



Annual Report - 2018

**Right to Information Commission,
Sri Lanka.**

May 2019

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Sri Lanka.

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RIGHT TO INFORMATION COMMISSION

VISION

Ensure that the citizens of Sri Lanka are able to effectively exercise their Right to Information.

MISSION

Developing and protecting the Right to Information of all Sri Lankan citizens adhering to a culture of transparency and good governance, through effective adjudication and monitoring of the practices of all Public Authorities, and promoting proactive disclosure which leads to citizens being more 'aware' of all information that relates to them.

OBJECTIVES

- Promote Enabling Measures to Process Requests: Formulate Rules in regard to Appeals, the Inquiry procedure, Fee Schedule for providing information, and Report Formats, develop and publish Guidelines and Directives for the purpose of giving effect to the provisions of the RTI Act, advise on Regulations proposed by the Ministry of Mass Media, and publicise the Commission's Oversight and Adjudication role.
- Provide Effective Adjudication and Enforcement: Effectively adjudicate disputes between Public Authorities and Information Seekers.
- Support the Training of Public Officials: Collaborate in training Public Officials and support specialised training on the Right to Information for stakeholders
- Increase Public Awareness: Increase public understanding of the RTI Act through the Commission's website and through media interaction.
- Improve Records Management: Provide precise directions on information management by way of Guidelines.
- Increase Proactive Disclosure: Foster proactive disclosure of information by issuing guidelines, setting minimum standards, initiating revisions to existing law, and periodical assessments.
- Establish Effective Monitoring and Evaluation: Effective monitoring and evaluation of RTI implementation by Public Authorities through utilisation of appropriate online solutions and assessment tools.

Foreword by the Chairman

The Right to Information Commission is the central oversight and enforcement agency established under Section 11 of the Right to Information Act, No. 12 of 2016. It is a statutorily independent body which has powers to hold inquiries into complaints on non-compliance and to recommend disciplinary action against offending officials. It also has the power to prosecute those who commit offences defined in the Act in terms of Sections 15, 38 (2) and 39 (4).

During the year 2018, RTIC received 800 appeals from citizens of which 549 were concluded by the Commission. This task was possible with Senior / Junior Legal Researchers who were recruited under UNDP assistance. They prepared legal notes after extensive research to facilitate the RTIC to draft final orders. The Swiss Embassy assisted the Commission in affording financial support for the holding of advocacy workshops at District level and the compilation of two tri-lingual publications, one consisting of *Selected Orders of the*

RTI Commission and the other on *Reflections on Sri Lanka's RTI Act and RTI Regime*, to which publication several domestic and international experts contributed.'

I am thankful to the UNDP, World Bank, SDGAP Project, Swiss Embassy and all those legal consultants and legal researchers for their excellent contribution. I am specially thankful to RTI Commissioners Justice Rohini Walgama, Senior Lawyer, Ms Kishali Pinto-Jayawardena, Senior Lawyer Mr. S.G.Punchihewa, Senior Researcher Dr. Selvy Thiruchandran for their endeavours in fulfilling the statutory mandate of the RTI Commission during the year.

This publication provides in brief a review of the performance and achievements of the Commission during its 2nd year in office. On behalf of the Commissioners, I wish to thank the Director-General and the members of the Staff for their efforts in this endeavour.

Mahinda Gammampila
Chairperson

Profiles of Chairperson and Commissioners

Chairperson

Mr. Don Mahinda Gammampila, BA(Hons), M.Soc.Sc.(Birmingham), Retired Special Grade Officer of the Sri Lanka Administrative Service, former Secretary to the Ministry of Labour, Management Consultant and Trainer with expertise in Public Policy, Development Administration, Community Development, Labour Studies, Productivity Improvement and Institutional Capacity building; he served for over 35 years in the Public Service in many Administrative Districts and Divisions holding senior positions including posts of Additional Director, Sri Lanka Institute of Development Administration, Additional Secretary to the Ministry of Defense, and Secretary to the Ministry of Labour.

Commissioners

Justice (Mrs) Rohini Walgama was called to the Bar on 11.02. 1980 and joined the Judiciary as a Magistrate on 03.11.1986. She functioned as a Magistrate, District Judge, Judge of the High Court and Commercial High Court and Judge in the Civil Appellate Court. Justice. Justice Walgama was appointed as a Judge of the Court of Appeal on 20.09.2014, and thereafter appointed as the President of the Court of Appeal on 09.05.2017 and retired from the Judiciary on 17.06.2017 after serving as a Judge for well over 30 years. She has also delivered lectures at the Judges' Training Institute.

