

## **JOURNALISTS KNOWLEDGE AND UTILISATION OF THE FREEDOM OF INFORMATION (FOI) ACT IN SOUTH EAST NIGERIA**

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### **Abstract**

*The study was conducted to ascertain the level of journalists in South East, Nigeria knowledge of the Freedom of Information (FOI) Act. It was a survey research with questionnaire as instrument for data collection. A sample size of 300 was selected from the 1, 555 study population, following recommendation of Comrey and Lee's (1992). The study objectives were to ascertain if journalists in the South East Nigeria are aware of existence of FOI Act; extent the journalists have accessed information from public institutions in line with FOI Act; the level of compliance of public institutions in granting the journalists access to information requested in-line with the FOI Act; and reactions of the journalists when the public institutions denied them access to information. It employed the Knowledge Attitude and Practise (KAP) Model. The findings showed that journalists in the zone are aware of the FOI Act but public institutions are not fully complying to the provisions of the Act in releasing information to them. It was concluded that the usage of the FOI Act in the South East Nigeria was poor due to ignorance of its applications. The study recommended increased sensitizations of the populace on the Act.*

*Keywords: Awareness, Freedom of Information Act, Knowledge, Nigeria, South East, Utilization.*

### **Introduction**

Nigerian journalists like their counterparts all over the world are information purveyors. They seek, gather, write and disseminate information and other current happenings in their various localities to a wider audience on a timely basis usually through the mass media. Among these mass media of communication are radio, television, newspapers, magazines, and new media (Arisukwu et. al, 2022; Oliver and Raney, 2023). Section 22 of 1999 Constitution of the Federal Republic of Nigeria (as amended) empowers them to uphold the fundamental objectives of the citizens, uphold the responsibility and accountability of the government to the people. To further make public records and information more freely available to the public (including the media), Nigerian government on May 28, 2011, signed into law, Freedom of

Information Act (FOI) (Omolola, 2011; Obayi, Anorue, Onyebuchi, Umeokeke, Etumnu, 2020).

Omolola (2011) avers that the FOI Act among other things, enables citizens to hold the government accountable in the event of the misappropriation of public funds or failure to deliver public services. Dunu and Ugbo (2014) describes the FOI Act as a legal instrument that would not only radicalise reportorial engagement of journalists, as well as foster a greater opportunity for investigative journalism, while promoting the democratic process. They, however, argued that the media seemed to be under-utilising the Act. The argument was supported by Mojeed (2019), who opines that Nigerian journalists are underutilising FOI Act due to lack of basic knowledge of its provisions and how to make proactive disclosure of all information in their custody.

Aiyetan (2019), while adding that “it is a crime for a public officer to destroy information or records in his or her custody, doctor or alter it in any way before releasing it to a requester,” submits that one-year jail term or a fine of N500,000 awaits a public officer convicted for wrongful denying a journalist or any Nigerian information requested for. He further states that organisations like Socio-Economic Rights and Accountability Project (SERAP), Media Rights Agenda, International Centre for Investigative Reporting (ICIR), among others are available to help the media and journalists to sue public institutions and officers for denial of access to information. Thus, this research seeks to discover extent journalists in the South East geopolitical zone have knowledge of the existence of Freedom of Information (FOI) Act and also utilise it in their timely reportage. This is necessary because the Freedom of Information Act (FOIA) 2011 came to rescue the public from maladministration, abuse of office and misrule, while empowering all the citizens especially the journalists and the Civil Society Organisations (CSOs) to hold the government accountable.

However, while journalists in some parts of the country like Lagos and Abuja, the Federal Capital Territory, appeared to be utilising the Act, the extent their counterparts in the South East Nigeria are utilising it is not known (Dunu & Ugbo, 2014; Chukwu & Ihejirika, 2018; Obayi, Anorue, Onyebuchi, Umeokeke & Etumnu, 2020). Hence, this study is carried out to find out journalists’ knowledge and utilisation of the Freedom of Information (FOI) Act in the South East Nigeria.

