the Act protects them even after making use of it against public institutions. Act makes information more freely available. The respondents also believe that FOIA protects public officers from adverse consequences of disclosing certain kind of information, thus supporting the study of Obayi, et. al. (2020) that maintained that the FOIA should have supremacy over other law that limits access to information, so that

nationality and race should not prevent journalists from accessing certain information. Supporting this finding Abone and Kur (2014) noted that with the provisions of FOIA journalists perceived that the Act will have a more positive influence on journalism practice. In line with this finding, the libertarian media theory prescribed that journalist should not be restricted or influenced by government as they make efforts to use the FOIA for the interest of the public. This corroborates the findings of Apuke (2017), and Mejabi, Azeez, Adedoyin & Oloyede (2017), they found that FOI Act makes public records and information more freely available, provide for public access to public records and information and at the same time protect public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officers from severe consequences for revealing certain types of classified or official information without authorization. The two studies agree that the FOI Act made the link with open data practice but Mejabi, Azeez, Adedoyin & Oloyede (2017), believed that citizens were not taking enough advantage of the Act.

2. How knowledgeable are journalists in Osun State of the FOIA?

Research Question 2 data on table 8 revealed that journalists in Osun state have knowledge of the FOI Act, it also shows that they know they have the right to apply for access to records and information from public/private institutions. The respondents also understand that the Act empowers public officials to disclose information. They also agree that Information that may be injurious to the country may be denied by the public institution even when the Act is cited by the journalist. Furthermore, that some information might be withheld to protect various interests which are allowed for by the Act and in this case, the public authorities must state reasons why they have withheld such information. From the theoretical perspective this study was anchored on journalists are at liberty to request for information from either public or private institutions. Apuke, (2017) noted that the FOIA protects public officers from adverse consequences for disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes and for related matter.

3. How do journalists in Osun State use the FOIA?

The finding in respect to mean analysis of research Question 3 showed that the journalist in Osun State don't use the FOIA to avoid trouble when being molested for disclosing certain information. This varies with the findings is in line with Oluwatomi, (2017) assertion that FOIA provides any person a right, enforceable in court to obtain access to government record, except to the extent that such records (or portion of them) are protected from the public disclosure. The means analysis also showed that they were not using the Act to take the case of government refusal to make their activities known to them to court, although they Use the Act to compel public institutions to release information to them. Although Research question two showed that respondents were knowledgeable about the use of the act it was rather surprising that they usage was low among respondents this corroborates Oluwatomi (2017), who found that the public is unaware of the Act's usage and effectiveness even though they might have technical knowledge of the Act. This causes the underutilisation of the act which is supposed to provide any person a right, enforceable in court to obtain access to government record, except to the extent that such records (or

portion of them) are protected from the public disclosure. And as Apuke (2017) noted that the FOIA protects public officers from adverse consequences for disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes and for related matter. The lack of usage of the FOIA as found in this study buttresses the point Agba, Ogri and Adomi (2018) in citing Overbeck (2004) that usage is one of the problems that the FOIA is facing in Nigeria.

Conclusion

Based on the findings, it is obvious that journalists in Osun State have knowledge of the FOI Act and have the perception that the provision of the Act can protect them even after making use of it against public institutions and that the supremacy of the law will give them access to withheld information that is of public interest. Although knowledge of this Act cannot be said to have made most journalists make use of it. In as much as, the Act can enable them to get information, the journalist seems not interested in using it this could be due to lack persuasion by media organisations to their journalist to use it.

Recommendations

This study recommends thus;

1. Professional bodies of the media in collaboration with legal experts should endeavour to constantly organise Sensitization seminars for journalists on the FOIA, this is to keep them informed and knowledgeable about the Act and to know when it's appropriate to use in the discharge of their responsibility.
2. Media Organisations and Professional bodies should be encourage and also support journalist to use of the FOIA and also, explore legal means to get information.
3. The FIOA as a privilege must not be abused by the journalist when using it.
4. Provisions that affect the act should be amended to specifically address the media.

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