Ms. Kishali Pinto Jayawardene, Senior Attorney-at-Law, graduated with Honours from the Faculty of Law, University of Colombo, practiced in public law in the appellate courts, appeared *pro deo* before the UN Human Rights Committee in challenges to the Sri Lankan State and was involved in formulating draft legislation on contempt of court and freedom of information. Editorial (legal) consultant for *the Sunday Times* (September 1998 to September 2016) for which newspaper, she contributes a long-standing legal column, she has authored several publications on the Rule of Law and has been conferred numerous local and international awards, including being named Distinguished Visitor, Research School of Asia and the Pacific, Australian National University (ANU), Canberra, Australia (2013).

Mr. S.G.Punchihewa, Senior Attorney-at-Law, an Activist in the field of Human Rights; as a human rights lawyer he appeared in several landmark cases in the administration of justice, including the disappearance of more than thirty students in Embilipitiya in the late nineteen eighties. As a social activist, he has been directly involved in many civil rights movements in Sri Lanka during the last three to four decades. He has also been an active trade unionist. He is an educationist and a trained Trainer on Conflict Resolution, Human Rights, Language Rights and Constitutional Reforms.

Dr. Selvy Thiruchandran- Senior Researcher, A researcher who has to her credit many publications both in the English Language and Tamil Language. They deal with the Social Construction of Gender from socio-cultural and political backgrounds. She holds a Master's Degree in Women's studies and a PhD in Cultural Anthropology from the Vrije University In Amsterdam, The Netherlands. She holds a few positions of responsibility as the Governing Council member of University of Peradeniya, Council member of the Social Scientists' Association, Board member of the Noolaham Foundation, a Digital International Library. She was formerly one of the members of the Civil Society Advisory Group for the UN Women

1. Citizen's Right of Access to Information

1.1 Right to Information – A Fundamental Right

A citizen's right of access to information has been secured as a fundamental right by the Constitution of Sri Lanka through the 19th Amendment adopted in 2015. Article 14A. (1) states that "Every citizen shall have the right of access to any information as provided for by law, being information that is required for the exercise or protection of a citizen's right held by:- (a) the State, a Ministry or any Government Department or any statutory body established or created by or under any law; (b) any Ministry of a Minister of the Board of Ministers of a Province or any Department or any statutory body established or created by a statute of a Provincial Council; (c) any local authority; and (d) any other person, who is in possession of such information relating to any institution referred to in sub-paragraphs (a) (b) or (c) of this paragraph."

Sub Section (2) of the Article states that no restrictions shall be placed on the right declared and recognized by this Article, other than such restrictions prescribed by law as are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals and of the reputation or the rights of others, privacy, prevention of contempt of court, protection of parliamentary privilege, for preventing the disclosure of information communicated in confidence, or for maintaining the authority and impartiality of the judiciary.

1.2 Right to Information Act No. 12 of 2016

The Parliament of Sri Lanka passed the Right to Information Act No. 12 of 2016 on August 2016 to provide for the right of access to information; to specify grounds on which access may be denied; to establish the right to information commission; to appoint information officers; to set out the procedure and formats connected therewith or incidental thereto.

1.3 Right to Information Commission (RTIC)

Accordingly, the Right to Information Commission (RTIC) was established under Section 11 of the Act as a body corporate with perpetual succession and a common seal on October 01, 2016. The RTIC is the central oversight and enforcement agency established under the Act, which gives effect to the Act and enforces its provisions. It is empowered to formulate rules and regulations relating to the RTI process. Under Section 38, the RTIC can recommend disciplinary and legal action against persons violating the provisions of the Act. The Act was operational by the Minister which came into effect in respect of all Public Authorities from February 3, 2017.

The RTIC consists of a Chairperson and four Commissioners appointed by the President upon the recommendations of the Constitutional Council. In making such recommendations, the Constitutional Council selects persons nominated by the Bar Association of Sri Lanka, organisation of publishers, editors and media persons and other civil society organisations. The persons who are thus recommended should have distinguished themselves in public life with proven knowledge, experiences and eminence in the field of law governance, public administration, social services, journalism, science and technology or management and are not connected with any political party and do not hold any public, judicial or any other office and not engaged in any business or profession.