### Objectives of the Study

1. To ascertain the knowledge level of the South-East Nigeria journalist of the Freedom of Information (FOI) Act.
2. To find out the way the journalists of the South-East Nigeria utilise the Freedom of Information Act in discharge of their duties.
3. To ascertain the level of compliance of public institutions in the South-East Nigeria to making available information to the journalists.
4. To find out the reactions of journalists of the South-East Nigeria when they were denied of information by public institutions.

### Literature Reviews

Freedom of information is very vital in every society desiring to succeed because it allows the citizens to contribute to the development through constructive criticism, opinions and others. It also guarantees the citizens access to information about their immediate environment, the government and their policies, as well as empowers them to freely express themselves in any form (Suntai, Agbu & Targema, 2018; Udodo, Ochonogor, Nwanmereni, 2020; Obayi, Anorue, Onyebuchi, Umeokeke & Etumnu, 2020).

Freedom of information is also a democratic cornerstone, ingredients for good governance, and an engine room for public accountability. Evidence abound that where it exists, there are some degrees of transparency as the media, opposition political parties, civil societies and others constantly remind the public servants and the civil servants of their campaign promises, duties and obligations to the masses. That is, it promotes checks and balances, rule of law and respect for human

rights (Commonwealth lawyers, 2020; Dawodu, 2016).

This shows why developed countries like the United States of America and the United Kingdom did not only provide for it in their respective constitutions, but further enacted Freedom of Information (FOI) Acts. The US's Freedom of Information Act came into force in 1966, while the UK's FOI Act was enacted in the year 2000. Nigeria provided for it in Sections 22 and 39 of her 1999 federal republic constitution (as amended). The country's FOI Act was signed into law on May 28, 2011 (Chukwu, 2018; Ico, 2021). It, among other things, guarantees everyone including the media, rights to hold and express their opinions, access to public documents and other information without intimidation, fear or favour. The Act, however, imposed some restrictions to certain information in accordance with the extant laws of the land or public interest (UN, 2019; Chukwu, 2018).

The Nigeria's FOI Act contains thirty-two sections, including rights of access to records, information about public institutions, request for access to records, time for granting or refusing application, among others. According to Sections 2(7), 29 (9) and 31 of the Act, institutions where it is applicable are legislative, executive, judicial, administrative or advisory bodies of the government, including boards, committees or commissions of the State. Others are subsidiary bodies of the government, companies where the government has a controlling interest and private bodies providing public services, performing public functions or utilising public funds. Some information accessible with the FOI Act are public records, files, letters, databases, loose reports, e-mails,

office notebooks, videos, photographs, wall charts, maps, archives, and others stored or kept in any format.

However, there are some exemptions in sections 14 (2), 15, 16, 17 and 26 of the Act. But a journalist, media organisation, civil society organisation (CSO) or any individual could apply for information in public institutions where applicable using or citing the Act appropriately (FOIA 2011, Sections 2, 3; Federal Ministry of Justice, 2013). To utilise it, an applicant could make an oral or written request which must be transmitted electronically (email), by courier, post or delivery in person otherwise known as FOIA Request or FOI Request. Institutions are required to respond to the FOI request (by providing the information so requested) within 7-days or state reason for non-compliance to it. Also, where it is discovered that an institution or personnel wrongly denies the applicant access to the information, the latter could seek redress in the State or Federal High Court. If convicted, the personnel could either face one-year imprisonment or pay a fine of N500, 000 or both (FOIA sections 1, 4, 6, 7, 8; Mojeed, 2019; Federal Ministry of Justice, 2013).

