

The Right to Information Commission

Dr. Indi Ruwangi Akurugoda
“Indunila”, Halpathota,
Baddegama

-Appellant-

RTIC App/No :- 126/2022

Vs.

University of Ruhuna,
Wellamadama,
Matara.

-Public Authority-

Before : 1. Justice Upaly Abeyrathne (Rtd.) - Chairman
2. Ms.Kishali Pinto-Jayawardena (Attorney-at-Law) - Commissioner
3. Mr.Jagath Liyana Arachchi (Attorney-at-Law) - Commissioner

Appearance : The Appellant participated via Zoom Technology.
The Public Authority is absent.

Written Submission : Appellant – Not Submitted
Public Authority - 22.06.2022

Date of Hearing : 27.06.2022

Decided on : 27.06.2022

Order of the Commission

Factual Background

By Information Request dated 02.08.2021, the Appellant requested the below information;

“1.Appointemet letter of Mr Aruna Jayathilaka as a visiting lecturer (POS 21543/POS 21643) at the Department of Public Policy

2.A description of payments made to Mr Aruna Jayathilaka for his visiting lecturers (POS 21543/POS 21643) at the Department of Public Policy

Period – July – August 2020”

The Information Officer on 01/10/2021 responded as mentioned below;

“ඔබ විසින් ඉල්ලා ඇති තොරතුරු (ලියාපදිංචි අංක 92 දරන තොරතුරු අයදුම්පත්‍රය මගින්) තොරතුරු දැනගැනීමේ අයිතිවාසිකම පිළිබඳ පනතේ පහත සඳහන් කර ඇති හේතුව මත ප්‍රතික්ෂේප කරන ලද බව දන්වමි.

2016 අංක 12 දරන තොරතුරු දැනගැනීමේ අයිතිවාසිකම පිළිබඳ පනතේ 5(1) (අ) වගන්තිය අනුව ඔබ විසින් ඉල්ලා ඇති කරුණු ලබා දීමට නොහැකි බව දන්වා සිටිමි.”

Dissatisfied with the above response, the Appellant lodged an appeal to the Designated Officer on 13/10/2021.

Dissatisfied with the above response, the Appellant preferred the above Appeal to the Commission on 08.02.2022. As the Designated Officer failed to respond with the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 12/11/2021.

The Public Authority (PA) has submitted a letter dated 22.06.2022 to the Commission stating that,

“අදාළ අංශ මගින් මා වෙත ලැබූ තොරතුරු අනුව නොනිල වශයෙන් මෙම ලේඛන ලබා දීමට නොහැකි බව මට අනාවරණය වූ අතර එමනිසා ඔහුගෙන් ලිඛිතව අදාළ කාලපරිච්ඡේදය සඳහා (2020 ජූලි - 2020 අගෝස්තු) එකී තොරතුරු ලබා දීම සම්බන්ධව විමසීමක් කර ඉක්මනින් ගරු කොමිෂම වෙත දන්වන බව දන්වා සිටිමි.

තොරතුරු පනතේ තෙවන පාර්ශවයකට තොරතුරක් රඳවා ගැනීමට තිබෙන හැකියාව පිළිබඳව ඔහුට විශේෂයෙන් එකී කරුණු සඳහන් කරන ලිපියේ දන්වා යවන බවත් ගරු කොමිෂම වෙත දන්වා සිටිමි.”

Consideration

We carefully considered the said information request of the Appellant dated 02.08.2021 and the said submission made by the Public Authority dated 22.06.2022. We are not in agreement with the said submission of the Public Authority since the requested information does not fall within the meaning of Section 5 (1) (a) as pleaded by the Public Authority.

The appointment letter and description of payments which are the subject matter of the said information request cannot be held as third party information since said information generates from the said Public Authority.

Although, the Public Authority is absent and unrepresented at the inquiry we had the opportunity of perusing their letter dated 22.06.2022 which consists of their position which would be taken up at the inquiry. Though they have moved for a date for inquiry, we are of

the view that the matter before us does not warrant their participation in order to arrive at a correct decision since the question before us does not attract any further submission or any wider consideration upon the position taken up by the Public Authority.

Considering the circumstances, we hold that the Public Authority should release the said information to the Appellant before 25.07.2022, with copies to the Commission.

The Commission further decides that, if the Public Authority fails to comply with the said decision of the Commission before the said date, the Information Officer and the Public Authority shall be prosecuted before the relevant Magistrate's Court under Section 39 of the Right to Information Act No.12 of 2016.

The Director General is directed to convey the decision to the Appellant, the Information Officer and the Public Authority.

Appeal concluded.