1.4 Regulations, Rules and Guidelines

In the practical working of the law, the Minister on 03.02.2017 gazetted 'Regulations Promulgated under the Right to Information Act No.12 of 2016 by Gazette Extraordinary No.2004/66. These regulations included prescribing procedures pertaining to access information, proactive disclosure, formats for requests, procedure for appeals to designated officers and to the Commission. These rules were amended by Gazette Extra Ordinary No. 2006/43 dated February 17, 2019.

Public Authorities are required to send annual reports to the RTIC under Section 10 while Ministers are required to publish bi-annual reports in terms of Section 8 of the RTI Act. The RTIC has formulated guidelines for the use of public authorities and Ministers for the preparation of annual and bi-annual reports. The RTIC collaborated with the nodal agency in the drafting of RTI Regulations, finalised Guidelines on Proactive Disclosures for Public Authorities and formulated the formats for Section 10 annual reports.

1.5 The Strategic Implementation Plan 2017-2019

The RTIC prepared its 3-year Strategic Implementation Plan for 2017-2019 under 8 objectives assisted by UNDP. Annual Action Plans were prepared for each year under the Strategic Implementation Plan.

1.6 The Present Commission

The Commission consists of a Chair and 4 Commissioners appointed by the President upon the recommendation of the Constitutional Council. The Constitutional Council is required for this purpose to recommend one person each nominated by the a) Bar Association of Sri Lanka, b) media organisations, and c) other civil society organisations. [Section 12 (1)]. The recommended persons should have distinguished themselves in public life and have experience and eminence in their chosen field, not hold political, public or judicial office or any office of profit, not be connected to any political party and not be carrying out any business or pursuing a profession. The President appointed the present Commission for a term of five years and this is the second year of the Commission. Chairperson and Commissioners of the Commission during the year were as follows:

Chairperson

Mr. Don Mahinda Gammampila, Retired Class -I, (Special Grade) Officer of the Sri Lanka Administrative Service, Former Ministry Secretary.

Commissioners

Ms. Kishali Pinto Jayawardena, Senior Attorney-at-Law

Mr. S.G.Punchihewa, Senior Attorney-at-Law

Justice Rohini Walgama, and

Dr. Selvy Thiruchandran- Senior Researcher

2. Duties, functions and powers of the Commission

2.1 The duties and functions of the Commission are as follows:

- i. Monitor the performance and ensure the due compliance by public authorities of the duties cast on them under the Right to Information Act No. 12 of 2016;
- ii. Make recommendations for reform both of a general nature and those in regard to any specific public authority;
- iii. Issue guidelines for determining fees to be levied by public authorities for the release of any information under the Act;
- iv. Prescribe the circumstances in which information may be provided by an Information Officer without the payment of a fee;
- v. Prescribe the fee schedule based on the principle of proactive disclosure;
- vi. Cooperate with or undertake training activities for public officials on the effective implementation of the provisions of the Act;
- vii. Publicise the requirements of this Act and the rights of individuals under the Act and
- viii. Issue guidelines for the proper record management for public authorities.

2.2 The Commission is entrusted with the following detailed activities under its duties and functions

- i. To provide advice requested with regard to an issue connected with the grant of access to any information which is exempted from being disclosed to the information officers (Section 5(5) of the Act);
- ii. To declare the directions to be observed in discharging its obligations for management of records by public authorities (Section 7(2) of the Act).
- iii. To determine the format with regard to preparation of bi-annual reports to be published by the Ministers (Section 8(1) of the Act);
- iv. To issue guidelines to be observed by Ministers with regard to proactively communicating information relating to the decided projects to the public generally, and to any particular persons who are likely to be affected by such projects (Section 9(1) of the Act);
- v. To make rules concerning the format of the annual report which every public authority should submit annually to the Commission and displayed to the public in its office and on its website;

- vi. To appoint employees as it considers necessary to the Commission (Section 13 of the Act);
- vii. To maintain the fund of the Commission and its accounts;
- viii. To publish the procedural requirements for the submission of appeals according to Section 32 of the Act (Section 22 of the Act);
- ix. To direct the public authority to disclose such information supplied by a third party to the public authority where the release of the information concerned outweighs the private interest (Section 29 (2) (c) of the Act); and,
- x. To institute prosecutions with regards to offences committed by information officers / designation officers (Section 39 (4) of the Act).

