

M. Parameshwaran v Pradeshiya Sabha - Point -Pedro

RTIC Appeal (In-person) **336/2021** – Order adopted as part of the formal meeting of the Commission on **22.12.2021**

Order under Section 32 (1) of the Right to Information Act, No. 12 of 2016 and Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure).

Chairman: Rt. Justice Upali Abeyratne
Commission Member: Ms.Kishali Pinto Jayawardena – Attorney at Law
Commission Member: Rt. Justice Rohini Walgama

Appellant: M.Parameshwaran
Notice issued to: Designated Officer – Pradeshiya Sabha, Point-Pedro

Appearance/Represented by:
Appellant: Absent
PA: S. Sribasgaran, Secretary of Pradeshiya Sabha, Point-Pedro

Information request filed on	26.11.2018
IO responded on	07.01.2019
First Appeal to Designated Officer filed on	28.01.2019
Designated Officer responded on	23.07.2019
Appeal to Right to Information Commission filed on	26.12.2019

Brief Factual Background:

By above dated information request, the Appellant requested the below information;

“I, humbly request to provide me the copies of the documents obtained from Mr. Thiagaraja Murugathas to grant approval to construct a sky-high building next to my building and carry out constructions therein”

The Information Officer responded on 07.01.2019, stating that,

“Requested information cannot be provided since it has been related with the third-party information and the said third party has rejected to release the information when we made a request to obtain his consent”

Dissatisfied with the response of the Information Officer, the Appellant appealed to the Designated Officer on 28.01.2019. The Designated Officer responded on 23.07.2019, stating that,

“An information, if it is relating to an individual person, according to the section 5(1)(a) of the Act, it can be provided only with the consent of the said party. Since the said third party has rejected to disclose the information, the requested information is not provided to you”

Dissatisfied with the response of the Designated Officer, the Appellant preferred an appeal to the Commission on 26.12.2019.

Matters Arising at the Hearing:

The PA was present at the hearing and the Appellant was absent.

The PA stated that the Appellant has requested the drawing (building plan), deed of the land and surveyor plan submitted by Mr. Thiyagaraja to obtain permit for his building, which are documents that relate to an individual and that therefore this information is exempt in terms of Section 5 (1) (a) of the Act.

The Commission observed that a copy of the surveyor plan and a copy of the deed can be provided but the provision of the building plan would cause unwarranted invasion of the privacy of the individual. Further, the Commission noted, as per the response of the Information Officer and the Designated Officer, that, the concerned person objected to the release of the information.

Order:

Accordingly, the PA is directed to provide a copy of the deed and a copy of the surveyor plan and allow the Appellant to inspect the building plan at the office of the Public Authority.

The Appellant is informed that if he is not in receipt of the information or if he is not allowed to peruse the said building plan, or if the information so provided is unsatisfactory, to inform the Commission of the same in writing within one month of the receipt of this Order.

The Appeal is Concluded.

Order is conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).