

**K. Prasanna Kumar v Ministry of Public Administration, Disaster Management and Livestock Department**

RTIC Appeal (Documentary Proceeding)/ 2009/2020 – Order adopted as part of the formal meeting of the Commission on 20.10.2020

**Chairperson:** Mr. Mahinda Gammampila  
**Commission Member:** Ms. Kishali Pinto-Jayawardena  
**Commission Member:** Mr. S.G. Punchihewa  
**Commission Member:** Justice Rohini Walgama

**Director-General:** Mr. D G M V Hapuarachchi

**Appellant:** K. Prasanna Kumar

**Notice issued to:** Ministry of Public Administration, Disaster Management and Livestock Department

<b>RTI Request filed on</b>	06.09.2019
<b>IO responded on</b>	07.10.2019
<b>Appeal to DO filed on</b>	16.10.2019
<b>DO responded on</b>	No Response
<b>Appeal to RTIC filed on</b>	03.12.2019

**Brief Factual Background:**

The Appellant filed above dated Information Request requesting the following information from the Public Authority between 2010 and 2014:

01. “The activities taken by the Saumyamoorthi Thondaman Memorial Foundation operated under the Ministry of Livestock and Rural Community Development during 2010- 2014
02. The details of budget allocations for those activities
03. The number of staffs served at the Saumyamoorthi Thondaman Memorial Foundation and their monthly salary details
04. The number of vehicles used for the Saumyamoorthi Thondaman Memorial Foundation and the current status and the value of those vehicles
05. The details of the building obtained for the Saumyamoorthi Thondaman Memorial Foundation and the expense details spent for the building”

The Information Officer responded on the above date refusing the information stating that the requested information is not in the possession, custody or control of the PA. Dissatisfied with the response of the PA, the Appellant appealed to the Designated Officer. As the Designated Officer failed to respond within the time period stipulated under the Act, the Appellant appealed to the Commission on 03.12.2019.

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

The PA has not responded to the notices issued by the Commission.

**Order:**

The Commission directs the PA to transfer the information request of the Appellant to the respective Ministry in possession of the information, as the Ministry portfolios have been revised as of this date. The PA is under a statutory duty to make a transfer of the information request to the relevant Public Authority in terms of Regulation No. 4 (6) promulgated under the Right to Information Act (Gazette No. 2004/66, 03.02.2017). Regulation 4 (6) states as follows;

*“If the request relates to information which the Information Officer is aware is held by another Public Authority, the Information Officer shall duly in written format transfer the request to the concerned Public Authority and inform the citizen making the request accordingly within 7 days from the date of receipt of the request.”*

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).

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Mahinda Gammampila – Chairman

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Kishali Pinto – Jayawardena – Commission Member

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S.G. Punchihewa – Commission Member

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R. Walgama – Commission Member