2.3. Powers of the Commission

- i. To hold inquiries and require any person to appear before it;
- ii. To examine persons under oath or affirmation and require such person to produce information which is in that person's possession;
- iii. To inspect any information kept under a public authority;
- iv. To direct a public authority to provide information in a particular form;
- v. To direct a public authority to publish information withheld by a public authority
- vi. To hear and determine any appeals made to it by any aggrieved person under Section 32;
- vii. To direct to reimburse fees charged from a citizen due to any information requested for not been provided in time;
- viii. To submit recommendations for regulations to be made by the Minister in charge of Mass Media under Section 41 of the Act; and,
- ix. To make rules concerning the matters stated in Section 42 of the Act.

3. Performance of the Commission

3.1 Meetings of the Commission

Appeal sittings of the Commission are held on Monday and Tuesday of the week. During the year under review, 114 meetings of the Commission were held. Appeals are heard under 3 forms in terms of Rules of the RTIC Gazetted on 03.02.2017 viz Initial Assessments (Rule 18); Documentary Proceedings (Rule 19), and In-Person Hearings (Rule 20)

3.2 The Receipt of Appeals

The Commission received 800 perfect appeals during the year 2018 compared to 230 perfect appeals received in 2017. Table -1 displays the number of appeals received by month of the year.

Table- 01 No of Perfect Appeals Received by Month 2017 & 2018

MONTH	APPEALS 2017	APPEALS 2018
January	-	60
February	-	67
March	03	69
April	11	76
May	32	72
June	24	41
July	41	78
August	52	91
September	32	95
October	52	73
November	49	61
December	59	30
TOTAL	230	800

Table-2 displays the number of appeals received by province during the year 2018 compared with the year 2017. The increase however varies in respect of provinces. The highest number was received from the Western Province while the lowest number was received from the Uva Province.

Table-2 No. of Formal Appeals Received by Provinces in 2017 & 2018

PROVINCE	APPEALS 2017	APPEALS 2018
Western	94	338
Southern	49	143
Northern	22	48
Central	22	77
Sabaragamuwa	12	35
North Central	11	43
Eastern	11	75
Uva	6	15
North Western	3	26
TOTAL	230	800

Table-3 displays provincial percentage shares of appeals received by the Commission in 2018 compared with 2017. The Western Province's share of 40.9% further increased to 42.2 % in 2018. Shares of many provinces marginally increased or declined during the year 2018.

Table-3 No of Formal Appeals Received by Province and % Shares 2017 and 2018

PROVINCE	APPEALS 2017	Provincial % Share	APPEALS 2018	Provincial % Share
Western	94	40.9	338	42.2
Southern	49	21.3	143	17.8
Northern	22	9.6	48	6.1
Central	22	9.6	77	9.7
Sabaragamuwa	12	5.2	35	4.4
North Central	11	4.8	43	5.3
Eastern	11	4.8	75	9.3
Uva	6	2.6	15	2.0
North Western	3	1.3	26	3.2
TOTAL	230	100	800	100

Table-4 presents provincial percentage share of appeals received by the Commission in 2018 after adjusting to the population of the respective Province.

Table-4 No. of Formal Appeals Received by Province Share Actual and Adjusted

Province	Appel s	% Share	Population '000	Population Adjusted % Share
Western	338	42.2	6129	28.3
Southern	143	17.8	2637	12.2
Central	48	9.7	2750	12.7
Eastern	77	9.3	1710	7.9
Northern	35	6.1	1131	5.2
North Western	43	3.2	2536	11.7
Sabaragamuwa	75	4.4	2047	9.4
North Central	15	5.3	1366	6.3
Uva	26	2.0	1364	6.3
	800	100.0	21670	100.0

Table-5 displays District % shares of appeals received by the Commission in 2018 compared after adjusting the population of the respective District.

