

R.Balasubramaniam v Human Rights Commission

RTIC Appeal (Documentary) 2358/2020 – Order adopted as part of the formal meeting of the Commission on 12.01.2021

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

Director-General: D G M V Hapuarachchi

Appellant: R.Balasubramaniam
Notice issued to: Human Rights Commission

RTI Request filed on	16.12.2019
IO responded on	No Response
First Appeal to DO filed on	31.12.2019
DO responded on	No Response
Appeal to RTI filed on	20.01.2020

Brief Factual Background:

At the RTIC hearing on 30.08.2018, the Human Rights Commission in relation to the RTIC Appeal No: 204/2018 (S. Balasubramaniam v Human Rights Commission), was said to have informed the Right to Information Commission that the information requested by the Appellant was already released to the Appellant and that the Appellant had acknowledged the same.

The Appellant in this appeal request a certified copy of the document said to have been released to the Appellant in relation to the above appeal.

The Information Officer failed to respond within the stipulated time frame, and the Appellant appealed to the Designated Officer. As the Designated Officer too failed to respond within a stipulated time frame, the Appellant preferred an appeal to the Commission.

Matters Arising During the Course of the Hearing:

The Public Authority has failed to respond to the notices issued by the Commission.

Order:

On consideration of the facts arising in this appeal, it is evident that the PA has failed to adhere to the mandatory timelines laid down for responses of the PA in relation to information requests as contained in Sections 25(1), 31 (1) and 31 (3) of the Right to Information Act No. 12 of 2016 hereinafter at times referred to as the RTI Act). Attention of the PA is thus drawn to the aforementioned sections which are reproduced below;

Section 25 (1):

An information officer shall, as expeditiously as possible and in any case within fourteen working days of the receipt of a request under section 24, make a decision either to provide the information requested for on the payment of a fee determined in accordance with the fee schedule referred to in section 14(e) or to reject the request on any one or more of the grounds referred to in section 5 of this Act, and shall forthwith communicate such decision to the citizen who made the request.

Section 31(3) states that:

The decision on any appeal preferred under subsection (1), shall be made by the designated officer within three weeks of the receipt of the appeal and shall include the reasons for the said decision including specific grounds for the same.

The attention of the Public Authority is drawn to the fact that it is under an obligation to provide the information in its possession, custody and control under and in terms of Section 3 of the Act.

Accordingly the PA is directed to release the information requested by the Appellant within two weeks, if the same has not already been released as of this date.

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

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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