

Inter Company Employees Union v Sri Lanka Insurance Corporation Ltd.

RTIC Appeal (In-Person Hearing)/580/2018 - Order adopted subsequent to the hearing/consideration at a part of the formal meeting of the Commission on 08.01.2019.

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 Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama

Director-General: Mr. Piyathissa Ranasinghe

Appellant: Inter Company Employees Union
Notice issued to: Designated Officer, Sri Lanka Insurance PLC

Appearance/ Represented by:

Appellant - Absent
PA - Absent

RTI Request filed on	22.03.2018 and 14.05.2018
IO responded on	24.05.2018
First Appeal to DO filed on	01.06.2018 and 04.06.2018
DO responded on	21.06.2018
Appeal to RTIC filed on	25.06.2018

Brief Factual Background:

The Appellant Union, by letters dated 22.03.2018 and 14.05.2018 requested for the following items of information

1. *A department plan of each unit under life insurance and general insurance of the Sri Lanka Insurance Corporation Ltd.*
2. *A document consisting of benefits and monetary payments other than commissions and fringe benefits granted to the agents and internal sales officers.*

- a. *Representing community, number of members of the community, entry qualifications, the telephone benefits given to each member, loan benefits, other benefits, foreign travels and other payments.*
 - b. *The unit or departments relating to internal sales officers, number of employees and the payment of telephone benefits to each of them, loan benefits, other benefits, foreign travels and other payments.*
3. *A document which contain a detailed salary description of the current employees of the Sri Lanka Insurance Corporation.*
- a. *Number of employees of the corporation and the cost for them per a month.*
 - b. *Number of employees of the MSRPL and the cost for them per a month.*
 - c. *Below listed information regarding MSRPL employees.*
 - I. *Number of senior managers, minimum qualifications for the post, fringe benefits accorded, minimum basic salary and the duties conferred.*
 - II. *Number of assistant general managers, minimum qualifications for the post, fringe benefits accorded, minimum basic salary and the duties conferred.*
 - III. *Number of deputy general managers, minimum qualifications for the post, fringe benefits accorded, minimum basic salary and the duties conferred.*
 - IV. *Number of chief officers, minimum qualifications for the post, fringe benefits accorded, minimum basic salary and the duties conferred.*
 - V. *Number of chief executive officers, minimum qualifications for the post, fringe benefits accorded, minimum basic salary and the duties conferred.*

The IO on 24.05.2018 responded providing a portion of the information and requesting for further time to gather the other items of information. Dissatisfied with the response of the IO the Appellant lodged an appeal with the DO on 01.06.2018 and 04.06.2018. The DO responded on 21.06.2018 stating that a certain portion of the information had been provided and the remainder was denied under section 5 of the RTI Act. Dissatisfied with the response of the DO the Appellant preferred an appeal to the Commission on 25.06.2018.

Matters Arising During the Course of the Hearing:

Both parties were absent for the hearing.

The PA, by letter dated 07.01.2019, signed by Ruwani Dharmawardhena and Lakshman Priyanka of the Appellant Union had informed the Commission that the parties have agreed to a settlement at the meeting held at the PA on 02.01.2019. Accordingly, the PA has agreed to provide the Appellant Union with the requested information based on and in accordance with the present institutional structure within seven days, failing which the Appellant Union reserves the right to Appeal to the Commission.

Order:

If the Appellant Union is satisfied with the information provided by the PA, it is directed to formally inform the Commission of such, failing which the Appellant Union is directed to appeal to the Commission on or before 05.03.2019.

The Appeal is adjourned.

Next Date of Hearing: 05.03.2019

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RTIC Appeal (In-Person Hearing)/580/2018 - Order adopted subsequent to the hearing/consideration at a part of the formal meeting of the Commission on 05.03.2019

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 Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama

Appellant: Inter Company Employees Union
Notice issued to: Designated Officer, Sri Lanka Insurance PLC

Appearance/ Represented by:

Appellant - K.M.L. Priyanka, Committee member , Inter Company Employees Union
PA - Nayana Godagamapala, Manager , Sri Lanka Insurance PLC

Matters Arising During the Course of the Hearing:

It is noted, that the settlement dated 07.01.2019 is only in relation to item no.1 of the information requested mentioned above.

The Appellant submitted that he filed three information requests. Therefore, the attention of the Appellant and the Public Authority is drawn to the fact that all three information requests are considered in this appeal (580/2018).