Table-5 No. of Formal Appeals Received by District Share Actual and Adjusted

District	Total Appeals	% Share	Mid 2018 Population	Population Adjusted % Share
Colombo	213	26.5	2439	11.3
Gampaha	91	11.3	2409	11.1
Kalutara	35	4.4	1281	5.9
Galle	90	11.2	1124	5.2
Matara	21	2.6	858	4.0
Hambantota	32	4.0	655	3.0
Kandy	63	7.8	1468	6.8
Matale	13	1.6	519	2.4
Nuwara Eliya	2	0.2	763	3.5
Trincomalee	6	0.7	421	1.9
Batticaloa	7	0.9	570	2.6
Ampara	61	7.7	719	3.3
Jaffna	26	3.4	613	2.8
Vavuniya	15	1.9	187	0.9
Mannar	5	0.6	109	0.5
Kilinochchi	1	0.1	126	0.6
Mulaitivu	1	0.1	96	0.4
Kurunegala	189	2.4	1711	7.9
Puttalam	7	0.9	825	3.8
Ratnapura	29	3.6	1163	5.4
Kegalle	6	0.7	884	4.1
Anuradhapura	35	4.5	930	4.3
Polonnaruwa	7	0.9	436	2.0
Badulla	6	0.7	873	4.0
Monaragala	10	1.2	491	2.3
Total	800	100	21670	100

According to the number of formal appeals received by district in 2018 (vide Table-5), the highest number of 213 (26.5 %) appeals were received from the Colombo District. The second highest number of appeals was from Gampaha (11.3%) and Galle (11.2%). Third highest number was from Kandy (7.8%) and Ampara (7.7%) Districts. The number of appeals received by districts were adjusted to mid-year 2018 population of districts. After the adjustment, the shares dropped to 11.3% for Colombo and increased to 11.1% for Gampaha. The second highest was Kurunegala (7.9%) and the third highest was Kandy (6.8%).

Table-6 displays the number of appeals the Commission received by category of Public Authorities during the year 2018.

Table-6 No. of Appeals received by Type of Public Authorities -2018

Type of Public Authority	2017	%	2018	%
President, Prime Minister, Parliament, Cabinet	5	2.2	9	1.1
Courts/ Tribunals		-	8	1
Commissions	15	6.5	61	7.3
Ministries	29	12.6	113	14.7
Provincial Councils	17	7.4	41	4.9
District Secretariats	21	9.1	78	9.4
Local Authorities	27	11.7	60	7.2
Departments	61	26.5	225	28
Statutory Bodies	36	15.7	136	17.4
Universities & Higher Academic Institutes		-	31	3.7
Banks	19	8.3	28	3.3
Companies		-	14	1.7
Cooperatives		0.0	3	0.4
Total	230	100.0	800	100

Table-7 shows the number of appeals received by provinces by language of the appeal during the year 2018. The Commission has received 154 (67.0%) Sinhala, 23 (10.0%) Tamil, and 53 (23.0%) English appeals in 2017. In 2018 there were 532 (66.5%) Sinhala, 104 (13.0%) Tamil and 164 (20.5%) English appeals. The shares have not changed significantly in 2018.

Table-7 No of Appeals received by Language -2017 & 2018

2017				2018			
District	Sinhala	Tamil	English	District	Sinhala	Tamil	English
Colombo	39	1	17	Colombo	113	2	85
Gampaha	14		12	Gampaha	53		16
Kalutara	6		6	Kalutara	31		8
Galle	29			Galle	76		3
Matara	10		1	Matara	18		2
Hambantota	2			Hambantota	43		1
Kandy	19		2	Kandy	55		7
Matale	1			Matale	12		1
Nuwara Eliya	1			Nuwara Eliya	4		2
Trincomalee				Trincomalee	2	5	
Batticaloa		1		Batticaloa	1	6	1
Ampara	2	4	4	Ampara	11	65	12
Jaffna		14	7	Jaffna	1	11	10
Vavuniya		1		Vavuniya		8	3
Mannar			1	Mannar		1	4
Kilinochchi		1		Kilinochchi		1	
Mulaitivu		1		Mulaitivu		4	
Kurunegala	7			Kurunegala	12	1	1
Puttalam	3			Puttalam	12		1
Ratnapura	3		1	Ratnapura	34		1
Kegalle	3			Kegalle	4		1
Anuradhapura	2		1	Anuradhapura	33		1
Polonnaruwa	9			Polonnaruwa	6		1
Badulla	3			Badulla	7		
Monaragala	1		1	Monaragala	4		3
Total	154	23	53	Total	532	104	164
%	67.0	10.0	23.0	%	66.5	13	20.5

