

Thisara Himaranga Edirithilleka v. National Authority on Tobacco and Alcohol

RTICAppeal(In-Person)/92/2017 - *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)* – heard as part of a formal meeting of the Commission on 09.05.2018

Chairperson: Mr. Mahinda Gammampila
Commission Members: Ms. Kishali Pinto-Jayawardena
Mr. S.G. Punchihewa
Dr. Selvy Thiruchandran
Justice Rohini Walgama
Present: Director-General Mr. Piyathissa Ranasinghe

Appellant: Mr. Thisara Himaranga Edirithilleka
Notice Issued to: Designated Officer, National Authority on Tobacco and Alcohol

Appearance/ Represented by:

Appellant - Mr. Thisara Himaranga Edirithilleka
Public Authority - Ms. Udeshika Gunarathna, Administrative Officer, National Authority on Tobacco and Alcohol

RTI Request filed on	01.06.2017
IO responded on	N/A
First Appeal to DO filed on	03.07.2017
DO responded on	N/A
Appeal to RTIC filed on	30.08.2017

Brief Background Facts

The Appellant had requested the following information, by an information request dated 01.06.2017

1. A copy of the National Authority on Tobacco & Alcohol Act has been provided, however any document reflecting the current policy of the government with regard to alcohol and tobacco was not handed over. Does this mean that the current government does not have a policy for alcohol and tobacco?
2. I have been denied the access to information by the Public Authority as per section 5(1) of the Right to Information Act No.12 of 2016. Furthermore, there was an undue delay in responding to my information request. Accordingly, I demand the Public Authority to provide a plausible explanation for such delay and further question whether such delay is an indication that the institution in fact lacks a policy pertaining to the matters listed below:
 - (i) New amendments to the NATA Act
 - (ii) New Regulations pertaining to alcohol manufacturers
 - (iii) New Regulations pertaining to tobacco manufacturers

Matters Arising During the Hearing

The PA stated that it had already provided a response to the information request of the Appellant and provided him the information requested. However, the Appellant contended that the PA had only provided a generic response and had failed to address most of the questions posed as sub-questions under the eight main items of information in the information request dated 01.06.2017.

Order

In this matter, upon perusal of the response/information granted by the PA to the Appellant, it is evident that the response is generic and vague. Accordingly, the right to information of the Appellant thereof has not been successfully met with.

In the foregoing circumstances, the Public Authority is directed to more fully substantiate its reply and to be present before the Commission along with a comprehensive response and the required documents for the Commission's perusal on the next date of hearing.

The Appeal is hereby adjourned.

Next date of hearing: 19.06.2018

RTIC Appeal (In-Person)/92/2017 - *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)* – heard as part of a formal meeting of the Commission on 19.06.2018

Chairperson: Mr. Mahinda Gammampila

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

Present: Director-General Mr. Piyathissa Ranasinghe

Appellant: Mr. Thisara Himaranga Edirithilleka

Notice Issued to: Designated Officer, National Authority on Tobacco and Alcohol

Appearance/ Represented by:

Appellant - Mr. Thisara Himaranga Edirithilleka

Public Authority - Mr. H.M.B.M. Herath Consultant , National Authority on Tobacco and Alcohol

Matters Arising During the Hearing:

The Appellant agreed that the information request made to the National Authority on Tobacco & Alcohol (NATA) bearing RTIC Appeal/ 143/2018 concerns the same matter.

The Appellant initially indicated his dissatisfaction pertaining to the information granted by the PA via letter dated 18.06.2018. Upon questioning the Appellant of his dissatisfaction,

it was informed to the RTI Commission that he was in fact dissatisfied by the undue delay of the PA in granting the requisite information.

The PA stated that the Appellant had requested for additional information when he had appealed to the DO and thereafter to the RTI Commission. The Appellant thereafter agreed that he has been provided with copies of the information as per the information request.

Order:

In this matter, the PA has taken the necessary steps to locate the information requested and had co-operated with the relevant authorities to submit all the information with their possession.

The Appeal is concluded. Order is directed to be conveyed to both parties in terms of Rule 27 (3) of the RTI Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017)
