

**L.D Abeygunawardena v Central Bank of Sri Lanka(CBSL)**

RTIC Appeal (In – person)/230/2018 (*Order adopted as part of a formal meeting of the Commission on 03.07.2018*)

*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)*

**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:** L.D Abeygunawardena

**Notice Issued to:** Dr. Indarjith Coomaraswamy, Designated Officer (DO), Governor, CBSL

**Appearance/ Represented by:**

Appellant - Absent  
Public Authority - A.A.I.N Wickramasinghe, Acting Deputy Director  
Dilini Wilathgamu (illegible), SAD/Legal  
Kamal Dissanayake, SAD/SNBFL (illegible)  
P.V.L. Nandasiri, Director Legal  
K.G.P. Sirikumar, Addl. Director Legal Compliance  
W.Ranaweera, Director/Supervisory Non-Bank Financial Institution  
(illegible)  
Ms.S.H. Gunawardena, Director (Communication) CBSL

<b>RTI Request filed on:</b>	24.11.2017
<b>IO responded on:</b>	29.11.2017 (acknowledgement) 13.12.2017 (response)
<b>First Appeal to DO filed on:</b>	21.12.2017
<b>DO responded on:</b>	27.12.2017 (acknowledgement)
<b>Appeal to RTIC filed on:</b>	20.02.2018

## **Brief Factual Background**

The Appellant by request dated 24.11.2017 had requested the complete report (minutes) of the 40<sup>th</sup> meeting (No.40) held on 06.11.2017 by the Monetary Board and the related documents.

The IO denied the information by letter dated 13.12.2017 citing Section 5 (1) (h) of the RTI Act. Dissatisfied with the response of the IO, the Appellant made an appeal to the Designated Officer (DO) on 21.12.2017. As the DO failed to respond within the time period stipulated under the RTI Act, the Appellant preferred an appeal to the Commission on 20.02.2018.

## **Matters Arising During the Hearing**

The Appellant was absent.

Upon being queried by the Commission, the Public Authority (PA) explained the basis on which access to the information requested has been denied by the PA. The PA responded stating that since the information requested concerned a Board meeting dated 06.11.2017 indicating a decision/ direction made to the Legal Division of the CBSL in relation to the prosecution of certain officers in connection with a failure of a company named 'Central Investment and Finance'. The information was therefore denied under and in terms of Section 5 (1) (h) (i) of the RTI Act No.12 of 2016, which states that,

*“The disclosure of such information would-cause grave prejudice to the prevention or detection of any crime or the apprehension or **prosecution of offenders** ;”*

The PA submitted that a response to the Appeal to the DO dated 19.02.2018 was sent to the said Appellant reiterating the response of the IO. The following documents were produced in proof of this submission by the PA;

1. A copy of the response dated 19.02.2018,
2. A copy of 'Mail Register certificate' dated 19.02.2018 of the Communication Department of the CBSL to indicate that the parcel has been accepted and
3. A copy of the 'Registered Postal Article Receipt'

Further, the attention of the Commission was brought to the fact that the Appeal to the Commission was lodged on 20.02.2018 and that the DO had responded.

**Order**

The Appellant was not present therefore, the matter was adjourned for further consideration

The matter is re-fixed for hearing on 21.08.2018

\*\*\*\*