

The Right to Information Commission

K. Prasanna Kumar,
Thinakkural,
185, Grandpass Road,
Colombo 14

-Appellant-

RTIC App/No: 155/2022

Vs.

Department of Labour,
11th Floor,
Mehewara Piyasa,
Colombo-05

-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 : Appellant participated *via* phone No. 0717471989

Public Authority represented by T.C Karunarathne (Assistant
Commissioner of Labour)

Written Submission : Appellant – Not submitted
Public Authority - Not submitted

Date of Hearing : 10.08.2022

Decided on : 10.08.2022

Decision:

Factual Background:

The Appellant by request dated 08.07.2021 requested the following information;

1. *“Number of the registered labourers in plantation? (Tea/Rubber/Palm)”*
2. *What is the total number of members registered in*
 1. *Ceylon Workers Congress (CWC)*
 2. *National Union of Workers (NUW)*
 3. *Up-country people’s Front*

4. *Lanka Jathika Estate Workers Union.*
5. *People's Workers Union*
6. *Up-country national Front*
7. *Workers National Front*
3. *How much subscription membership fees have been received? (Monthly)*
4. *Total membership fees. (Yearly)*
5. *Details of expenses.*
6. *Annual Reports. (2020/2021) ”*

Information requested period - 2015-2021

As the Information Officer failed to respond within the time period stipulated in the Act, the Appellant lodged an Appeal with the Designated Officer dated 18.10.2021. The Designated Officer responded dated 07.12.2021 stating follow;

“The requested information cannot be provided since we have no such analytical information regarding the requested Organizations and we are not maintaining such information.”

Dissatisfied with the response of the Designated Officer, the Appellant preferred an Appeal to the Commission dated 24.12.2021.

Consideration:

The Public Authority now submitted that they are prepared to provide the information requested by the Appellant pertaining to items Number 2, 4, 5 and 6 of the said information request. They further submit that they do not maintain records of information pertaining to items Number 1 and 3 of the information request.

We carefully considered the said submission of the Public Authority. Accordingly we decide that that Public Authority should release the information as agreed above before 09.09.2022 with copies to the Commission.

The Commission further decides that the failure to release the said information on or before the said date would lead to prosecution before the relevant Magistrate's Court under Section 39 of the said Act.

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

Appeal Concluded.