1.3. Requests other than formal appeals

Apart from the appeals that were received formally, the Commission received various public grievances which were informal, deficient which did not amount to proper requests for information as per the RTI Act. Over 300 such informal or deficient requests were received during the year 2018. These requests fell into 4 categories:

- A). Requests sent directly to the Commission without making requests for information to the Information Officer or Designated Officer.
- B). Requests made only to the Information Officer or to the Designated Officer and thereafter requests made to the Commission;
- C). Grievances which were not relevant at all to the field of requests for information and
- D). Requests made to obtain information of organisations which were not public authorities as per the Act.

Having responded to all such requests, the Commission sent instructions and replies. When a request for information was made again after rectifying such deficiencies, the same was included into the formal appeal and taken for hearing.

The Commission also responded to over 150 requests made by public authorities for instructions under the Act. The Commission provided instructions upon requests made by public authorities, inquiring grounds for refusal of access to information under section 5 (1) of the Act. The Commission indicated that the Commission would provide advice only on procedural matters regarding issues connected with the grant of access, as otherwise providing advice on substantive matters before an appeal is heard may amount to prejudging an appeal.

3.4. Hearing of Appeals

The access of citizen's right to information process commenced with the operationalization of the RTI Act in February 3, 2017 as published in the Gazette Extra Ordinary No. 2002/42 of January 20, 2017. According to the provisions of the Act, any citizen who is aggrieved by the response given to an information request by an Information Officer and a Designated Officer may appeal to the Commission after the expiry of the prescribed period.

The Commission has the power to conduct Appeal Hearings and Inquiries under the Act. This includes the power to examine a person under oath / affirmation and require the person to produce any information in his/her possession (exempted information will be examined in confidence). The Commission has the power to inspect any information held by a Public Authority including those that are considered exempted under the Act. The Commission can direct a Public Authority to provide information in a particular form and/ to publish information that was withheld by a Public Authority (except those subject to exemptions). The Commission can also direct a Public Authority to reimburse fees charged from a citizen when there has been a delay in providing the information. (Section 15).

During the year under review 800 appeals were heard, 549 were concluded and 251 were adjourned. Vide Table 8

Table 8 No. of Appeals Heard, concluded and adjourned

Appeals Heard on Tuesday Sittings	Appeals Heard Monday Sittings	Appeals adjourned	Final Orders made
455	345	251	549

Table-9 displays the hearing and conclusion of appeals by the Commission during the year.

Table-9 Classification of Appeals according to Purpose 2018

Type of Appeals	No	%
Appeals based on Requests of Individual Citizens	523	65.2
Appeals based on Requests of Individual Citizens also serving a common purpose	263	32.7
Appeals of Associations/ Societies for a common purpose	14	2.1
Total	800	100.0

Two-third appeals were based on individual requests. Another 32.7%, though originated from individuals, served a common purpose. Appeals purely on common causes were 2.1%.

Table-10 displays the number of appeals received in 2018 by field of information compared with 2017.

Table-10 No of appeals by field of information requested 2017 and 2018

Field of Information	No of Appeals 2017	No of Appeals 2018	% Change
Human Resources Management [appointments, promotions, transfers, disciplinary, retirement etc]	63	202	220.6
Land and property [titles, grants, licenses, transfers, acquisitions, compensation etc]	44	117	165.9
Administrative and Service Activities [licenses, services etc]	37	127	243.2
Financial Management and Accounts [income, expenditure, taxes etc]	17	47	176.5
Infrastructure Development Projects [roads, buildings, irrigation, water etc]	16	28	75.0
Education Service [admission of children to schools, school development societies, school administration]	12	102	750.0
Environmental impacts [environmental degradation/ loss/ protection etc]	11	16	45.5
Examinations, Investigation Committee Reports [except disciplinary]	11	23	109.1
Health and remedial services	6	19	216.7
Law and Order	5	83	1560.0
Procurement [purchasing, construction, tenders etc]	4	23	475.0
Other Miscellaneous	4	26	550.0
TOTAL	230	800	247.8

3.5 . Compliance by Public Authorities

The Commission has a duty to monitor compliance by Public Authorities of their duties under the Act, make recommendations for general reforms and those specific to a Public Authority. Furthermore, the Commission issues Guidelines on the reasonable determination of fees by Public Authorities for release of information, prescribe instances where information may be given free, prescribe the Fee Schedule, cooperate with / undertake training programmes for Public Officials, publicise the rights and requirements under the Act, and issue guidelines for the proper record management by Public Authorities. (Section 14).

