

# The Right to Information Commission

H.N. Shakeer Mohamed,  
106, Kurugoda,  
Akurana,  
Kandy

**-Appellant-**

**RTIC App/No: 34/2022**

Vs.  
Department of Examination,  
Pelawatte,  
battaramulla

**-Public Authority-**

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

**Appearance** : The Appellant participated via Zoom Technology.  
The Public Authority represented by Mr. C.A Jayasundara,  
Commissioner of Examinations (Administration) – Information  
Officer and Mr. T.S Gamage, Management Service Officer

**Written Submission:** Appellant : 09.09.2022 & 10.09.2022  
Public Authority : 16.08.2022

**Date of Hearing** : 18.08.2022 & 15.09.2022

**Decided On** : 15.09.2022

## **Decision of the Commission:**

### **Factual Background:**

The Appellant by the request dated 04.06.2021, requested the below information,

*Requesting G.C.E A/L and O/L Exam Results 2010-2020*

*Please send me:*

*G.C.E (A/L) and G.C.E (O/L) exam results between 2010 and 2020 for following public (Government) school and all private (International) Schools in Kandy.*

*1. Azhar Central College, Akurana, Kandy.*

*2. Akurana Muslim Balika Vidyalaya, Akurana, Kandy.*

*3. All the International Schools in Kandy*

As the Information Officer failed to respond within the time period stipulated in the Act, the Appellant appealed to the Designated Officer dated 08.10.2021.

However, the Information Officer responded dated 27.10.2021, after the Appeal lodged with the Designated Officer stating follow;

*“Your request for access to information is denied under the provision of the clause 5 (a) of the RTI Act No.12 of 2016, where the information requested, relates to personal information and the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of an individual.”*

The Designated Officer too failed to respond within the time period stipulated in the Act, the Appellant preferred an appeal to the Commission dated 15.11.2021.

In response to the notice issued by the Commission, the Public Authority has filed its written submission dated 16.08.2022 stating follow;

- The information request of the Appellant was identified as “Information which could cause unwarranted invasion of the privacy of an individual” under Section 5(a) of the Act.
- The Candidates appearing for G.C.E (O/L) and G.C.E (A/L) examinations conducted by this Department are recognized under 02 categories;
  - i. School candidates
  - ii. Private Candidates
- Accordingly, the Department releases results of school candidates to the relevant schools and the results of private candidates, to their addresses stipulated in the application.
- In this context, the candidates of International School are also considered as private candidates and the result sheets of those candidates are prepared individually for each candidate. As there is no process being followed in issuing result of the candidates of any International School in a consolidated result sheet, there is no system of tracing any private candidate when issuing results as to whether the candidate appeared as a student of an International School.
- The Department follows a well secured method when uploading results of an examination to the official website of the Department by which, a candidate could retrieve his/her results only by entering the index number.
- Therefore, the Department has followed necessary safety measures to prevent the exposure of any examination results of an individual which is an extremely confidential and personal information which should not be released to any third party without the consent of the person concerned.
- Under these circumstances, the Department of Examination Sri Lanka has rejected the request of the above named Appellant under the provision vested in with the Public Authority under Section 5(a) of the Act.

The Appellant has filed his written submission dated 09.09.2022 & 10.09.2022 stating follow;

- The information requested is already accessible and is therefore technically exempt under the Section 5(a) of the Right to Information Act No. 12 of 2016.
- Every school publishes examination results of their students on notice board; thereby anyone can have access to these data during time examination results are released.
- The Official website of the Department of Examination publishes the results for certain period of time. Anyone could retrieve anyone's results by entering the Index number or NIC number.
- The Department's official website ([www.doenets.lk](http://www.doenets.lk)) doesn't follow any authentication methods such as password. Exam results are not protected by password.
- Index no or NIC numbers are not authentication methods. It is only help to identify the students from large database. Index no is predictable number pattern.
- In addition to the general public, the Public Authority has given the access to this information to the other parties such as Dialog and Mobitel.
- Any sensitive personal information has not been requested by the Appellant in his RTI 01 form.
- Therefore, the public authority cannot deny access to said information on grounds of 5 (1) (a) of the Right to Information Act No.12 of 2016.
- The requested information helps evaluating the performance of the schools as per the appellant's research purpose; therefore it is of public interest.
- Evaluation of performances of the schools in GCE O/L and A/L examinations makes it convenient for the public to understand it while it contributes to better performances in upcoming examinations.
- Without prejudice to aforementioned submissions, the Public Authority can release the information of private applicants based on the location/area, if the Public Authority is unable to identify information of international students.

### **Consideration:**

We carefully considered the submission made by the Public Authority and the Appellant. We are of the view that the Designated Officer of the Public Authority has come to a correct conclusion. Therefore, we decide to conclude this appeal.

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

Appeal concluded.