The FOI Act also empowers an individual, literate or illiterate, to institute a legal action against the public institution or public servant who goes against it. Similarly, media organisation, CSO and other interested groups like Pro Bono lawyers, Media Rights Agenda, Socio-Economic Rights and Accountability Project (SERAP), could do that on behalf of the journalist or citizen whose rights to access information was denied (Aiyetan, 2019). People most positioned to utilise the Act are journalists because their professional job mandated

them to watch, gather, process and timely disseminate accurate information to society. Unfortunately, most of this accurate information is often hidden by the public institutions who are mostly interested in pushing out press statements. So, to gather and report factual reports, Nigerian journalists ought to be knowledgeable of it, as well as utilise it but some do not do that even when they know about it (Obayi et. al, 2020; Apuke 2016).

### **Empirical Review**

Apuke (2016) found that journalists are aware of the FOIA but not utilising it effectively due to lack of basic knowledge of its provisions and some legal bottlenecks like Evidence Acts, Seditious Offences Acts, Official Secrets Acts and exemptions listed in the Act. Obayi, Anorue, Onyebuchi, Umeokeke & Etumnu (2020) also found that journalists in Imo State (South East Nigeria) are aware of the Act with a positive perception. Udouo, Ochonogor, & Nwanmereni (2020) also discovered that residents of Port Harcourt (Rivers State, South South Nigeria) are fully aware of the FOIA but its level of application was low due to inadequate sensitisation of the citizens.

Ejita (2019) in his study also discovered that even federal agencies and institutions in Delta and Rivers States (South South geopolitical zone of Nigeria) are aware of the Act but their levels of compliance or implementation of the Act was poor due to corruption, secrecy, bureaucracy, poor record keeping, inadequate knowledge of its provisions, among others. Nnanwuba, Nwakego and Chukwuweike (2019) findings showed that journalists were reluctant to harness the FOI Act due to legal and political factors, and poor culture of investigative journalism in Nigeria. However, Chukwu & Ihejirika

(2018) found that some Civil Society Organisations (CSOs) in Lagos, Nigeria are not only aware of the FOIA and its various provisions, but had applied it, as well as sued some public institutions for violating the Act.

Ekwe and Madugha (2018) found some obstacles to its implementation such as illiteracy, different court judgments on whether it is applicable to states yet to domesticate it and journalists not being proactive in using it to demand for information. Okon and Ezike (2017) found that lack of training on how to deploy FOI Act to access information is making it difficult for journalists to effectively apply the Act. Oberiri (2016) found that journalists are often denied access to information because they are not acquainted with relevant provisions of the Act. Dunu and Ugbo (2014) also in their study found out that some journalists in the South East were aware of the FOI Act but have never applied it in their reportage.

### **Theoretical Framework**

This study is anchored on the Knowledge Attitude and Practise Model (KAP). The KAP is good in measuring or exploring people behaviour and attitudinal changes as they embrace new knowledge or practise. It possible for people to learn how they feel about a given topic, and their actions or behave towards it. The model which came into existence in 1950s, is popularly used in conducting healthcare related surveys (Andrade, Menon, Ameen & Praharaj, 2020; Kaliyaperumal, 2004). Therefore, the KAP model will help us to understand the extent journalists in South East Nigeria know (have knowledge of the Freedom of Information Act), their disposition or attitude towards it and how

they apply or utilise (actions and practices) in the course of their journalistic works.

### Methodology

Survey was adopted for this study. Its area of study was the South East geopolitical zone of Nigeria which included states of Abia, Anambra, Ebonyi, Enugu and Imo. Like other geopolitical zones in the country, South East has several mass media organisations and practising journalists. In line with the Article 5 (A) of the constitution of Nigeria Union of Journalists (NUJ), each of the states in the South East is referred to as a State Council of NUJ. Article 3 (sections 1, 2 and 3) and Article 5 (G sections 1, 2, 3 and 6) of the NUJ constitution also mandated each state council of NUJ to have registered chapels. Each chapel must consist of 10 or more registered members. In other words, the constitution only recognises members of these registered chapels as Nigeria practising journalists.

