

Anver Sadath & Others v Base Hospital Nintavur

RTIC Appeal (In-Person Hearing)/[1183/2018] Order adopted as part of the formal meeting of the Commission on 18/06/2019.

Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)

Chairperson: Mr. Mahinda Gammampila
Commission Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama

Appellant: M.T. Anver Sadath, Yakoob Ifas Ahamed, Nisar Nowsath, A. M. Aasir Ahamed, Atham Asma, Aliyar Achchumma, Aliyar Sithy Safura, Atham Amirun Nisha, Atham Sithy Ruksha

Notice issued to: Designated Officer, Base Hospital, Nintavur

Appearance/ Represented by:

Appellant – Absent

PA – Dr. Issadeen, Medical Superintendent,

RTI Request filed on	17/09/2018
IO responded on	25/09/2018 (Acknowledgement) 08/10/2018
First Appeal to DO filed on	23/10/2018
DO responded on	08/11/2019
Appeal to RTIC filed on	1/1/2019

Brief Factual Background:

The Appellant by information request dated 17/09/2018 requested the following information.

- 1. The names of the doctors who treated Seeni Mohammed Yakoob since he was admitted to hospital on 08/09/2019 until he passed away on 15/09/2018.*
- 2. The names of the nurses and other workers who treated Seeni Mohammed Yakoob since he was admitted to hospital on 08/09/2019 until he passed away on 15/09/2018.*
- 3. The admission card and bed head tickets of Seeni Mohammed Yakoob on his admission at the Base Hospital, Nintavur*
- 4. The cause of death form of Seeni Mohammed Yakoob*
- 5. The Declaration of Death form of Seeni Mohammed Yakoob*
- 6. The names of the doctors, nurses and other workers, who worked at the Base Hospital Nintavur since 15/09/2018 the wards and the ward numbers they worked in.*

The IO on 08/10/2018 responded stating that the information was denied on the basis that it came within Section 5(1)(a) and 5(1)(e) of the RTI Act. Dissatisfied with the response of the IO the Appellant lodged an appeal with the DO on 23/10/2018. The DO acknowledged the receipt of the appeal and by letter dated 08/11/2019 requested the presence of the Appellant for an Inquiry of Appeal. Dissatisfied with the response of the DO the Appellant preferred an appeal to the Commission on 1/1/2019.

Matters Arising During the Course of the Hearing:

The Appellants were absent. By email dated 28/05/2019 M.T. Anver Sadath, one of the Appellants, requested that he be permitted to represent the other Appellants. However M. T. Anver Sadath too was absent for the hearing.

Order:

Written authorization of each of the Appellants, to be represented by another individual, ought to be provided prior to or on the date of the hearing. An e-mail to that effect which is unsigned by any of the Appellants will not suffice.

Given that the information requested in RTIC Appeal 1182/2019 is identical to that in the instant appeal, it is held as follows;

The Appellants are entitled to receive the requested information. Furthermore the exemptions claimed by the PA namely Section 5 (1) (a) and Section 5 (1) (e) which are reproduced below are inapplicable given that the person concerned is deceased.

(a) the information relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the larger public interest justifies the disclosure of such information or the person concerned has consented in writing to such disclosure;

(e) the information could lead to the disclosure of any medical records relating to any person, unless such person has consented in writing to such disclosure;

However since the PA has not produced the relevant documents we are unable to make an order on the release of the substantive information to the Appellant.

The PA is directed to bring all relevant documents, in its “possession, custody or control” pertaining to the information request for the perusal of the Commission.

The Appeal is adjourned.

Next date of hearing: 17/07/2019
