

**W. P. M. Fernando v. Ministry of Public Administration and Management**

RTIC Appeal (In-Person Hearing)/259/2018- Order adopted subsequent to the hearing/consideration at a part of the formal meeting of the Commission on 12.07.2018.

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 Member:** Mr. S.G. Punchihewa

**Commission Member:** Dr. Selvy Thiruchandran

**Commission Member:** Justice Rohini Walgama

**Director-General:** Mr. Piyathissa Ranasinghe

**Appellant:** Mr. W. P. M. Fernando

**Notice issued to:** Secretary, Ministry of Public Administration and Management

**Appearance/ Represented by:**

Appellant – Mr. W. P. M. Fernando

PA - Absent

<b>RTI Request filed on</b>	03.01.2018
<b>IO responded on</b>	17.01.2018
<b>First Appeal to DO filed on</b>	02.08.2018
<b>DO responded on</b>	No response
<b>Appeal to RTIC filed on</b>	12.03.2018

**Brief Factual Background:**

By the information request dated 03.01.2018, the Appellant has requested “a copy of the letter which was sent by the Ministry of Public Administration and Management to the Public Service Commission as a reply to the letter sent by Public Service Commission on 2017.08.02 with reference no. PSC/APP/6/409/2014.”

The IO responding on 17.01.2018 stated that the Ministry of Public Administration and Management has sent its observations and recommendations to the Public Service Commission with regard to the letter dated 02.08.2017, No. PSC/APP/6/409/2014 and since the Public Service Commission has not decided the matter yet, the PA cannot provide a copy of the answer letter sent by the Ministry. Dissatisfied with the response of the IO, the Appellant lodged an appeal with the DO in 02.08.2018. As the DO failed to respond with the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 12.03.2018.

**Order:**

The PA has provided the requested information to the Appellant on 04.05.2018 after the priority notice was issued by the Commission, as at the time the priority notice was issued the document was in the possession of the PA in terms of Section 3(1) of the Right to Information Act No.12 of 2016 and further as the requested information does not fall under any exemption to the right to information of citizens in terms of Section 5(1) of the Act.

The Appeal is concluded.

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

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