There are 5 State Councils of NUJ in the South East Nigeria. This includes Abia State Council (5 chapels), Anambra State

Council (21 chapels), Ebonyi State Council (16 chapels), Enugu State Council (16 chapels), and Imo State Council (16 chapels). That is, a total of 74 Chapels. The total registered members of NUJ across these 74 chapels are 1, 555 (Ifesinachi, 2023). But the sample size for the study was 300 chosen based on Comrey and Lee (1992) recommendation that 300 is useful (good) for studying a population that is running into thousands. Cluster sampling method procedure was further adopted by the researchers, who considered the five State Councils of NUJ in the South East as five subgroups or clusters, and administered 60 questionnaires to 60 respondents randomly selected at each of the Councils during their respective council monthly congresses (meetings).

### Data Presentation and Analysis

The researcher distributed 300 questionnaire copies but 262 representing 87% were well filled and returned, while 38 representing 13% were not. The 262 responses are hereby presented;

Figure One

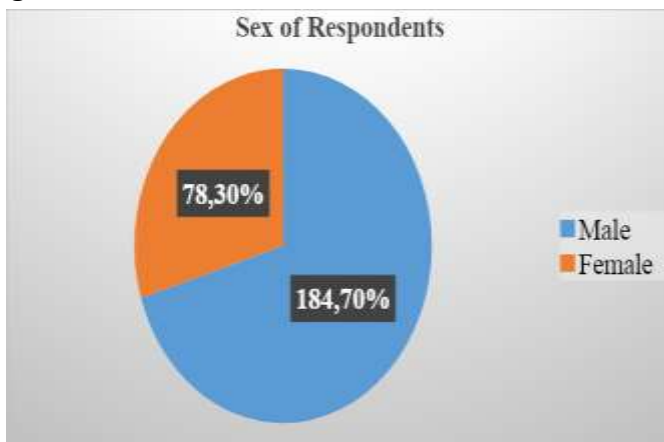


Figure 1 shows that 184 respondents representing 70% were male, while 78 respondents representing 30% were females.

Figure Two

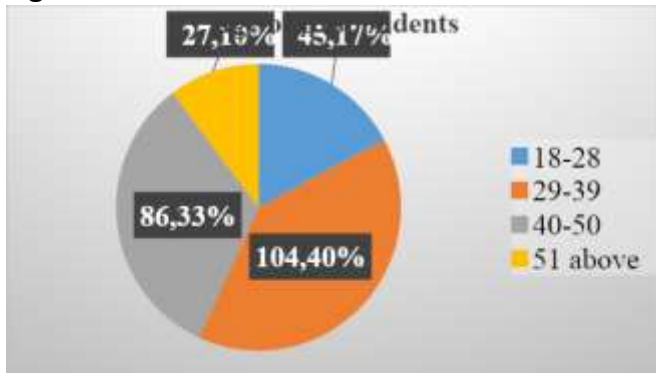


Figure 2 shows that 27(10%) respondents were between 51 years and above, 45 (17%) respondents were within 18 and 28 years, while 86 (33%) respondents

representing were aged 40 to 50 years, and 104(40%) respondents representing were within the age brackets of 29 to 39.

Figure Three



Figure three shows that 119 respondents representing 45% were single (not yet married), while 143 respondents representing 55% were married.

Figure Four

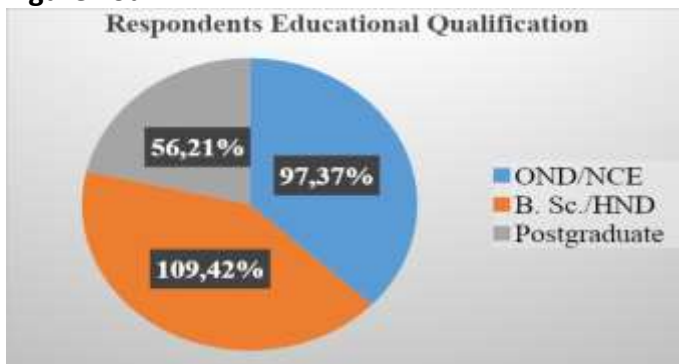


Figure 4 shows that 97 respondents representing 37% possessed either Ordinary National Diploma or National Certificate on

Education (OND/NCE), while 109 respondents (42%) have acquired either bachelor degree or Higher National Diploma

(B. Sc./HND), just as 56 respondents (21%) have postgraduate degrees.

