

**Verite Research v. Comptroller General's Office, Ministry of Finance**

RTIC Appeal (In-Person Hearing)/1226 (a) /2019 Order adopted as part of the formal meeting of the Commission on 27/08/2019.

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  
**Commissioner:** Ms. Kishali Pinto-Jayawardena  
**Commissioner:** Dr. Selvy Thiruchandran  
**Commissioner:** Justice Rohini Walgama

**Appellant:** Verité Research  
**Notice issued to:** Designated Officer, Comptroller General's Office,  
Ministry of Finance

**Appearance/ Represented by:**

**Appellant** – Malsirini de Silva – Attorney-at-Law  
Anushan Kapilan, Researcher

**PA** – K.A.Ramya Kanthi- Comptroller General  
C.H.S Dangalla- Assistant Director  
A.K.D.D. Arandara – Director/ Legal

<b>RTI Request filed on</b>	28/08/2019
<b>IO responded on</b>	No response
<b>First Appeal to DO filed on</b>	14/11/2018
<b>DO responded on</b>	14/12/2018
<b>Appeal to RTIC filed on</b>	08/02/2019

**Brief Factual Background**

The Asset Management Circular No. 01/2018 dated 19.03.2019 requires the disposal of motor vehicles of all government agencies which are not in running condition before 30.06.2018 and credit all proceeds to the consolidated fund.

In relation to the above-mentioned circular, the Appellant requested the following information:

1. The full list of vehicles disposed as at 31.07.2018 broken down by each government agency, along with the details of the
  - a. type of the vehicle; and
  - b. model of the vehicle

2. The revenue collected from disposal of vehicles broken down by each government agency as at 31.07.2018 along with the details of the
  - a. type of the vehicles; and
  - b. model of the vehicle
3. If there are vehicles which have not been disposed by government agencies, provide a breakdown of undisposed vehicles by government agency, along with the following details:
  - a. Type of the vehicle
  - b. Model of the vehicle
  - c. Year of purchase
  - d. Purchase price
  - e. Reason for not disposing

As the Information Officer failed to respond within the time period stipulated under the Act, the Appellant on 14/11/2018 lodged an appeal with the Designated Officer. The Designated Officer of the Comptroller General's Office on 14/12/2018 responded by provide a summary report of the vehicles owned by the government categorized under vehicles in not running condition. Unsatisfied with the response received, the Appellant preferred an appeal to the Commission on 11/02/2019.

### **Matters Arising During the Course of the Hearing**

The Public Authority (PA) has already released a summary report to the Appellant based on the vehicles which are not in running condition. The report provided to the Appellant indicates the type of vehicle, organization type and the total number of vehicles not in running condition.

The Comptroller General's Office was of the view that disposed vehicles become private property after they are disposed. Therefore, information on disposed vehicles cannot be provided as it would cause an unwarranted invasion of privacy as stipulated it section 5(1)(a) of the Right to Information Act No. 12 of 2016 (RTI Act). However, the Appellant stated that it does not require the information as to whom the vehicles have been disposed to. The information sought is limited to the type/ model of the vehicle without disclosing the names of persons who purchased the vehicles.

The PA stated that according to the circular, the Comptroller General's Office has instructed Public Authorities to dispose vehicles that are not in running condition, but it has not collected information regarding the type/model of vehicles that are disposed. Therefore, the PA stated that it has not yet collected information on what types of vehicles are disposed.

With respect to the revenue collected from disposal, the PA stated that there is a revenue code under which revenue from disposal is collected. However, the Comptroller General's Office does not have information regarding revenue collected from each separate type/ model of vehicle.

The PA stated that information regarding undisposed vehicles are not collected by the Comptroller General's Office either. While the Comptroller General instructs the disposal of

vehicles which are not in running condition it does not have any information regarding the undisposed vehicles.

### **Order**

In terms of section 3 of the RTI Act “... every citizen shall have a right of access to information which is in the possession, custody or control of a public authority.” However, if certain information has not been received by the Comptroller General’s Office, the RTI Act does not cast a burden on the public authority to further analyze or seek information which is not in its possession, custody or control.

The Commission directs the release of information in the possession, custody or control of the Comptroller General with regard to disposed vehicles, separated by each Public Authority. While the Commission takes cognizance that certain information requested by the Appellant is not collected by the PA, the Comptroller General is to provide any information that is available with regard to disposed vehicles/ revenue collected categorized under each separate Public Authority.

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).

The Appeal is concluded.

\*\*\*\*\*