It is also noted that, the Public Authority has responded to item no 1, namely, a department plan of each unit under life insurance and general insurance of the Sri Lanka Insurance Corporation Ltd has been provided to the Appellant.

Order:

In the foregoing circumstances, the Public Authority is directed to more fully substantiate its position regarding the provisions of the information requested in items no 2 and 3.

The Appeal is adjourned.

Next Date of Hearing: 02.07.2019

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RTIC Appeal (In-Person Hearing)/580/2018 - Order adopted subsequent to the hearing/consideration at a part of the formal meeting of the Commission on 02.07.2019.

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 Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama

Director-General: Mr. Piyathissa Ranasinghe

Appellant: Inter Company Employees Union
Notice issued to: Designated Officer, Sri Lanka Insurance PLC

Appearance/ Represented by:

Appellant - K M L Piyankara
 A M Padmasiri
PA - Nayana Godagampola (Manager, Company Secretariat Division)

Matters Arising During the Course of the Hearing:

Upon query by the Commission the Appellant expressed that by the order of the previous hearing, the PA was directed to more fully substantiate its position regarding the provisions of the information requested in items no 2 and 3. The PA informed the Commission that they have provided the Appellant information with regard to the Organisational Structure of Sri Lanka Insurance Corporation Ltd. which was requested by the Appellants by a letter dated 09.03.2018.

Thereafter, clarifications were made as to which the items of the Information Request have not been provided by the PA to the Appellant. In relation to information request item no. 1 (*department Plan of each unit under Life Insurance and General Insurance of the Sri Lanka Insurance Corporation Ltd. (requested by letter dated 22.03 .2018)*) have not been provided by the PA to the Appellant.

When questioning on the provision of information as per item no 2. (*document consisting of the benefits and monetary payments other than commissions and fringe benefits to the agents and internal sales officers (requested by letter dated 22.03.2018)*) it was discovered that the information was not provided by the PA to the Appellant.

Item no. 3 of the information request by the Appellant (*document which contain a detailed salary description of the current employees of the Sri Lanka Insurance Corporation (requested by letter dated 14.05.2018)*) have not been provided by the PA to the Appellant.

Order:

In the foregoing circumstances, the Public Authority is directed to more fully substantiate its position regarding the provisions of the information requested in item numbers 1, 2, and 3.

The Appeal is adjourned.

Next Date of Hearing: 26.11.2019

Order is directed to be 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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RTIC Appeal (In-Person Hearing)/580/2018- Order adopted as part of the formal meeting of the Commission on 26.11.2019

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 Member: - Mr. S.G. Punchihewa
Commission Member: - Dr. Selvy Thiruchandran
Commission Member: - Justice Rohini Walgama

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

Appellant: - Inter Company Employees Union

Notice issued to: - Designated Officer, Sri Lanka Insurance Corporation Ltd.

Appearance/ Represented by:

Appellant - K.M.D.L. Priyankara (Assistant Secretary)
PA - Ruvini Hewavitharanage

Matters Arising During the Course of the Hearing:

Upon queried by the Commission, the Appellant submitted to the Commission that he received information regarding the information item 1 and submitted that he did not receive information in relation to items 2 and 3.

The Public Authority submitted that it is a profit-making organization and that it engages in a competitive marketplace. The Public Authority further submitted that as the organization is dependent upon the sales force, disclosing information on benefits and monetary payments granted to the agents and internal sales officers would be detrimental to the organization as such information could be used by rival organizations.

Thus, the Public Authority submitted the following,

1. The organization does not wish to disclose the information relating to item 2 and;
2. In relation to item 3, the Public Authority submitted that the MSRPL is a private limited company with 100% shares fully owned by the Sri Lankan Insurance Corporation and as per the interpretation provided in the Right to information Act the MSRPL does not come under the purview of the Act.

Order:

The Appellant and the Public Authority is directed to more fully substantiate its position regarding the provisions of the information requested in items 2 and 3 by via written

submissions. The Public Authority is directed to submit its written submission on or before 14.01.2020 whereas the Appellant is directed to make submissions in response on or before 21.01.2020. Upon consideration of both, the Commission will issue a final order on 28.01.2020 for which the parties need not be present.

The Appeal is adjourned.

Next Date of Consideration: 28.01.2020

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Mahinda Gammampila – Chairman

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S.G. Punchihewa – Commission Member

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Selvy Thiruchandran – Commission Member

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R. Walgama – Commission Member