**Figure Five**

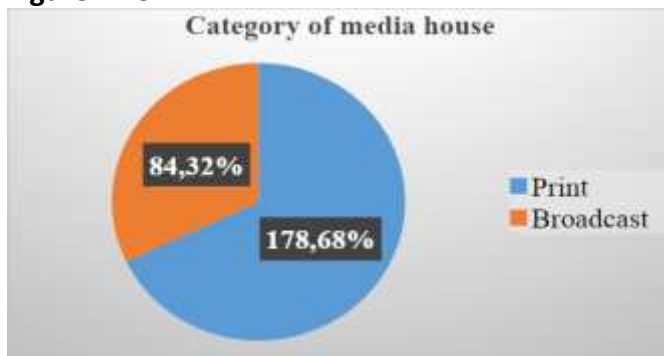


Figure 5 shows that numbers of respondents working in the print media were 178 (68%), while 84 (32%) respondents were staff of broadcast media houses.

**Figure Six**

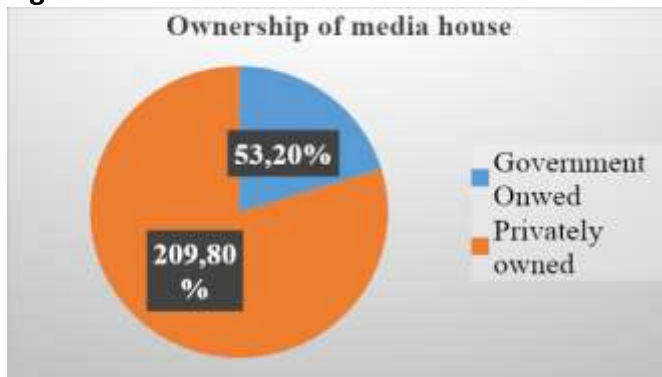


Figure 6 shows that 53 respondents representing 20% work in government owned media houses while 209 (80%) respondents were staff of privately owned media houses.

**Figure Seven**

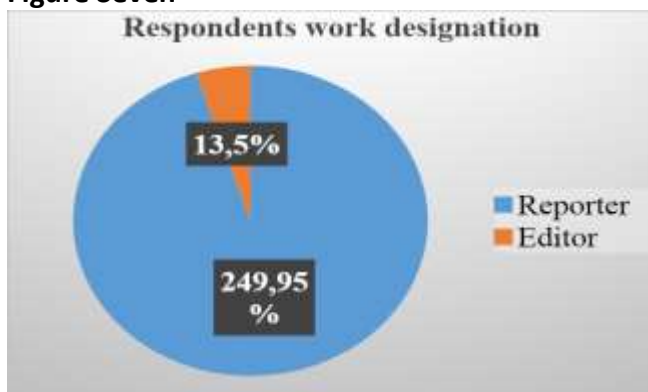


Figure 7 shows that numbers of respondents employed as reporters were 249 representing 95%, while 13 respondents representing 5% were editors in the media organisations where they work.

**Table One**

Knowledge of the FOI Act

	Have you heard about the Freedom of Information (FOI) ACT?		If 'Yes,' since when did you hear about the FOI Act?
Yes	100% N=262	Before assent	17% N=44
No	0% N=0	Shortly after assent	34% N=90
		Years after assent	49% N=128
<b>Total</b>	<b>100%</b> <b>N=262</b>	<b>Total</b>	<b>100%</b> <b>N=262</b>

Table one shows that 100% or all the respondents are aware that the FOI Act is in existence. The table also discloses that 44(17%) of the respondents became aware of the FOI when it was still a bill (before

assent), 90(34%) of the respondents got to know shortly after it became an Act, while 128(49%) of the respondents knew about it years after it assent.