Compliance regarding Reporting

Sections 8 and 9 of the Right to Information Act No. 12 of 2016 directs all Ministers and Ministers of the Provincial Councils to (i) publish bi-annual reports with updated information relating to the organization, functions, activities and duties of respective Ministries and (ii) to communicate project related information, respectively, to citizens

through the Ministry's website, to enable a citizen to exercise the right to access information granted under Section-3 of the Act.

Publishing bi-annual reports

Under Section 8(1), every Minister is required to publish bi-annual reports, before the 30th of June and 31st of December each year, containing information specifically stated in Section 8(2). Under Section 8(3), it is mandatory for Ministers to publish these reports within six months of the operationalization of the Act. Section 8(4) provides for the reports to be published in official languages and that such reports should be made available for public inspection.

Information relating to projects

Under Section 9(1)(a), every Minister is required to communicate all information relating to a project exceeding a certain value as stipulated in section 9(3). This information should be disclosed 3 months prior to the commencement of the project, to the public generally, and to any particular persons who are likely to be affected.

According to Section 9(2)(a) it is mandatory to provide updated information about a project on a request of a citizen. Section 9(3) provides for relevant values for locally funded and foreign funded projects.

Compliance regarding Reporting by Public Authorities

Section 10 of the RTI Act states that "Every public authority shall submit annual reports to the Commission before the thirty first day of December immediately succeeding the year to which the report relates. It further provides that the report shall be made available to the public in its office and on its official website. Irrespective of the fact that the submission of this report is mandatory in terms of the provisions of the Act, it has been observed that only few Public Authorities have adhered to this legal requirement and submitted Annual Reports to the RTIC by end of December 31, 2018, in respect of year 2017, the year in which the Act came into force.

3.6 Engagements in training

During the year under review, the Director General of the Commission and Commissioners participated in numerous trainings on Right to Information organised by the nodal agency and public interest groups. The Chair Mr Mahinda Gammampila and Commissioner Kishali

Pinto-Jayawardena spoke at the international conference on Right to Information held in Colombo to mark International Day for Universal Access to Information on September 28th by the Sri Lanka Press Institute (SLPI). On invitation of UNESCO and the Asia-Pacific Institute for Broadcasting Development (AIBD), Commissioner Kishali Pinto-Jayawardena delivered a public lecture on Sri Lanka's RTI experience at the IPDC Talks (International Programme for the Development of Communications) in Kuala Lumpur, Malaysia on September 25th and, at the invitation of the International Center for Not-for-Profit Law, addressed the OGP (Open Government Partnership) Asia-Pacific Regional Meeting in Seoul, South Korea on November 6

4. Administration & financial performance

4.1 Technical and Financial Support of Donor Agencies

UNDP Projects

UNDP continued to provide necessary legal expertise to analyse appeals and to prepare legal notes to facilitate the RTIC. 3 Junior Legal Researchers were recruited under UNDP assistance. These legal researchers prepared legal notes after extensive legal research.

4.2 Staff of the Commission

Details of the total approved cadre and the permanent staff as at 31.12.2018 are given in Table 11.

Table 11 Approved and actual Cadre

Post	Approved Cadre	Actual Cadre
Director General	01	01
Senior Research Officer	01	-
Research Officer	01	01
Administrative Officer	01	01
Finance Officer	01	01
Translator (Tamil)	01	-
Information Technology Assistant	01	01
Development Officer	04	03
Management Assistant	04	03
Personal Assistant	01	
Driver	03	02
Office Aide	02	01
Total	21	14

In addition to the above, services of two external Legal Advisers and one Legal Researcher were obtained during the Year 2018 on temporary and part-time basis with the support provided by UNDP. The assistance of two Law graduates of the University of Colombo and Peradeniya were obtained under a USAID Program.

4.3 Budget and Financial Control

For the Year 2018, necessary finances were allocated to the Commission under a separate expenditure Head and the operations were carried out under a separate Bank Account.