

Namini Wijedasa v Urban Development Authority (UDA)

RTIC Appeal (In-Person Hearing)/565/2018 - Minute adopted subsequent to the hearing/consideration at a part of the formal meeting of the Commission on 11.12.2018

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

Director-General: Mr. Piyathissa Ranasinghe

Appellant: Namini Wijedasa

Notice issued to: Designated Officer, UDA

Appearance/ Represented by:

Appellant - Namini Wijedasa

PA - Absent

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|------------------------------------|-------------|
| RTI Request filed on | 02.03.2018 |
| IO responded on | 17.05.2018 |
| First Appeal to DO filed on | 24.05.2018 |
| DO responded on | No response |
| Appeal to RTIC filed on | 14.08.2018 |

Brief Factual Background:

The Appellant, by a request dated 02.03.2018 requested the following;

“The Lease Agreement between the UDA and Shang Properties Pvt. Ltd. For the land block on James Pieris Mawatha in Colombo 02 (between Altair and Abans Building)”

The IO on 17.05.2018 responded stating that the information requested is related to an overseas trade agreement and disclosure of the same would cause prejudice to the economy of Sri Lanka, denying the request under section 5 (c) of the Act. Dissatisfied with the response of the IO the Appellant lodged an appeal with the DO on 24.05.2018. The DO failed to respond

with the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 41.08.2018.

Matters Arising During the Course of the Hearing:

The PA is absent.

The Appeal is adjourned for 29.01.2019.



RTIC Appeal (In-Person Hearing)/565/2018 - Minute adopted subsequent to the hearing/consideration at a part of the formal meeting of the Commission on 29.01.2019

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

Director-General: Mr. Piyathissa Ranasinghe

Appearance/ Represented by:

Appellant - Naminni Wijedasa
PA - A H C Sampath
R M V Irangani

Matters Arising During the Course of the Hearing:

The PA, affirming the decision made by the IO, stated that the requested information cannot be provided under Sections 5 (1) (c) and 29(2)(c) of the Act.

The Commission directed the PA to provide a reasons as to why information with regard to a lease agreement is regarded confidential and further stated that the mere existence of a judicial proceeding would not bar the PA from providing information unless sufficient reason has been presented.

The Appeal is adjourned to 09.04.2019 in order to enable the PA to provide sufficient reasoning for the decision to refuse the information. The PA may file written submissions with regard to this issue raised, on or before the next date of hearing. It is also directed that the PA be represented adequately at the next Hearing.

Next date of Hearing: 09.04.2019