**Table Two**  
**Accessibility of the FOI Act**

	Which version or copy of the FOI Act do you have access to?		Have you read and understand the workings of the FOI Act?
Softcopy	42% N=111	Yes	45% N=117
Hardcopy	27% N=72	No	9% N=23
Online copy	10% N=79	Partially	46% N=122
<b>Total</b>	<b>100%</b> <b>N=262</b>	<b>Total</b>	<b>100%</b> <b>N=262</b>

Table Two shows that 111(42%) of the respondents have softcopy of the FOI Act, while 72(27%) of the respondents have printed version (hardcopy) of the FOI Act, and 79(10%) of the respondents access online version of the FOI Act. The table also shows that majority of the respondent have

spent time studying the FOI Act. This is because 117(45%) of the respondents agreed to have read and understand its workings, while 112(46%) respondents have partially done that against the 23(9%) respondents' negatively to the question.



**Table Three**  
**Utilisation of the FOI Act**

	Have you ever applied for information in any public institution using the FOI Act?		If your answer to question 10a above is "No," why haven't you apply the Act at course of your work as a journalist?
Yes	21% N=56	I'm not yet in need of it	8% N=17
No	79% N=206	I don't know its application process	43% N=88
		Its application process is time consuming	49% N=101
<b>Total</b>	<b>100%</b> <b>N=262</b>	<b>Total</b>	<b>100%</b> <b>N=206</b>

Table three shows that only 56(21%) of the respondents have applied the FOI Act in seeking information from public institutions, while 206(79%) of the respondents have not done that. Also, 8% of the respondents that have never apply the FOI Act at course of their journalistic works said they have not done that because

they are not yet in need of it, 88(43%) respondents said they don't know its application process, while 101(49%) of the respondents claimed that applying it would waste their time. This shows that majority of the respondents don't see the worth of using the FOI Act.

**Table Four**  
**Application of FOI Act**

	If your answer to question 10a above is "Yes," in which category of public institution did you apply FOI requests?		What was the outcome of your FOI request?	What was there reason for not granting your FOI requests (if stated)?
Federal govt. owned institution	38% N=21	Fully granted	16% N=9	-Nothing -It does not apply to state institutions. -It does not apply to LG institutions. -It is security document.
State govt. owned institution	50% N=28	Partially granted	30% N=17	-I should explain why I need the information.
Local govt. owned institution	12% N=7	Ignored	54% N=30	-It is not for public consumption.

<b>Total</b>	<b>100%</b> <b>N=56</b>	<b>Total</b>	<b>100%</b> <b>N=56</b>	
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Table four shows that 21(38%) respondents have used the FOI Act to apply for information at federal government owned institutions, while 28(50%) of the respondents have done same thing at state government owned institutions, just as 7(12%) of the respondents did same at local government owned institutions. The table also states that only 9(16%) of the respondents got complete reply to their FOI request, while 17(30%) respondents

received some of the information requested (partially granted), and 30(54%) of the respondents were totally ignored by the public institutions where they applied for FOI Act. The table also shows a summary of replies respondents got from public institutions that denied them access to public information. This shows that public institutions deny respondents access to information.

