

W.H.J.S. Jayathilaka vs. Mahiyangana, Multi- Purpose Co-operative Society Ltd

RTIC Appeal (Documentary Proceeding) 1107/2018- Order adopted as part of a formal meeting of the Commission on 05.08.2019.

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)

Chairperson: Mr.Mahinda Gammampila

Commission Members: S.G. Punchihewa
Dr. Selvy Thiruchandran
Justice Rohini Walgama

Appellant: W.H.J.S. Jayathilaka

Notice Issued to: Designated Officer, Mahiyangana, Multi- Purpose Co-operative Society Ltd

RTI Request filed on	02.10.2018
IO responded on	No response
First Appeal to DO filed on	29.11.2018
DO responded on	No response
Appeal to RTIC filed on	16.01.2019

Brief Factual Background:

The Appellant by letter dated 02.10.2018 had requested the following information.

- 1. The names and addresses of Chairman, Secretaries, Vice Chairman, Vice Secretaries, Committee members, Board of Directors and all other officers*
- 2. Provide names and addresses (area wise) members of the society in relation to Mahiyangana and Ridimaliyadda divisions.*

As the Information Officer failed to respond within the time period stipulated under the Act the Appellant on 29.11.2018 lodged an appeal with the Designated Officer. As the Designated Officer too

failed to respond within the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 16.01.2019.

Matters Arising During the Hearing:

The Appellant informed the commission from his letter dated 27.02.2019 the failure on the part of the Public Authority to provide a proper response within the time period stipulated.

By the letter dated 02.03.2018 the Public Authority informed the Commission that the request of the Appellant was forwarded to the board of directors on 20.02.2018. Following decisions were taken at the meeting:

1. The Public Authority had tendered all information with regard to the boutique No 36, in the Mahiyangana Town. Further information has to be collected from the relevant authorities by the Appellant.
2. The power to access information and to take copies of the information in the possession of the Co-operative Society lies with the Department of Co-operative Development. Thereby the Public Authority refuses the Appellant to access the requested information.

Order:

The Commission observes that the information requested by the Appellant can be disclosed unless the Public Authority justifies that the same fall under section 5 (1) of the Right to information Act No 12 of 2016. The Public Authority had failed to establish their refusal to provide information under section 5 (1) Therefore the Commission orders the Public Authority to release the information to the Appellant. The Appeal is therefore concluded.

Order is hereby 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).