**Table Five**  
**Denial of FOI Request**

	What was your reaction when your requests were either ignored or partially granted?		If your answer to question 12a above is "Nothing," why?
Nothing	100% N=56	I killed the story due to financial constraint to initiate legal action	43% N=24
Initiated legal action	0% N=0	I killed the story because I am unaware of its legal application process	57% N=32
<b>Total</b>	<b>100</b> <b>N=56</b>	<b>Total</b>	<b>100%</b> <b>N=56</b>

Table five shows that all the respondents 56(100%) denied access to public information did nothing to find justice as stipulated in the FOI Act. The table also shows that 24(43%) of the respondents killed their stories immediately due to lack of finances to execute legal action against those that denied them access to information, while 32(57%) did the same because they were unaware of its legal application processes. This shows that

most respondents are not fully aware of how to utilise the FOI Act.

**Discussion of Findings**

**Research Objective One: What is the knowledge level of the South-East Nigeria Journalist of the Freedom of Information (FOI) Act?**

The data in Table one confirmed that all the respondents (representing 100%) are aware of the existence of the Freedom of Information (FOI) Act. The table also showed that majority of the

respondents (49%) became aware of existence of the Act some years after it was passed to, while others learnt of it when it was still a bill before the National Assembly and shortly after it was assented to. This supports Apuke (2016), Obayi, Anorue, Onyebuchi, Umeokeke & Etumnu (2020) and Udoudo, Ochonogor, & Nwanmereni (2020) findings that journalists are well aware of the Freedom of information Act.

**Research Objective Two: How often have the journalists of the South-East Nigeria utilise the Freedom of Information Act in discharge of their duties?**

The study findings in tables three and four show that the majority of the respondents were yet to obtain relevant data using the FOI Act as only 21% in table three applied it, just as only 16% in table four obtained information using it. This is poor if compared to numbers of respondents that are aware of its existence. This collaborates Udoudo, Ochonogor, & Nwanmereni (2020) and Nnanwuba, Nwakego and Chukwuweike (2019) also discovered that level of application was low due to inadequate sensitisation of the citizens and that journalists were reluctant to harness the FOI Act due to legal and political factors, and poor culture of investigative journalism in Nigeria.

**Research Objective Three: What is the level of compliance of public institutions in the South-East Nigeria to making available information to the journalists in line with the FOI Act?**

The data in table four confirmed that most of the state government owned institutions denied journalists (50% of the respondents) in South East zone access to information. Also, federal government owned institutions (38%) and local government owned institutions (12%)

refused to grant South East based journalists' access to information as provided by the FOI Act. This finding is in agreement with Ejitagha (2019) study that discovered that even federal agencies and institutions in Delta and Rivers States (South South geopolitical zone of Nigeria) are aware of the Act but their levels of compliance or implementation of the Act was poor due to corruption, secrecy, bureaucracy, poor record keeping, inadequate knowledge of its provisions, among others.

**Research Objectives Four: What were the reactions of journalists of the South-East Nigeria when they were denied of information by public institutions?**

Data in table five further showed that no journalists in the South East geopolitical zone have ever gone to court to challenge any public institution for denying them access to information. All the respondents (100%) agreed they did nothing when they were denied information applied for. The table also showed that most of the respondents (57%) abandoned or killed their story due to ignorance of how to apply the Act, while 43% respondents did the same due to lack of finances to initiate legal action. This finding is in line with Nnanwuba, Nwakego and Chukwuweike (2019) that journalists were reluctant to harness the FOI Act due to legal bottlenecks. However, Chukwu & Ihejirika (2018) found that some Civil Society Organisations (CSOs) in Lagos, Nigeria had applied it, as well as sued some public institutions for violating the Act.

**Conclusion**

The findings of this study showed that journalists in the South East geopolitical zone are aware and knowledgeable of the existence of the FOI

Act but are not utilising it. The finding also showed that all the public institutions in the South East zone had denied journalists access to information. It was therefore concluded that journalists in the South East geopolitical zone were not utilising the FOI Act due to ignorance of its application processes.

### Recommendations

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- The researchers hereby recommended an intensive public enlightenment campaign to educate the public including the civil servants, journalists, civil society organisations, politicians and others on the provisions of the FOI Act. This will make it easier for adherence, compliance and full implementation of the Act.
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